

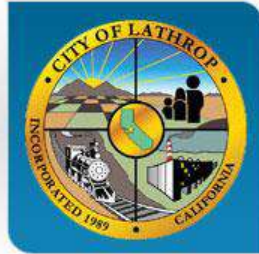
# SAN JOAQUIN COUNTY GRAND JURY



## FINAL REPORT 2017-2018

<http://www.sjcourts.org/grandjury>







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# *Introduction*







**Superior Court of California, County of San Joaquin**

180 E. Weber Avenue, Ste 1306J

Stockton, CA 95202

Telephone: (209) 992-5695

*Hon. George J. Abdallah, Jr.  
Judge of the Superior Court*

June 13, 2018

The Superior Court of California, County of San Joaquin thanks and commends the 2017-2018 Civil Grand Jurors for their conscientious efforts on behalf of all San Joaquin County citizens. Guided by experienced leadership of Foreperson Ward Downs the Jurors undertook and completed their duties with great industry, intelligence and care in the service of their fellow citizens.

The Civil Grand Jury is composed of qualified individuals drawn at random from the community and those nominated by community leaders. The chosen citizens serve as an independent body under the court's authority. The 2017-2018 San Joaquin County Civil Grand Jury now takes its place in a long history of citizen involvement in civic life which was born in the English Common Law of 1166, adopted during the American Colonial period and codified in California in the 1880's. The 2017-2018 Civil Grand Jurors' thoughtful and constructive recommendations will help ensure the highest quality civic life to which all citizens are entitled.

As the Judge Advisor, it has been my privilege to review the work of the 2017-2018 Civil Grand Jury. This committed group of citizens delved into a broad range of issues which touch the lives of citizens throughout our communities. Additionally, the Grand Jurors made diligent efforts to follow through the work of their predecessors thereby assuring their fellow citizens that the San Joaquin County Civil Grand Jury as an institution has a continuity that strengthens its role and operations from year to year.

The time, energy, efforts and commitment of these devoted citizens has and will continue to better the civic life of all San Joaquin County residents. To each member of the 2017-2018 San Joaquin County Civil Grand Jury, for your many accomplishments the Superior Court extends its gratitude and congratulations.

Sincerely,

A handwritten signature in black ink that reads "George Abdallah". The signature is written in a cursive style.

Hon. George J. Abdallah, Jr.

Judge of the Superior Court

Advisor to the San Joaquin County Grand Juries





*Grand Jury*  
**COUNTY OF SAN JOAQUIN**  
180 E. Weber Avenue, Suite 1114  
Stockton, CA 95202  
Telephone: (209) 468-3855

June 18, 2018

Hon. Linda L. Lofthus  
Presiding Judge  
Superior Court of California  
County of San Joaquin  
180 E. Weber Avenue, Suite 1306J  
Stockton, CA 95202

Hon. George J. Abdallah, Jr.  
Judge of the Superior Court and  
Advisor to the San Joaquin County Grand Juries  
County of San Joaquin  
180 E. Weber Avenue, Suite 1306J  
Stockton, CA 95202

On behalf of the San Joaquin County Civil Grand Jury, I am honored to present to you and the citizens of San Joaquin County the Final Report for 2017-2018.

This report represents the results of the work of the Grand Jury over the last twelve months. The jury was able to consider 30 complaints, conduct over 100 interviews, examine many documents, attend public meetings and spend untold hours meeting, writing and editing.

In order to appraise the efficiency, honesty and transparency of local government it is necessary for the body to perform consistently and conscientiously. The Grand Jury opened many cases, four of which resulted in completed investigations. They contain more than 45 findings leading to more than 50 recommendations. All city Councils as well as the San Joaquin County Board of Supervisors will be required to respond to these reports.

In addition to the completed investigations the Grand Jury Continuity Committee issued nine follow-up reports after interview a multitude of individuals and examining hundreds of documents. The result of this committee's work ensures that the residents of San Joaquin County will know whether those government agencies actually did what they said they would do. Fortunately, three of the reports contain commendations for agencies that went above and beyond previous grand jury recommendations.

The Grand Jury fulfilled its mandate to inspect all prisons, jails and juvenile detention facilities. This year a focus on fire safety at these institutions resulted in additional, important information. Grand jurors also observed the work of public servants throughout the county by riding along with law enforcement and fire personnel.

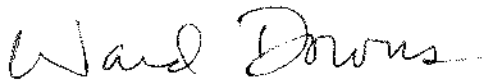
In the process of completing its duties the Grand Jury interacted with many persons throughout the county. All were cooperative, and the jury wishes to thank them. As always, the advisors were indispensable to this year's efforts. Judge George Abdallah, Assistant District Attorney Scott Fichtner, County Counsel Mark Myles were always available to provide sound advice. As usual

Trisa Martinez, Judicial Secretary, supported the jury with hard work and a great sense of humor. Working with her has been a joy.

Richly deserving in salutations are the jurors, who spent many days per week on the 11<sup>th</sup> floor of the new courthouse. I wish to thank them. The goal of the work is to produce high quality reports which make a positive difference in the lives of the citizens of San Joaquin County. That goal has been achieved.

Lastly, I want to thank you for the opportunity to lead this year's Grand Jury. It has been a memorable experience.

Sincerely,

A handwritten signature in cursive script that reads "Ward Downs".

Ward Downs, Foreperson  
2017-2018 San Joaquin County Grand Jury



## 2017-2018 Grand Jurors

Name	City	Occupation
WARD DOWNS, Foreperson	Stockton	Educator, retired
RUTH BROWN, Vice-foreperson	Stockton	Educator, retired
FAYE GIBBS, Secretary	Ripon	Accounting Administrator, retired
ANTHONY DELGADO, Sgt. at Arms	Manteca	Law enforcement, retired
<hr/>		
JOSEPH ARGUIJO	Stockton	Probation officer, retired
STEVE BECKHAM	Woodbridge	Businessman, retired
RANDY DONIS	Stockton	Executive mgmt., retired
MARY EATON	Escalon	Educator, retired
BOB EMMER	Lodi	Businessman, retired
RYAN GRESHAM	Stockton	Realtor
PATRICIA HAGUE	Stockton	Educator, retired
WILLIAM JOHNSON	Stockton	Pastor, retired
DIANA LOWERY	Stockton	Consulting, owner
JAMES MCBRIDE	Stockton	English Professor, retired
FRED R. MIRAMONTES, JR.	Stockton	Administrator, retired
THERESA RUIZ	Manteca	Human resources, retired





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*Investigations*





# San Joaquin County Grand Jury



## Code Enforcement Departments of San Joaquin County

### 2017-2018 Case #0117

#### Summary

On August 26, 2017, the San Joaquin County Civil Grand Jury examined the various code enforcement departments within San Joaquin County. The scope of the inquiry involved identifying the various departments and determining the level of enforcement. The Grand Jury determined that the areas that fall under code enforcement, including blight, abandoned vehicles, structural hazards, and illegal commercial truck parking have a direct effect on the quality of life for residents of San Joaquin County.

The Grand Jury found that several code enforcement departments are still experiencing the effect of the housing crash of 2008 and the subsequent budget and staff reductions. Stockton and some of the surrounding areas were deeply impacted by the city's bankruptcy declaration in 2012. Many agencies still function with minimal staff, employees serve in multiple roles, and volunteers fill needed vacancies. Agencies must work to generate voluntary compliance in creative and cost-effective ways.

The City of Stockton has the largest code enforcement department in the county and is the only proactive (non-complaint-driven) agency. The most recent approach Stockton has developed is blitz teams that combine the services of code enforcement officers, uniformed police, and community members to address all illegal activity one neighborhood at a time. The blitz teams address code violations, illegal activities, and nuisance complaints with input from people in the neighborhood. One to three teams operate simultaneously in different neighborhoods and move to new areas once the problems have been addressed.

The City of Lathrop appears to lack consistency in its code enforcement efforts. Lathrop has experienced budget and staff reductions like other cities in the county but has also experienced significant employee turnover in high-level positions. Lathrop has also been reluctant to enforce a long-standing problem regarding the illegal parking of commercial trucks in undeveloped areas and areas not properly zoned for such activity.

### **Major Findings**

- The cities of Escalon, Ripon, Manteca, Lodi, Tracy and the community of Mountain House are still affected by the budget and staffing reductions resulting from the 2008 housing crash. The result is enforcement that is reactive instead of proactive.
- The City of Lathrop has taken limited code enforcement action towards the illegal parking of commercial trucks and failed to resolve the problem for more than six years, allowing blight and public safety issues to remain.
- The City of Stockton has incorporated the code enforcement department into a section of the Stockton Police Department which has improved the level of overall code enforcement; numerous proactive code enforcement programs respond to code violations within a neighborhood.

### **Major Recommendations**

- Explore budget options, use of volunteers, and possible grant funding to improve code enforcement.
- Lathrop take consistent code enforcement action toward the illegal parking of commercial trucks to reduce the number of occurrences and complaints.

## **Background**

San Joaquin County covers an area of 1,426 square miles with approximately 740,000 residents. The county has seven incorporated cities: Escalon, Lathrop, Manteca, Tracy, Lodi, Ripon, and Stockton. Mountain House is a planned community operating in its own special district. In addition, several townships and neighborhoods exist in the unincorporated areas and are served by the county code enforcement department.

Due to the housing market crash and subsequent drop in tax revenues in 2008 and the City of Stockton bankruptcy in 2012, essential city services were cut throughout the county. Code enforcement agencies were particularly hard-hit with staffing and budget reductions.

To aid the inquiry, the Grand Jury developed and sent out code enforcement surveys to the seven incorporated cities, Mountain House, and San Joaquin County to gather information about the communities and their code enforcement practices.

The survey requested the following information:

- Size of community
- Department staffing levels
- Common code enforcement violations encountered
- Most severe code enforcement related violation(s)
- Complaints received
- Type of response format used, that is reactive (complaint-driven) or proactive (action-oriented instead of complaint-driven)
- Yearly budget

For the purposes of this report, the Grand Jury used the following definition, derived from a presentation on code enforcement, as an example of the qualifications necessary for a code enforcement officer:

having the ability to independently perform a full range of municipal code enforcement and compliance duties. A code enforcement officer needs the ability to interpret and apply applicable codes, ordinances, and regulations related to zoning, nuisance abatement, and health and safety issues. An officer also needs to inspect and identify violations of applicable codes and ordinances.<sup>1</sup>

## **Reason for Investigation**

The decision to investigate code enforcement agencies in San Joaquin County grew out of early discussions among the grand jurors questioning how effectively the agencies functioned and if their work improved the quality of life for residents in San Joaquin County.

## **Method of Investigation**

### **Review of Materials**

- City and agency web sites
- Code enforcement department survey
- City of Lathrop Consulting Service Agreement (also referred to as Amendment 1 to the professional services agreement with the most recent code enforcement contractor)
- City of Lathrop Code Compliance Supervisor job description

### **Interviews Conducted**

- Code enforcement-related personnel
- Administrative personnel
- Elected official

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<sup>1</sup> Presentation to the Grand Jury by Neighborhood Services, Stockton Police Department

## **Sites Visited**

- City of Escalon
- City of Lathrop
- City of Lodi
- City of Ripon
- City of Stockton
- City of Tracy
- Mountain House planned community
- San Joaquin County Community Development Department (unincorporated areas)
- City of Manteca declined a site visit

## **Discussions, Findings, and Recommendations**

This section contains a brief overview of the departments that responded to the Grand Jury survey as described in the Background section of this report.

### **1.0 City of Escalon**

Escalon has a population of approximately 7,200. Currently there is no budget for code enforcement and the code enforcement position was eliminated in 2008. Code enforcement responsibilities are spread over multiple departments such as development services, public works, and on some occasions the police department.

Requests for code enforcement are complaint-driven. Code enforcement does accept anonymous complaints. Due to the small size of the community, the city believes anonymous complaints protect the privacy of residents.

The main code enforcement issues at this time are weeds, rubbish, and nuisance abatement. An appeals process exists to resolve contested non-compliance disputes.

Escalon is also adopting new city ordinances to increase code violation fines and property tax liens. In addition, the city is exploring the possibility of adopting a new ordinance to address abandoned automobiles on private property.

## **Finding**

**F1.1** Escalon is still experiencing budget and staffing reductions created by the housing crash in 2008. The resulting level of enforcement is reactive, which allows blight and safety issues to continue.

## **Recommendations**

**R1.1** Escalon explore budget options to restore the code enforcement officer position and consider using volunteers to increase code enforcement compliance.

## **2.0 City of Lodi**

Lodi has a population of approximately 65,000. The code enforcement department has one full-time code enforcement officer who works under the direction of the Lodi Police Department. The department is complaint-driven, accepts anonymous complaints, and an appeals process exists to resolve contested non-compliance disputes.

The code enforcement department responds to issues involving portable basketball hoops in city streets, trash or debris, weed abatement, vehicles parking on residential lawns, and the homeless trespassing on private property.

Lodi estimates its homeless population to be 100-150. The amount of trash, debris, and human waste generated by them has been growing. The city expects the population to steadily increase over time and has increased referrals to assistance organizations in an effort to keep pace with the demand for services.

The Lodi Police Department recently started using senior volunteers to place door hanger violation notifications at all residences reported to be in violation. According to police department statistics, the door hanger notices are responsible for generating a 62% level of voluntary compliance.

## **Findings**

**F2.1** The City of Lodi is still experiencing budget and staffing reductions created by the housing crash in 2008 but is using senior volunteers to deliver notices of code violations, resulting in a voluntary compliance rate of 62%.

**F2.2** The homeless population continues to grow and creates increased blight and health hazards.

## **Recommendations**

**R2.1** Explore budget options and grant funding to improve code enforcement.

**R2.2** Plan for future expansion of code enforcement efforts to meet the increasing needs of the community, including the homeless population.

### **3.0 City of Manteca**

Manteca has a population of approximately 77,000. The code enforcement department has one code enforcement supervisor and one code enforcement officer and operates under the direction of the Manteca Police Department Services Division. The code enforcement department is complaint-driven and accepts anonymous complaints. The department currently responds to issues involving weed abatement, zoning issues (primarily involving motorhomes, trailers, and other unauthorized vehicles), and trash and debris. An appeals process exists to resolve contested non-compliance disputes. The city primarily focuses on enforcing city ordinances such as trash receptacles being left in the street and unauthorized vehicles being parked in residential driveways.

#### **Finding**

**F3.1** Manteca is still experiencing budget and staffing reductions created by the housing crash in 2008. The resulting level of enforcement is reactive, which allows blight and safety issues to continue.

#### **Recommendation**

**R3.1** Manteca explore budget options to restore the code enforcement officer position and consider using volunteers to increase code enforcement compliance.

### **4.0 The City of Ripon**

Ripon has a population of approximately 15,000. Code enforcement duties are managed by the Ripon Police Department and handled by a Ripon Police Department Community Service Officer (CSO). The CSO dedicates approximately 25% of her assigned duty time to code enforcement issues which include trash and debris, weed abatement, and abandoned automobiles. Code enforcement responses are complaint-driven and the department accepts anonymous complaints. An appeals process exists to resolve contested non-compliance disputes.

#### **Finding**

**F4.1** Ripon is still experiencing budget and staffing reductions created by the housing crash in 2008. The resulting level of enforcement is reactive, which allows blight and safety issues to continue.

Current staffing levels require that one employee perform multiple duties including code enforcement, animal control, part-time communications dispatch, and other duties as assigned.

#### **Recommendations**

**R4.1** Ripon explore budget options to restore the code enforcement officer position and consider using volunteers to increase code enforcement compliance.

## **5.0 City of Tracy**

Tracy has a population of approximately 90,000. The code enforcement department consists of one code enforcement manager and four code enforcement officers. The department is complaint-driven and accepts anonymous complaints. The department primarily focuses on structural inspections, building code enforcement, state housing law enforcement, illegal dumping, illegal signage, graffiti abatement, zoning law enforcement, unauthorized use of motorhomes as primary living spaces, and abandoned shopping carts.

In an effort to keep pace with the level of incoming complaints, the department has implemented a proactive measure of using available media to distribute public information and educational materials in an effort to heighten awareness and generate voluntary compliance. An appeals process exists to resolve contested non-compliance disputes.

### **Findings**

**F5.1** Tracy is still experiencing budget and staffing reductions created by the housing crash in 2008. The resulting level of enforcement is reactive, which allows blight and safety issues to continue.

### **Recommendations**

**R5.1** Tracy explore budget options to restore the code enforcement officer position and consider using volunteers to increase code enforcement compliance.

## **6.0 Community of Mountain House**

The community of Mountain House has a population of approximately 20,000. Mountain House is a planned community that operates within its own special district. Unlike other communities in San Joaquin County, Mountain House relies on governing documents such as CC&R's (Covenants, Conditions and Restrictions) as well as established homeowner rules and regulations to generate compliance and reduce the need for code enforcement. As a result, code enforcement calls and responses are limited due to the level of voluntary compliance generated by the community's master plan governing documents.

There is one full-time administrative employee assigned to work part-time on code enforcement. Code enforcement is complaint-driven, and the community accepts anonymous complaints. A modified appeals process conforms to the existing CC&Rs and rules and regulations.

Mountain House is experiencing an increase in illegal dumping many believe is due to the community's proximity to the freeway interchange along I-205.



## Findings

**F6.1** Mountain House is still experiencing budget and staffing reductions created by the housing crash in 2008. The resulting level of enforcement is reactive, which allows blight and safety issues to continue

### . Recommendations

**R6.1** Mountain House explore budget options to restore the code enforcement officer position and consider using volunteers to increase code enforcement compliance.

## 7.0 City of Lathrop

Lathrop has a population of approximately 22,000. The code enforcement department consists of one code enforcement supervisor (approximately 30 hours per week) and one vacant position for code enforcement officer. (This position has been budgeted but remains unfilled). Code enforcement duties are supplemented by one full-time building inspector working on a part-time basis. Lathrop has used a variety of private contractors as code enforcement officers on a full or part-time basis. The most recent code enforcement contractor did not meet the qualifications of a code enforcement officer according to the posted job description and was later elevated to the position of code enforcement supervisor. Lathrop has also been reluctant to enforce a long-standing problem regarding the illegal parking of commercial trucks in undeveloped areas and areas not properly zoned for such activity. Citizen complaints have brought this issue to light. City administrators claim that enforcement of the illegal truck parking issue would create a financial hardship for the truck drivers and property owners involved.

The code enforcement department is complaint-driven and also accepts anonymous complaints. It deals primarily with trash and debris, weed abatement, abandoned automobiles, and the illegal parking of commercial trucks. At the time of this



report, an appeals process does not exist to resolve contested non-compliance disputes.

Lathrop has experienced a high turnover rate among employees in key positions. In the last six years, there have been four public works directors as well as vacancies in the city engineering department, the building department, and the personnel department. The current city manager was originally hired as a public works director before being elevated to the position of city manager and has served as interim public works director.

Lathrop has taken limited enforcement action regarding illegal commercial truck parking and has shown no signs of eliminating the problem. The lack of an appeals process contributes to this problem.

## Findings

**F7.1** Lathrop has taken limited code enforcement action toward the illegal parking of commercial trucks and failed to resolve the problem for approximately six years, allowing blight and public safety issues to remain.

**F7.2.1** Lathrop has a vacant budgeted position for code enforcement officer that city officials will not fill at this time. This has exacerbated the illegal truck parking issue.

**F7.2.2** The city has not consistently hired qualified code enforcement officers. This contributes to the lack of reliable code enforcement.

**F7.3** Lathrop has no consistent appeals process that could be used to resolve the truck parking issue, causing the issue to persist.

## Recommendations

**R7.1** Lathrop take consistent code enforcement action on the illegal parking of commercial trucks.

**R7.2** Lathrop advertise and fill the vacant position of code enforcement officer, adhering strictly to the job description guidelines.

**R7.3** Lathrop develop and implement a consistent appeals process that can be used to resolve enforcement disputes.



## 8.0 County of San Joaquin

The neighborhoods and townships that comprise the unincorporated areas of San Joaquin County have a population of approximately 155,000. The Code Enforcement Department consists of three full-time code enforcement officers and one part-time clerk. San Joaquin County code enforcement officers are certified to enforce codes. The department is complaint-driven, accepts anonymous complaints, and focuses its enforcement efforts in the areas of zoning, development codes, land use, abandoned automobiles, trash and debris, and illegal parking of commercial trucks and equipment. Weed abatement issues are handled by fire services, and an appeals process exists to resolve contested non-compliance disputes.

Although the county code enforcement department has been taking active enforcement action toward the illegal parking of commercial trucks for approximately ten years, the department has continued to see an increase in violations, especially on agricultural and undeveloped land. The department has employed the resources of the district attorney's office and county environmental health department in addressing this problem.

## **Finding**

**F8.1** The county actively pursues the illegal parking of commercial trucks in unincorporated areas but, due to the large amount of undeveloped land, it is difficult to enforce the code. This has led to complaints.

## **Recommendation**

**R8.1** San Joaquin County continue to expand its enforcement efforts to prohibit illegal commercial truck parking.

## **9.0 City of Stockton**

The City of Stockton has a population of approximately 315,000. The Stockton Code Enforcement Department operates under the neighborhood services section of the Stockton Police Department. The code enforcement department is staffed by 44 full-time employees, 26 of them certified code enforcement officers.

