

SAN JOAQUIN COUNTY GRAND JURY FINAL REPORT 2022-2023



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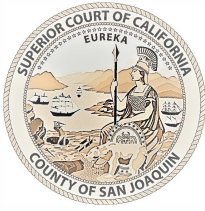
SECTION 1: INTRODUCTION

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Superior Court of California, County of San Joaquin

180 E. Weber Avenue, Ste 1306J

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June 9, 2023

The Superior Court of California, County of San Joaquin thanks and commends the 2022-2023 Grand Jurors for their conscientious efforts on behalf of all San Joaquin County citizens. The Grand Jurors undertook and completed their duties with great industry, intelligence and care.

The Grand Jury is composed of qualified individuals who applied for membership, those drawn from the community and individuals nominated by community leaders. The chosen citizens serve as an independent body under the court's authority. The 2022-2023 San Joaquin County 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 1880s. The 2022-2023 Grand Jurors' thoughtful and constructive recommendations will help ensure the highest quality civic life to which all citizens are entitled.

As the Grand Jury Advisor and Supervisor, it has been my privilege to review the work of the 2022-2023 Grand Jury. The Grand Jurors also received well considered advice from their highly experienced Advisors, County Counsel Ms. Kimberly Johnson, the Assistant District Attorney Mr. Richard Price and the invaluable assistance of the Superior Court administrators, Ms. Ruby Atwal, Ms. Krystal Gonzalez, Mr. Irving Jimenez, and Ms. Trisa Martinez. Among their accomplishments, the Grand Jurors undertook consideration of the work of governmental institutions responsible for the daily life of municipalities and their citizens. The Grand Jurors also made careful efforts to follow through on the work of their predecessors thereby assuring the community that the San Joaquin County Grand Jury as an institution sustains its role in the County's civic life. The Grand Jury Final Report educates the public through well written accounts of the work, findings and recommendations of these devoted citizens. The Grand Jurors' recommendations are deserving of careful consideration by government officials and the citizenry.

The efforts, commitment, collective wisdom and experience of these dedicated individuals will continue to better the civic life of all San Joaquin County residents. To each member of the 2022-2023 San Joaquin County Grand Jury, for your many accomplishments, the Superior Court extends its congratulations and gratitude.

Hon. George J. Abdallah, Jr.

Supervising Judge of 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 28, 2023

Honorable Michael D. Coughlan
Presiding Judge
Superior Court of California
County of San Joaquin
180 E. Weber Avenue, Suite 1306J
Stockton, CA 95202

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

Dear Judge Coughlan and Judge Abdallah,

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 2022-2023.

This report presents the results of the work of the Grand Jury over the last twelve months. The Jury was able to consider 39 complaints, conduct over 100 interviews, examine many documents, attend public meetings, and spend untold hours meeting, writing, and editing.

To appraise local government's efficiency, honesty, and transparency, it was necessary for the body to perform consistently and conscientiously. The Grand Jury opened 6 cases, four of which resulted in completed investigations focusing on important topics, i.e., School Safety, At Risk Youth, Prison Rape Elimination compliance and the Eastern San Joaquin Ground Water Authority. Taken together, they contain 72 findings leading to 69 recommendations.

In addition to the completed investigations, the Grand Jury Continuity Committee issued 6 follow-up reports after interviewing many 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 did what they said they would do. Many agencies agreed with the Grand Jury Findings and Recommendations and moved forward to implement those recommendations. Unfortunately, one agency that has been the focus of previous Grand Jury investigations was reluctant to embrace many of the findings and recommendations.

The Grand Jury fulfilled its mandate to inspect all prisons, jails, and juvenile detention facilities. This year, a focus on whether these facilities complied with the Prison Rape Elimination Act (PREA) resulted in several findings and recommendations to assist the detention facilities in complying with the Federal Mandate. Grand Jurors also observed the work of public servants throughout the county by riding along with law enforcement personnel and issued a comprehensive Law and Justice Report.

While completing its duties, the Grand Jury interacted with many people 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's Scott Fichtner, Rick Price, County Counsel's Mark Myles, and Kimberly Johnson were always available to provide sound advice. For the first six months of our term Trisa Martinez, Judicial Secretary supported the Jury with hard work and shared her vast knowledge of Grand Jury proceedings. We acknowledge this work and wish her the best in her well-earned retirement. With Ms. Martinez's retirement, we enjoyed working with new Judicial Secretaries Ruby Atwal, Krystal Gonzales, and Irving Jimenez.

Richly deserving in salutations are the jurors, who I had the pleasure of spending many days per week on the 11th floor of the courthouse. I wish to thank each of them for bringing their individuality, collegiality, and passion that has culminated in the publishing of this report.

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

Sincerely,



Louis K. Meyer, Foreperson

2022-2023 San Joaquin County Grand Jury



Back row from left to right: John Kimbrough, Tama Brisbane, Lou Meyer, Spence Barker, Darrin Haggard, Katherine Ball, Jody Graham.

Front row from left to right: Bill Jeffery, Angelo Sebazco, Patrick Piggott, Katherine Johnson, Don McNichols, Daryl Morrison, Janine Nelson, Bruce Frank.

Not pictured: Reed Niemi, Richard Rodriguez.

The 2022–2023 Grand Jury is representative of all five San Joaquin County Supervisorial Districts. The jurors brought to the jury a wide range of expertise from both private sector enterprises and governmental service. Areas of expertise include but are not limited to:

Business owner	Medical care
Education	Military service
Financial accounting, analysis, auditing, budgeting, and management	Non-profit sector
Graphic arts	Sales and marketing
Human resources	State government law enforcement
Leadership training and consulting for local governments	Strategic planning
Legal profession	Technical publications

SECTION 2: INVESTIGATIONS

San Joaquin County Custodial Facilities:
Failing to Comply with the Prison Rape
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2022–2023 San Joaquin County Grand Jury



San Joaquin County Custodial Facilities: Failing to Comply with the Prison Rape Elimination Act of 2003

Case #0222

Summary

The 2022-2023 Grand Jury investigated the policies, procedures, and standards established and applicable to San Joaquin County custodial facilities to combat sexual harassment, sexual abuse, and physical abuse against and by those in custody. The Grand Jury toured the San Joaquin County Sheriff's Detention Facility, the Juvenile Detention Facility, and the Lodi Police Department Jail to determine if federally mandated standards are being met. They reviewed numerous documents, video files, and regulations. They also conducted five separate interviews.

The focus of the investigation was to assess the County custodial facilities' compliance with the Code of Federal Regulations (28 CFR Part 115) under the Prison Rape Elimination Act of 2003 (PREA). Failure to meet these standards can result in serious consequences for detainees, inmates, and residents, and an inability to protect vulnerable individuals housed at the County custodial facilities. This obligation to protect is ethically correct and required by law. Additionally, failure to prepare required audits for the Department of Justice can result in loss of federal grant funds.

The County paid out more than \$240,000.00 over the past five years to settle sexual and physical abuse claims. That sum does not include the many work hours paid out for government employee time while either investigating, prosecuting, or defending these instances. San Joaquin County custodial facilities may also face indirect costs, such as increased insurance premiums, outside legal fees, and the cost of retraining and educating facility staff.

The Grand Jury found that the custodial facilities in the County did not have comprehensive knowledge of all PREA provisions and were not in compliance. The findings from the investigation

and recommendations for corrective actions are provided in this report. The 2022-2023 Grand Jury recommends:

- audit reports for the County Jail and Juvenile Detention Facility be completed by a Certified PREA Auditor and submitted to the Department of Justice every three years as required by PREA Standards;
- all County custodial facilities provide detainees, inmates, and juvenile residents with access to better written and comprehensive PREA materials;
- detainees, inmates, and juvenile residents at County custodial facilities be provided with all of the required PREA information during the screening and intake process and then again during subsequent PREA training;
- detainees, inmates, and juvenile residents be given information on how to file a confidential report in private with an outside agency or entity;
- complete the installation of video monitoring equipment to enable video coverage for all interactions between staff and inmates, eliminate blind spots, and add video capabilities in interrogation rooms at the County Jail; and
- provide a written policy and procedure describing how juvenile residents (under the age of 18) and older residents (who are 18-25 years of age) housed at the County Juvenile Detention Facility maintain separation when required.

Glossary

- **Booking:** is the process in which a detainee is brought into a prison or jail facility including the screening of that individual.
- **CDCR:** The California Department of Corrections and Rehabilitation is a state agency of California responsible for overseeing the state's prison and parole systems.
- **Certified PREA Auditor:** is certified by United States Department of Justice to conduct mandated PREA audits at detention facilities.
- **CFR:** Code of Federal Regulations is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.
- **28 CFR 115.13(a) and 28 CFR 115.313(a) for Juveniles:** states the agency shall, where applicable, provide video monitoring to protect inmates, detainees, and residents against sexual abuse. In deciding the need for video monitoring, facilities must take into account “blind spots” or areas where staff or inmates may be isolated.
- **28 CFR 115.31(a) and 28 CFR 115.331(a) for Juveniles:** PREA training is mandatory for all employees of detention facilities and organizations that are subject to the Prison Rape Elimination Act (PREA). This training is intended to educate staff on their responsibilities under PREA, as well as best practices for preventing, detecting, and responding to incidents of sexual abuse and harassment.
- **28 CFR 115.33(b) and 28 CFR 115.333(a) for Juveniles:** requires comprehensive education to inmates, detainees, and residents in person or via video regarding their rights to report sexual abuse and harassment and to be free from retaliation.