The code enforcement department is both proactive and complaint-driven. It responds to a variety of code enforcement violations including unsafe, unhealthy, or unsightly conditions in homes or neighborhoods, enforcing building, vehicle, and housing codes. The Stockton Code Enforcement Department also provides enforcement for unsecured and vacant properties, dangerous buildings, illegal dumping, overgrown vacant lots, graffiti, and abandoned or junked automobiles. One serious current issue involves trash and debris generated by the homeless population.

An appeals process exists to resolve contested non-compliance disputes, and the code enforcement department is currently trying to expand the number of hearing officers. They are generally volunteer attorneys.

The neighborhood blitz team is a positive example of a proactive approach to code enforcement issues. The department identifies specific geographic areas in Stockton that are struggling with blight and high crime. Code enforcement officers and uniformed police officers address overall health and safety issues in the neighborhood by employing neighborhood services, code enforcement strategies, contemporary community policing practices, and active citizen engagement to develop and implement improvement plans.

The code enforcement department recently obtained a grant to begin enforcing waterway-related issues such as blight and abandoned boats.

## **Findings**

**F9.1** Stockton has moved the code enforcement department into a section of the Stockton Police Department. This enables a response team to quickly address areas riddled with crime and blight.

**F9.2** Stockton has implemented a number of proactive code enforcement programs that respond to code violations with a neighborhood focus.

## **Conclusion**

It is apparent there is a direct correlation between tax revenue and public agency staffing levels. The difficulty for most code enforcement departments will be trying to find the balance between budget constraints and current and future community demands. The lingering effects of the housing crisis, Stockton's bankruptcy, and increasing numbers of homeless have taxed code enforcement agencies throughout the county. Stockton and Lodi have pioneered innovative programs to increase services. Code enforcement continues to be a challenge throughout the county, and continues to outpace the resources available. However, the Grand Jury commends most communities in the county for doing their best to meet the needs of their citizens.

## **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 Escalon City Council shall respond to the applicable findings and recommendations in Section 1.0.

The Lodi City Council shall respond to the applicable findings and recommendations in Section 2.0.

The Manteca City Council shall respond to the applicable findings and recommendations in Section 3.0.

The Ripon City Council shall respond to the applicable findings and recommendations in Section 4.0.

The Tracy City Council shall respond to the applicable findings and recommendations in Section 5.0.

The Mountain House Board of Directors shall respond to the applicable findings and recommendations in Section 6.0.

The Lathrop City Council shall respond to the applicable findings and recommendations in Section 7.0.

The San Joaquin County Board of Supervisors shall respond to the applicable findings and recommendations in Section 8.0.

The Stockton City Council shall respond to the applicable findings and recommendations in Section 9.0.

Please mail or hand deliver a hard copy of the response to:

Honorable Linda L. Lofthus, Presiding Judge  
Superior Court of California, County of San Joaquin  
180 East Weber Avenue, Suite 1306J  
Stockton, CA 95202

Also, please email the response to Ms. Trisa Martinez, Staff Secretary to the Grand Jury at [grandjury@sjcourts.org](mailto:grandjury@sjcourts.org)

# San Joaquin County Grand Jury



## Office of Emergency Services Operational Assessment 2017-2018 Case #0417



### Summary

What would happen if tomorrow there was an emergency disaster in San Joaquin County? The location and extent of the disaster would be identified and the appropriate first responder emergency services (such as fire, medical, law enforcement) would be assigned. Who is responsible for coordinating and directing these disparate services to the scene?

What about the ensuing services such as hospitals, mass population shelters, food, water, first aid, evacuation assistance, evacuation routes, coordinating public transportation for evacuations, public emergency alerts, and directions?

And finally, at the conclusion of the crisis who is responsible for directing recovery efforts and assisting the public in obtaining relief aid and reimbursement from the government?

The answer is the San Joaquin County Office of Emergency Services (OES). The OES is also responsible for creating and maintaining mandatory emergency plans to support the coordination of county emergency services. These plans are critical to obtaining aid and reimbursement from agencies such as the Federal Emergency Management Agency (FEMA). Without current approved plans in place, citizens could be denied compensation.

The ability of the OES to swiftly and smoothly carry out its emergency plans is critical to the physical safety and property protection of every citizen in the county.

The OES's efforts are detailed in the Emergency Operations Plan (EOP), a comprehensive document to address each of the essential services mentioned above. However, a recent consultant's assessment has identified serious deficiencies in the EOP.

Examples of EOP deficiencies include:

- The County's Memorandum of Understanding (MOU) with the Red Cross is out dated and the Red Cross no longer maintains a physical presence in San Joaquin County.
- The consultants submitted the EOP assessment in November, 2016. To date, only one of ten key findings/recommendations has been completed.
- The consultant ranked 161 of the EOP's mandated components and annexes (see glossary). Eighty-four of the documents were deemed "Satisfactory." The remaining 48% were deemed as "Partially Meets Requirements" or "Needs Improvement."

## **Glossary**

- **Annex:** Refers to a separate category, element or addition to a plan or document.
- **Crosswalk:** A table that shows the relationship between two other tables. In relational model theory, this is known as an associative entity.
- **ESF:** Emergency Support Function; grouping of resources into an organizational structure such as transportation, EMS, and mass casualty care to provide support services.
- **MOU:** Memorandum of understanding; an agreement between two or more parties.
- **Stafford Act:** The Robert T. Stafford Disaster Relief and Emergency Assistance Act. The Stafford Act is a 1988 amended version of the Disaster Relief Act of 1974. It is designed to bring an orderly and systematic means of federal natural disaster assistance for state and local governments in carrying out their responsibilities to aid citizens.
- **Stakeholder:** An organization or system of members or participants who have an interest in the success of a specific plan.



## Background

The San Joaquin County Office of Emergency Services acts as coordinator for all agencies responding to local disasters. It is responsible for coordinating emergency services such as first responders, fire districts, law enforcement agencies, traffic control, evacuation planning, community shelters, first aid, and providing food and water.

During a disaster, OES is responsible for communicating vital emergency information to affected citizens such as evacuations or the location of public shelters. The office is also responsible for disseminating public emergency preparedness information throughout the county. OES is responsible for maintaining emergency planning documents, including those required by the state and federal governments.

Until recently, the San Joaquin County Code directed that the chairman of the Board of Supervisors serve as the Director of Emergency Services. Most local governments in California now designate the chief executive or administrative officer as the Director of Emergency Services. This organizational structure leverages the executive/administrator's authority and ensures continuity within the emergency management organization and supervision of day-to-day emergency preparedness activities.

In January 2018, the County Code was modified to reflect this concept. The designated Director of Emergency Services is now the county administrator and the head of the Office of Emergency Services is deputy director. The deputy director reports to the administrator through the General Services Office.

## Reason for Investigation

The OES influences safety, property, and quality of life for every citizen in the County. The 2017-2018 Grand Jury was initially concerned with the level of emergency outreach efforts in the county. After early interviews, the Grand Jury learned of the existence of an outside consultant's report on the Emergency Operations Plan. After reviewing the report, the focus of the investigation expanded to include the deficiencies found in it.

## Method of Investigation

### Materials Reviewed

- Consultant's report
- OES public awareness brochures
- OES website
- OES PowerPoint briefing
- State and federal OES websites including FEMA



Central Stockton Evacuation map



- County school districts' compliance survey
- Work flow summary

### **Interviews Conducted**

- San Joaquin County Board of Supervisors
- Current and retired administrators
- San Joaquin County staff

### **Sites Visited**

- Operational Area Emergency Operations Center, Stockton, California

## **Discussions, Findings, and Recommendations**

### **1.0 EOP Assessment Plan**

In early 2016, the County ordered an assessment and recommendations report on the status of the Emergency Operations Plan. The report was prepared by the Pasadena, California consulting firm, Tetra Tech Inc. Their final report was released in November 2016. The cost of the report was \$28,772.

The report found significant shortcomings in the plan. These deficiencies have left the county at risk. Expired MOU agreements could leave the county without critical services to protect and provide for citizens. Outdated and expired plans jeopardize the county's and citizens' ability to obtain disaster reimbursement or recovery funding from state and federal sources.

Tetra Tech Inc. submitted its final report to county administrators in November of 2016. The Executive Summary portion of the report identified ten key findings and recommendations for plan improvement. (See Appendix 1).

As of March 2018, only one (item #7, "The designation of the role of Director of Emergency Services could be amended") of the ten key recommendations has been completed. Since the report's release many months ago, no other recommendations have been carried out.

Since the time of the report's release, minimal action has been taken to address the EOP deficiencies. Contributing to this delay were differing management priorities, lack of staff direction, and problematic communication among management.

Although released in November 2016, the final report was not presented to OES planning staff until approximately June or July of 2017, a delay of at least eight months.

During a staff meeting, planners (who are directly responsible for the creation and maintenance of the Emergency Operations Plan) were informed the assessment was available on an OES shared computer server for their review. They were invited to look at it if they desired, but they were not given any direction to do so, nor did they receive instructions to correct plan deficiencies.

Throughout Tetra Tech’s period of investigation and research, the OES management and staff were excluded from the process. They were denied access to the researchers and were never asked to contribute to the study.

Although the report was released in November of 2016, the Grand Jury learned that many of the county’s elected officials were unaware of the report’s existence.

## **Findings**

**F 1.1** Elected officials were not adequately informed of the final Tetra Tech assessment.

**F1.2** Since November 2016 only one of ten recommendations has been implemented, leaving the county with an inadequate plan.

## **Recommendations**

**R1.1.1.** By July 31, 2018, the county’s elected officials be briefed by the county administrator on the Tetra Tech assessment and the plan for completion.

**R1.1.2.** By September 30, 2018, the county’s elected officials be briefed by the county administrator on the OES implementation progress

**.R 1.2.1.** By August 31, 2018, the Office of Emergency Services develop a plan to carry out Executive Summary Key Findings and Recommendations as found in the Tetra Tech assessment and include project deadlines, additional resources, staffing, and funding necessary to complete the tasks.

**R1.2.2.** By December 31, 2018, the OES fully implement the above plan.

## **2.0 Memorandum of Understanding**

The County EOP Plan relies heavily on the American Red Cross. The current mass care plan indicates a high reliance on the American Red Cross as the primary agency for providing mass care support. The Red Cross no longer maintains a presence in San Joaquin County.

“The 1975 American Red Cross MOU indicates that the agreement is between the San Joaquin Chapter of the American Red Cross and the County of San Joaquin. The San Joaquin Chapter of the American Red Cross no longer exists after the American Red Cross organizational restructure via the One Red Cross Initiative beginning in 2010.”<sup>2</sup>



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<sup>2</sup> Assessment Report, page 9

“Memorandum of Understanding (MOUs) should be reviewed for completeness and expiration. During a review of the MOUs provided, multiple MOUs were found to be extremely outdated. While the agreements overview indicated that some of these agreements do not have an expiration date, there structuring of many organizations suggests that these MOUs should be revisited and revised.

Some MOUs were not executed or were unclear. For example, the School Crisis MOU does not delineate the specific schools participating in the agreement.”<sup>3</sup>

## **Finding**

**F2.1** Without a physical presence in San Joaquin County, the American Red Cross may have logistical delays and problems delivering mass care services.

## **Recommendation**

**R2.1** A provider or providers of mass care services be identified and appropriate contracts or MOU’s be signed by December 31, 2018, and documentation provided to the Grand Jury.

## **3.0 Tetra Tech, Inc. EOP Assessment Crosswalk**

Tetra Tech provided a document called “Crosswalk.” It contained a quality/compliance review of 161 relevant plans and annexes. For example, under Planning Requirements the Crosswalk states the process for engaging the whole community needs improvement. These documents were evaluated and ranked as “N” for “Needs Improvement,” “P” for “Partially Meets,” or “S” for “Satisfactory” for meeting the specified requirements. Forty-one documents were identified as Needs Improvement. Thirty-six documents were assigned Partially Meets Standards. The remaining eighty-four plans were deemed Satisfactory.

**F3.1 .** In total, nearly half or 48% of all the plans are deficient and require improvements to meet compliance standards.

## **Recommendation**

**R3.1.** By December 31, 2018, correct all the deficiencies listed as “N” and “P” in the Crosswalk with confirmation provided to the Grand Jury.

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<sup>3</sup> Assessment Report, page iii

## 4.0 Grant Funding

The OES receives about 47% of its annual funding from government grants. The remainder of its funding comes from the county's general fund.

### Finding

**F4.1.** If the grants were unavailable, no contingency plan is in place to provide alternative funding sources.

### Recommendation

**R4.1.** Create and implement a contingency plan for providing alternative funding sources by December 31, 2018.

## 5.0 Public Outreach

During the 2016-2017 budget year, OES spent \$10,918 on public information efforts or outreach. This figure represents the 177 hours that OES staff planners spent in the field performing activities “such as social media, organized block parties, retirement facilities, website postings, video spots, schools, town hall meetings and participation in designated preparedness months.”



### Finding

**F5.1.** These figures indicate that, on average, fewer than fifteen hours per month were spent on outreach activities. This is less than adequate to fully inform the 726,105 county residents about disaster preparedness.

### Recommendations

**R5.1.1.** EOS increase its outreach efforts to include sharing emergency preparedness reminders regularly on social media Facebook groups such as Memories of Stockton, Stockton Midtown Community Watch, and In and About San Joaquin County.

**R5.1.2.** OES partner with Neighborhood Watch programs to provide preparedness education with each newly-formed group.

**R5.1.3.** OES create a comprehensive educational outreach message using both paid and free media formats.

**R5.1.4.** OES insert preparedness information including evacuation maps in taxpayers' property tax bills.

## **6.0 County Staff Familiarity**

“County staff familiarity with and understanding of the EOP is minimal. Most major emergency events are addressed by a relatively select number of staff who depend upon their personal experience to guide them. However, the EOP is intended to inform the much larger community during events which may exceed the response capacity of county departments and local stakeholders.”<sup>4</sup>

### **Finding**

**F6.1.** County staff familiarity with and understanding of the EOP is minimal and hampers an effective response in a disaster.

### **Recommendation**

**R6.1.** By December 31, 2018 develop a regular and sustained method for the OES to interact with county staff and key stakeholders on the EOP plan.

## **7.0 Disaster Recovery**

“Disaster Recovery warrants an expansion of effort. Recent events have repeatedly demonstrated that disaster recovery activities are often more challenging for local jurisdictions than response.”<sup>5</sup>

Last year’s fires in Napa/Sonoma counties and the threat of floods in San Joaquin County two years ago show how important a proper disaster recovery plan is.

### **Finding**

**F7.1.** The current county disaster recovery plan is out dated and jeopardizes recovery efforts.

### **Recommendations**

**R7.1.** By December 31, 2018 develop a separate recovery operations plan to update and strengthen the EOP.

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<sup>4</sup> Assessment Report, page ii

<sup>5</sup> Assessment Report, page iv

## **Conclusion**

The Office of Emergency Services is one of the most important departments in San Joaquin County government. In the case of a county disaster, OES is essential for the coordination of emergency, relief, and recovery services.

An effective OES and Emergency Operations Plan are vital tools for protecting infrastructure and ensuring the safety, lives, and property of all San Joaquin County citizens.

If an emergency event were to occur tomorrow, providing many essential services may be a challenge for OES. Many vital services are without agency agreements to provide emergency services. The EOP and its supplementary documents (annexes) are incomplete, expired, or written in a confusing, non-standard format.

In addition to the risk for life and property, consequences may include jeopardizing recovery reimbursement from government agencies such as FEMA. Unless portions of the EOP are current and comply with standards and regulations, government relief agencies may delay or deny claims and funding.

## **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 San Joaquin County Board of Supervisors shall respond to all findings and recommendations. Please mail or hand deliver a hard copy of the response to:

Honorable Linda L. Lofthus, Presiding Judge  
Superior Court of California, County of San Joaquin  
180 East Weber Avenue, Suite 1306J  
Stockton, CA 95202

Also, please email the response to Ms. Trisa Martinez, Staff Secretary to the Grand Jury at [grandjury@sjcourts.org](mailto:grandjury@sjcourts.org)

## Appendix 1

Tetra Tech developed an EOP Assessment Tool that addressed more than ninety industry standards and best practices for disaster recovery and emergency management. The tool included both qualitative and quantitative components.

These tools were used to evaluate the following EOP components:

1. Ordinances regarding emergency operations (declarations of disaster or resource management)
2. Mutual aid agreements
3. Current EOP
4. Hazard Mitigation Plan (HMP) and Hazard Identification & Risk Assessment (HIRA)
5. Regional or state EOP
6. Emergency Operations Center (EOC) Standard Operation Procedures (SOP)

Six critical function areas were identified as representing 80% of the possible emergencies that the County might encounter:

- Flood
- Mass Casualty/Active Shooter
- Fire/Hazardous Materials
- Care and Shelter
- Heat and Hard Freeze
- Lack of Support Services

The report evaluated written emergency plans for accuracy, completeness, compliance, and expiration dates.

### **Tetra Tech, Inc. San Joaquin County Emergency Operations Plan Assessment & Recommendations**

#### **San Joaquin County EOP Assessment Report**

Tetra Tech, Inc.'s 25-page report included an executive summary. The summary described ten key findings and improvement recommendations.

These are the key findings and recommendations:

**“1. The EOP hierarchy is difficult to follow and the annexes do not adhere to a consistent format.**

“Although the content of each document is generally sound, the number and variety of EOP documents and document formats are challenging.

“Recommendations: Select a clear and consistent EOP hierarchy. Consolidate all current planning documents within the selected hierarchy and streamline content.

**“2. The scope of plans attached to the EOP varies from strategic to tactical.**

“Currently, multiple plans attached to the EOP address only a small subset of County stakeholders such as a specific position in the Emergency Operations Center (EOC) or those managing field incident-level communications. While this information is important for that specific group or function, the effect of incorporating this ‘tactical’ information into the EOP makes the EOP complex and can effectively mask information that is important to the wider audience.

“Recommendations: Consolidate all current planning documents within the selected hierarchy and streamline content. Delineate which plans should be part of the EOP and which should remain internal to selected County departments or functions.

**“3. County staff familiarity with, and understanding of, the EOP is minimal.**

“Most major emergency events are addressed by a relatively select number of staff who depend upon their personal experience to guide them. However, the EOP is intended to inform the much larger community during events which may exceed the response capacity of County departments and local stakeholders.

“Recommendation: Consider developing a regular and sustained method for socializing the EOP to County staff and key stakeholders.

**“4. Legal authorities and key response partners must be reviewed and updated with current references and names.**

“The EOP references appropriate state legislation and the Stafford Act; however, the document fails to reference updated or new legal authorities that have established important criteria for planning and response.

“Recommendation: Review current local, state, and federal legal authorities and update references, as needed, throughout the plan and supporting documents.

**“5. Inclusion of and compliance with federal standards must be acknowledged throughout all emergency plans.**

“The documents the County provided include very few references to arrangements or planning for people with disabilities or others with access and functional needs. In some cases, considerations were included but no corrective action was identified.

“Recommendation: Review current federal authorities for additional planning considerations such as inclusion of people with disabilities, people with access and functional needs, and pet sheltering. Ensure compliance with ADA and other legal requirements and use consistent terminology in updating plans.



**“6. Memoranda of understanding (MOUs) should be reviewed for completeness and expiration.**

“Multiple MOUs were found to be outdated, not fully executed or were unclear. While the agreements overview indicated that some of these agreements do not have an expiration date, the restructuring of many organizations suggests that these MOUs should be revisited and revised.

“Recommendation: Identify and review all current MOUs referenced in the EOP and annexes to assess the legal and operational validity of each agreement. Revisit unexecuted MOUs and re-engage identified partners for completion.

**“7. The designation of the role of Director of Emergency Services could be amended.**

“San Joaquin County Code currently directs that the Chairman of the Board of Supervisors shall serve as the Director of Emergency Services. Most local governments in California jurisdictions now designate the Chief Executive or Administrative Office as the Director of Emergency Services so as to maintain continuity within the emergency management organization, supervise day-to-day emergency preparedness activities, and leverage the executive/administrator’s authority.

“Recommendation: Consider amending the County Code to designate the County Administrator as the Director of Emergency Services.

**“8. Many current and affiliated annexes include incorrect or outdated information or are missing critical information.**

“Many of the Emergency Support Function (ESF) annexes reviewed are incomplete, out of date, inconsistently formatted or not well integrated with each other or the EOP Basic Plan. Most existing annexes do not reference or incorporate emergency response planning documents developed by individual agencies or for specific threats/hazards.

“Recommendations: Develop a standardized format for all ESFs that follows federal guidance and proactively transition to alignment with the federal standard. Clarify and update lines of authority and orders of succession through all planning documents consistently. Revise or develop content for those ESFs as identified in this report.

**“9. The County relies heavily on the American Red Cross.**

“The current Mass Care plan indicates a high reliance on the American Red Cross as the primary agency for providing mass care support.

“Recommendations: Create a formal and detailed County-based mass care plan with transition procedures between organizations. Review validity of formal MOUs and Memoranda of Agreement with service providers and mass care partners. Assess the capability of County departments to support this function.

**“10. Disaster Recovery warrants an expansion of effort.**

“Recent events have repeatedly demonstrated that disaster recovery activities are often more challenging for local jurisdictions than response. Current County disaster recovery plans are dated and incomplete.