- **28 CFR 115.33(e) and 28 CFR 115.333(e) for Juveniles:** requires documentation of inmate, detainee, and resident participation in these education sessions.
- **28 CFR 115.33(f) and 28 CFR 115.333(f) for Juveniles:** requires key information regarding filing claims and the process is continuously and readily available or visible to inmates, detainees, and residents.
- **28 CFR 115.401:** requires a comprehensive agency audit at least every three years and said audit to be conducted by a Department of Justice approved outside auditor, covering every aspect of PREA.
- **28 CFR 115.41(a) and 28 CFR 115.341(a) for Juveniles:** requires that all inmates shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates, detainees, and residents.
- **28 CFR 115.41(b) and 28 CFR 115.341(b) for Juveniles:** requires that intake screening shall ordinarily take place within 72 hours of arrival at the facility.
- **28 CFR 115.41(e) and 28 CFR 115.341(e) for Juveniles:** states that the initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing inmates, detainees and residents for risk of being sexually abusive.
- **28 CFR 115.51(a) and 28 CFR 115.351(a) for Juveniles:** requires agencies to provide multiple internal ways to privately report sexual abuse and sexual harassment.
- **28 CFR 115.51(b) and 28 CFR 115.351(b) for Juveniles:** requires agencies to provide at least one way to report abuse or harassment to a private entity that is not part of the agency.
- **28 CFR 115.54 and 28 CFR 115.354 for Juveniles:** requires that the agency shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate.
- **Detainee:** a person who is detained in a lockup, regardless of adjudication status.
DOJ: The United States Department of Justice is an executive Judicial Department branch of the United States Government.
- **Incarcerated:** refers to an individual who is currently being confined or imprisoned in a facility or location as a result of criminal charges or convictions and is synonymous with inmate.
- **Inmate:** is a person who is incarcerated and housed in a prison or jail.
- **Intake:** the area in the jail or prison where a detainee is processed into the custodial facility through the booking process.
- **Juvenile Justice Realignment (SB823):** refers to the California Senate Bill that was introduced in 2021. The bill aims to reform the state's juvenile justice system by realigning responsibility for the supervision and treatment of youth offenders from the state level to the county level.
- **Lockup:** is a temporary detention facility.
- **PREA Coordinator:** is a person responsible for overseeing the implementation and compliance of the Prison Rape Elimination Act (PREA) in a detention facility or a third party organization. The PREA coordinator is responsible for ensuring that the facility has policies and procedures in place to prevent, detect, and respond to incidents of sexual abuse and harassment, and for ensuring that staff receive training on PREA and related topics.

- **Prison Rape Elimination Act of 2003 (Public Law 108-79):** is the first United States federal law intended to deter the sexual assault of prisoners. The bill was signed into law on September 4, 2003, enacted by the 108th United States Congress.
- **Resident:** any person confined or detained in a juvenile facility or in a community confinement facility.
- **TTY:** a teletypewriter is an input device that allows alphanumeric character to be typed in and sent, usually one at a time, as they are typed to a computer or a printer.

Background

In 2003, the Congress and President Bush recognized a serious issue involving sexual abuse and harassment of incarcerated individuals and passed the Prison Rape Elimination Act (PREA) to establish standards for policies and procedures of every government entity, Federal, State, and local, housing incarcerated individuals. The standards established by the U.S. Department of Justice were first published in the Code of Federal Regulations, 28 CFR part 115, in 2012. There are two sets of Standards that the Grand Jury reviewed, one for adult detention facilities and one for juvenile detention facilities.

Misuse of police authority during an arrest or in a custodial facility has been prominent in the news. In 2019, a San Joaquin County Sheriff's Deputy Correctional Officer pleaded guilty to sexual assault of a female inmate. One case involved a juvenile victim of repeated sexual assault in a juvenile detention facility over a six-month period. In September 2021, a San Joaquin County Correctional Officer was found guilty of sexually assaulting multiple victims. In December 2021, a criminal grand jury indicted a San Joaquin County Correctional Officer for sexual assault crimes and false imprisonment. In October 2022, a Stockton Police Officer was suspended, case pending, after three accusations of sexual harassment and abuse while on duty.

PREA is an important part of the detention system for several reasons:

- It seeks to protect the rights and safety of individuals in detention, particularly those who may be at a higher risk of sexual abuse.
- It seeks to improve the quality of life for individuals in detention and to promote the rehabilitation and reintegration of individuals back into their communities.
- It seeks to ensure that detention facilities meet national standards and provide a safe environment for staff and inmates.
- It seeks to provide resources and support for victims of sexual abuse while in detention.
- It promotes a culture of zero tolerance for sexual abuse in detention facilities and holds facilities accountable for preventing, detecting, and responding to abuse.

When PREA is implemented properly it helps to create a safe and secure detention system by addressing the issue of sexual abuse in detention facilities and protecting the rights and safety of individuals.

At the time of booking, all inmates, detainees, and residents must receive information explaining the facility's zero-tolerance policy and instructions on how to report sexual assault and misconduct.

Information and avenues for reporting must be readily available and visible to inmates, detainees and residents through posters, inmate handbooks, or other written formats [28 CFR 115.33(a)(f) and 28 CFR 115.333(a)(f) for juveniles]. The facility shall provide multiple internal ways for inmates, detainees, and juvenile residents to privately report sexual abuse and sexual harassment. Additionally, the facility shall provide at least one avenue to report to an outside agency, to protect anonymity and confidentiality [28 CFR 115.51(a)/28 CFR 115.51(b) and 28 CFR 115.351(a) /28 CFR 115.351(b) for juveniles]. Incidents reported to an external agency must be transferred to the facility where the incident occurred no later than 72 hours after the outside agent receives the allegation. Upon receipt of an allegation from an external reporting agent, the custodial facility staff must document the incident, investigate, and notify the facility (28 CFR 115.63 and 28 CFR 115.363 for juveniles).

All inmates and juvenile residents must receive comprehensive education within 30 days of booking, either in person or by video, explaining their rights to report sexual abuse and harassment without fear of retaliation. [28 CFR 115.33(e) and 28 CFR 115.333(e) for juveniles]. Each inmate's participation must be documented.

Another key element performed at booking is the screening process that identifies those inmates, detainees, and juvenile residents at risk of being sexually victimized and those who may be sexually abusive. This screening process should occur within 72 hours of booking and in a setting that ensures confidentiality. Items covered in screening should include prior acts of violence and sexual abuse [28 CFR 115.41(a)(b)(e) and 28 CFR 115.341(a)(b)(e) for juveniles].

Custodial facilities that house inmates, detainees, or juvenile residents should have video monitoring, where applicable, of communal areas to protect inmates against sexual abuse. It must cover areas in which staff and inmates or juvenile residents at the Juvenile Detention Facility are isolated. [28 CFR 115.13(a) and 28 CFR 115.313(a) for juveniles].

A Department of Justice (DOJ) certified auditor is required to perform a comprehensive audit covering every aspect of PREA every three years with the audit reports posted on each department's website (28 CFR 115.401).

There are considerable consequences for the failure to comply with PREA regulations, including the potential loss of DOJ grant funding otherwise available for correctional and custodial facilities.

Reason for Investigation

The 2022-2023 Grand Jury reviewed multiple media reports of sexual abuse that occurred in San Joaquin County custodial facilities over the past three years. They also reviewed complaints stemming from allegations of sexual and physical abuse occurring within those County detention facilities.

Method of Investigation

The Grand Jury reviewed Federal documentation for PREA, media reports, San Joaquin County custodial facility websites, and detainee/resident complaints. The Grand Jury toured the County

Jail and Juvenile Detention Facility with corrections officers and juvenile detention facility officers. The Grand Jury also attended and received presentations from the County Sheriff's Office and the County Probation Office. Subsequently, five interviews were conducted.

Materials Reviewed

- ABC10 News, May 12, 2022, "San Joaquin County Sheriff Office Installing More Cameras in Jail in 2022."
- Title 15 California Code of Regulations, Minimum Standards for Detention Facilities.
- Annual PREA Audit reports of surrounding counties.
- Booking Medical Screen Questionnaires for Juvenile Detention and for the San Joaquin County Jail.
- Docket No. OAG-131: PREA Standards: Comments from Youth Advocates on Minimum Staffing Ratios at Juvenile Detention Facilities.
- Five-year history of inmate claims at the San Joaquin County Jail.
- Incident reports San Joaquin County Jail and Probation Department for Juvenile Detention.
- Inmate Grievances-SJC Jail and SJC Juvenile Detention Facility.
- Inmate Orientation and Rule Books.
- KCRA3 News, September 30, 2021, "Former San Joaquin County Correction Officer Found Guilty of Raping Inmates."
- 28 Code of Federal Regulations 115, Docket No. OAG-131, Rin 1105-AB34.
- Policies and Procedures Manual for the San Joaquin County Sheriff's Office Custody Division including section 3.1.16. Sexual Misconduct (PREA).
- Prison Rape Elimination Act-Juvenile Facility Standards (DOJ) 28 CFR Parts 115 (28 CFR115.311 through 28 CFR 115.393 pertain to juvenile standards).
- Prison Rape Elimination Act-Prisons and Jail Standards (DOJ) 28 CFR Parts 115 (28 CFR 115.11 through 28 CFR 115.501).
- San Joaquin County Probation Department: Juvenile Detention Policy and Procedure Manual.
- Video surveillance recordings of the booking process.
- Youth Handbook for Juvenile Detention.

Websites Visited

- *Alameda County Sheriff's Office*. Accessed January 22, 2023, <https://www.alamedacountysheriff.org>
- *Bureau of Justice Statistics*. Accessed January 27, 2023, <https://bjs.ojp.gov/programs/national-prisoner-statistics#:~:text=National%20Prisoner%20Statistics%20Program%20Produces%20annual%20national->
- *California Department of Corrections and Rehabilitation. Prison Rape Elimination Act*. Accessed December 21, 2022, <http://www.cdcr.ca.gov/prea>
- *California Division of Juvenile Justice - (DJJ)*. Accessed February 2, 2023, <https://www.cdcr.ca.gov/juvenile-justice>
- *Contra Costa County Office of the Sheriff*. Accessed October 6, 2022, <https://www.cocosheriff.org>
- *Fresno County Sheriff's Office*. Accessed November 9, 2022, <https://www.fresnosheriff.org>.

- *Kern County Sheriff's Office*. Accessed November 9, 2022, <https://www.kernsheriff.org>
- *PREA Audit Process and Appeals*. *PREA Auditors of America*. Accessed February 8, 2023, from <https://preaauditing.com/prea-audit-process-and-appeals/>
- *PREA Resources*. Accessed February 8, 2023, <https://www.prearesourcecenter.org/>
- *Sacramento County Sheriff's Office*. Accessed September 18, 2022, <https://www.sacsheriff.com>
- *San Joaquin County Jail Officer indicted by grand jury for sexual assault crimes*. *The Stockton Record*. Accessed Feb. 8, 2023, <https://www.recordnet.com/story/news/local/2021/12/04/sj-county-jail-officer-indicted-grand-jury-sexual-assault-crimes/8859662002>
- *San Joaquin County Sheriff's Office*. Accessed January 24, 2022, <https://www.sjsheriff.org/prea>
- *SJ jail Officer arrested, 3 Sheriff's Office staffers on leave after drug, weapons probe*. Accessed February 8, 2023. <https://stocktonia.org/2023/02/06/sj-jail-officer-arrested-3-sheriffs-office-staffers-on-leave-after-drug-weapons-probe/r-drug-weapons-probe/>
- *Sonoma County Sheriff's Office*. Accessed September 6, 2022, <https://www.sonomasheriff.org>
- *Stanislaus County Sheriff's Department*. Accessed September 6, 2022, <https://www.scsdonline.com>
- *The Marshall Project*. Accessed February 8, 2023, <https://www.themarshallproject.org/>
- *Third sexual misconduct complaint filed against Stockton police officer*. *The Stockton Record*. Accessed February 8, 2023, <https://www.recordnet.com/story/news/2022/06/29/third-accuses-stockton-pd-officer-nicholas-bloed-sexual-misconduct/7774014001/>

Facilities Visited

- San Joaquin County Jail
- San Joaquin County Juvenile Detention Facility
- City of Lodi Jail

Discussions, Findings, and Recommendations

1.0 San Joaquin County Jail: PREA Compliance Deficiencies

PREA standards mandate that an audit conducted by a certified Department of Justice auditor is performed every three years. The San Joaquin County Sheriff's Office has never had an audit completed since PREA standards were published and adopted in 2012 (28 CFR 115.401). An audit would establish whether agency-wide policies and procedures comply with relevant PREA standards. The audits are required to be public and available on the Sheriff's website, to ensure transparency and inform the public (28 CFR 115.403F).

The San Joaquin County Sheriff's Office is required by PREA to provide written materials and ensure that posters are visible that explain inmate rights and the zero-tolerance policy regarding sexual abuse or sexual harassment and how to report it. After touring the San Joaquin County Jail, the Grand Jury examined printed materials and the jail facility fails to provide adequate notices to inmates as required by PREA. There are only a few printed Inmate Orientation and Rule Books available to inmates, and the current handbook is vague. It offers a simple statement that if abused to report it to staff. There is no guidance on how to avoid or be protected from retaliation or how to make a confidential report.

PREA requires multiple internal means for inmates to privately report sex abuse and harassment. One of these reporting options must be to a public entity or private office that is not part of the agency and enables the inmate's report to remain confidential. The jail handbook only provides the phone number to a designated Sheriff's phone and explains that the reporting to that phone number and extension is confidential. However, this method for reporting may not ensure privacy or confidentiality. An agency must have a method to receive third party reports of sexual abuse and sexual harassment and is required to publish and distribute information on how to report such a claim on behalf of an inmate. The San Joaquin County Sheriff's Office does not publish or distribute such information.

PREA requires education materials be understandable to all inmates, including those with limited English or reading skills, as well as those who are deaf or visually impaired. The Grand Jury saw no materials in languages other than English. Written material should be available in large font and basic language, and in languages common to the general population. National language lines, TTY (text telephones), video phones, Braille transcription, and American Sign Language interpreters are additional resources. Posting information on small kiosk screens in the housing units is problematic because they are not always available and language issues remain. The problem of reading and language skills has not been adequately addressed. Medical and Mental Health staff are another resource to work with developmentally delayed inmates.

PREA requires a medical screening tool be used during booking to uncover key information that will help determine appropriate housing units. The tool should be designed to keep inmates at risk of victimization away from potential abusers. The Grand Jury requested the medical screening questionnaire to confirm PREA compliance but did not receive it.

PREA states that all agencies shall provide, where applicable, video surveillance to protect inmates against sexual abuse. The surveillance video recording is a deterrent and can be used as evidentiary documents. The jail booking and other areas are equipped with surveillance cameras, but the coverage area has blind spots. The San Joaquin County Sheriff's Office is installing more than 100 additional cameras throughout the jail to increase coverage within the facility in case there is conflict between staff and inmates. The Sheriff's Office stated that camera installation has been delayed until July of 2023 due to supply chain issues. The Sheriff's Office purchased 350 body cameras in 2022 that are now in use by the Department and at the jail.

Findings

F1.1 The San Joaquin County Sheriff's Office has failed to ensure that a mandated PREA audit (28 CFR 115.401) by a Department of Justice certified auditor has ever been done where one is required to be completed every three years. Failure to complete audits by a Department of Justice certified auditor diminishes transparency, could put inmates and detainees at risk, and could erode public trust.

F1.2 The San Joaquin County Sheriff's Office is not in compliance with 28 CFR 115.33(f), which requires them to provide adequate written materials and visible posters that explain inmate rights and the Sheriff's zero-tolerance policy regarding sexual abuse or sexual harassment. This could

result in delays in reporting and investigating, thereby exposing the Office to potential lawsuits, financial liability, and reduction in Federal grant funding.

F1.3 The San Joaquin County Sheriff's Office does not provide adequate means to report sexual abuse or harassment confidentially and privately to an independent public or private entity as required under 28 CFR 115.51 which is a violation of PREA standards and could result in a reduction of Federal grant funding.

F1.4 There is no video or audio recording equipment in interrogation rooms. There should be no area in the jail, absent issues of mandated privacy, where an inmate could be with officers in secluded settings. A potential claim of sexual or physical abuse without providing visual evidence also means the Sheriff's department would be unable to effectively defend such a claim.

Recommendations

R1.1 By July 1, 2023, The San Joaquin County Sheriff schedule an independent audit by a Department of Justice certified Auditor in accordance with 28 CFR 115.401(a) and post the audit report on the agency's website within 30 days of completion.

R1.2 By October 1, 2023, the San Joaquin County Sheriff develop and provide adequate written materials and visible posters that explain inmates' rights and the Sheriff's zero-tolerance policy meeting the requirements of PREA.

R1.3 By October 1, 2023, the San Joaquin County Sheriff develop and implement a process for inmates to confidentially report allegations of abuse or harassment to an independent public or private entity as required under 28 CFR 115.54.