“Recommendations: Consider developing a separate Recovery Operations Plan to complement the EOP and provide enhanced guidance to County and Operational Area stakeholders.”<sup>6</sup>

## Appendix 2

The assessment report did not include the topic of “survivability” and how citizens of San Joaquin County can improve their chances of survival by being better prepared at home. If individual citizens are better prepared, these steps, in coordination with the Office of Emergency Services efforts, can greatly improve the odds of survival.

The American Red Cross recommends the following materials be assembled and available as part of a disaster preparedness plan:

Three-day supply of these items:

- Non-perishable, ready-to-eat food items
- Clean water for drinking and personal hygiene (one gallon per person per day)
- First aid supplies for treating a variety of injuries
- A specific evacuation plan should be created that includes:
- A list of family contacts
- A designated out-of-area contact for all family members
- Special plans and considerations for the disabled, elderly, children, and pets

In addition, the following supplies should be included:

- Battery-operated flashlight
- Battery-operated or hand-cranked radio
- Spare batteries
- Multipurpose tools
- Sanitation and personal hygiene items
- Manual can opener
- Cell phone with chargers
- Extra cash (small bills)
- All medications
- Copies of personal documents and prescriptions
- Emergency blankets
- Maps
- Whistle

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<sup>6</sup> Assessment Report Executive Summary



# San Joaquin County Grand Jury



## Shining Light into the Dark Corners

### Is the Office of Violence Prevention Worth the Money?

2017-2018 Case #0817

#### Summary

Stockton, California, is a high-crime city with a higher-than-average homicide rate. Most homicides come from gunshots, and many are committed by gang members. City officials and police have tried a number of approaches over the years to combat gun violence. In 2012 the Marshall Plan was implemented, and part of the plan is Operation Ceasefire, an attempt to reduce gun violence by having “Peacekeepers” as well as police work with violence-prone youth, many in gangs, to reduce shootings. Since late 2015, the Peacekeepers have worked in a city agency called the Office of Violence Prevention (OVP).

The work done by the Peacekeepers in OVP is valuable and necessary, but hard to measure, in terms of results and success. The office is unfortunately named in that it is impossible to measure the number of homicides that were *prevented*: how does one measure what did *not* happen? Another problem with OVP is that its work is largely unknown and unappreciated by the community. Its work and successes have not been publicized.

In order to better inform the public about its work, the Grand Jury recommends that the Office of Violence Prevention release information and statistics about its work regularly. It also needs to work more closely with Community-Based Organizations (CBO’s) and improve relations with them, which have deteriorated in the last few years. Other recommendations to improve the work of the OVP are made in the body of the report.

## Background

The city of Stockton has an unfortunately well-earned reputation as a high-crime and violence-prone area. City leaders have made a number of attempts to address the situation over the years. One of them is the Marshall Plan, which was set up in 2012.<sup>7</sup> The city council decided to fund the plan by putting a proposed 3/4 percent sales tax on the ballot as Measures A and B. Voters approved the measures on November 5, 2013, and the tax went into effect in April 2014.

One part of the Marshall Plan is Operation Ceasefire. This program is a violence-reduction model that, according to a 2012 city news release, “has been implemented across the country and is a proven violence reduction strategy in cities such as Boston, Chicago and Cincinnati, resulting in dramatic reductions in firearms violence and homicides.”<sup>8</sup> The city website describes the model as follows: “Operation Ceasefire is a partnership-based violence reduction strategy that employs respectful, direct communication with youth and young adults at highest risk of violence. The primary goal of Operation Ceasefire is to reduce shootings, but it has also been shown to reduce recidivism among participants and improve community-police relations.”<sup>9</sup>

The primary way Operation Ceasefire works is by having outreach workers “respond to areas where violent crimes have occurred to talk with the youth and their families to prevent retaliations.”<sup>10</sup> These outreach workers are called “Peacekeepers” and have, in fact, been working in Stockton for longer than the Marshall Plan has been in existence. As far back as the late 1990’s, Peacekeepers have been on the streets of Stockton, most often under the supervision of a retired Stockton Police Department officer.

Peacekeepers were set up under a grant received by the city in the 1990’s. At that time, outreach was aimed at youth aged 13-18 with the intent to mentor them and divert them from gang life and involvement in the criminal justice system. It was then a prevention strategy. At the end of the grant, only one Peacekeeper remained. In 2006, with a spike in youth-related violence, the mayor created a task force that brought in Anthony Braga of Harvard University. He wrote a report that recommended reinvigorating the Peacekeepers.<sup>11</sup> The city hired three more staff and brought back a retired Stockton Police Department (SPD) captain for a second tour of duty as director.

The director set up Operation Ceasefire at the request of the Stockton chief of police. A major part of the operation is the “Call-in.” Call-ins are held quarterly, and are meetings to which youth and young adults at risk of committing gun violence are invited. In a two-part structure, the Stockton police chief and representatives of other law enforcement agencies such as the FBI, first present to the attendees and their accompanying family members the consequences of their continued engagement in gangs and gun violence: arrest, prosecution, conviction, and imprisonment. The law enforcement authorities then leave and the remaining Peacekeepers, pastors, and service-oriented community-based organizations (CBO’s) present to the attendees the services that are on offer to help them leave their life of violence, find education and employment, and become steadily

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<sup>7</sup>[http://www.stocktongov.com/files/OpEd\\_MarshallPlan\\_TheRecord\\_2012\\_1\\_08.pdf](http://www.stocktongov.com/files/OpEd_MarshallPlan_TheRecord_2012_1_08.pdf)

<sup>8</sup>[http://www.stocktongov.com/files/News\\_2012\\_9\\_24\\_MarshallPlanUpdateCeaseFire.pdf](http://www.stocktongov.com/files/News_2012_9_24_MarshallPlanUpdateCeaseFire.pdf)

<sup>9</sup><http://www.stocktongov.com/government/departments/manager/vpCeasefire.html>

<sup>10</sup> <http://www.stocktongov.com/government/departments/manager/peacekeepers.html>

<sup>11</sup> [http://www.stocktongov.com/files/BragaReportStockton\\_63Pages.pdf](http://www.stocktongov.com/files/BragaReportStockton_63Pages.pdf)

employed and responsible family members and fathers. If the attendees accept the help on offer, they become clients of the Peacekeepers and users of the services. The Peacekeepers then work closely with the new clients and shepherd them through the various processes of obtaining driver's licenses, tattoo removal, housing, education, training for employment, and obtaining jobs. This process generally lasts a few years.

In 2011, a major change occurred in the Peacekeeper program with the signing into law by Governor Edmund G. Brown Jr. of AB109, the Public Safety Realignment Act. According to the [ca.gov](http://www.ca.gov) website, "Public Safety Realignment allows non-violent, non-serious, and non sex offenders to serve their sentence in county jails instead of state prisons."<sup>12</sup> The act offered money to agencies that worked with reentry adults leaving prison and county jails. A consultant to the Peacekeepers recommended that the focus of the program shift away from juveniles to reentry adults from about 18 to 35, and this was done. Also, AB109 contained no funds for prevention work among juveniles.

Disagreeing with the change in focus of the program, the retired SPD captain resigned as director and was succeeded by a few other retired SPD officers for a few years until Jessica Glynn was hired as manager of the newly-created Office of Violence Prevention (OVP) in November 2014. But less than four months into the job, Glynn was fired by the city manager and promptly sued the city, claiming gender and pregnancy discrimination.<sup>13</sup> After a two-week trial, a jury ruled in favor of the city in March 2017.<sup>14</sup>

The Office of Violence Prevention gained a new manager in November 2015 with the hiring of LaTosha Walden.<sup>15</sup> Mrs. Walden has lasted as manager to the present and now presides over an office staff that includes a newly-hired community engagement coordinator, a data analyst, two supervisors, and eight Peacekeepers. The office continues its work to "significantly reduce violence in the City of Stockton through data-driven, partnership-based violence prevention and reduction programs, and strategies rooted in best practices.

"OVP coordinates inter-agency working partnerships with community leaders including:

- clergy, gang outreach, public and community service providers, and
- other stakeholders committed to reducing violence."<sup>16</sup>

## **Reason for Investigation**

The Grand Jury decided to investigate the Office of Violence Prevention (OVP) in the fall of 2017 after hearing both praise and criticism of it in various presentations by city officials and private citizens. As an example, Stockton Chief of Police Eric Jones told the group that it is valuable as a part of Operation Ceasefire because it intervenes to stop violence with people that the police cannot

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<sup>12</sup> <https://www.cdcr.ca.gov/realignment/Community-Local-Custody.html>

<sup>13</sup> <http://www.recordnet.com/article/20150310/NEWS/150319953>

<sup>14</sup> <http://www.recordnet.com/news/20170216/jury-stockton-didnt-discriminate-in-firing>

<sup>15</sup> <http://fox40.com/2015/11/20/stockton-introduces-new-hires-to-office-of-violence-prevention/>

<sup>16</sup> <http://www.stocktongov.com/government/departments/manager/violprev.html>

reach until after they have committed a crime, often gun violence. He believes that it is a necessary organization that complements the work of the police, but that it needs to present believable data. City Manager Kurt Wilson stressed that OVP works for the long-term treatment of Stockton's historical violence. On the other hand, a citizen with knowledge of the workings of the OVP told us that he does not believe the OVP is accountable to the citizens of Stockton for its spending, especially as it has a budget of around a million dollars a year. He claimed that the annual audits of the Measure A money have not been done as promised to the voters in the campaign. Furthermore, the OVP has not been able to show data to demonstrate it effectively reduces gun violence, which is its *raison d'être*.

Given these comments, the Grand Jury decided to open an investigation. It realizes that it is hard to show evidence of what did *not* happen. The number of gun deaths and even gun deaths due to group (gang) violence can be measured as it increases or decreases from year to year, but it is impossible to measure the number of gun deaths that did *not* occur. Also, the fact that measurable statistics have not been reported to the public is another reason for a close inspection of the OVP. This report looks at the structure and performance of the Office of Violence Prevention with the intention of shining light into the dark corners and bringing knowledge to the citizens of Stockton. With knowledge in hand, citizens can decide if OVP is worth the money being expended on its work.

## **Method of Investigation**

### **Materials Reviewed**

- Data Dashboard from Office of Violence Prevention
- Peacekeepers Protocols Manual from Office of Violence Prevention
- OVP Outreach Workers Daily Logs, Sample Week June 26-30, 2017
- City of Stockton website: Marshall Plan, Office of Violence Prevention, Operation Peacekeepers, Operation Ceasefire
- Contract between City of Stockton and Solutions, Inc. (David Muhammad)
- Contract between City of Stockton and Bay Area S. E. (BASE) (Daniel Ford)
- Contract between City of Stockton and California Partnership for Safe Communities

### **Interviews Conducted**

- Mayor of Stockton
- Stockton Public Information Officer
- Manager of Office of Violence Prevention
- Former Director of Peacekeepers
- Two Supervisors of Office of Violence Prevention
- Eight Peacekeepers of Office of Violence Prevention
- Former Community Engagement Coordinator of OVP
- SPD Sergeant in Gang Suppression Unit and liaison to OVP
- Former member of Measure A Citizens' Advisory Committee

- Three heads of Community-Based Organizations
- Director of California Partnership for Safe Communities

## **Discussions, Findings, and Recommendations**

### **1.0 Division of the Peacekeepers has recently occurred.**

The eight Peacekeepers working in the Office of Violence Prevention (OVP) were all doing essentially the same job, seeking out violent young men, offering them services and counseling, and staying closely in touch with them as they transitioned out of gang violence into more socially acceptable and productive lives. At about the beginning of 2018, however, the Peacekeepers were divided into two groups: Outreach workers and Case Managers. The two supervisors were each assigned one of the groups. The Outreach Workers are supposed to do the recruitment of prospective clients, offer them services, and build relationships with them until they are ready (after about six months to a year) to be given a “warm handoff” to a Case Manager, who will then work with the client until he is leading a productive life and no longer in need of services.

Some Peacekeepers are against this division into two groups, but some are neutral about it and willing to give it a try. Some believe that this division interferes with building long-term relationships with clients. They believe clients will drop out of the program because they will feel abandoned by the Outreach Peacekeeper with whom they have built up a relationship of trust. The change into two types of Peacekeepers was made without input from the Peacekeepers themselves, some of whom have a decade of experience doing the work.

### **Findings**

**F1.1** The division into two groups made Peacekeepers frustrated and had a negative effect on morale

**F1.2** The division was suggested by consultants who claim it is based on “best practices” in similar programs across the nation, but the Grand Jury found no evidence [*insufficient evidence*] for this assertion.



## **Recommendations**

**R1.1.1** The Grand Jury recommends the OVP reassess the division by December 31 with input from the Peacekeepers about whether or not it is effective.

**R1.1.2** In order for this and future policy changes to be effective and workable, the Grand Jury recommends that Peacekeepers be involved in the decision-making process.

**R1.2** By December 31, OVP management show the evidence for the division as it goes contrary to the experience of the longer-serving Peacekeepers, and its validity is not self-evident.

### **2.0 Disharmony exists among the Peacekeepers.**

The investigation uncovered a number of conflicts, some of long standing, among the Peacekeepers. Testimony confirmed that there are racial conflicts among some Peacekeepers. These conflicts have existed for years in certain cases and remain unresolved.

## **Finding**

**F2.1** Management has neither addressed the issues nor resolved them, leading to a tense office environment.

## **Recommendation**

**R2.1** Management needs to establish a code of conduct and enforce it.

### **3.0 The OVP has offsite Management.**

While the Deputy City Manager is the nominal head of the OVP, he has many other duties and agencies to oversee and cannot be expected to manage the day-to-day operations of the office. For those duties, the OVP has a Manager. However, both the Deputy City Manager and the OVP Manager and her small office staff are located in City Hall. The eight Peacekeepers and two supervisors are located at least six blocks away in an obscure and hard-to-find office (for security reasons).

The OVP Manager comes to the Peacekeepers' office only about once a week. As a result, Peacekeepers go to the Manager's City Hall office to talk about concerns and complaints, bypassing the chain of command.

## **Findings**

**F3.1** The separation leads to a lack of close supervision.

**F3.2** Bypassing the chain of command leads to distrust and feelings of favoritism among the Peacekeepers.

## **Recommendations**

**R3.1.1** The Grand Jury recommends that all management and staff be in one location. As Stockton has purchased a large building on the Waterfront to serve as a new City Hall, when city offices move there, the OVP should be in one office or adjacent offices.

**R3.1.2** The OVP Manager needs more frequent contact with the line staff.

**R3.2** Peacekeepers should use the chain of command and filter their complaints through the supervisors.

## **4.0 The Office of Violence Prevention has lacked metrics of success, that is, measurable objectives and outcomes.**

For many years, the OVP has not been able to show statistically in a meaningful way what it has been accomplishing in terms of helping its clients access services, education, jobs, and other measures of success. Finally, at the beginning of 2018 a Data Dashboard was created that gives statistics and other information about the work the OVP is doing. The Data Dashboard is finally up and running, but the information on it is not available to people outside the office. The OVP website has not been updated and does not contain information from the Data Dashboard.

## **Finding**

**F4.1** Communication with the public is not happening, causing a lack of understanding of the work of the OVP.

## **Recommendations**

**R4.1.1** By December 31, the Data Dashboard be made available to Community-Based Organizations (CBO's) and the public.

**R4.1.2** By December 31, the OVP put the Data Dashboard on the website and update it regularly.

**R4.1.3** The OVP find a way to inform the public about its work on a regular basis, either via its website or reports to the city council.

### **5.0 The OVP and the Stockton Police Department hold quarterly “call-ins” under the Operation Ceasefire program.**

In cooperation with the Stockton Police Department and based on recommendations from it and the Probation Department, the OVP holds quarterly “call-ins” at which young adults are invited to attend a meeting and meal. The Police Department and other law enforcement agencies present to the attendees the likely consequences for them if they continue a life of crime and gun violence. Those agencies then leave and the OVP and certain CBO's offer to the attendees the services they may receive if they decide to turn their lives around. These call-ins are the main [*only?*] recruiting tool the OVP uses to gain new clients.

Planning meetings are held to decide which agencies and Community-Based Organizations (CBO's) will attend, but testimony to the Grand Jury indicates that people not invited often show up at the meetings. This results in CBO's being unsure who is actually in charge of running the call-ins. In the early days, many CBO's came to the call-ins, but in time the number of organizations attending has declined.

## **Findings**

**F5.1** It is unclear who is in charge of running the call-ins, resulting in confusion among the CBO's.

**F5.2** “Extra” attendees at the call-ins lead to consternation among the CBO representatives who attended the planning meetings about who makes the final decisions on whom to invite.

## **Recommendations**

**R5.1** The call-ins have a clearly-designated chair, either: 1. the OVP Manager or the Police Chief, 2. both as co-chairs, or 3. another designee as chair.

**R5.2** The people who plan the call-ins should keep tight control on the number of attendees with only essential CBO representatives attending.

## **6.0 No clear system exists for meeting immediate financial needs of clients.**

Clients have needs that come up from time to time, such as being unable to get to work because a car needs a battery or tire replacement. Sometimes clients need to buy clothes for a job interview or work. Such needs call for immediate action. Oftentimes Peacekeepers must pay for such necessities out of their own funds, leading to complaints from their spouses, according to testimony the Grand Jury received.

### **Findings**

**F6.1.1** No system of pre-approved expenditures exists to meet the immediate needs of clients, making it difficult for Peacekeepers to provide these needs.

**F6.1.2** Peacekeepers often must rely on the willingness of Community-Based Organizations to meet clients' pressing needs.

**F6.2** The reimbursement for their own funds Peacekeepers spend on clients is slow and cumbersome.

### **Recommendations**

**R6.1** The OVP should set up an adequate fund in its budget easily accessed by the Peacekeepers with supervisors' approval.

**R6.2** The OVP should streamline approval of reimbursement and/or preauthorize purchases.

## **7.0 Office of Violence Prevention liaison with Community-Based Organizations is sporadic.**

Representatives of some CBO's testified that they have little or no contact with the OVP, that relations with the office have deteriorated over the years, or that they do not believe the OVP is effective in its work. Some CBO's believe that they are doing comparable work to the OVP and do not see the need for such a city agency. A previous community outreach employee, according to testimony given to the Grand Jury, criticized many CBO's and made them not want to work with the OVP. The Community Engagement Coordinator position has been vacant for nearly a year and needs to be filled as soon as possible. Community Engagement Coalition meetings are being held, but it is not clear if they are effective. How relevant the Community Engagement Coalition meetings are to OVP's work needs to be assessed, as well as how they could be enhanced and improved.

## **Finding**

**F7.1** Past conflicts have strained relations between CBO's and the OVP, causing some CBO's to have difficulty working with the OVP.

## **Recommendations**

**R7.1.1** The purpose of the Community Engagement Coordinator is to work with CBO's; the person hired for the position must be skilled and effective in reaching out.

**R7.1.2** The Community Engagement Coordinator must work on mending relations with the CBO's, but the OVP Manager should also be conferring often with them.

## **8.0 A county-wide coalition to reduce gun violence is a possible step to bring together many agencies and organizations.**

A county-wide coalition of various agencies and organizations has been formed to coordinate efforts to deal with the growing problem of homelessness and lack of housing in San Joaquin County. A "homeless czar" and housing made available at the County Jail Honor Farm are two of the results work on the problem by the county. In a similar way and in order to reduce gun violence, Stockton's Office of Violence Prevention might expand its reach and effectiveness by working more closely and with greater coordination with cities, agencies, and CBO's across the county.

## **Finding**

**F8.1** Some CBO's and city officials would like to create a county-wide coalition to coordinate and improve services to reduce group gun violence.

## **Recommendation**

**R8.1** The OVP Manager should bring this idea to city and county government agencies to see if there is merit to the idea, if the time is right to move ahead with this proposal, and if there is appropriate and adequate interest among the various stakeholders.

## **Conclusion**

The work of the Office of Violence Prevention in the city of Stockton is vital and necessary if the city is to see a much-desired decrease in the number of gang-related gun homicides. Yet the OVP is not operating at the highest-possible level of efficiency. The Grand Jury has made a number of recommendations to improve the work of the office. Greater transparency about its work, especially a larger and more frequent release of data, and changes in its internal organization and operations are necessary to justify its existence and the Measure A money it expends each year.

## **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 Stockton City Council shall respond to all findings and recommendations.

Please mail or hand deliver a hard copy of the response to:

Honorable Linda L. Lofthus, Presiding Judge  
Superior Court of California, County of San Joaquin  
180 East Weber Avenue, Suite 1306J  
Stockton, CA 95202

Also, please email the response to Ms. Trisa Martinez, Staff Secretary to the Grand Jury at [grandjury@sjcourts.org](mailto:grandjury@sjcourts.org)



# San Joaquin County Grand Jury



## San Joaquin County Municipality Ethics Policies

**“It takes 20 years to build a reputation and 5 minutes to ruin it. If you think about that, you’ll do things differently.” -- Warren Buffett<sup>17</sup>**

### 2017-2018 Case #0917

#### Summary

The 2017-2018 San Joaquin County Civil Grand Jury (Grand Jury) investigated the ethics policies of San Joaquin County and the cities within its geographical boundaries. The Grand Jury interviewed 33 officials for this investigation, representing 8 municipalities located in San Joaquin County. This report is a compilation of the facts, findings and recommendations developed by the 2017-2018 San Joaquin County Civil Grand Jury. In summary, four of the eight municipalities did not have a written and approved ethics policy for elected officials and a majority did not have a policy for appointed officials and senior staff.