R1.4 By October 1, 2023, San Joaquin County Sheriff in conjunction with the County Information Systems Department install video surveillance equipment in the interrogation rooms to ensure the capability of providing visual evidence in the event of a complaint filed by a detainee or inmate.

2.0 San Joaquin County Juvenile Detention Facility: Lacking Full PREA Compliance

The Juvenile Detention Facility, also known as Juvenile Hall, is under the jurisdiction of the San Joaquin County Probation department. It houses juvenile residents under the juvenile classification of those under the age of 18. With the implementation of the Department of Juvenile Justice Realignment under California SB823, there are now older residents ages 18-25 housed in the same facility.

PREA standards are applicable to both juvenile and adult facilities pursuant to 28 CFR 115.401(b). Procedures to comply with PREA standards at juvenile facilities must be reviewed and updated annually. The last update for the San Joaquin County Probation Department Juvenile Detention Policy and Procedure Manual occurred in 2019. That update failed to capture the extensive changes in PREA rules that have occurred since then because they were prior to SB823 under Juvenile Justice Realignment. The PREA standards require that direct employees and contracted

third party employees are trained when hired and then complete training every two years thereafter.

PREA originally was clear that older residents could not be housed with juvenile residents. With the new procedures under the Department of Juvenile Justice realignment in California, adults between the ages of 18 and 25 are now considered older residents and may be housed with juvenile residents at the SJC Juvenile Detention Facility. PREA prohibits older residents and juvenile residents from sharing overnight housing but can be together and intermingle for classes and other joint events. PREA standards including staffing ratios for juvenile facilities where adult and juvenile residents are housed in the same juvenile facility are 1:8 during waking hours and 1:16 during sleeping hours under 28 CFR 115.14(c). Procedures must explain how that separation is to be maintained and that all steps are taken to assure juvenile resident protection from unsupervised adults and older residents.

One purpose of PREA is to assure easy reporting, how to do it, how to protect from retaliation, while providing easy access to a completely confidential reporting office outside the Probation Department. Juvenile Probation offers all juvenile residents a call to the Women's Center Sexual Assault Crisis Line to make a claim but there is no procedure or protocol how that confidential message will reach an individual with the authority to investigate and maintain confidentiality. There should be written policies and procedures between the Probation Department and the call receiver. The agency's website and other public media do not explain how an individual can report sexual abuse or harassment on behalf of a juvenile resident.

PREA Standards for Juvenile Detention Facilities, 28 CFR 115.331 and 28 CFR 115.332, require that all staff, third party contractors, and volunteers working at a juvenile detention facility that have contact with juvenile residents receive comprehensive PREA training and receive refresher training every two years.

Findings

F2.1 Every three years PREA Audits by a Department of Justice certified auditor must be completed. The Probation Department for Juvenile Detention has never scheduled nor completed this mandated audit. This failure diminishes transparency, could put juvenile residents at risk, and could erode public trust, exposing the Probation Department and the Juvenile Detention Facility to potential lawsuits and financial liability.

F2.2 The Probation Department for Juvenile Detention has failed to conduct an annual review, mandated by 28 CFR 115.401(b), or updates for required procedures since 2019, which is a violation of PREA standards and could result in reduction of funding or other financial liability.

F2.3 The Probation Department for Juvenile Detention lacks published material explaining how separation between juveniles and older residents is to be maintained. Failure to maintain separation and ensure steps are taken to protect juvenile residents from unsupervised older residents could result in undesirable interactions leading to potential lawsuits and financial liability.

F2.4 The Probation Department for Juvenile Detention has failed to provide a written policy or procedure to ensure a sexual assault or harassment victim's report to the Women's Center Sexual Assault Crisis Line will remain confidential.

F2.5 The Probation Department for Juvenile Detention's website and other public media fail to explain or reference how a third party can make a confidential report on behalf of a juvenile resident, which creates a lack of transparency and fails to provide required confidential accessibility options to file a report.

F2.6 The Probation Department for Juvenile Detention staff members demonstrated a lack of understanding that all federally mandated PREA standards apply to San Joaquin County's Juvenile Detention Facility. A lack of comprehensive understanding of all PREA standards that apply could result in a failure to adequately protect juvenile residents, contractors, and employees.

F2.7 The Probation Department for Juvenile Detention does not consistently provide training for educators, third party contractors, and volunteers with refresher training every two years, which is a violation of PREA Standards 28 CFR 115.331 and 28 CFR 115.332 and could compromise the safety of staff, volunteers, and juvenile residents.

Recommendations

R2.1 By July 1, 2023, The Probation Department for Juvenile Detention schedule an independent audit by a Department of Justice certified auditor in accordance with 28 CFR 115.401(a) and post the audit report on the agency's website within 30 days of completion.

R2.2 By October 1, 2023, The Probation Department for Juvenile Detention conduct an internal review for PREA compliance and update the Juvenile Detention Procedure Manual within 90 days following the PREA audit mandated by 28 CFR 115.401(b).

R2.3 By October 1, 2023, The Probation Department for Juvenile Detention develop, implement, and publish a written explanation and process describing how juvenile residents and older residents housed at Juvenile Detention Facility will maintain resident separation when required.

R2.4 By October 1, 2023, the Probation Department for Juvenile Detention develop and publish written policies and procedures for maintaining resident confidentiality and privacy between the Juvenile Detention Facility and the Women's Center Sexual Assault Crisis Line.

R2.5 By October 1, 2023, the Probation Department for Juvenile Detention develop and publish on their website and other public media a clear explanation and process for how a third party can make a confidential report on behalf of a juvenile resident.

R2.6 By October 1, 2023, the Probation Department for Juvenile Detention develop and publish a policy to provide PREA training for all staff members, third party contractors, and volunteers and receive refresher training every two years.

3.0 City of Lodi Police Department Jail: PREA Materials and Posters not Visible

The City of Lodi jail is a lockup facility under the jurisdiction of the Lodi Police Department. It is used to detain individuals who have been arrested within the city limits and are waiting for a court appearance or transfer to another facility. The jail provides for the safety, security, and welfare of both the inmates and the staff. During a Grand Jury tour of Lodi jail and Lodi Police Department ride-alongs by Grand Jury members, it was noted that the jail does not have any posted PREA required materials in a visible location.

Findings

F3.1 The Lodi Police Department is not in full compliance with 28 CFR 115.33(f), which requires them to provide written materials and visible posters explaining inmate rights and the Department's zero-tolerance policy regarding sexual abuse or sexual harassment at the jail. This could result in delays in reporting and investigating, exposing the Office to potential lawsuits, financial liability, and reduction in grant funding.

Recommendations

R3.1 By October 1, 2023, the City of Lodi Jail and Police Department provide visible posters and written materials explaining inmate rights and the Department's zero-tolerance policy regarding sexual abuse in the booking, processing, and holding areas within the jail.

Conclusion

The San Joaquin County Sheriff's Office and the Probation Department for Juvenile Detention need to bring their departments into full compliance with PREA requirements. Priority should be given to those requirements related to disseminating information and education to inmates, preparing and maintaining reports, and conducting timely internal and DOJ PREA audits.

The Sheriff's Office is moving in the right direction by installing more than 100 additional cameras throughout the San Joaquin County jail, but the project is not expected to be completed until July of 2023. The Sheriff's Office acquired 350 body cameras in 2022 that are now in use at the jail. This additional surveillance equipment will provide transparency and improve determination of fault in the cases of conflict between staff and inmates.

Full compliance with PREA rules can benefit the San Joaquin County Sheriff's Department and Probation Department in regard to the custodial facilities under their jurisdiction by maintaining their eligibility to receive additional federal funds and grants and reducing the risk of legal action filed against their departments.

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 60 days of receipt of the report.

- The Sheriff shall respond to Findings F1.1, F1.2, F1.3 and F1.4 and Recommendations R1.1, R1.2, R1.3 and R1.4.
- The Probation Department shall respond to Findings F2.1, F2.2, F2.3, F2.4, F2.5, F2.6, and F2.7 and Recommendations R2.1, R2.2, R2.3, R2.4, R2.5 and R2.6.
- The Lodi Police Department shall respond to Finding F3.1 and Recommendation R3.1.

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

Honorable Michael D. Coughlan, Presiding Judge
San Joaquin County Superior Court
180 E Weber Ave, Suite 1306J
Stockton, California 95202

Also, please email a copy of the response to Ms. Krystal Gonzalez, Staff Secretary to the Grand Jury, at grandjury@sjcourts.org.

2022–2023 San Joaquin County Grand Jury



School Safety in San Joaquin County: Developing a Culture of Safety Case #0322



Summary

The 2022-2023 San Joaquin County Civil Grand Jury examined, through the lens of a layperson, the safety measures in place at the 14 public school districts and the San Joaquin County Office of Education (SJCOE). These safety measures are mandated by California Education Code 32280-322895.5. Through multiple interviews, site visits, and expert witness testimony, the Grand Jury found while many protocols have been established in the County, there is no unified approach to school safety. Rather, safety planning often consists of a patchwork of policies and procedures and

many of the Comprehensive School Safety Plans (CSSPs) required by law are boilerplate documents that are rarely specific to school sites.

Schools in San Joaquin County are safer because of recent efforts by school districts, but more can be done. Districts can create more opportunities for meaningful involvement by parents, students, and staff in safety planning efforts. Parents/guardians can ask school officials about safety at their child's school site.

Law enforcement must be more involved in the process of development, implementation, and annual updates of the CSSP, including participation in safety training/drills, building relationships with students and staff, and helping to create a culture of safety.

While the issue of school safety is vast, the 2022-2023 San Joaquin County Civil Grand Jury review focused on the following areas:

- Comprehensive School Safety Plans.
- Observations during school site visits.
- Safety training.

The 2022-2023 Civil Grand Jury found CSSPs were not school site-specific and displayed a lack of parental and law enforcement agency involvement, safety training was intermittent, and drills were predictable. The Grand Jury also found a lack of meaningful staff and student discussion regarding school safety, school sites that were inconsistent in visitor check-in procedures, and evacuation maps missing or lacking clarity.

Glossary

- **AED:** Automated External Defibrillator.
- **Average Daily Attendance:** The total days of student attendance divided by the total days of instruction.
- **CDE:** California Department of Education.
- **Certificated Employee:** Certificated school employees are employees of a school, district, or county office of education who are in a position that requires the employee to have a credential from the California Commission on Teacher Credentialing (CCTC).
- **Charter School:** A charter school is a public school that may provide instruction in any combination of grades (kindergarten through grade 12). Parents/guardians, teachers, or community members may initiate a charter petition, which is typically presented to and approved by a local school district governing board.
- **Classified Employee:** Classified employees are employees of a school, district, or county office of education who are in a position not requiring certification.
- **COE:** County Office of Education.
- **Common Areas:** Common areas are defined as auditoriums, multipurpose rooms, gymnasiums, cafeterias, wellness centers, and any other area that may be used by both the public as well as students and staff. Pursuant to Education Code Sections 38130-38139, public schools are required to offer the use of school facilities by non-district public groups.

- **CSSP:** Comprehensive School Safety Plan. Safety plan required by California law for each school site operating kindergarten or any of grades 1 to 12, inclusive.
- **Dependent Charter School:** A dependent charter school is a charter school that has been authorized and is governed by the district's school board and is an integral part of the district's portfolio of schools.
- **First Responder:** The term includes a firefighter, law enforcement officer, paramedic, emergency medical technician, or other individual who, in the course of his or her professional duties, responds to fire, medical, hazardous material, or other emergencies.
- **Flip chart:** Emergency response flip charts are an effective way of referencing important contacts and actions to be taken in an emergency. Having clearly defined procedures to deal with emergencies that may occur in your workplace and making sure your workers are familiar with these procedures may save lives.
- **Independent Charter School:** A school that, although authorized by a school district board, is governed by a separate governing board, and is operated independently from the other schools administered by the district.
- **Lock Block System:** A simple device that prevents locked doors from completely closing, allowing the handle to stay locked and students or adults to quickly lock doors without the need for keys in the case of danger on campus.
- **Raptor:** Raptor Technologies is a company that has developed integrated school safety software that allows schools to screen and track school visitors.
- **School Safety Culture:** Campus climate and culture are foundational in the creation and maintenance of a safer and more secure school for both students and staff. Keeping students safe both physically and emotionally requires an atmosphere in which parents/guardians, students, and staff are all working together to protect the learning environment.
- **SJCOE:** San Joaquin County Office of Education.
- **SRO:** School Resource Officer.
- **Tabletop Exercise:** Small group discussions about an emergency and the courses of action a school will need to take before, during, and after an emergency to lessen the impact on the school community. Participants analyze the problem together and discuss detailed roles, responsibilities, and anticipated courses of action.

Background

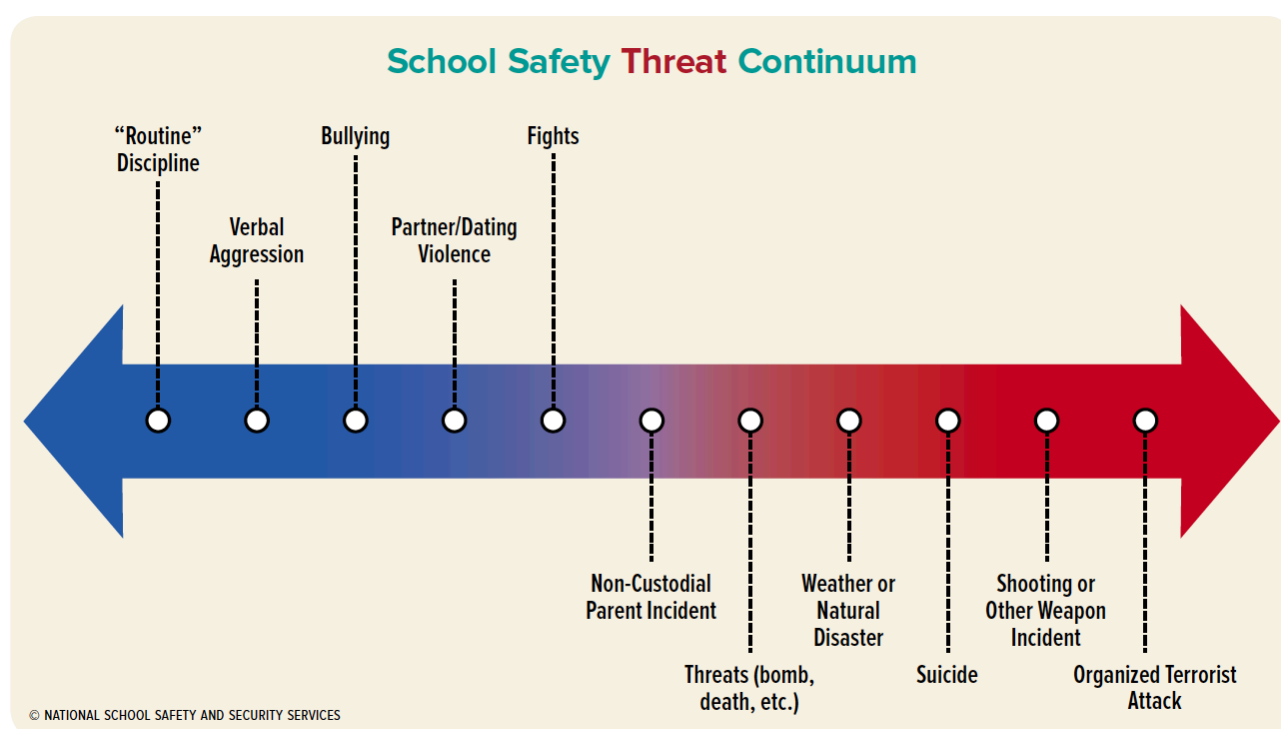
Recent media reports of tragic and all too frequent shootings on school campuses across the country have heightened community concerns about school safety and security, but school violence is not a new or recent concern. In fact, school shootings have been part of our nation's history since Colonial days. During the 19th century, multiple shootings occurred on school campuses involving intentional and accidental gunshots and other forms of violence by students and outside intruders.

Early in the 20th century the frequency of school violence diminished, but one of the earliest examples of mass school fatalities occurred in 1927 in Bath, Michigan, where 44 people, including 38 students, died when a former school board member dynamited the district school. In the middle

of the 20th century school attacks, bombings, and riots by individuals and mobs were often fueled by racial and religious animosity.

The modern school violence trend toward mass casualty shootings began in San Joaquin County in 1989. The Cleveland School shooting occurred ten years before the more frequently referenced Columbine High School shooting in Colorado. Although the 1990s and early 2000s saw an overall trend toward fewer deaths from school shootings in the United States, the public's perception of unsafe schools was shaped by numerous high-visibility shooting incidents that led to the belief that our schools have become increasingly dangerous places.

School shootings are the focus of discussions in the media, however, school safety concerns range across a continuum, from routine discipline to bullying and fighting, weather and natural disasters, nearby transportation and industrial accidents, and shootings, as illustrated below.



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School safety planning requires careful thought, preparation, and training to avoid or mitigate the consequences of all threats across this continuum. These include not only high-consequence threats that have a low probability of occurrence (school shootings) but also lower-consequence threats that have a much higher probability of occurrence (bullying).

Reason for Investigation

Creating a safe and healthy learning environment is a top priority shared by parents/guardians, educators, policymakers, and the community. The importance of safe schools is reflected in Article I, Section 28(f) of the California Constitution, which states: "All students and staff of public primary, elementary, junior high, and senior high schools, and community colleges, colleges, and universities have the inalienable right to attend campuses which are safe, secure and peaceful." Furthermore,

California Education Code Sections 32280-32289.5 mandate an annual update of each school site's Comprehensive School Safety Plan (CSSP) by March 1 of each year.