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<sup>17</sup> <http://www.fool.com/investing/general/2014>



The table below is a matrix of the facts that were developed through those interviews.

**Matrix of Facts Developed for the Ethics Policy Investigation**

<b>Facts Developed</b>	<b>Tracy</b>	<b>County</b>	<b>Escalon</b>	<b>Lathrop</b>	<b>Lodi</b>	<b>Manteca</b>	<b>Ripon</b>	<b>Stockton</b>
City has Ethics Policy?	N	Y	N	N	Y	N	Y	Y
Officials Aware of Ethics Policy?	NA	Y	NA	NA	Y	NA	UNK	Y
Policy Includes Elected Officials?	NA	Y	NA	NA	Y	NA	Y	Y
Policy Includes Appointed Officials?	NA	N	NA	NA	Y	NA	Y	Y
Policy Includes Senior Staff?	NA	N	NA	NA	N	NA	N	Y
HR Policy for Employees?	UNK	Y	Y	UNK	N	UNK	N	Y
Frequency of Ethics Training?	2 Yrs	2 Yrs	2 Yrs	2 Yrs	2 Yrs	2 Yrs	2 Yrs	2 Yrs
Ethics Training Comprehensive?	Y	Y	Y	Y	Y	Y	Y	Y

Legend

Y - Yes N - No NA - Not Applicable UNK - Unknown

The findings of this investigation centered around whether the municipalities had ethics policies for their elected and appointed officials and whether they had ethics policies for their senior staff. The recommendations were directed towards the writing of ethics policies for elected and appointed officials and senior staff. Most of the recommendations asked the municipality’s governing body to bring the developed ethics policies to a vote by October 31, 2018.

**Background**

The City of Tracy, with a population of 82,900, is centered in a triangle formed by Interstates 5, 205, and 580. Tracy is conveniently situated an hour from Sacramento, San Francisco, and San Jose by automobile. Approximately 68% of the citizens of Tracy commute daily over the Altamont Pass. Tracy has established itself as a remote suburb to the Bay Area region and has a solid base of new and recently-built housing, small businesses, national retailers, and restaurants.

In April 2017, a conflict of interest policy was brought before the Tracy City Council which would have required council members to recuse themselves if a family member would benefit by a decision of the council. This policy was rejected by a 3-2 vote.

The Grand Jury received a complaint alleging a conflict of interest by a member of the Tracy City Council. The Grand Jury decided to not only investigate the specific allegation of conflict of interest in Tracy, but also to look at ethics policies for all municipalities in the county.

## **Reason for Investigation**

The Grand Jury was presented with a complaint describing a perceived conflict of interest in the City of Tracy. The conflict was ultimately determined to be unfounded, based on an analysis and opinion issued by the California Fair Political Practices Commission (FPPC), specifically that a self-recusal did occur, separating the involved councilmember from the decision-making process. Further, the Grand Jury learned of additional complaints made to the FPPC that sought to bring discredit to the City of Tracy and several of its elected officials. These also lacked merit.

The Grand Jury decided to investigate and determine if the adoption of an Ethics Policy could provide the necessary guidance to help avoid such missteps, real or perceived, from occurring in the future. The Grand Jury expanded the scope to include all municipalities within the county.

## **Method of Investigation**

The Grand Jury reviewed the complaint and interviewed the complainant. It requested each municipality provide copies of their conflict of interest and ethics policies and reviewed them. The Grand Jury then reviewed documentation on the websites of the Institute for Local Government<sup>18</sup> and the California Fair Political Practices Commission<sup>19</sup> to research information about municipal ethics policies. Lastly, 33 officials representing each of the eight San Joaquin County municipalities were interviewed, including representatives from the County Board of Supervisors.

The Grand Jury found that there was a consensus among those interviewed that the following were important principles which should be included in an ethics policy:

- Integrity and honesty
- Respect for elected or appointed officials, staff, and the public
- Avoidance of conflict of interest
- Protection of the public interest
- Proper use of public resources
- Nondisclosure of closed session and confidential information
- Fairness and accountability
- Consequences for violating ethics policies

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<sup>18</sup> <http://www.ca-ilg.org/>

<sup>19</sup> <http://www.fppc.ca.gov/learn/conflicts-of-interest-rules.html>

## Discussions, Findings, and Recommendations

“California has a complex set of ethics laws to guide local officials in their service to their communities. Because public trust and confidence is vital to the strength of a democratic system, ethics laws sometimes set very high standards for public official conduct. Even though public officials may feel at times that some of these high standards of conduct are unduly burdensome or intrusive of their private lives, they must accept that adhering to these standards, including broad financial disclosure rules for gifts and income is simply part of the process of public service.”<sup>20</sup>

Ethics policies are not based upon the rule of law. They are based on moral concepts of acceptable conduct. They help individuals who are governed by them to understand how best to handle a given situation, how to be transparent in their actions, and how to avoid even a perception of a problem. These policies assist the users to understand that their reputation and the City’s reputation are based upon integrity and honesty and that respect is not easily given but earned. They hold officials accountable for their actions, especially when it comes to the proper use of public resources. Ethics policies are designed to help those covered by them understand how best to represent themselves, the city, commission, or position they represent to the public they serve.

City attorneys and the county counsel are guided by the Rules of Professional Conduct. Those rules may conflict with guidelines developed for other officials. The potential conflict should be considered when developing ethics policies.

Below are the findings and recommendations for each of the municipalities within San Joaquin County:

### 1.0 City of Tracy

A complaint was presented to the San Joaquin County Civil Grand Jury claiming a member of the



Tracy CA City Hall

Tracy City Council had a conflict of interest between the member’s job as an employee of a housing company and his or her role as a council member.

The member of the City Council had recused him or herself from discussing and making decisions about a housing project. Senior Counsel for the California Fair Political Practice Commission

rendered an opinion which the council member followed. The councilmember did correspond with city staff and did attend meetings concerning the project. The Grand Jury determined there was a perception but not an actual conflict of interest.

<sup>20</sup> <http://www.ca-ilg.org/ethics-fundamentals>

Tracy does not have an ethics policy. Many of the individuals interviewed believe that the city would benefit from an ethics policy. The Grand Jury learned that the Tracy City Council has requested the city attorney provide the framework for a code of conduct policy and lead a seminar for council members about how to move forward. The Grand Jury reviewed an excerpt from an agenda item dated March 20, 2018. The council was to discuss a code of conduct for boards, commissions, and the city council.<sup>21</sup> The council was considering items for its code of conduct that are very similar to the important principles of an ethics policy(See page 5, above).

The executive summary for the proposed code of conduct states, “Councilmembers have raised concerns regarding the civility and fundamental fairness of procedures and activities of the City Council and various City Commissions. A further concern has been raised regarding actions by Councilmembers and/or Commissioners that may reflect adversely on the City in the eyes of some in the public.”<sup>22</sup>

Ethics policies can address conflicts of interest, nepotism, cronyism, prejudicial conduct, and financial impropriety. Officials are encouraged to recuse themselves in matters where they believe a conflict exists. In April 2017, a conflict of interest policy was brought before the council which would have required council members to recuse themselves if they have a family member who would benefit by a decision of the council. This policy was rejected by a 3-2 vote.

The majority was concerned about establishing an ethics policy for the same reason that they previously rejected the conflict of interest policy, namely that the following items would not be included:

- Insuring that roles and responsibilities are clearly identified
- Clarifying the language to make sure that the policy is understood by all
- Developing the policy that avoids any political or personal retribution

Most officials understand they are required to complete ethics training every two years as required by AB1234.<sup>23</sup> They also believe that the ethics training they receive is comprehensive.

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<sup>21</sup>[https://www.ci.tracy.ca.us/documents/20180320\\_CC\\_AP.pdf](https://www.ci.tracy.ca.us/documents/20180320_CC_AP.pdf)

<sup>22</sup>[https://www.ci.tracy.ca.us/documents/20180320\\_CC\\_AP.pdf](https://www.ci.tracy.ca.us/documents/20180320_CC_AP.pdf)

<sup>23</sup> <http://www.fppc.ca.gov/learn/public-officials-and-employees-rules-/ethics-training.html>

## **Finding**

**F1.1** The City of Tracy does not have an ethics policy for its elected officials, appointed officials, and senior staff (city manager, city attorney, city clerk and their subordinate employees not represented by a bargaining unit). The lack of a policy has resulted in conflict, mistrust, and allegations of misconduct.

## **Recommendations**

**R1.1** By October 31, 2018, the Tracy City Council develop and adopt an ethics policy that governs the behavior of its elected officials, appointed officials, and senior staff.

## **2.0 San Joaquin County**

The county has a written ethics policy from 2015. The Grand Jury interviewed members of the Board of Supervisors (BOS). Most are aware of the policy.



San Joaquin County Administrative Building

The current ethics policy only governs the BOS. Often, recommendations, executive summaries, and insights are provided to the BOS by the senior staff (county administrator, legal counsel, clerk, and their subordinate employees). Decisions are made based upon information received. It is imperative these employees be held to the same ethical standards as the BOS.

## **Findings**

**F2.1** The San Joaquin County Board of Supervisors ethics policy does not include dependent boards and commissions. This could cause policy inconsistency across the county's boards and commissions leading to a perception of differing values for each board in the county.

**F2.2** The ethics policy for the County of San Joaquin does not cover the county administrator, county counsel, county clerk or their subordinate employees not represented by a bargaining unit. These officials require the same guidelines as elected officials to ensure they are acting ethically.

## **Recommendations**

**R2.1** By October 31, 2018, the San Joaquin County Board of Supervisors develop and adopt an ethics policy that governs the behavior of dependent board and commission members.

**R2.2** By October 31, 2018, The San Joaquin County Board of Supervisors develop and adopt an ethics policy that governs the behavior of the county senior staff.

### 3.0 City of Escalon



Escalon CA Welcome Sign

Several elected and appointed officials were interviewed for the city of Escalon concerning a written ethics policy. All are aware that the city has a written ethics policy focused on staff, not on elected or appointed officials. A majority believe there should be one. Overall there is a measure of trust and respect between members of the city council who in turn have trust and respect for city boards and commissions.

All are aware of the biannual requirement for ethics training and have completed it.

They receive notices when it is time for the training. They feel that it is important to have guidelines for all elected and appointed officials and all employees. They are unaware of any ethics violations. All agree that ethics principles are very important and synonymous with their community values.

### Finding

**F3.1** The City of Escalon does not have an ethics policy for its elected and appointed officials and senior staff such as the city administrator, city attorney, city clerk and their subordinate employees not represented by a bargaining unit. Failure to have an ethics policy could lead to poor judgement, public misconception and lack of trust.

### Recommendation

**R3.1** By October 31, 2018, the Escalon City Council develop and adopt an ethics policy that governs the behavior of its elected and appointed officials.



## 4.0 City of Lathrop



Lathrop CA City Hall

The Grand Jury interviewed several elected officials of the City of Lathrop to determine if the city had a written ethics policy and whom it governed.

None were aware of a policy. They all believe a written ethics policy is necessary and that it should cover elected and appointed officials as well as senior staff and most other employees.

All interviewed have completed ethics training, but some are unsure as to how often the training occurs. All are unaware of any ethics violations by officials in Lathrop.

### Finding

**F4.1** The City of Lathrop does not have an ethics policy for its elected and appointed officials and senior staff such as the city manager, city attorney, city clerk and their subordinate employees not represented by a bargaining unit. Failure to have an ethics policy could lead to poor judgement, public misconception and lack of trust.

### Recommendation

**R4.1** By October 31, 2018, the Lathrop City Council develop and adopt an ethics policy that governs the behavior of its elected and appointed officials and senior staff.

## 5.0 City of Lodi

Lodi has an ethics policy. Officials are aware of the policy and the standards that it sets. Elected city officials consistently recuse themselves from matters when a potential conflict arises. Overall, members of the city council have trust and respect for each other and for members of city boards and commissions.

All officials understand they are required to complete ethics training every two years as required by AB1234. They also believe the ethics training they receive is comprehensive. All officials are not aware of violations of the city ethics policy during their tenure.

The Lodi ethics policy does not cover members of the city management team. The city management team is made up of the city manager, city legal counsel, city clerk, and their subordinates. Often, recommendations, executive summaries, and insights are provided to the city council by these employees, and decisions are made based upon this information.



### Finding

**F5.1** The ethics policy for the City of Lodi does not cover the city manager, city attorney, city clerk or subordinate employees not represented by a bargaining unit. These officials require the same guidelines as elected officials to ensure they are acting ethically.

### Recommendation

**R5.1** By October 31, 2018, The Lodi City Council develop and adopt an ethics policy that governs the city management team.



## 6.0 City of Manteca



Manteca CA Transit Center

Several elected and appointed officials of the city of Manteca were interviewed concerning any existing ethics policy. Not all are aware that the city does not have a written ethics policy for elected and appointed officials. Manteca does have a conflict of interest policy. Most are amenable to considering the adoption of a written ethics policy. City officials believe that if an ethics policy were developed, it should cover all employees as well as elected and appointed officials.

All agree that the important principles listed in the Grand Jury's Methods of Investigation should be included.

All are aware of the biannual requirement for ethics training and have completed it. They are unaware of any ethics violations. Overall, there is a high level of trust and mutual respect between members of the city council. All emphasized that policy disagreements were handled in a professional way, an important factor that helps the City of Manteca be successful.

### **Finding**

**F6.1** The City of Manteca does not have an ethics policy for its elected and appointed officials and senior staff such as the city manager, city attorney, city clerk and their subordinate employees not represented by a bargaining unit. Failure to have an ethics policy could lead to poor judgement, public misconception and lack of trust.

### **Recommendations**

**R4.1** By October 31, 2018, the Manteca City Council develop and adopt an ethics policy that governs the behavior of its elected and appointed officials and senior staff.

## 7.0 City of Ripon

Several elected and appointed officials were interviewed for the City of Ripon concerning a written Ethics Policy. None know if the city has a written ethics policy, but most feel it is a necessary document. Most hold that an ethics policy should include elected officials, appointed commissioners, senior staff, and most other employees. None know if the human resources department has an ethics policy for employees.



Gateway to Ripon CA Arch

All have completed ethics training and are unaware of any violations in their city by elected officials, appointed commissioners, and senior staff. Many are unsure of the requirements for ethics training but believe their city attorney is knowledgeable and makes sure all laws are adhered to.

Several documents were provided by city officials. They include the following:

- Code of ethics for members of the Ripon City Council, boards and commissions,
- Code of conduct for elected officials
- Roles and responsibilities for staff and City Council

## Finding

**F7.1** The ethics policy for the City of Ripon does not cover senior staff (city administrator, city attorney, city clerk or subordinate employees not represented by a bargaining unit). These officials require the same guidelines as elected officials to ensure they act ethically.

## Recommendation

**R7.1** By October 31, 2018, The Ripon City Council develop and adopt an ethics policy that governs the city senior staff.

## 8.0 City of Stockton



Stockton CA City Hall

The City of Stockton has an extensive and comprehensive ethics policy. Stockton's code of ethics for employees and city officials was last updated November 2, 2017. The policy is written to include elected officials, appointed staff, appointed board and commission members, and employees.

In addition to the mandatory Statement of Economic Interest Form 700, financial disclosure, the policy covers many topics such as the following:

- Incompatible outside activities
- Employee's outside employment or activities
- Restrictions on city employment for elected officials after leaving office

Some city officials are uncertain of the existence of an ethics policy. All know they are required to complete periodic ethics training but are uncertain about the frequency of the training. They rely on appointed staff to remind them and to organize the training. City officials characterized the city council as functional, unified, objective, and collegial.

### **Finding**

**F8.1** Not all individuals are aware of the ethics policy. Lack of awareness of the city ethics policy could lead to misunderstandings that violate the policy

### **Recommendation**

**R8.1** By October 31, 2018, city council members receive a copy of the ethics policy and attend a briefing about its contents.

## **Conclusion**

Supreme Court Associate Justice Potter Stewart once said ethics is ,“Knowing the difference between what you have the right to do, and what is right to do.”<sup>24</sup> A written ethics policy is a tool to help city and county officials understand the difference between right and wrong and how to avoid even the perception of an ethics violation. A city receiving only one complaint of conflict of interest or an ethics violation can tarnish the reputation of both the member and the entire city council. It could take years for citizens to regain trust in their public servants. Ethics policies are designed to preserve the public’s trust in government and those who serve by setting a framework to guide conduct and behavior.

The Institute for Local Government website<sup>25</sup> has a collection of very good documents that can assist municipalities in the development of an ethics policy. The California Fair Political Practices Commission website<sup>26</sup> has a series of guidelines that detail conflict of interest rules.

## **Disclaimers**

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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 Tracy City Council shall respond to all applicable findings and recommendations in Section 1.0.

The San Joaquin County Board of Supervisors shall respond to all applicable findings and recommendations in Section 2.0.

The Escalon City Council shall respond to all applicable findings and recommendations in Section 3.0.

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<sup>24</sup>[https://www.brainyquote.com/quotes/potter\\_stewart\\_390058](https://www.brainyquote.com/quotes/potter_stewart_390058)

<sup>25</sup><http://www.ca-ilg.org/>

<sup>26</sup>(<http://www.fppc.ca.gov/learn/conflicts-of-interest-rules.html>)

The Lathrop City Council shall respond to all applicable findings and recommendations in Section 4.0.

The Lodi City Council shall respond to all applicable findings and recommendations in Section 5.0.

The Manteca City Council shall respond to all applicable findings and recommendations in Section 6.0.

The Ripon City Council shall respond to all applicable findings and recommendations in Section 7.0.

The Stockton City Council shall respond to all applicable findings and recommendations in Section 8.0.

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

Hon. Linda Lofthus, Presiding Judge  
San Joaquin County Superior Court  
180 East Weber Avenue, Room 1306J  
Stockton, CA 95202

Also, please email the response to Ms. Trisa Martinez, Staff Secretary to the Grand Jury at [grandjury@sjcourts.org](mailto:grandjury@sjcourts.org)

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# San Joaquin County Grand Jury 2017-2018



## Law and Justice

### 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 the state, the 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.

This year's Grand Jury placed special emphasis on the fire safety preparedness of correctional facilities. Officials at all facilities were instructed to include in the tour information concerning fire safety procedures and policies. A separate section in this report addresses our findings.

The Grand Jury participated in first responder ride-alongs and prepared a section highlighting members' observations of those rides.

#### **The Grand Jury toured the following correctional facilities and prepared notes of members' observations:**

- 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 Jail and Honor Farm**

The Grand Jury toured the county jail and honor farm on October 12, 2017. Sheriff Steve Moore introduced the Grand Jury to members of his staff and gave a PowerPoint presentation detailing the operations of the jail and other duties of the San Joaquin County Sheriff's office. Various administrators of the department were introduced and briefly described their duties.

Sheriff Moore shared with the Grand Jury a proposal to use currently vacant honor farm barracks J, K, and L as a place to house the homeless and recently-released inmates. The intent is to reduce recidivism and continuing homelessness by offering job training, counseling, and living quarters.

There are 1700 beds available in the jail complex. Some inmates may be released early if the jail exceeds capacity. However, recently the average daily population has remained well below 1,700.

Correctional Officers accompanied the Grand Jury and seemed happy to work at the jail. Most were very satisfied with the work schedule. There were at least four correctional officers accompanying the Grand Jury at all times. Staff rotated in and out of the tour as they briefly explained their roles.

The Grand Jury visited all areas of the jail, including general population housing units, administrative segregation housing units, the honor farm, the booking area, and medical facilities. Staff members explained that the jail encourages good behavior by offering less restrictive living quarters as a reward. Administrative segregation is the most restrictive housing unit, and Building 124 is the least restrictive. Building 124 is a step above the Honor Farm and offers the most freedom and conveniences for inmates.

Food is no longer prepared on site. Meals are prepared by a contracted vendor in advance, delivered to the jail, and warmed prior to being served. The average cost per meal is \$1.53.

The grounds were clean and free of litter. The housing units were clean, orderly, and quiet. Administrative segregation was less quiet but also clean.

The Honor Farm is showing its age but is still where inmates strive to be housed. The Honor Farm is less restrictive than other housing units throughout the jail. Prisoners can move about the grounds and barracks fairly freely. The facility works on a reward system, and prisoners can earn a move to the Honor Farm from the more restrictive housing units by complying with the rules.

## **Northern California Youth Correctional Center**

The Grand Jury toured the N.A. Chaderjian (Chad) and O.H. Close (Close) facilities on January 11, 2018, in south Stockton. They are the remnants of the former California Youth Authority facilities. Four schools and training centers were built on the site in the 1960's to increase the number of youth detention facilities throughout the state. At least two facilities, Holton and Dewitt Nelson, were demolished, and the new California Health Care Facility was built on those sites.

The staff at Close work with younger wards under the age of 18, and the facility has an accredited high school where they can earn a diploma or GED. There is some vocational training on this site, but most is found across the complex at Chad.

The superintendent led the tour and interacted familiarly with many of the wards. She has thirty years of service at the facility. She spoke with knowledge and authority as to the purpose and function of the facility. The staff throughout the complex was very professional and enthusiastic about the responsibilities of working with wards.

There are many recreational facilities at Close, including a pool, a gymnasium, and track and field areas. There is also a chapel.

The current practice is to reward positive behavior and the attainment of goals. Honor rooms exist in the dormitories. Wards vie for these as they offer privacy. Some are earned long-term and others for shorter terms such as half a day or a few hours.