The Grand Jury concluded that recent events in San Joaquin County and elsewhere raised the question of whether the schools in our County were taking appropriate steps to protect students and staff.

The Federal government does not maintain a database of school shootings, but several other entities do attempt to compile that data. For example, *Education Week* reports 2022 had the most school shootings in the nation (51) and the highest number of casualties (40 killed and 100 injured) in the past five years; 21 of those deaths occurred in the Uvalde school shooting in May 2022. San Joaquin County did not experience any school shootings in 2022, although one Stockton high school student was fatally stabbed when a man entered the campus through an unattended security checkpoint. Local media reported several instances of students being arrested for alleged threats of violence at schools in the County. Tragically, during the Grand Jury investigation, two students were attacked at Unity Park near Chavez High School; one student was shot and killed and the other student was pistol-whipped.

Rather than focusing the Grand Jury's investigation on one type of school safety threat, such as school shootings, or on school safety planning at one school or district in the County, the Grand Jury concluded it would best serve San Joaquin County citizens to review emergency preparedness planning for threats across the school safety continuum. The Grand Jury evaluated school safety planning from a layperson's perspective by measuring each district's preparedness against best practices as identified through research and expert testimony. This report shares with the public the results of that evaluation. Due to the complexity of governance and the large number of independent charter schools (32), the Grand Jury focused its investigation on traditional and dependent charter schools.

Method of Investigation

The Grand Jury conducted an extensive literature review and interviewed several school safety experts to identify consensus among experts on best school safety practices and where there were differences of opinion. The Grand Jury also surveyed each district about school safety preparation and planning. The Grand Jury compared the responses received from each school district against the best practices recommended by school safety experts. Follow-up interviews were conducted with representatives from each district. Grand Jury members visited one school from each district to confirm the information received and to observe safety preparation at the individual school level.

Materials Reviewed

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- “Tracy Unified School District Home Page.” www.tracy.k12.ca.us, www.tracy.k12.ca.us. Accessed March 3, 2023.

Interviews Conducted

- District Administrators.
- Representatives from all County and Local Law Enforcement Agencies.
- San Joaquin County Office of Education Administrators.
- School Safety Consultants.
- School Safety Experts.
- School Site Administrators.
- School Site Certificated Personnel.
- School Site Classified Personnel.

Sites Visited

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- Waterloo Middle School (Linden Unified School District).
- Williams Middle School (Tracy Unified School District).

Discussions, Findings, and Recommendations

1.0 School Safety Fundamentals

When asked, school officials, families, policymakers, and the community agree school safety is a top priority, but often there is a disconnect between safety practices and that priority. There is disagreement about what steps should be taken to make our schools safer or how much time, energy, or money should be devoted to school safety efforts. The recent uptick in gun-related incidents at schools across the country has created what some school safety experts believe is a skewed focus on target hardening. Physical security measures, security hardware equipment, cameras, access control, and other forms of safety technology can be useful in the school safety tool bag but are only as valuable as the weakest human link supporting them. As one school safety expert advised the Grand Jury, “Beware of school safety consultants with something to sell.” The emphasis on physical security measures has created a failure to focus on human factors and the fundamentals of school security and culture.

From interviews with school safety experts and a review of publicly available literature, the Grand Jury learned that the best safety plans focus on fundamentals such as:

- Site-specific emergency plans.
- Creating a culture of safety.
- Lockdown drills and sheltering in place.
- Evacuation and reunification.
- Identifying and assigning incident command roles.
- Recognizing abnormalities.
- Having situational awareness at all times.
- Empowering staff to make decisions during emergencies.

The focus of any school safety program should be on training to prepare people with the skills necessary to take proper action when confronted by an emergency. An emergency by its very nature is a time of extreme stress that often short-circuits rational thought and action. Available data indicate lockdown drills (close and lock the door, turn off the lights, close blinds and curtains, move into a hardened corner that is out of sight of an intruder, and keep quiet) work best to prepare staff and students to respond effectively to emergencies. Options-based training (run, hide, and fight) is recommended by some safety experts, but such training is controversial and is discouraged by other experts. Basic, age-appropriate drills should be the focus of any safety training involving students. Overly dramatic drills that create student anxiety should be avoided.

Safety training for school employees must be more than a once-a-year event; it must be integrated into staff meetings throughout the school year and must include not only teachers and administrators but also support staff. Safety drills for staff and students must be diversified in the type and timing of the drills.

In addition to safety training, school climate and relationships are keys to school safety.

“Schools should address climate along with security and emergency preparedness, not one or the other. Too often climate is pitted against security, instead of focusing on both. Schools can be warm, welcoming, and trusting environments and still have balanced security measures and comprehensive emergency preparedness guidelines.”¹

A positive school culture is one in which students and staff feel respected, supported, and connected to each other and to the school community. In such a culture, there is a greater sense of shared responsibility for the well-being and safety of everyone in the school, and students are more likely to report concerns or potential safety issues.

In contrast, a negative school culture, characterized by bullying, harassment, discrimination, or general facility disrepair, can contribute to a lack of trust and support among students and staff. This makes it more difficult for students to feel comfortable reporting safety concerns and contributes to a sense of isolation and disengagement that increases the risk of violence or other safety issues.

Creating a positive school culture that promotes respect, inclusivity, and collaboration helps to foster a sense of community and shared responsibility leading to a safer school environment. This includes initiatives such as anti-bullying and anti-harassment programs, positive behavior interventions and supports (PBIS), and efforts to promote diversity and cultural sensitivity.

Safety culture is a topic to be revisited throughout the school year to build upon overall school safety. As an expert witness noted:

“...the key thing is really creating a culture of safety and a culture for reporting. Where safety is everyone's job from the custodian, your school secretary, [your] food service worker, your bus drivers, the first and last people to see kids during the day, to encourage not only see something and say something, that catchphrase that has been used since 9/11, but training people on how to do something. [If] someone sees something, they say something, then what are you trained to do. Because if someone reports it and you don't act and it's not acted in a timely appropriate manner, it's not going to really carry this all the way through.”

A school safety culture is encouraged by involving parents/guardians, students, teachers, administrators, and other school personnel in a school's safety planning process. It also is encouraged by creating an overall positive climate at the school. Is there school engagement, school ownership, school pride, and student artwork present and visible in the school? Is the school clean and well-maintained? Do students and school employees have an open and trusting relationship?

2.0 Comprehensive School Safety Plan

“The California Constitution guarantees California children the right to attend public schools that are safe, secure, and peaceful. The CDE, public school districts, county offices of education (COEs), and schools and their personnel are responsible for creating learning

¹ Trump, Kenneth S., *Proactive School Security and Emergency Preparedness Planning*. Thousand Oaks, Calif., Corwin, 2011, page 182.

environments that are safe and secure. First responders, community partners, and families play an essential role, as well. Schools must be prepared to respond to emergencies including natural and man-made hazards and strive to prevent violence and behavior issues that undermine safety and security. CSSPs include strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on the school campus and aspects of social, emotional, and physical safety for both youth and adults.”²

According to California Education Code Section 32281(a), every school district and County Office of Education (COE) in the State is responsible for developing a Comprehensive School Safety Plan (CSSP). For each of its school sites and the site council or safety planning committee for each site is required to write and develop a CSSP that is relevant to the specific needs and resources of that site. In school districts with fewer than “2,501 units of average daily attendance,” there may be one CSSP for all schools within the district.

Every year, each school is required to adopt an updated CSSP by March 1. Before adopting its CSSP, the school site council or safety planning committee must hold a public meeting at the school site to allow members of the public the opportunity to express an opinion about the school safety plan. State law includes a list of individuals and entities that must be notified in writing of these public meetings. These opportunities for meaningful public input on safety plans and goals help build a strong school safety culture.

Each school’s CSSP must be designed to address campus risks, prepare for emergencies, and create a safe, secure learning environment for students and school personnel. The CSSP must include adaptations necessary for the safety of students with disabilities. The school site council is required to consult with representatives from the law enforcement agency, the fire department, and other first responder entities in the writing and development of the CSSP and to share any updates to the CSSP with those entities. An updated file of all safety-related plans and materials also must be readily available for inspection by the public.

Administrators of a school district or COE may elect to develop those portions of a CSSP that include tactical responses to criminal incidents and to develop those portions of the CSSP themselves, in consultation with law enforcement and a representative of an exclusive bargaining unit of employees. The governing board of a school district or COE also can confer in closed session with law enforcement officials prior to the approval of a tactical response plan. Any vote to approve the tactical response plan would be announced following the closed session.

The CSSP must include provisions for:

- (1) assessing the status of crime on school campuses and at school functions and

² California Department of Education, “Comprehensive School Safety Plans – Violence Prevention (CA Dept of Education).” www.cde.ca.gov, www.cde.ca.gov/lr/ss/vp/cssp.asp. Accessed May 2, 2023.