A number of wards interacted enthusiastically with the grand jury members, particularly as they described the privilege and reward system. The staff reported that the rewards system has led to improved behavior.

The grand jury felt that the highlight of Chad was the vocational education computer program. One ward described the program requirements that included an entry interview along with on-the-job training and ultimately full-time employment at the facility. All of the young men were proud of their accomplishments and the fact that it could lead to lucrative employment following release. Wards repair and rework computers and sell their completed products on many different sites, including eBay.

## **Deuel Vocational Institute (DVI)**

The San Joaquin County Civil Grand Jury toured the DVI Correctional facility on November 9, 2017, as part of its duties. The staff of DVI gave an initial presentation outlining their duties and responsibilities.

The tour of the facility included inmate cells and cell blocks, the library, vocational classes, medical facilities, and the Reception Center.

Inmate cells hold two people; meals are served in cells (there is no central dining room); inmates appear clean, orderly, and polite.

The library is available to the inmate population and has a broad array of books.

DVI offers vocational training in HVAC, construction, computers, and automotive body work.

Newly remodeled medical facilities fulfill the medical, dental, and mental health requirements of the inmates.

The Reception Center assesses all new arrivals after trial and sentencing from the 29 counties in Northern California. Staff give them medical and psychiatric screenings, classify the level of risk they present, and determine placement.

From the introductory presentation by the warden and many high-level staff and throughout the entire tour, the level of professionalism displayed by the management and all the staff impressed the Grand Jury.

## **California Health Care Facility**

California Health Care Facility (CHCF) is located in southeast Stockton on 200 acres. It is a new state-of-the-art, 54-building complex. It was created in response to a court order directing the state to improve inmate health care. The complex houses 3,060 inmates, 500 of whom are not medically impaired and work at various jobs throughout the facility.

The facility is warm and inviting. The main walkway is long and color-coded with offices on both sides, including dental, medical, physical therapy, dialysis, pharmacy, and X-ray offices as well as a barber shop. Staff and the inmate work force deliver inmate-patients to scheduled appointments. The pharmacy dispenses name-brand medication instead of generic medication. The medical equipment and facilities rival or exceed those found in other California medical offices. Inmates receive immediate attention for any and all medical issues.

The rooms in the four housing areas are large and private. The dayroom area in the housing units has cable television as well as games and books. Each of the areas is well-staffed with medical and correctional personnel.

The kitchen is massive and prepares meals for over twenty different diets. It is clean and operates efficiently. Some inmate workers are assigned to the kitchen.

The facility's central receiving warehouse is huge and looks as though it was borrowed from Amazon. It is computerized and sorts items into delivery bins very efficiently for dispersal to the facility.

Non-medically impaired inmates sent to CHCF consider this prison the most desirable place to serve out their sentences.

This prison is a stark contrast to the older prisons, which have cells that are smaller, are stacked three tiers high, and hold up to two inmates each. CHCF has large single rooms. This new facility could be viewed as the blueprint for the next generation of prison facilities across the state and potentially the nation.

### **San Joaquin County Juvenile Detention**

The San Joaquin County Civil Grand Jury toured the San Joaquin County Juvenile Justice Center on January 25, 2018. The Deputy Chief Probation Officer and administrative staff members led the tour.

The average juvenile population is approximately ninety wards. Six housing units have a maximum capacity of thirty wards each. Three housing units are currently occupied.

Recent upgrades were made to the camera monitoring system and the communications system. The camera system provides improved picture quality, reduces blind spots, and improves surveillance. The phone system has been converted from analog to digital operation, allowing the system to handle multiple incoming calls simultaneously.

There are twenty-four-hour on-site medical staff and readily available mental health services.

Areas of the facility are painted in a variety of bright colors, providing a very warm and comfortable living environment. Education is emphasized. The supervisory philosophy uses a rewards system to generate positive behavior.

The staff consistently exhibited positive behavior as did many wards interacting with members of the Civil Grand Jury. The positive behavior philosophy was very visible in the form of inspirational posters and billboards placed throughout the facility. These visual materials stress life skills such as hard work, responsibility, accountability, anger management, education, and many others.

The tour of the facility was largely positive, but there was one particular area of concern. Signs of excessive wear appeared in the worn and stained carpeting in high-traffic areas such as the Visitors' Center, Juvenile Intake Room, and the Staff Break Room. The intake and visitation areas are especially important, largely because these areas are the first ones seen by representatives from outside agencies, family members, booking officers, and wards undergoing the intake process. The Grand Jury recommends the worn carpeting be replaced as soon as possible.

## **Fire Safety at Correctional Facilities in San Joaquin County**

The San Joaquin County Civil Grand Jury of 2017-2018 chose to make fire safety an emphasis during their inspections of the correctional facilities in San Joaquin County. The State Fire Marshall is charged with these inspections, but in many cases the task is relegated to local fire departments or fire districts.

The Fire and Life Safety unit within the department is responsible for the application of all laws and regulations. For San Joaquin County, the fire agencies involved in the inspections are the French Camp Fire District, the Montezuma Fire District, and the Colledgeville Fire District.

### **John Zunino Jail Complex and Honor Farm**

It was last inspected by French Camp Fire District in 2017. No major problems were found. It has no full-time dedicated fire safety personnel.

Evacuation maps appeared accurate and properly placed throughout the facility.

All fire extinguishers are within their last inspection period.

### **San Joaquin Juvenile Justice Center**

It was last inspected by French Camp Fire District in 2017. No major problems were found.

It has no full-time dedicated fire safety personnel.

Evacuation maps appeared accurate and properly placed throughout the facility.

Periodic fire evacuation drills are performed.

### **Youth Correctional Facilities: O. H. Close and N. A. Chaderjian**

They were last inspected by Colledgeville Fire District in 2008. The head of the maintenance department performs on-site inspections. This procedure does not meet the state standard. Management claims to perform monthly emergency evacuations.

### **Deuel Vocational Institution (DVI)**

It was last inspected by the State Fire Marshall in 2015. This facility has a full time fire chief and fire crew.

The facility's fire chief spoke to us about fire safety at DVI. He appears concerned and passionate about the responsibilities of his job. The Grand Jury agreed that he was professional, dedicated, and knowledgeable when it came to the safety of the facility.

The fire station at DVI has been condemned and is unusable. A request for a new fire station has been approved but not funded. No construction date has been determined.

The current fire-fighting equipment is adequate for the facility but does not meet state standards to allow for responding to mutual-aid situations outside the facility.

Evacuation maps appeared accurate and properly placed throughout the facility.

All fire extinguishers are within their last inspection period.

### **California Health Care Facility (CHCF)**

It was last inspected by the State Fire Marshal in 2016. Major concerns still exist. This facility was cited in 2015 by the fire marshal (two years after opening) for numerous safety violations. Subsequent corrective action was taken.

This facility has a full-time fire safety inspector.

This facility was cited again in 2016 by the State Fire Marshal for numerous safety violations identical to those cited in 2015. Subsequent corrective action was taken. Given that both recent inspections revealed the same type of safety and housekeeping violations, it appears there is inadequate safety policies and procedures or there are inadequate numbers of dedicated personnel to carry them out .

### **Conclusion**

Fire safety issues exist at some of the correctional facilities in San Joaquin County. The Grand Jury recommends that more attention be paid to this very important subject by managers and staff of these facilities. It also recommends that the fire chief of DVI assist the state-run California Health Care Facility. He is a capable individual and it requires assistance.

## **San Joaquin County Civil Grand Jury Ride-A-Longs**

The Grand Jury members are encouraged to participate in ride-a-longs with police and fire agencies in San Joaquin County. The rides enable jurors to observe and in some cases participate in the often-demanding job of first responders. Grand Jurors reported that all the first responders they rode with showed professionalism, great dedication, and enjoyment of their job.

As one juror wrote, “I was impressed with the officer who had only eight months experience but showed patience, kindness, and respect for the citizens.”

Another juror said of his ride, “Overall this was a very positive experience and I would like to commend the officer’s professionalism, training, and interactions with the public. Overall demeanor was absolutely OUTSTANDING!!!”

The following is a list of agencies who participated and comments from jurors:

### **Tracy Police Department**

- Officers were issued smart phones, enabling them to check emails.
- They appeared trained and prepared for special situations including suspects who were armed and dangerous.

### **Stockton Police Department**

- Many officers appeared to be under thirty years of age.
- Young officers often displayed caring and compassion for the neediest in our community.
- Officers showed extreme patience with suspects with mental health issues.

### **San Joaquin County Sheriff’s Boating Safety Unit**

- Officers have over 700 miles of waterway to patrol in the county.
- The officers are assigned to this duty twenty-four hours a day year round.
- They identified abandoned boats as a major and growing issue for San Joaquin County waterways.
- Identifying and pursuing owners of abandoned boats is expensive and time-consuming.

### **San Joaquin County Sheriff's Department**

- While on two death calls, the officers showed great compassion for the families.
- They drive approximately 125 miles per eight-hour shift.
- On one shift, the officer responded to identity theft, trash dumping, an arrest warrant, domestic violence, a family dispute, weapons arrest, and tenant eviction.

### **Manteca Police Department**

- Many officers appeared young but confident.
- The officer I rode with showed great compassion for a homeless woman in trouble.
- The 3:00 pm shift had five beats and four officers on duty, but they were cognizant of having each other's back.





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*Follow-Up*



**Follow-Up Report to the  
2016-2017 San Joaquin County Grand Jury  
Case #0216**



**The Housing Authority of the County of San Joaquin  
*Progressing from Caretaker to Developer***

**Preface**

This report contains the responses of the San Joaquin County Housing Authority Board of Commissioners (SJCHA) and the San Joaquin County Board of Supervisors (BOS) to the 2016-2017 San Joaquin County Grand Jury Report concerning problems at the Housing Authority.

The follow-up report focuses on the 2016-2017 Grand Jury recommendations and the BOS and SJCHA responses to those recommendations. Grand Jury recommendations as well as the agencies' responses are presented verbatim in this report. A complete copy of the original report and the agencies' responses may be found on the San Joaquin County Civil Grand Jury website at: <https://www.sjcourts.org>.

## **Method of Follow-Up Investigation**

The current Grand Jury reviewed the original 2016-2017 report and evaluated the BOS and SJCHA mandatory responses to the findings and recommendations.

Recommendations were reviewed to determine:

- If the agency's responses were complete and comprehensible
- If the agency would implement the recommendations within the stated deadlines
- If confirmation was necessary: confirmation could include written documentation, interviews, or site inspection
- If the agency disagreed, a determination was made as to whether its response is statutorily compliant.

### **Recommendation**

#### **San Joaquin County Housing Authority Board of Commissioners**

**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.

#### **Agency Response:**

“Recommendation R1.1. The Housing Authority is satisfied with the General Counsel's timecards. The Grand Jury's concern may be alleviated with a more complete understanding of the ‘time sheet summaries’ which were requested and provided to the Grand Jury. These ‘time sheet summaries’ contain the break out and inter-department charges to the various departments but do not contain the detail provided in the original ‘time sheets’ which are provided and approved by the Board of Commissioners because they contain information protected by the attorney client privilege and/or attorney work product.”

**The 2017-2018 Grand Jury reviewed and verified agency's response.  
No further action is required.**

**F2.1** 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.

**Agency Response:**

“Recommendation R2.1. The Housing Authority will evaluate and consider the need for a succession plan for its Executive Directive [sic]although, in truth, the future needs would dictate the skillset and experience of any successor.”

**The 2017-2018 Grand Jury reviewed and verified agency’s response.  
No further action is required.**

**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.”

**Agency Response:**

“Response to R3.2. The Authority agrees to update and provide an outline of the typical duties of its Board of Commissioners recognizing the ever changing complexities of the commissioner position.”

**The 2017-2018 Grand Jury reviewed and verified agency’s response.  
No further action is required.**

**Recommendation**

**San Joaquin County Board of Supervisors**

**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.

**Agency Response:**

“The recommendation has been implemented.

“On May 9, 2017, the Board of Supervisors adopted a policy requiring public interviews of candidates for appointment or reappointment of at-large positions that are not district representatives to the Housing Authority of the County of San Joaquin, in addition to the Stockton Port District and the San Joaquin Regional Transit District, based on the significant decision-making authority of these boards.”

**The 2017-2018 Grand Jury reviewed and verified agency’s response.  
No further action is required.**

**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.

**Agency Response:**

“The recommendation will be implemented.

“By August 22, 2017, the Fact Sheet for the Housing Authority for the County of San Joaquin will be updated to include training expectations and during public interviews the Board of Supervisors will seek a commitment from candidates to attend both general and subject-specific training.”

**The 2017-2018 Grand Jury reviewed and verified agency’s response.  
No further action is required.**

**Conclusion**

As described in the 2016-2017 San Joaquin County Grand Jury report, the Housing Authority has moved from caretaking to development. This more aggressive approach has paid off. Housing availability is directly connected to homelessness and presents a huge challenge. The Housing Authority is to be commended for stepping up to meet this challenge.

The following are current and future initiatives of the Housing Authority:

“The Housing Authority of the County of San Joaquin (HAC SJ) and Central California Housing Corporation (CCHC) have begun the process of redeveloping HAC SJ’s oldest multi-family public housing development, Sierra Vista Homes.... The redevelopment comes after the HAC SJ received \$24.3 million in highly competitive 9% low-income housing tax credits (LIHTC) as part of the financing structure for its first phase.”<sup>27</sup> The second phase, consisting of 100 units adjacent to phase one, should begin construction in 2019.

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<sup>27</sup><http://www.hacsj.com/svp1.html>



**Phase One, Sierra Vista Homes**

In addition to the 115 units at Sierra Vista currently under construction, HACSJ is also undertaking the following initiatives:

**Partnership with DFA Development and the City of Stockton:**

- Medici Arts Lofts, an adaptive reuse of the Medico-Dental Building, 34 units of mixed income housing and commercial development.
- Financing was secured April 3, 2018, and construction on the lofts is underway.

**Partnership with DFA Development and the City of Manteca:**

- Cottage Village, new construction of 48 senior one and two-bedroom housing units
- Financing was secured May 2018

**Partnership with Behavioral Health Services (BHS):**

- Thirty-five rent-assisted apartments for BHS clients. The first partnership for supportive housing, The Crossway Residences, is an adaptive reuse project to provide fifteen rent-assisted studio apartments at 448 South Center Street, Stockton.
- This project has completed planning approval and is out for bids. It is expected to begin October 2018.



**Homelessness Task Force:**

As of January 2018, the Housing Authority has received 21 referrals from non-profit organizations including Stockton Shelter for the Homeless, St. Mary’s Dining Room, and Lutheran Social Services. Housing Choice Vouchers (Section 8) provide rental assistance and housing for some of the most vulnerable people in San Joaquin County.

**Veterans:**

The Housing Authority has received an award of an additional 25 U.S. Department of Housing and Urban Development-VA Supportive Housing (HUD-VASH) Program vouchers for veterans. In partnership with the Veterans Administration, rental assistance and case management services will be provided for up to 234 homeless and formerly homeless veterans in San Joaquin County. To ensure that the most vulnerable in the veterans’ community receive the help they need to find quality housing, HACSJ has hired a dedicated caseworker from Sacramento Self-Help Housing.



**Framing Sierra Vista Housing**

## **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 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).



**Follow-Up Report to the  
2016-2017 San Joaquin County Grand Jury  
Case #0316**



**San Joaquin County Property Rooms  
*Missing or Messy***

**Preface**

This report contains the responses to the 2016-2017 San Joaquin County Civil Grand Jury report concerning the property rooms of the following agencies:

- San Joaquin County Sheriff's Office (SJCSO)
- San Joaquin County District Attorney's Office (SJCDA)
- City of Escalon (Escalon)
- City of Lodi (Lodi)
- City of Manteca (Manteca)
- City of Ripon (Ripon)
- San Joaquin Delta College Board of Trustees (Delta)

This follow-up report focuses on the 2016-2017 Grand Jury recommendations and the identified county, city, and college responses to those recommendations. Grand Jury recommendations as well as the agencies' 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 each agency's response may be found on the San Joaquin County Grand Jury website at: <https://www.sjcourts.org>.

## Method of Follow-Up Investigation

The current Grand Jury reviewed the original 2016-2017 report and evaluated the agency's mandatory responses to the findings and recommendations.

Recommendation responses were reviewed to determine:

- If the agency's responses were complete and comprehensible
- If the agency would implement the recommendations within the stated deadlines
- If confirmation was necessary
  - Confirmation included request and review of written documentation including:
    - Inventory records and reports
    - Training materials
    - Disposal guidelines
    - Property room policies
  - Interviews
  - Site inspections of the Sheriff's Office Property and Evidence rooms

## Recommendations

### San Joaquin County Sheriff's Office

**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.

#### Agency Response:

**“Response to Recommendation R1.1:** The recommendation is being implemented. In Fiscal Year 2017-2018, a sworn Deputy Sheriff Sergeant and a sworn Deputy Sheriff are being added to the staff assigned to the Property/Evidence Room. Based on this additional staffing, our staffing levels will be comparable to agencies within San Joaquin County.

“The staffing levels will be reevaluated at fiscal mid-year to determine if they are meeting the needs and provide for a proper work flow within the Property/Evidence Room. This supervisor will evaluate the workflow and verify that proper staffing levels are obtained, and functions are being performed in the appropriate manner.”

**2017-2018 Grand Jury Finding 1.0** The Grand Jury toured the evidence room and interviewed several sworn members of the Sheriff’s department and confirmed that the additional staff recommended by the 2016-2017 Grand Jury have been allocated in the budget and are currently staffing their positions. These staff additions are consequential. Having increased staffing levels to carry out the functions of the property room will help ensure the highest standards and integrity of operations.

**The 2017-2018 Grand Jury reviewed and verified the agency’s response.  
No further action is required.**

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

**Agency Response:**

**“Response to Recommendation R1.2:** The recommendation is being implemented. Added through the budget process, and beginning July 1, 2017, a full-time sworn Deputy Sheriff Sergeant is being added into the Property/Evidence Room. This supervisor shall remain on site in the Property/Evidence Room, working with staff, coordinating training, overseeing day-to-day operations, and ensuring Property/Evidence Room functions are being performed according to department policies and procedures. A full-time Deputy Sheriff is also being assigned to the Property/Evidence Room. This Deputy Sheriff shall work full-time in the disposition process of property and evidence from within the Property/Evidence Room. With there organization of the Property/Evidence Room, the Sergeant will report directly to the Lieutenant of the Investigations Division, showing a clear line of supervision and clear chain of command.”

**2017-2018 Grand Jury Finding 2.0** The Grand Jury interviewed several sworn members of the Sheriff’s Office to validate that a sergeant has been assigned to the property and evidence room full time to supervise the operation. Having a sworn sergeant working in the property and evidence room provides direct supervision and accountability to Sheriff’s Office leadership

## Recommendations

### San Joaquin County Sheriff's Office

**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.

**Agency Response:**

**“Response to Recommendation R1.1:** The recommendation is being implemented. In Fiscal Year 2017-2018, a sworn Deputy Sheriff Sergeant and a sworn Deputy Sheriff are being added to the staff assigned to the Property/Evidence Room. Based on this additional staffing, our staffing levels will be comparable to agencies within San Joaquin County.

“The staffing levels will be reevaluated at fiscal mid-year to determine if they are meeting the needs and provide for a proper work flow within the Property/Evidence Room. This supervisor will evaluate the workflow and verify that proper staffing levels are obtained, and functions are being performed in the appropriate manner.”

**2017-2018 Grand Jury Finding 1.0** The Grand Jury toured the evidence room and interviewed several sworn members of the Sheriff's department and confirmed that the additional staff recommended by the 2016-2017 Grand Jury have been allocated in the budget and are currently staffing their positions. These staff additions are consequential. Having increased staffing levels to carry out the functions of the property room will help ensure the highest standards and integrity of operations.

**The 2017-2018 Grand Jury reviewed and verified the agency's response.  
No further action is required.**

**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.

**Agency Response:**

**“Response to Recommendation R1.2:** The recommendation is being implemented. Added through the budget process, and beginning July 1, 2017, a full-time sworn Deputy Sheriff Sergeant is being added into the Property/Evidence Room. This supervisor shall remain on site in the Property/Evidence Room, working with staff, coordinating training, overseeing day-to-day operations, and ensuring Property/Evidence Room functions are being performed according to department policies and procedures. A full-time Deputy Sheriff is also being assigned to the Property/Evidence Room. This Deputy Sheriff shall work full-time in the disposition process of property and evidence from within the Property/Evidence Room. With the reorganization of the Property/Evidence Room, the Sergeant will report directly to the Lieutenant of the Investigations Division, showing a

clear line of supervision and clear chain of command.”

**2017-2018 Grand Jury Finding 2.0** The Grand Jury interviewed several sworn members of the Sheriff’s Office to validate that a sergeant has been assigned to the property and evidence room full time to supervise the operation. Having a sworn sergeant working in the property and evidence room provides direct supervision and accountability to Sheriff’s Office leadership and will avoid many of the issues found by last year’s Grand Jury. The assignment of a sergeant will further assure the property room functions are being performed according to department policies and procedures.

**The 2017-2018 Grand Jury reviewed and verified the agency’s response.  
No further action is required.**

**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.

**Agency Response:**

**“Response to Recommendation R2.1:** The recommendation is being implemented. A training needs assessment shall be conducted and a standard of training utilizing available California Commission on Peace Officer Standards and Training (POST) standards courses and training schedule implemented for all staff assigned to the Property/Evidence Room, regardless of previous trainings, to be completed by September 30, 2017, with the results forwarded to the Grand Jury. This will become the base level of training for future staff assignments. Continuing training and education to support industry best practices will be provided to all staff to ensure we stay current with any new or updated regulations.

“Simultaneously, a new training manual is currently being constructed by staff. The training manual will include current POST standards, and recommendations for internal policies. Beyond this, the California Association of Property and Evidence (CAPE) and the International Association of Property and Evidence (IAPE) standards are being reviewed for the possibility of utilizing these set standards. The final version will be reviewed and approved by the Administrative Staff of the Sheriff’s Office. Once reviewed and approved, this training manual, as well as training timelines and competency checklists, will be completed and implemented. This shall occur before December 31, 2017.”

**2017-2018 Grand Jury Finding 3.0** The Grand Jury reviewed the updated property and evidence room training manual and found the material to be POST approved, comprehensive, and definitive in response to the Grand Jury’s recommendation. Executive and staff leadership recently completed CAPE training and attended several industry conferences relative to property and evidence management. Staff that are POST and CAPE trained and certified will ensure that the property and evidence room operations are compliant with industry standards, which will safeguard the evidence required for the



integrity of our justice system.

**The 2017-2018 Grand Jury reviewed and verified the agency's response.  
No further action is required.**

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

**Agency Response:**

**“Response to Recommendation R4.1:** The recommendation is being implemented. A full inventory of the Property/Evidence Room began in early 2017. Four full-time employees and one contract employee working in an independent supervisory and oversight capacity are being utilized to accomplish this inventory. Additional staff members are being utilized on an as-needed basis to assist with the inventory. The inventory is currently anticipated to be completed by the end of October 2017. Once completed, a full report of the inventory findings will be provided to the Grand Jury.”

**2017-2018 Grand Jury Discussion**

The original complaint received by the 2016-2017 Grand Jury indicated that there were over 10,000 pieces of evidence missing at the San Joaquin County Sheriff's Department property room. The County Sheriff hired a retired Assistant Sheriff to oversee a complete inventory of the property room in response to the 2016-2017 Grand Jury recommendation.

The Sheriff's Office inventoried over 110,000 pieces of evidence between February and December 2017. Almost 2000 old location names for evidence were found and over 7000 items required updating to their current location in the evidence room software system.

Ultimately, 420 pieces of evidence were found to be misplaced involving 271 cases. Of those cases, 23 involved POST/CAPE evidentiary items (3 involved money, 16 involved drugs, 4 involved weapons). The Sheriff's Office provided the results of their inventory conducted from February 2017 to November 2017. The Grand Jury determined, based upon interviews and a review of the documentation provided, that the inventory had been conducted professionally, that a reconciliation had been completed between the multiple inventory systems covering over 40 years, and that this analysis reflected an accurate accounting of the property and evidence held by the Sheriff's Office.

**2017-2018 Grand Jury Finding 4.0** The Grand Jury found that this inventory of the evidence and property room resolves the complaint concerning 10,000 missing pieces of evidence. No missing pieces of evidence have impacted past or current cases. Public confidence in the proper handling and disposition of evidence should be restored.

**The 2017-2018 Grand Jury reviewed and verified the agency's response.  
No further action is required.**

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

**Agency Response:**

**“Response to Recommendation R5.1:** The recommendation is being implemented. A full-time Deputy Sheriff Sergeant position and a full-time Deputy Sheriff position have been added in the 2017-2018 Fiscal Year Budget in addition to our current staffing levels and assigned to the Property/Evidence Room. The Deputy Sheriff Sergeant will assist in the review process of cases to help expedite the process of Property/Evidence Disposition. The Deputy Sheriff will handle the review of cases so that proper dispositions may take place on all property and evidence within the Property/Evidence Room. These positions are assigned exclusively to the Property/Evidence Room to alleviate any major barriers to the disposition process. At mid-fiscal year, a review of staffing levels will be done to evaluate if additional staffing is needed.”

**2017-2018 Grand Jury Finding 5.0** The Sheriff’s Office has not only hired a full-time sworn Sheriff Sergeant for on-site supervisor of the property room, but it also has assigned a full-time sworn Deputy and is in the process of hiring another full-time evidence technician. Additionally, it has requested two more full-time evidence technicians be added to the 2018-2019 budget. The 2017-2018 Grand Jury finds this additional requested and approved staff to be necessary considering the amount of incoming evidence and court-ordered disposal of existing evidence. These new hires will permit staff to efficiently review evidence for disposition and reduce the amount held in the property room.

**The 2017-2018 Grand Jury reviewed and verified the agency’s response.  
No further action is required.**

**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.

**Agency Response:**

**“Response to Recommendation R5.2:** The recommendation is being implemented. Contact has been made with the District Attorney. A preliminary meeting was held at the Sheriff’s Office with representatives of the local agencies to begin the research necessary to develop both a countywide Property/Evidence Retention Policy Agreement and a County Property/Evidence Management Association to ensure ongoing updates to the policy and share industry best practices. The group set the next meeting for December 2, 2017, to be held at the Stockton Police Department in the Stewart-Eberhardt Building (SEB), located at 22 East Weber Avenue, with the District Attorney and local county agencies, to develop and implement a countywide Property/Evidence Retention Policy Agreement.”

**The 2017-2018 Grand Jury reviewed and verified the agency's response.  
No further action is required.**

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

**Agency Response:**

**“Response to Recommendation R5.3:** The recommendation is being implemented. Contact has been made with the District Attorney to schedule an appointment with them and other local county agencies to meet and develop a Property/Evidence Retention Policy Agreement to ensure all agencies' needs are being met (see Response to Finding R5.2).

“Beyond this, a meeting will be held with the Court Executive Officer and the Presiding Judge of the San Joaquin County Superior Court to determine how we may possibly work more efficiently within the Full Court Enterprise (FCE) system and streamline the process, after the opening of the new County Courthouse on July 31, 2017.”

**The 2017-2018 Grand Jury reviewed and verified the agency's response.  
No further action is required.**

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

**Agency Response:**

**“Response to Recommendation R6.1.1:** A first-aid kit was delivered and installed on June 16, 2017, in the office area of the Property/Evidence Room. An Automatic Electronic Defibrillator (AED) is also on order, with delivery scheduled for Monday, July 31, 2017. Installation will take place in the Property/Evidence Room immediately upon receipt of the unit.”

**2017-2018 Grand Jury Finding 6.0** The Grand Jury visually inspected the property and evidence room and confirmed the placement of the AED and first-aid kit. The Sheriff's Office has also installed improved ventilation systems to reduce the harmful odors to which the staff have been exposed. The Grand Jury finds that the property room is now a safer place to work.

**The 2017-2018 Grand Jury reviewed and verified the agency's response.  
No further action is required.**

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

**Agency Response:**

**“Response to Recommendation R6.1.2:** The supervising Sergeant of the Property/Evidence Room is collaborating with the Investigation Division Captain and Lieutenant and is in the process of updating these policies. It shall be completed by December 31, 2017 (see Response to Recommendation R2.1).

“Beyond this, San Joaquin County Risk Management has been scheduled to perform a walk-through inspection of the Property/Evidence Room to verify that all safety standards, as well as required safety postings, are put into place.

“Once the full inventory of the Property/Evidence Room is completed and all staff are permanently assigned to the Property/Evidence Room, the San Joaquin County Sheriff's Office will apply for an agency membership to California Association of Property and Evidence (CAPE), covering all staff assigned to the Property/Evidence Room, as well as management staff who will have oversight responsibility for the ongoing operations of the Property/Evidence Room. If an agency's membership is not available, an individual membership for identified staff will be obtained.”

**2017-2018 Grand Jury Finding 7.0** The Grand Jury reviewed a copy of the newly-revised policy and procedures manual that was provided by the Sheriff's Office. Staff complying with revised policies and procedures will ensure that the property and evidence room operations are meeting industry standards.

**The 2017-2018 Grand Jury reviewed and verified the agency's response.  
No further action is required.**

## **Conclusion**

The San Joaquin Sheriff's Department should be commended for addressing all the issues identified by the 2016-2017 Civil Grand Jury Report. They have resolved these items in a timely and comprehensive manner.

The 2016-2017 Grand Jury should be commended for their excellent report which has had a significant impact upon the property and evidence room staffing and operations of the San Joaquin County Sheriff's Department.

### **Escalon Police Department**

**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).

#### **Agency Response:**

##### **“Response by the City:**

“Escalon Police Department Policy Manual section 804.8(c) states that 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. The City has set in place the following steps to ensure monthly inspections; Police Services Manager will assign the Police Community Service Officer to perform the following on a monthly basis;

1. On a date randomly scheduled, conduct an inspection of the evidence facility. The Inspection will address safety issues, cleanliness, functionality, and efficiency related to the agencies evidence/ property facilities.
2. Provide written documentation of the inspection results to the Office of the Chief of police.
3. When specific issues are identified, a proposed resolution designed to ensure compliance with agency policy should be developed. Within 90 days following the inspection, the proposed written resolution will need to be submitted to the Office of the Chief of police for approval and implementation.
4. Inspection records will be kept according to the agency records retention schedules.”

**The 2017-2018 Grand Jury reviewed and validated the agency response.  
No further action is required.**

**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).

**“Response by the City:**

“Escalon Policy Manual 804.8 c. states that an annual audit of evidence held by the department shall be conducted by a sergeant (as appointed by the Chief of police) not routinely or directly connected with evidence control.

“Chief of police will annually appoint a sergeant to conduct an annual audit of the evidence held by the department. The audits not only verify compliance, but identify areas that may require review, and can facilitate appropriate processes for identifying and correcting procedural deficiencies. The following will be items will be part of the annual audit procedure;

“One of the following auditing methods should be utilized:

- Select and review a single case, reviewing the file from collection through disposition
- Randomly select an item of evidence / property for review, and backtrack the storage process and documentation of the item from its shelved location through its submission to the evidence / property storage area
- Randomly select an inactive case file for review. If purged, documentation should be reviewed to ensure compliance from collection through disposition

“Evidence/property facility audits should ensure the following:

- Standards and policies are routinely followed
- Evidence/property is protected from damage or deterioration
- Appropriate chain of custody processes are utilized
- Written documentation (e.g., property reports and logs) area appropriately maintained
- Notification and release authorizations have been obtained
- Evidence / property location and status are validated
- Evidence / property having no evidentiary value is being disposed of according to policy

“In addition, evidence / property facility audits should identify the following:

- Who seized the item
- What was the date and time of the evidence / property seizure
- Who documented it
- Who packaged it
- Who placed it in the temporary storage locker
- Who retrieved it from a temporary locker and processed it into the system

- Who stored the evidence/ property and at what time and date
- Who signed the property out for court use, when and what was the disposition
- Who signed it out for analysis, who transported it, who analyzed it and when and with what results, and who transported it back to the evidence room
- Who authorized release of the property
- Who notified the owner to retrieve the property and what date was the owner notified
- Who released the property and the date and time of release
- What identification was obtained from the owner prior to release
- Does the release paperwork show final release information of destruction information

“Annual audits as with inspections, will be thoroughly documented to demonstrate compliance and I or rectification of non-compliance issues, and the results forwarded to the Office of the Chief of Police. When validating items, focused attention will be paid to narcotics I controlled substances, currency I high value items and firearms. After random items from these areas are selected and validated, the audit can focus on general items of evidence I property attention

“Normal intake procedures conducted by the Police Service Manager, will provide immediate feedback to officers regarding any deficiencies in the evidence I property booking process. In the event corrections are required, the Police Service Manger should forward an Evidence Correction Notice to the Officer of record. This notice will provide the following:

- Date of request
- The name of the officer
- The name of the person directing the correction notice
- The crime report number
- Evidence I property submitted requires the following corrections
- Comments
- The date by which the correction are to be made

“In the event that the Notice of Correction has not been completed by the designated date, a Notice to the appropriate platoon supervisor will be forward and correction must be made within three days from the date of this notice.

“The Notice to Supervisor Memorandum will include the following information:

- Date
- The name of the supervisor responsible to address the issue
- The author of the memorandum
- The date, the responsible officer's name and the crime report number associated with the request.
- The deficiency which needs to be corrected
- Any comments associated with this request

“Notice to the Supervisor Memorandums will be retained for evaluation purposes and will be purge accordingly.”

**The 2017-2018 Grand Jury reviewed and validated the agency response.  
No further action is required.**

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

**Agency Response:**

**“Response by the City:**

“On or before December 31, 2018, the City will install a larger safe for the storage of currency and valuables booked into evidence.”

**The 2017-2018 Grand Jury reviewed and validated the agency response.  
No further action is required.**



## **Lodi Police Department**

**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).

### **Agency Response:**

**“Response:** The Lodi Police Department currently conducts yearly audits and quarterly inspections pursuant to Lodi Police Department Policy 802.8 (Lexipol) - Inspections of the Evidence Room. The most recent yearly property room inspection was completed on January 12, 2017 by Captain David Griffin. The last three quarterly inspections were completed on September 1, 2016, January 2, 2017 and July 3, 2017, respectively, by Lieutenant Sierra Brucia. Copies of those reports, with the exception of the July 3, 2017 report, were submitted to the Grand Jury for review by Lieutenant Brucia prior to the completion of the Report. No further action is needed.”

**The 2017-2018 Grand Jury reviewed and validated the agency response.  
No further action is required.**

**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.

### **Agency Response:**

**“Response:** Technical Services Lieutenant Sierra Brucia, Dispatch Supervisor Teresa Fulwiler, and Property Officer Kim Vantassel have been scheduled for POST Property Room Management training. Property Officer Kim Vantassel completed the POST Evidence and Property Function Management course on August 4, 2017. Technical Services Lieutenant Sierra Brucia and Dispatch Supervisor Teresa Fulwiler are scheduled to attend the course in October 2017.”

**The 2017-2018 Grand Jury reviewed and validated the agency response.  
No further action is required.**

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

### **Agency Response:**

**“Response:** In February of 2017 a safe for the storage of cash and valuables was installed inside the Lodi Police Department narcotics vault. No further action is needed.”

**The 2017-2018 Grand Jury reviewed and validated the agency response.  
No further action is required.**

## **Manteca Police Department**

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

### **Agency Response:**

**“Recommendation F1.1** The Manteca Police Department reviewed and revised Lexipol Policy 803.8 by adding the following subsection to address annual audits:

Subsection (d) An annual audit of evidence held by the department shall be conducted by the Operations Division Commander. An annual audit report will be produced and provided to the Chief of Police.”

**The 2017-2018 Grand Jury reviewed and validated the agency response.  
No further action is required.**

**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).

### **Agency Response**

**“Recommendation F1.2** The Manteca Police Department added the following subsections to Lexipol Policy 803.8 to address inspections of the evidence/property room:

“Subsection (a) On a monthly basis, the detective supervisor or services division commander shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

“Subsection (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

“Subsection (c) Whenever a change is made in personnel who manage the evidence room, an inventory of any or all evidence/property may be made by the incoming manager of the evidence room, or an individual(s) not associated with the property room, to ensure that records are correct and all property/evidence is accounted for.”

**The 2017-2018 Grand Jury reviewed and validated the agency response.  
No further action is required.**

**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.

**Agency Response:**

“**Recommendation F1.3** 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. The department's training manager is in the process of scheduling the investigation's supervisor to attend a POST Evidence and Property Management Training Class.”

**The 2017-2018 Grand Jury reviewed and validated the agency response.  
No further action is required.**

**Ripon Police Department**

**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).

**Agency Response:**

“Response to F1.1 and R1.1: The Ripon Police Department agrees with the finding and recommendation and will coordinate the monthly inspections and annual audits with the City of Ripon Property Room Supervisor and Auditor as outlined in the Ripon Police Department Policy Manual 802.8 (a) and (c). The Ripon Police Department has adopted and implemented a schedule for monthly inspections and has conducted and documented property room inspections for the months of June and July and will continue to do so on a monthly basis. In addition, a schedule for annual audits of the property room has been created. The property room will be audited by a City employee who is not routinely or directly connected with evidence control so that at the conclusion of each year, the result will be an inventory of all evidence contained within the property room. The next scheduled audit will occur in December 2017.”

**The 2017-2018 Grand Jury reviewed and validated the agency response.  
No further action is required.**

**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.

**Agency Response:**

“Response to F1.2 and R1.2: The Ripon Police Department agrees with the finding and recommendation and will send the City of Ripon Property Room Supervisor for training through a POST course in property and evidence on or before December 31, 2017. However, the next available local POST training course for Property and Evidence Room Management is scheduled for May 2018. As a result, the Department will register the Supervisor for the May 2018 POST course on or before December 31, 2017. In addition, on or before December 31,

2017, the Ripon Police Department will adopt and implement a policy and training schedule, using the California POST Law Enforcement Evidence and Property Management Guide, to ensure that the Department's evidence and property functions meet the State of California's best practices.”

**The 2017-2018 Grand Jury reviewed and validated the agency response.  
No further action is required.**

**San Joaquin County District Attorney’s Office**

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

**Agency Response:**

“R1.1 Response: This recommendation has been implemented. The San Joaquin County District Attorney's Office has developed, adopted, and implemented policy and procedures regarding annual inventories and monthly inspections of the property room, according to best practices.”

**The 2017-2018 Grand Jury reviewed and validated the agency response.  
No further action is required.**

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

**Agency Response:**

“R1.2 Response: This recommendation has been implemented. The San Joaquin County District Attorney's Office has completed an inventory of the property room. All items were accounted for, with the exception of two items from a 2008 workers compensation fraud case. Our investigation has concluded that these two items, consisting solely of documents, in fact were destroyed pursuant to the court's order upon the completion of the case in 2011, but erroneously omitted from the disposition list. Their disposition has been changed to ‘destroyed,’ and they will be omitted from subsequent inventory reports.”

**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.

**Agency Response:**

“R1.2.1 Response: This recommendation has been implemented.

The San Joaquin County District Attorney's Office has developed and implemented 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.”

**The 2017-2018 Grand Jury reviewed and validated the agency response.  
No further action is required.**

## San Joaquin Delta College

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

### **Agency Response:**

“Recommendation R1.1 will be implemented by September 1, 2017. The police department has requested an additional key and access code, which will be assigned to an additional trained staff member. The District Police will also join the newly created San Joaquin County Evidence and Property Task Force.”

**The 2017-2018 Grand Jury reviewed and validated the agency response.  
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 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 60 days of receipt of the report.  
The San Joaquin County Sheriff shall respond to all applicable findings.

Please mail or hand deliver a hard copy of the response to:

Honorable Linda L. Lofthus, Presiding Judge  
Superior Court of California, County of San Joaquin  
180 East Weber Avenue, Suite 1306J  
Stockton, CA 95202

Also, please email the response to Ms. Trisa Martinez, Staff Secretary to the Grand Jury at [grandjury@sjcourts.org](mailto:grandjury@sjcourts.org)

# **Follow-Up Report to the 2016-2017 San Joaquin County Grand Jury**

## **Case #0416**



### **San Joaquin County Self-Governing Special Districts *Who is Watching the Cookie Jar?***

#### **Preface**

This report contains the San Joaquin County Board of Supervisors' (BOS) and Auditor-Controller's (ACO) response to 2016-2017 San Joaquin County Civil Grand Jury follow-up report on San Joaquin County Self-Governing Special Districts. This follow-up report focuses on the 2016-2017 Grand Jury recommendation and the BOS and ACO responses to that recommendation. Grand Jury recommendations as well as the agencies' 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>

## Method of Follow-Up Investigation

The current Grand Jury reviewed the original 2016-2017 report, “San Joaquin County Self-Governing Special Districts, Who is Watching the Cookie Jar?” The current Grand Jury reviewed the San Joaquin County Auditor-Controller Office (ACO) and Board of Supervisors (BOS) responses.

Recommendations were reviewed to determine:

- If the agencies agreed with the recommendations
- If the agencies would implement the recommendations within the guidelines
- If confirmation was necessary: confirmation would include written documentation, interviews or site inspections.

### Materials reviewed provided by the Auditor-Controller’s Office

- San Joaquin County Best Practices for Accounting and Reporting for Locally-Governed Special Districts
- County Administrative Manual 700 Budget & Fiscal
- Controls and Oversight for Accounts Payable and Payroll

### Interviews Conducted

- Auditor-Controller Office personnel

## Recommendation

**R1.0** The Auditor-Controller increase the number of auditors on staff within the financial audit department and budget accordingly for the subsequent year.

### Agency Response:

#### “Response to Recommendation R.1.0

“The Auditor-Controller’s Office (ACO) concurs with the recommendation.

“The ACO has been rebuilding its Internal Audit (IA) Division since 2013, as this Division was virtually eliminated during the County downsizing, which occurred during the Great Recession. Beginning in 2013, IA staff was increased from one to two, and in 2015 an IA Division Chief was added to manage the Division, bringing the total to three. The ACO currently has budgeted for an additional staff position to be hired in fiscal 2017-18, which will bring the Division total to four. This will allow the ACO to expand its scope of auditing regarding the independent special districts, along with other County-related departments.”

**The 2017-2018 Grand Jury reviewed and validated the agency response.  
No further action is required.**

### 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.

**Agency Response:**

**“Response to Recommendation R.2.1**

“The ACO partially concurs with the recommendation.