(2) identifying appropriate strategies that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety.

The SJCOE and all districts in the County have approved CSSPs for their schools. The State CSSP requirements are lengthy and plans that attempt to discuss in detail all required elements can become unwieldy. Some of the CSSPs reviewed by the Grand Jury were several hundred pages long and generally included the major elements required by State law, but only a few appeared to have been drafted to address issues unique to an individual school site. Only a few indicated there had been any significant opportunity for public input during the drafting or approval stages of the annual CSSP updates. Even fewer included an assessment of the status of crime at the school and school-related functions. The Grand Jury also found plans contained only limited mention of the unique needs during emergencies of students with disabilities. Interviews and conversations with district administrators and school personnel often indicated limited knowledge of the safety information within these lengthy plans or even where the plan was physically located.

Most districts asserted that local law enforcement had been involved in the preparation or update of district CSSPs, but the nature of that involvement varied widely and seldom was documented in a manner that would allow the public to conclude that the involvement was meaningful. Some school officials commented that law enforcement agencies seemed reluctant to collaborate. Fewer districts asserted the local fire district had been involved in the preparation or update of district CSSPs, although some schools reported during site visits that the fire marshal had assisted in the preparation of current evacuation maps. The Grand Jury could not conclude from available information whether law enforcement and first responders had been given the information about the specific circumstances at individual school sites necessary for an appropriate response to a school safety emergency.

Several districts and schools made lengthy CSSPs more useful by creating concise flip charts identifying key steps to be taken during a range of anticipated emergencies. Most schools using these flip charts posted them in classrooms, but only a few schools posted them in other rooms frequented by students, such as libraries, cafeterias, multipurpose rooms, and other school resource rooms. Many of these rooms are used by the general public during non-school hours, in accordance with the California Education Code.

Some districts keep the entire CSSP confidential. Others make public most of the CSSP but keep some portions of the plan confidential to avoid providing useful information to potential criminal perpetrators. A few districts make the entire CSSP public. As noted above, the California Education Code requires an updated file of all safety-related plans and materials to be readily available for inspection by the public, but school administrators are authorized to keep confidential the portions of safety plans that include tactical responses to criminal incidents. The Grand Jury considers the better practice is to keep these sensitive provisions confidential but to make the rest of the CSSP and other safety-related information readily available to the public and school employees.

The CSSP must include a clear description of incident command and communication roles, together with associated duties. It also must identify the individuals responsible to perform those roles as well as alternate individuals if the primary individual is not available to perform the role. Some of the CSSPs reviewed by the Grand Jury identified the incident command roles, but only a few of these identified the individuals responsible for those roles and the alternates who would assume those roles if the primary individual was not available. None of the CSSPs reviewed by the Grand Jury provided evidence that the individuals responsible for incident command roles had received appropriate training to properly perform those important roles.

Some districts include meaningful information about safety measures taken by the district and its schools through the district website and other communications with parents/guardians. Other districts have little or no information about safety measures on their websites and appear to have only limited communication with parents/guardians about safety measures.

The CSSP should describe the system to reunite parents/guardians with their children in the event of a campus-wide evacuation or emergency and parents/guardians must be made aware of how they can reunite with their children. Only some of the CSSPs reviewed by the Grand Jury contained a detailed description of the reunification system and how parents/guardians will be advised of the relevant details of that system.

Findings

F2.1 A review of CSSPs demonstrated many districts have failed to create a CSSP that addresses safety issues unique to the individual school sites, and rather use a template and/or boilerplate language, leaving the school site unprepared in an emergency.

F2.2 Many districts have not involved teachers, support staff, students, and parents/guardians when updating each school site's CSSP, missing an opportunity to create a culture of school safety.

F2.3 Many districts have not collaborated with local law enforcement and other first responders during the annual process to update the CSSP, which could result in a prolonged and inefficient emergency response.

F2.4 Many district CSSPs show a lack of meaningful collaboration between districts and local law enforcement agencies, causing confusion and chaos during an emergency.

F2.5 Many districts do not offer an opportunity for public input during the drafting or approval stages of the annual CSSP, which renders the districts out of compliance with State law.

F2.6 Most districts do not include an assessment of the status of crime at the school and school-related functions in their CSSPs, which renders the districts out of compliance with State law and causes potential harm and liability.

F2.7 Many districts do not adequately address the unique needs of students with disabilities during emergencies. The lack of planning for the most vulnerable students can cause harm during a time of confusion and crisis.

F2.8 A few districts do not make any part of the CSSPs available to the public, withholding important information about steps taken by the district to reduce the probability and impact of safety risks. Other districts post the CSSPs in their entirety, failing to keep confidential information about tactical responses, potentially revealing sensitive information to the public.

F2.9 Many districts have CSSPs that fail to identify incident command roles and the individuals who are to perform those roles in case of an emergency, exposing students and staff to the potential for confusion and increased risks during an emergency.

F2.10 Many districts have CSSPs that fail to describe the system to reunite parents/guardians with their children in the event of a campus-wide evacuation, creating confusion and additional anxiety in the event of a safety emergency.

F2.11 Many school site CSSPs do not account for specific dangers unique to the school site (e.g., train tracks, flooding, freeways).

Recommendations

The 2022-2023 San Joaquin County Civil Grand Jury recommends that the County Office of Education, the 14 school districts, and law enforcement agencies in the County implement school safety programs that require the following actions:

R2.1 By March 1, 2024, the annual updates for each school site's CSSP address safety issues unique to the site.

R2.2 By December 15, 2023, while updating the school's CSSP, each school site collaborate and receive input from representatives of teachers, support staff, students, and parents/guardians.

R2.3 By December 15, 2023, while updating the school's CSSP, each school site collaborate and receive input from the appropriate emergency response agencies.

R2.4 By December 15, 2023, each law enforcement agency in San Joaquin County meaningfully collaborate and approve the updated CSSP for school sites within that agency's jurisdiction.

R2.5 By February 1, 2024, each school site council or safety planning committee hold an advertised public meeting at the school site to allow members of the community an opportunity to express an opinion about the school's proposed CSSP as required by California Education Code Sections 32288(b)(1) and (2).

R2.6 By March 1, 2024, each school site's CSSP include the State mandated assessment of the status of crime at the school and school-related functions.

R2.7 By March 1, 2024, each school site consult with the appropriate professionals to address the unique needs of students with disabilities when updating the CSSP.

R2.8 By March 1, 2024, each school site's CSSP be available to the public with the exception of confidential information about tactical responses.

R2.9 By March 1, 2024, each school site's CSSP identify the incident command roles and the individuals who are to perform those roles and their alternate in cases of an emergency.

R2.10 By March 1, 2024, each school site's CSSP describe the system to reunify parents/guardians with their student in the event of a campus-wide evacuation, including how parents/guardians are informed of reunification details.

R2.11 By March 1, 2024, each school site's CSSPs account for dangers unique to the specific school site (e.g., train tracks, flooding, freeways).

3.0 Training

On November 11, 2022, the San Joaquin County Office of Education offered a free half-day School Safety Summit for the first time. The purpose of the summit was to bring stakeholders together in a forum that could address school safety Countywide. All but three of the 14 districts in San Joaquin County attended the event with one or more representatives. As one attendee noted on a feedback form, "Thank you for starting this conversation. Safety should be something we talk about more often. Consider making this a topic that gets revisited multiple times a year." Another attendee noted, "Thank you for taking the lead on this important topic." The Grand Jury agrees.

The purpose of the summit was to try to bridge the service gap by bringing to light the differences and the similarities of need while at the same time illustrating the importance of school culture insofar as school safety is concerned. As noted by a witness interviewed by the Grand Jury, San Joaquin County is unique in the districts that service the County students. Some districts have school resource officers (SROs) or their own sworn law enforcement department, while more rural and smaller districts may have to wait an extended period of time for law enforcement response.

One of the experts interviewed by the Grand Jury observed, "The first and best line of defense is a well-trained, highly alert staff and student body in a school." Recent school tragedies in the news have received attention in the media that sometimes focuses on technology to make school sites more difficult to access rather than the failure to focus on the human factors and fundamentals of school safety. The same expert also noted a common thread across many, if not most of these tragedies, is "they involve allegations of failures of human factors, not allegations that some type of security hardware equipment failed. So we are moving and seeing this effort to have a skewed focus on target hardening. Physical security can play a tool, any type of technology is only as good as the weakest human link behind it."

Repeated training for school staff and students is the best way to reduce the likelihood that people will “freeze” during an emergency. Not only is training required by State law, but it is also an important way to help make safety part of a school’s culture.

To be most effective, training of teachers, administrators, and support staff should include training at the beginning of each school year but also throughout the year during regular teacher and staff meetings. Tabletop exercises provide a cost-effective way to train in a variety of emergency scenarios. Appropriate training for substitute teachers is an important element of school safety, but few districts have taken steps to assure they have received emergency information in a timely, effective, and usable manner.