“The ACO will develop a list of best practices for use by the independent special districts along with an easy-to-use reference guide for any board members with limited accounting and financial knowledge. The reference guide and best practices list will cover development and implementation of an annual budget, how to properly compile comprehensive actual transaction information, and analysis of budget-to-actual activities. This information will be provided to the independent special districts before the December 31, 2017 deadline in the recommendation.

“However, it is beyond the authority of the ACO to have those best practices adopted and implemented by the independent special districts. It will be up to each district’s board to adopt and implement. The ACO’s authority is limited to a ‘general supervision’ per Government Code 26881.”

**The 2017-2018 Grand Jury reviewed and validated the agency response.  
No further action is required.**



## **Recommendation**

**R3.1** 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.

### **Agency Response:**

#### **Response to Recommendation R.3.1**

The ACO concurs with the recommendation.

In addition to developing and providing the independent special districts with the best practices information discussed in R.2.1, the ACO will also include best practices related to controls and oversight for accounts payable and payroll processing. This will include a recommendation for the independent special districts to review accounts payable transaction details *before* approving the expenditures for payment by the ACO, and to analyze payroll activities and exceptions (overtime) data prior to submission to the ACO for disbursement. We believe a comprehensive set of guidelines which cover accounting operations *and* financial reporting will best serve the independent special district boards.”

**The 2017-2018 Grand Jury reviewed and validated the agency response.**

**No further action is required.**

## **Recommendation**

**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.

### **Agency Response:**

#### ***Response to R3.2:***

“The recommendation will be implemented in part.

“The Board of Supervisors has, in some instances, the authority to appoint members to the governing bodies of independent, self-governing special districts. The Board of Supervisors does not have the authority to direct that the special district take any certain action. The Board of Supervisors, consistent with this recommendation, will request that the governing bodies of the special districts review and revise the fact sheets, or equivalent document, to include financial acumen of board candidates. The Board of Supervisors, likewise, will recommend that the special district provide financial training for all board members and will explore facilitating the provision of such training. It should be noted that special districts can utilize the resources available through the California Special Districts Association (CSDA) to which many fire, reclamation, and special districts are members. CSDA has contemporary training that is tailored for special districts.”

**The 2017-2018 Grand Jury reviewed and validated the agency response.  
No further action is required.**

## **Conclusion**

The Auditor-Controller's office is to be commended on several levels. They produced a document titled "San Joaquin County Best Practices for Accounting and Reporting for Locally-Governed Special Districts," which includes basic tutorials on profit and loss statements, balance sheets, general ledger, and signatory requirements. In addition, it expanded the level of documentation to include "Controls and Oversight for Accounts Payable and Payroll."

These two thorough and comprehensive documents provide any board of directors charged with overseeing an agency a proper set of tools to do the job responsibly. Any board which has oversight of an organization's finances will be well served to read, understand, and adopt these best practices to reduce the opportunity for theft or misappropriation of funds in their organization.

Not only did the Auditor-Controller's office produce these two documents, but it called every Independent Special District and interviewed the most responsible party. This was done to ensure that the districts not only received the information provided, but had in fact read and, in some cases, acted upon this information.

The Auditor-Controller's office has no authority to require implementation of the best practices. Of the 103 Independent Special Districts called, 5 did not respond and 10 had no interest. Eighty-eight districts saw real value and, in many cases, had begun implementation of the best practices even before the phone call. The anticipated long-term effect of these documents is that people are watching, paying attention, and trying to get out ahead of the Grand Jury report.

## **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 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).

**Follow-up Report to the  
2016-2017 San Joaquin County Civil Grand Jury  
Case #0516**



**Manteca Unified School District**

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

**Preface**

This report contains Manteca Unified School District's response to the 2016-2017 San Joaquin County Civil Grand Jury report regarding the absence of student after-school programs at Weston Ranch High School.

Each Grand Jury recommendation and School District response is included verbatim. At the end of each recommendation, the 2017-2018 Grand Jury's determination is also presented.

A complete copy of the original report and the district's response may be found on the San Joaquin County Civil Grand Jury website at: <https://www.sjcourts.org>.

**Method of Follow-up Investigation**

The current Grand Jury reviewed the original 2016-2017 report #0516 "Manteca Unified School District; Meeting the After-school Needs of Weston Ranch High School Students." The Grand Jury reviewed the district's mandatory responses to the original findings and recommendations. The district provided a response that was complete and comprehensible.

Recommendations were reviewed to determine:

- If the district agreed with the recommendations
- If the district would implement the recommendations within the deadlines
- If confirmation was necessary, confirmation could include written documentation, interviews or site inspections.

## **Recommendations, District Responses and Grand Jury Determinations**

### **Recommendation**

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

### **Agency Response**

#### “Response to Recommendation R2.1

The District agrees with the recommendation. The District will continue to work toward the development of after school services for the youth in the Weston Ranch area by the recommended deadline.”

### **Recommendation**

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

### **Agency Response**

#### “Response to Recommendation R.2.2

The District agrees with the recommendation. The District will implement after school services for the youth in the Weston Ranch area by the recommended deadline.”

## 2017-2018 Grand Jury Findings:

**F1.1** The Manteca Unified School District along with the staff of Weston Ranch High School have developed several significant after-school programs. In doing so, they are preparing students for future education and/or employment in technical careers. Some of the programs serving more than 75 students are:

- SAT Preparation
- Spanish Tutoring
- Weight Lifting
- Arts and Crafts



Get Your Life Right This is a program to assist seniors with understanding their next steps after high school and how to prepare for these steps.

GET YOUR LIFE RIGHT
2017-2018



# Get your Life Right

Room 1103

2:45pm - 3:45pm Monday,  
Tuesday and Thursday

MR WILLIAMS

IN THIS PROGRAM

## What we do After School

**Class Help**

First off, many students come to get advice on how to improve their grade in classes that they are struggling in and they just want to be in a comfortable setting in order to do this. Listed is some of the main areas help is provided:

- Study habits
- Tutoring (when needed)
- How to communicate to and with teachers
- Organization habits

**College and Career**

One of the biggest components of the "Get Your Life Right" program is to help upperclassmen who are unable to take the "Next Steps" elective, help in the paperwork and planning of their post high school career/life. In this process we help layout all of the choices they can make and assist in understanding how to complete all of paper needed to pursue their plans. Below are some of the areas we were able to assist students:

- FAFSA Applications
- Researching careers and training required for different career paths
- How to navigate college websites and information
- Scholarships available and aid filling out applications

**A Safe Place**

Many students will come to study or just hang out in order to feel safe or stay out of trouble. Also, many have sought help navigating stressful and difficult school circumstances/issues.

**Job Skills**

The last focused area is job skills/job information. Many students come here to get aid and assistance in obtaining employment and how to network in the modern job environment successfully.



**Career Essentials**

A part of this program to help students have the essential documents, resources and materials necessary to be able to obtain employment

- Resume, Cover letters, Application help, interview practice and etc.



**Statistics So Far**

Since this program has started we have had the following success since November 2017:

- 30 Students have successfully obtained employment
- 15 FAFSAs successfully completed
- 11 Struggling Students have increased their grade by a whole letter grade



- Robotics: Students build, develop code, and operate robots which can complete prescribed activities. Weston Ranch students have successfully competed locally and are now preparing to participate in state competition.

Additional activities planned for upcoming months include:

- Meditation and wellness activities
- Pilates/Yoga Combo exercises
- Video Production

Additionally, 262 students are served through the after-school peer tutoring program.

**F1.2** In the 2016-2017 school year, Manteca spent \$125,000 contracting with Stockton Kids Club to run its after-school program at Weston Ranch High School. This year the District, in conjunction with the Weston Ranch High School staff, has spent \$30,000 on the after-school programs described above and is providing significantly more opportunities for the students.

**The 2017-2018 Grand Jury determined that no further action was required.**



## **Commendation**

On December 12, 2017, Manteca Unified Board of Trustees approved a Memorandum of Understanding (MOU) with the Boys and Girls Club of Manteca-Lathrop to work together along with a newly-formed foundation to provide a quality after-school program for Weston Ranch High School students.

The District has provided seed money and will make facilities available. The Boys and Girls Club will operate the program. In February 2017, the Weston Ranch After-School Program Committee was formed. After a series of seven meetings ending in November 2017, the Weston Ranch Boys and Girls Club Foundation (a 501c3 non-profit organization) was formed to support the efforts to provide “after-school programming that encourages student involvement, student engagement, and student success.”

The Manteca Unified School District, the staff of Weston Ranch High School, and many community members have significantly improved after-school opportunities for Weston Ranch High School students at considerably less cost than the previous contracted services. They should be commended for their extraordinary efforts.

## **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 the Findings of the 2017-2018 San Joaquin County Grand Jury.

Mail a hard copy of the response to:  
Honorable Linda L. Lofthus  
Presiding Judge  
Superior Court of California, County of San Joaquin  
180 E. Weber Avenue, Suite 1306J  
Stockton, California 95202

Please email the response to  
Ms. Trisa Martinez  
Staff Secretary to the Grand Jury at [grandjury@sjcourts.org](mailto:grandjury@sjcourts.org)

### **Disclaimer**

Grand Jury reports are based on documentary evidence and 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 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  
2016-2017 San Joaquin County Grand Jury  
Case #0616**



**Countywide Dispatch for Fire  
*Two Are Not Always Better than One***

**Preface**

This report contains the responses to the 2016-2017 San Joaquin County Civil Grand Jury report concerning County-wide fire dispatch of the following agencies:

- San Joaquin County Board of Supervisors (BOS)
- City of Stockton
- City of Manteca
- City of Lodi
- City of Tracy
- City of Lathrop
- Lathrop Manteca Fire District
- Escalon Fire District
- Ripon Fire District
- Farmington Fire District
- French Camp Fire District
- Colleeville Fire District
- Montezuma Fire District
- Linden Fire District-Peters
- Clements Fire District
- Woodbridge Fire District
- Liberty Fire District
- Mokelumne Fire District
- Waterloo-Morada

This follow-up report focuses on the 2016-2017 Grand Jury recommendations and the identified county, city and fire district responses to those recommendations. Grand Jury recommendations, as well as the agencies' 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 each agency's response may be found on the San Joaquin County Grand Jury website at: <https://www.sjcourts.org>

## **Glossary**

<b>AVL</b>	Automatic Vehicle Locator – Identifies the exact location of emergency vehicles and routes the closest vehicle to the emergency.
<b>CAD</b>	Computer-Aided Dispatch.
<b>EMS</b>	Emergency Medical Services.
<b>Fire Agency</b>	A fire department or fire district.
<b>JRUG</b>	Joint Radio Users Group, a JPA comprised of 13 San Joaquin County rural fire districts.
<b>UHF</b>	Ultra-High Radio Frequency
<b>VRECC</b>	Valley Regional Emergency Communication Center, a JPA run by AMR that dispatches for 13 fire agencies and three ambulance services.

## **Method of Follow-Up Investigation**

The current Grand Jury reviewed the original 2016-2017 report and evaluated the agency's mandatory responses to the findings and recommendations.

Recommendations were reviewed to determine:

- If the agency responses were complete and comprehensible
- If the agency would implement the recommendations within the stated deadlines
- If confirmation was necessary: confirmation could include written documentation, interviews, or site inspections
- If the agency disagreed, a determination was made as to whether their response is statutorily compliant.

## 2016-2017 Grand Jury Recommendations

### City of Stockton

#### Recommendation

**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.

#### Agency Response:

*“Response: The respondent disagrees with this recommendation. On October 18, 2016, the City Council approved the purchase of the Fire Department module for the current Tiburon/TriTech software system that is utilized by the Stockton Police Dispatch. Once implemented, both emergency response Departments (Police and Fire) will be on an integrated system, thereby benefiting from economies of scale in needed server and backbone infrastructure, training, and technical support. This system was extensively evaluated by, not only the City, but also our partners in the SJCRFDA. The parent company of this system also supplies the system used by VRECC. Furthermore, Tiburon/TriTech will be 100% compatible with VRECC.”*

**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.

#### Agency Response:

*“Response: The respondent disagrees with the recommendation. See response to R1.1 above”.*

**R1.3** By Dec. 31, 2017 the 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.

#### Agencies' Responses:

##### San Joaquin County Board of Supervisors

*“Response to R1.3: The recommendation will be implemented.*

*“By December 31, 2017, the San Joaquin County EMS Agency will seek the cooperation of the two fire dispatch governing bodies to form a task force to explore the possibility of creating a single countywide EMS and fire dispatch center. The San Joaquin County EMS Agency did request that the City of Stockton explore utilizing a single countywide EMS and fire dispatch center throughout the period of time the County and the City were engaged in dispatch and EMS litigation (2006-2010). Also, the San Joaquin County EMS Agency sought cooperation of the city fire chiefs to explore the possibility of forming a single countywide EMS and fire dispatch center as part of the 2014 request for proposals (RFP) for emergency ambulance service. None of those previous attempts were successful.”*

## **Stockton City Council**

*“Response: The respondent disagrees with this recommendation. A single countywide emergency fire dispatch center requires a strong governance model to be successful. This will require a high level of trust between agencies. Currently, that level of trust is not evident. Based on recent County actions, the City of Stockton is concerned about the role County EMS would have in developing such a plan. As noted above, the City currently administers the dispatch services for 76% of the population of San Joaquin County including the City of Stockton, Lathrop-Manteca Fire District, City of Lodi, City of Manteca, and the City of Tracy through a Joint Powers Authority, SJCRFDA. The City encourages the fire departments in the County that are not already part of the SJCRFDA to seek membership in this already established regional dispatch center.”*

## **Manteca City Council**

*“The City of Manteca is willing to participate in this Taskforce.”*

## **Lodi City Council**

*“Response: The City of Lodi would be happy to collaborate with the City of Stockton, JRUG, and SJCRFDA to develop a plan to work toward consolidation into a single countywide emergency fire dispatch center. There are several examples of public sector regional centers contiguous to San Joaquin County that can be used as model centers. However, it is Lodi's position that County EMS involvement in how local public agencies dispatch fire emergency response units overreaches the County's authority. Since the County is ultimately responsible for fire services provided by the smaller districts within the unincorporated areas of the County it has a strong incentive to favor the cost weighted VRECC model. The City of Lodi will work towards implementing this recommendation with an eye towards bringing the smaller fire agencies into the public dispatch model.”*

## **Tracy City Council**

*“The City agrees with this recommendation and is committed to being an active participant in the task force as a member of the San Joaquin County Regional Fire Dispatch Authority. The City Fire Chief was one of the key architects of the Alameda County Regional Emergency Communication Center (ACRECC) and would bring that experience and expertise in the development of a transition plan to a countywide emergency fire dispatch center. ACRECC is a high performing regional fire dispatch center that provides dispatches to over 100,000 incidents annually and provides dispatch services for the contract county ambulance and most fire agencies in Alameda County.”*

### **Lathrop City Council**

*“SJCJRUG and its members have a long-history of working in conjunction with the San Joaquin county EMSA. We will continue to work with other interested parties to explore any and all viable options.”*

### **Lathrop-Manteca Fire District Board of Directors**

The Lathrop-Manteca Fire Protection District failed to properly respond to the Grand Jury’s Findings and Recommendations per California Penal Code section 933(c).

### **Escalon Fire District Board of Directors**

*“The Escalon Consolidated Fire Protection District will continue to support JRUG and its long standing working relationship with the San Joaquin County EMSA. As part of JRUG we will continue to work with other interested parties to explore any and all viable options. As previously mentioned, as a smaller agency, governance and cost are a key concern.”*

### **Ripon Fire District Board of Directors**

*“SJCJRUG and its members have a long-history of working in conjunction with the San Joaquin county EMSA. We will continue to work with other interested parties to explore any and all viable options.”*

### **Farmington Fire District Board of Directors**

*“SJCJRUG and its members have a long-history of working in conjunction with the San Joaquin county EMSA. We will continue to work with other interested parties to explore any and all viable options.”*

### **French Camp Fire District Board of Directors**

*“SJCJRUG and its members have a long-history of working in conjunction with the San Joaquin county EMSA. We will continue to work with other interested parties to explore any and all viable options.”*

### **Collegeville Fire District Board of Directors**

*“SJCJRUG and its members have a long-history of working in conjunction with the San Joaquin county EMSA. We will continue to work with other interested parties to explore any and all viable options.”*



**Montezuma Fire District Board of Directors**

*“SJCJRUG and its members have a long-history of working in conjunction with the San Joaquin county EMSA. We will continue to work with other interested parties to explore any and all viable options.”*

**Linden-Peters Fire District Board of Directors**

*“SJCJRUG and its members have a long-history of working in conjunction with the San Joaquin county EMSA. We will continue to work with other interested parties to explore any and all viable options.”*

**The Clements Fire District Board of Directors**

*“SJCJRUG and its members have a long-history of working in conjunction with the San Joaquin county EMSA. We will continue to work with other interested parties to explore any and all viable options.”*

**Woodbridge Fire District Board of Directors**

**“F1.3-**The Woodbridge Fire District agrees with the finding and along with **R1.3** could be solved by a taskforce to sit down and discuss the details and work out the differences.”

**Liberty Fire District Board of Directors**

*“SJCJRUG and its members have a long-history of working in conjunction with the San Joaquin county EMSA. We will continue to work with other interested parties to explore any and all viable options.”*

**Mokelumne Fire District Board of Directors**

*“SJCJRUG and its members have a long-history of working in conjunction with the San Joaquin county EMSA. We will continue to work with other interested parties to explore any and all viable options.”*

**Waterloo Morada Fire District Board of Directors**

*“SJCJRUG and its members have a long-history of working in conjunction with the San Joaquin county EMSA. We will continue to work with other interested parties to explore any and all viable options.”*

## **2017-2018 Grand Jury Conclusion**

Of the eighteen responding fire agencies and the County Board of Supervisors one respondent (City of Stockton) disagreed with the recommendation, seventeen respondents agreed with the recommendation, and one respondent did not respond in accordance with CA Penal Code 933(c).

Overwhelmingly, the agency's responses indicate a need to further pursue the Grand Jury's recommendation R1.3 to "seek the cooperation of the two-fire dispatch governing bodies to form a task force to explore the possibility of creating a single countywide EMS and fire dispatch center." The City of Stockton has chosen to disagree with this finding. Until Stockton decides to engage in a dialog about Recommendation R1.3 with all the other fire agencies, there is no reason to pursue it further.

## **2016-2017 Grand Jury Recommendations**

### **Recommendation**

**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.

### **Agency Response:**

#### **Stockton City Council**

*"The respondent partially agrees and partially disagrees with this recommendation. The City is currently working with a consultant to develop a project schedule and plan to replace its' outdated core UHF radio technology that supports City public safety agencies. The plan will be developed with regional interoperability and possible redundancy with county technology in mind, but separate from San Joaquin County's current core UHF radio technology plan. It is anticipated that a schedule will be in place prior to December 31, 2017."*

### **The 2017-2018 Grand Jury determined further action is required.**

The 2017-2018 Civil Grand Jury did not receive a copy of the anticipated schedule addressed above. The 2018-2019 San Joaquin Civil Grand Jury may decide to follow-up on R1.4 to ensure that a project plan is published and that the system is installed within anticipated timelines.

### **Recommendation**

**R2.1** By December 31, 2018 have AVL deployed at the Stockton Fire Dispatch Center.

**Agency Response:**

**Stockton City Council**

*“The respondent partially agrees with this recommendation. The City has an established timeline to implement the upgraded CAD system by January 2018, which will include AVL capability.”*

**The 2017-2018 Grand Jury determined further action is required.**

The 2017-2018 San Joaquin County Civil Grand Jury did not receive a copy of the anticipated timeline schedule addressed above. As of the date of this report, the system has not been implemented by the City of Stockton, contrary to previous statements by various Fire Agencies. The 2018-2019 San Joaquin County Civil Grand Jury may decide to follow-up on this item to ensure that it is implemented and performs as anticipated.

**Recommendation**

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

**Agency’s Response:**

**Stockton City Council**

*“The respondent partially agrees with this recommendation. The City's emergency fire vehicles will deploy AVL equipment by January 2018.”*

**Manteca City Council**

*“The City of Manteca will have AVL in all emergency fire apparatus by December 31, 2017”.*

**Lodi City Council**

*“All SJCRFDA fire agency members (including the City of Lodi) already have AVL equipment purchased, installed, and ready to go once Stockton has installed the new CAD system which is scheduled to be online January 1, 2018.”*

**Tracy City Council**

*“The City agrees with this recommendation. As stated above, the SCFA has AVL on all first-out fire apparatus and AVL will become fully functional when Stockton Fire Dispatch transitions to their new computer aided dispatch system later this year.”*

### **Lathrop City Council**

*“As stated in the published report, SJCJRUG members already have AVL capability in place and have been utilizing it. There are two parts to deploying AVL technology, one is for the dispatch center to have the infrastructure, and the other is for the field units to have the proper equipment to send the AVL data. There are costs associated with this technology for each agency. Capital costs to procure equipment for installation in fire apparatus and on-going fees for monthly data services. These costs add to already over burdened budgets. The determination of which units each specific Agency determines to track in the system is left up to that Agency. While it is convenient to state that all units should have AVL, some such as utility or support vehicles may not benefit.”*

### **Lathrop-Manteca Fire District Board of Directors**

The Lathrop-Manteca Fire Protection District failed to properly respond to the Grand Jury’s Findings and Recommendations per California Penal Code section 933(c).

### **Escalon Fire District Board of Directors**

*“As previously stated, the Escalon Consolidated Fire Protection District currently has AVL capabilities through mobile data computers and is researching additional technology which would expand current capabilities. There are costs associated with this technology, which include procurement of equipment, installation and on-going monthly fees for data services. These costs add to already over-burdened budget costs caused, in part by unfunded mandates by the state and county. While it is simple to state that all units should have AVL, some such as utility or support vehicles may not benefit. An additional consideration to this component is whether or not the dispatch center has the infrastructure to support the field units. VRECC has the necessary infrastructure in place and has for approximately twelve years; while the report indicates that the Stockton Fire Dispatch Center does not.”*

### **Ripon Fire District Board of Directors**

*“As stated in the published report, SJCJRUG members already have AVL capability in place and have been utilizing it. There are two parts to deploying AVL technology, one is for the dispatch center to have the infrastructure, and the other is for the field units to have the proper equipment to send the AVL data. There are costs associated with this technology for each agency. Capital costs to procure equipment for installation in fire apparatus and on-going fees for monthly data services. These costs add to already over burdened budgets. The determination of which units each specific Agency determines to track in the system is left up to that Agency. While it is convenient to state that all units should have AVL, some such as utility or support vehicles may not benefit.”*

### **Farmington Fire District Board of Directors**

*“As stated in the published report, SJCJRUG members already have AVL capability in place and have been utilizing it. There are two parts to deploying AVL technology, one is for the dispatch center to have the infrastructure, and the other is for the field units to have the proper equipment to send the AVL data. There are costs associated with this technology for each agency. Capital costs to procure equipment for installation in fire apparatus and on-going fees for monthly data services. These costs add to already over burdened budgets caused by unfunded mandates by the State and County already. The determination of which units each specific Agency determines to track in the system is left up to that Agency. While it is convenient to state that all units should have AVL, some such as utility or support vehicles may not benefit.*

*“VRECC has the necessary infrastructure in place and has for over 12 years. The Stockton Fire Dispatch Center does not. In fact, the agencies who left VRECC for the Stockton Center abandoned the AVL data processing capability, as they had the necessary in vehicle equipment.”*

#### **French Camp Fire District Board of Directors**

*“As stated in the published report, SJCJRUG members already have AVL capability in place and have been utilizing it. There are two parts to deploying AVL technology, one is for the dispatch center to have the infrastructure, and the other is for the field units to have the proper equipment to send the AVL data.*

*“There are costs associated with this technology for each agency. Capital costs to procure equipment for installation in fire apparatus and on-going fees for monthly data services. These costs add to already over burdened budgets. The determination of which units each specific Agency determines to track in the system is left up to that Agency. While it is convenient to state that all units should have AVL, some such as utility or support vehicles may not benefit.”*

#### **Collegetown Fire District Board of Directors**

*“As stated in the published report, SJCJRUG members already have AVL capability in place and have been utilizing it. There are two parts to deploying AVL technology, one is for the dispatch center to have the infrastructure, and the other is for the field units to have the proper equipment to send the AVL data. There are costs associated with this technology for each agency. Capital costs to procure equipment for installation in fire apparatus and on-going fees for monthly data services. These costs add to already over burdened budgets caused by unfunded mandates by the State and County already. The determination of which units each specific Agency determines to track in the system is left up to that Agency. While it is convenient to state that all units should have AVL, some such as utility or support vehicles may not benefit.*

*“VRECC has the necessary infrastructure in place and has for over 12 years. The Stockton Fire Dispatch Center does not. In fact, the agencies who left VRECC for the Stockton Center abandoned the AVL data processing capability, as they had the necessary in vehicle equipment.”*

#### **Montezuma Fire District Board of Directors**

*“As stated in the published report, SJCJRUG members already have AVL capability in place and have been utilizing it. There are two parts to deploying AVL technology, one is for the dispatch*

*center to have the infrastructure, and the other is for the field units to have the proper equipment to send the AVL data. There are costs associated with this technology for each agency. Capital costs to procure equipment for installation in fire apparatus and on-going fees for monthly data services. These costs add to already over burdened budgets caused by unfunded mandates by the State and County already. The determination of which units each specific Agency determines to track in the system is left up to that Agency. While it is convenient to state that all units should have AVL, some such as utility or support vehicles may not benefit.”*

*“VRECC has the necessary infrastructure in place and has for over 12 years. The Stockton Fire Dispatch Center does not. In fact, the agencies who left VRECC for the Stockton Center abandoned the AVL data processing capability, as they had the necessary in vehicle equipment.”*

### **Linden-Peters Fire District Board of Directors**

*“As stated in the published report, SJCJRUG members already have AVL capability in place and have been utilizing it. There are two parts to deploying AVL technology, one is for the dispatch center to have the infrastructure, and the other is for the field units to have the proper equipment to send the AVL data. VRECC has the necessary infrastructure in place and has for over 12 years. The Stockton Fire Dispatch Center does not. In fact, the Tracy Fire Department and the Lathrop Manteca Fire District both abandoned the AVL data processing capability, when they left VRECC for Stockton fire Department. The determination of which units each specific Agency determines to track in the system is left up to that Agency. While it is convenient to state that all units should have AVL, some such as utility or support vehicles may not benefit.”*

### **Clements Fire District Board of Directors**

*“As stated in the published report, SJCJRUG members already have AVL capability in place and have been utilizing it. There are two parts to deploying AVL technology, one is for the dispatch center to have the infrastructure, and the other is for the field units to have the proper equipment to send the AVL data. There are costs associated with this technology for each agency. Capital costs to procure equipment for installation in fire apparatus and on-going fees for monthly data services. These costs add to already over burdened budgets. The determination of which units each specific Agency determines to track in the system is left up to that Agency. While it is convenient to state that all units should have AVL, some such as utility or support vehicles may not benefit.”*

### **The Woodbridge Fire District Board of Directors**

*“The Woodbridge Fire District agrees that AVL capability will allow for the closest unit to respond and even allow for border drops between agencies. However, this does come with a cost of \$1200 per unit. Along with Recommendation R2.2, this will not be easily achieved by most without a funding mechanism.”*

### **Liberty Fire District Board of Directors**

*“As stated in the published report, SJCJRUG members already have AVL capability in place and have been utilizing it. There are two parts to deploying AVL technology, one is for the dispatch center to have the infrastructure, and the other is for the field units to have the proper equipment to send the AVL data. VRECC has the necessary infrastructure in place and has for over 12 years. The Stockton Fire Dispatch Center does not. In fact, the Tracy Fire Department and the Lathrop Manteca Fire District both abandoned the AVL data processing capability, when they left VRECC for Stockton fire Department. The determination of which units each specific Agency determines to track in the system is left up to that Agency. While it is convenient to state that all units should have AVL, some such as utility or support vehicles may not benefit.”*

### **Mokelumne Fire District Board of Directors**

*“As stated in the published report, SJCJRUG members already have AVL capability in place and have been utilizing it. There are two parts to deploying AVL technology, one is for the dispatch center to have the infrastructure, and the other is for the field units to have the proper equipment to send the AVL data. There are costs associated with this technology for each agency. Capital costs to procure equipment for installation in fire apparatus and on-going fees for monthly data services. These costs add to already over burdened budgets. The determination of which units each specific Agency determines to track in the system is left up to that Agency. While it is convenient to state that all units should have AVL, some such as utility or support vehicles may not benefit.”*

### **Waterloo Morada Fire District Board of Directors**

*“As stated in the published report, SJCJRUG members already have AVL capability in place and have been utilizing it. There are two parts to deploying AVL technology, one is for the dispatch center to have the infrastructure, and the other is for the field units to have the proper equipment to send the AVL data. There are costs associated with this technology for each agency. Capital costs to procure equipment for installation in fire apparatus and on-going fees for monthly data services. These costs add to already over burdened budgets. The determination of which units each specific Agency determines to track in the system is left up to that Agency. While it is convenient to state that all units should have AVL, some such as utility or support vehicles may not benefit.”*

**The 2017-2018 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 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).





# **Follow-Up Report to the 2016-2017 San Joaquin County Grand Jury Case #0716**



## **French Camp McKinley Fire District**

### **Preface**

This report contains the French Camp McKinley Fire District's response to 2016-2017 San Joaquin County Civil Grand Jury follow-up report. This follow-up report only focuses on the 2016-2017 Grand Jury recommendation and the Fire District's response to that recommendation. Grand Jury recommendations as well as the Fire District's 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>

### **Method of Follow-Up Investigation**

The current Grand Jury reviewed the 2016-2017 Grand Jury report #0716 and the French Camp McKinley Fire District responses. The Grand Jury reviewed the District's mandatory responses to the original findings and recommendations. The recommendations were then evaluated to determine if the District agreed and would implement the recommendations within the stated deadlines. If the District had agreed, it was then determined whether some type of confirmation was necessary. Confirmation could include written documentation, interviews or site inspections.

Recommendations were reviewed to see:

- If the district provided a complete comprehensible response
- If the district would implement the recommendations within the deadlines
- If confirmation was necessary. Confirmation could include written documentation, interviews or site inspections.

We also confirmed training documentation and that the fire district's website was in compliance with Brown Act requirements.

## **Recommendations and Grand Jury Results**

### **Recommendation**

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

### **Agency Response:**

“The members of the Board of Directors of the French Camp McKinley Fire District have all reviewed and agreed to follow District Policy 1093. The Board members have all signed letters of completion and provided them to the current Clerk of the Board. By December 31, 2017 all members of the Board of Directors will have completed their ethics training as required in Government Code Section 53235. The District is in the process of scheduling this training.”

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

### **Agency Response:**

“The members of the Board of Directors of the French Camp McKinley Fire District have all reviewed and agreed to follow District Policy 1093. The Board members have all signed letters of completion and provided them to the current Clerk of the Board. By December 31, 2017 all members of the Board of Directors will have completed their ethics training as required in Government Code Section 53235. The District is in the process of scheduling this training.”

**The 2017-2018 Grand Jury determined no further action is required.**

## **Recommendation**

**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.

### **Agency Response:**

“As shown in Attachment ‘A’ and Attachment ‘B,’ the District has been posting Board Meeting Agendas on line via its website [www.frcfire.com](http://www.frcfire.com) and the District will continue to do so. The Board Chairman of the French Camp Mckinley Fire District has required that all Board Members complete training on the Brown Act no later than December 31, 2017, and provide documentation of the completion to the current Clerk of the Board.”

## **Recommendation**

**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.

### **Agency Response**

“As shown in Attachment ‘A’ and Attachment ‘B,’ the District has been posting Board Meeting Agendas on line via its website [www.frcfire.com](http://www.frcfire.com) and the District will continue to do so. The Board Chairman of the French Camp McKinley Fire District has required that all Board Members complete training on the Brown Act no later than December 31, 2017, and provide documentation of the completion to the current Clerk of the Board.”

**The 2017-2018 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 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).



# **Follow-Up Report to the 2016-2017 San Joaquin County Grand Jury Case #1401**



## **Local Agency Formation Commission *It's Time to Come Together Consolidate the Eight***

### **Preface**

This report contains the responses from the Local Agency Formation Commission (LAFCo) to the 2014-2015, 2015-2016, and 2016-2017 Grand Jury follow-up reports: “It’s Time to Come Together, Consolidate the Eight.” Report 1401 recommended that LAFCo lead the effort to consolidate eight rural fire districts into one district. This follow-up report focuses on the 2016-2017 Grand Jury recommendations and the agency’s response to those recommendations. Grand Jury recommendations as well as the agency’s 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 Civil Grand Jury website at: <https://www.sjcourts.org>.

## **Method of Follow-Up Investigation**

The current Grand Jury reviewed the 2016-2017 Grand Jury follow-up report #1401 and the LAFCo Board of Directors' disagreement with Grand Jury recommendations.

Recommendations were reviewed to see:

- If the Commission's responses were complete and comprehensible
- If the Commission would implement the recommendations within the stated deadlines
- If confirmation was necessary: confirmation could include written documentation, interviews or site inspections
- If the agency disagreed, a determination was made as to whether their response is statutorily compliant.

## **Recommendations and Grand Jury Results**

### **Recommendation**

**R1.1** By September 30, 2017, LAFCo complete the Municipal Service Review (MSR) for the rural fire protection districts in San Joaquin County.

### **Agency Response:**

"Disagree. In April of this year (2017), LAFCo reported to the Grand Jury 'LAFCo has made progress but has not yet completed this document and anticipates completion later this calendar year.' This schedule remains achievable for the completion of the draft document depending on workload."

**The 2017-2018 Grand Jury determined no further action is required.**

## **Recommendation**

**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.

### **Agency Response:**

“Disagree. LAFCo has committed to pursuing the concept of consolidation and will do so following its policies and procedures while exercising its independent judgement. LAFCo will provide updates as appropriate.”

**The 2017-2018 Grand Jury determined no further action is required.**

## **Conclusion for “Consolidate the Eight”**

Recommendations by the Grand Jury to LAFCo beginning in 2014 have not produced any tangible results. The original 2014 GJ recommended that the LAFCo board provide quarterly updates about the consolidation of the rural fire districts.

All responding rural fire districts agreed with this recommendation. LAFCo only partially agreed to report on the consolidation progress but not quarterly.

All subsequent Grand Juries felt the process for “Consolidate the Eight” was moving forward but at a slow pace.

The findings, recommendations and conclusion of the 2016-2017 GJ still holds true today.

## **2016-2017 Findings and Recommendations**

**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 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.”

LAFCo has been slow to move forward on the recommendations of the Grand Jury. As a body of 19 independent citizens, representing all parts of the County, and charged with protecting the interest of our community, we expect greater responsiveness on the issue of consolidation.

LAFCo's last communication (see appendix) clearly expresses their disdain for the oversight function of the Grand Jury. That is unfortunate.

An important court decision states:

“In our system of government, a grand jury is the only agency free from possible political or official bias that has an opportunity to see the picture of crime and the operation of government relating thereto on any broad basis. It performs a valuable public purpose in presenting its conclusions drawn from that overview. The public may, of course, ultimately conclude that the jury's fears were exaggerated or that its proposed solutions are unwise. But the debate which reports, such as the one before us, would provoke could lead only to a better understanding of public government problems. They should be encouraged and not prohibited.”<sup>28</sup>

## **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 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).

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<sup>28</sup> *Monroe v Garrett* (1971), 17 Cal App 3d 280

**Follow-Up Report to the  
2015-2016 and 2017-2018  
San Joaquin County Grand Jury  
Case #1506**



**San Joaquin County Public Defender Fees**

**Preface**

This report contains The San Joaquin County Board of Supervisors (BOS) follow-up response to the 2016-2017 San Joaquin County Civil Grand Jury report regarding Public Defender Fees.

Each Grand Jury recommendation and BOS response is included verbatim. At the end of each recommendation, the Grand Jury's determination is also presented.

A complete copy of the original report and the district's response may be found on the San Joaquin County Civil Grand Jury website at: <https://www.sjcourts.org>.

**Method of Follow-up Investigation**

The current Grand Jury reviewed the follow-up 2015-2016 report #1506 "San Joaquin County Public Defenders Fees." The Grand Jury reviewed the BOS mandatory responses to the original findings and recommendations. The agency provided a response that was complete and comprehensible.

Recommendations were reviewed to determine:

- If the BOS agreed with the recommendations
- If the BOS would implement the recommendations within the deadlines
- If confirmation was necessary: confirmation could include written documentation, interviews or site inspections.

## Discussions and Recommendations

### 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.

### Agency Response:

#### “Response to R1:

The recommendation has not yet been implemented, but requires further analysis.

The recommendation requires further analysis and discussions to determine the probability of implementation. The Department will develop a simple tracking system to monitor whether every defendant has paid the Public Defender fees within the next 120 days. The Department will meet with the Revenue and Recovery Division of the Office of the Treasurer-Tax Collector to determine the feasibility of and to potentially create a system to forward any Defendant’s delinquent accounts to Revenue and Recovery for collection. This would provide an incentive to pay and consequences for non-payment. The Department will complete the feasibility determination within 120 days. The amount collected for the 2016-2017 fiscal year totaled \$425.”

The Department met several times with the Revenue and Recovery Division of the Office of the Treasurer-Tax Collector to devise a fiscally efficient system to forward delinquent accounts to Revenue and Recovery.

**The 2017-2018 Grand Jury determined no further action is required.**

### 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).

# **Follow-Up Report to the 2015-2016 and 2016-2017 San Joaquin County Grand Jury**



## **San Joaquin County Juvenile Justice Facilities**

### **Preface**

This report contains the methods that the 2017-2018 Grand Jury used to determine if the San Joaquin County Board of Supervisors provided a statutorily compliant response to the 2016-2017 Grand Jury Follow-up Report about the San Joaquin County Juvenile Justice Facilities. This follow-up report only focuses on the 2016-2017 Grand Jury recommendations and the agency's response to those recommendations. Grand Jury Recommendations as well as the agency's 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 district's response may be found on the San Joaquin County Civil Grand Jury website at: <https://www.sjcourts.org>.

### **Method of Follow-up Investigation**

The current Grand Jury reviewed the original 2016-2017 report "San Joaquin County Juvenile Justice Facilities." The Grand Jury reviewed the agencies' mandatory responses to the original findings and recommendations. Each agency provided a response that was complete and comprehensible.

Recommendations were reviewed to determine:

- If the agency agreed with the recommendations
- If the agency would implement the recommendations within the deadlines
- If confirmation was necessary: confirmation could include written documentation, interviews or site inspections.

## Discussions and Recommendations

### Recommendation

**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.

### Agency Response:

#### “Response to R1.1

“The recommendation has been implemented.

“On May 23, 2017, the Board of Supervisors approved \$500,000 in savings in salaries and benefits and services and supplies from the Probation Department’s 2016-2017 Fiscal Year Budget to replace the audio, intercom and video cameras throughout the Juvenile Detention Facility. These funds were encumbered into the 2017-2018 Fiscal Year. The table below reflects the anticipated costs to replace the audio, intercom and video cameras throughout the Juvenile Detention Facility. The Board was also advised at that time that due to the timing with the end of the fiscal year, it was unknown if the below stated measures would completely rectify the problems; therefore, the Department may need to return to the Board in Fiscal Year 2017-2018 for an additional appropriations adjustment request.”

<b>Amount</b>	<b>Item Description</b>
\$130,000	Replacement of the intercom systems in the housing units (Not including Housing Unit 5)
\$100,000	Replacement of the core technology for the video surveillance system
\$20,000	Control System technology improvements
\$200,000	Procurement and installation of fiber, copper cable, replacement cameras and other infrastructure to support the overall system replacement
\$50,000	Contingency
<b>\$500,000</b>	<b>TOTAL</b>

**The 2017-2018 Grand Jury determined no further action is required.**

## **Recommendation**

**R1.2** By June 30, 2018, the Probation Department complete all upgrades to the intercom, central control, and video surveillance camera systems as funding allows.

### **Agency Response:**

#### **“Response to R1.2**

“The recommendation is in the progress and will be completed by June 30, 2018

“Quotes have been received for the projects and have been processed through the County’s Purchasing and Support Services Department. Equipment has been ordered and as soon as it arrives, work will commence. The replacement of the intercom system is expected to be complete by September 2017.”

**The 2017-2018 Grand Jury determined further action is required.**

## **Discussion**

The 2016-2017 Grand Jury’s Recommendation R1.2 has not been completed. During the implementation of the new system, it was determined that there were two existing systems in current use. The new system was compatible with one of the wiring plans that was being used in Sections 4, 5, and 6 that are housing juvenile detainees. The new system was not compatible with the wiring plans that were being used in Sections 1, 2 and 3 that currently do not house detainees.

On May 2, 2018, the Grand Jury received a further update. Due to the wiring plan and system incompatibility issues, the project is expected to cost \$50,000 more than was budgeted. The Probation Department stated it has enough funds in its budget to complete the project.

A new proposal and anticipated timeline for installation of the new system to be used in Sections 1, 2, and 3 is expected in June 2018, with expected completion before the end of 2018.

## **Findings**

**F1.0** The anticipated work covered by this project has not been completed, which has a negative impact on the safety and security of staff and wards.

## **Recommendations**

**R1.0** By December 31, 2018 the Probation Department complete the installation of the intercom, audio, and visual system.

## **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 San Joaquin County Board of Supervisors shall respond to each Finding and Recommendation in this report.

Mail a hard copy of the response to:

Honorable Linda L. Lofthus  
Presiding Judge  
Superior Court of California, County of San Joaquin  
180 E. Weber Avenue, Suite 1306J  
Stockton, California 95202

Please email the response to  
Ms. Trisa Martinez  
Staff Secretary to the Grand Jury at [grandjury@sjcourts.org](mailto:grandjury@sjcourts.org)

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*Tours and  
Presentations*



## **Tours**

10/12/17	San Joaquin County Jail and Honor Farm
11/29/17	Deuel Vocational Institution
1/25/18	San Joaquin County Juvenile Probation Detention Facility
12/14/17	California Healthcare Facility
1/11/18	Northern California Youth Correctional Facility - N. A. Chaderjian & O.H. Close
6/6/18	Port of Stockton

## **Presentations**

8/31/17	City of Stockton Neighborhood Services
9/7/17	San Joaquin County Office of Emergency Services
10/7/17	San Joaquin County District Attorney
10/19/17	LAFCo
11/02/17	Stockton Police Department
11/9/17	San Joaquin County Substance Abuse Services
11/16/17	City of Stockton - Office of Violence Prevention
2/15/18	San Joaquin County Public Guardian Conservator

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*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>

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