Training is best reinforced by drills. Drills are most effective if the types and timing of the drills are varied throughout the school year including drills at times such as lunch, recess, or passing periods when students are not in a classroom. Students' involvement in drills, however, must be limited to age-appropriate activities and be designed to avoid the creation of potentially harmful anxiety. Special consideration should be given to drills that reinforce training related to the needs of students with disabilities. Tabletop exercises are an effective way for staff to drill and prepare for a variety of emergency scenarios.

Safety emergencies can be confusing and traumatic, making effective communication and incident command vitally important. Breakdowns in communications or response coordination can have catastrophic consequences. Schools and school districts will be responsible for notifying first responders and commanding the early stages of response to the emergency. They will be communicating with employees, students, and parents/guardians during and after the emergency while also being confronted with demands for information from the media and concerned community members. When first responders arrive on the scene of the emergency, they typically will take over command of the incident response, but at many schools, especially in rural areas, there may be an extended delay before appropriate professional responders can arrive at the scene. The school and the district must be prepared to command the response to the incident during this delay. The yearly schedule of drills should include drills that reinforce communication and incident command readiness.

The Incident Command System 100 (ICS-100) training is a course provided by the Federal Emergency Management Agency (FEMA) that covers the basics of the Incident Command System (ICS), which is a standardized system used by emergency response organizations to manage incidents and emergencies. The ICS-100 course is designed to provide an introduction to the principles and structure of ICS, including key roles and responsibilities, and the process of establishing a unified command during an emergency. The focus of ICS-100 training is fourfold:

1. **Improving communication:** ICS-100 training teaches responders how to use a common language and communication system to ensure that everyone is on the same page during an emergency.

2. **Enhancing coordination:** ICS-100 training clarifies how responders work together and coordinate their efforts to respond effectively to an emergency.
3. **Promoting safety:** ICS-100 training emphasizes the importance of safety during an emergency and informs responders how to prioritize safety when responding to incidents.
4. **Reducing confusion:** ICS-100 training provides a clear structure and framework for responding to emergencies, reducing confusion and ensuring that everyone knows their role in an emergency.

The Grand Jury discovered that within the County, while some school districts utilize ICS-100 training, many do not, causing a security gap. When the Grand Jury inquired about ICS training with expert witnesses, the answer was universally in support of such training, tailored to the specifics of school sites. “I think it's useful. I think it's useful to understand how it all works in the big picture,” said an expert.

While the Grand Jury recognizes that annual training can be overwhelming to school staff, not all school site personnel require ICS-100 training as much as those personnel identified in the CSSP incident command roles on school campuses (including classified employees).

While ICS-100 training is focused on a school site, ICS-402 training is directed towards executive-level leadership (district cabinet-level employees). ICS-402 training is designed to provide education and training for those who may be responsible for managing large-scale incidents or emergencies. ICS-402 training for senior-level district staff members is important for several reasons:

1. **Preparedness:** School districts are responsible for the safety and well-being of students and staff members. In the event of an emergency, having trained staff members who understand ICS and implement it effectively is crucial in minimizing damage, preventing injuries, and saving lives.
2. **Coordination:** Large-scale emergencies involve multiple agencies and organizations, making coordination and communication critical. ICS-402 training helps school district staff members understand how to work with other agencies and organizations during an emergency, ensuring that everyone has the same understanding and that efforts are coordinated effectively.
3. **Legal compliance:** In some states or jurisdictions, ICS training is required for emergency responders and other people who may be involved in emergency management. Providing ICS-402 training to school district executive staff members will ensure that the district is compliant with these regulations.
4. **Flexibility:** The ICS system is flexible and scalable, which means that it can be used to manage emergencies of various sizes and types. By providing ICS-402 training to district executive staff members, districts ensure that they have a framework in place that can be adapted to different scenarios, from minor incidents to major disasters.

Overall, ICS-402 training assists school district leadership to prepare for emergencies, coordinate response efforts effectively, comply with regulations, and be flexible in their response to emergencies.

Interviews with district administrators and discussions with school staff during site visits indicated a limited understanding of the material in a school's CSSP. Many districts discuss safety at the beginning of the year during in-service training and rarely return to the topic.

All districts presented evidence of monthly drills involving teachers and students throughout the year. Few districts, however, included utilization of communication and incident command structure (ICS) identified in their CSSPs during drills. Many districts informed the Grand Jury that they varied the day and time for scheduled safety drills, but only a few districts indicated they had intentionally scheduled drills during times such as lunch, recess, or passing periods when students were not in their classrooms. This is when incident command structures are most critical. Drills are made more effective by presenting unexpected complications during the drill. One cost-effective variation recommended by experts is for an administrator to stand in a doorway typically used during a fire evacuation and inform students that the exit is blocked, forcing them to find another exit.

Many districts time evacuation drills, but the Grand Jury found limited evidence that drills typically are followed by an analysis of what went well, what went wrong, and what needs to be changed in the future to improve plans and drills.

Findings

F3.1 Feedback forms completed by attendees of the San Joaquin County Office of Education School Safety Summit and reviewed by the Grand Jury demonstrate the value and necessity of a Countywide School Safety Summit.

F3.2 Some of the districts failed to send representatives to the 2022 School Safety Summit, thereby missing an opportunity to work together to make schools safer.

F3.3 The Grand Jury learned through interviews, surveys, and site tours that many districts fail to include safety topics during regular meetings with teachers and support staff throughout the school year, minimizing the importance of safety.

F3.4 The Grand Jury learned through interviews, surveys, and site tours that many school sites fail to assure substitute staff receive the information they will need in the case of a school safety emergency, leaving the substitute staff ill-prepared for an emergency.

F3.5 Many districts fail to include the utilization of communication and incident command protocols (ICS-100) during safety drills throughout the school year, causing miscommunication in an emergency.

F3.6 Many district cabinet-level positions (e.g., Superintendent, Chief Business Officer) are not trained in ICS protocols (ICS-402), causing a lack of unified response to districtwide emergencies.

F3.7 Many school sites do not vary the time of day when routine safety drills are conducted or when students are not in classrooms, making drills predictable and leaving students unprepared for emergencies that may occur at any time.

F3.8 Many school sites fail to include support staff (classified personnel) in probable real-life roles during safety drills, leaving them unprepared to assist students in emergencies.

F3.9 Most school sites fail to conduct a post-incident report after drills analyzing what went well, what went wrong, and what needs to be changed in the future to improve plans and drills, undermining the effectiveness of drills.

Recommendations

The 2022-2023 San Joaquin County Civil Grand Jury recommends that the County Office of Education and the 14 school districts in the County implement school safety programs that require the following actions:

R3.1 By December 1, 2023, the San Joaquin County Office of Education and the San Joaquin County Office of Education Board of Trustees develop, adopt, and host an annual School Safety Summit.

R3.2 By December 1, 2023, each school district send one or more representatives to the annual School Safety Summit hosted by the San Joaquin County Office of Education.

R3.3 By September 1, 2023, safety topics be an agenda item at all school site staff meetings with teachers and support staff throughout the school year.

R3.4 By September 1, 2023, districts develop, adopt, and implement written procedures for school sites to provide substitute staff with the information they will need in case of a school emergency.

R3.5 By October 1, 2023, personnel identified in the school CSSP for incident command roles be trained and certified in ICS-100 protocols.

R3.6 By October 1, 2023, ICS-402 training be completed for all district-level executive leadership.

R3.7 By October 1, 2023, scheduled safety drills be conducted on different days throughout the school year and at various times throughout the school day, including when students are not normally in their classrooms.

R3.8 By October 1, 2023, scheduled safety drills include support staff (classified) in probable emergency roles during the year and document their participation.

R3.9 By October 1, 2023, administrators create a post-incident report after all safety drills.

4.0 School Site Visits

The Grand Jury visited 15 school sites and observed and reviewed safety protocols. One school was chosen from each of the 14 districts and one dependent charter school from the San Joaquin County Office of Education. At each site, the following safety components were evaluated and observed:

- Access Control - including entry procedures and perimeter fencing or barricades.
- Classrooms - including door locks, window coverings, emergency procedures and evacuation route postings, and any emergency supplies.
- Common Areas - evacuation routes posted at all entry/exit doors.
- Overall condition of the campus.
- Special Considerations - including transportation corridors, train tracks, or topography.
- Relationships between students, staff, and parents.

Access Control

Three schools utilized the Raptor system, which takes a picture of the visitor's identification and prints the ID picture onto a customized name badge. The system also screens and tracks all visitors. Only one of the three schools utilizing this system had the Grand Jury visitors return their badge at the end of the tour, which would prevent re-entry. Six schools performed some form of identification check, either with a driver's license or the Grand Jury Identification, and/or required a sign-in. Six schools did not ask for any identification and no sign-in was required.

Perimeter fencing at a school is a complicated issue. It is costly to install perimeter fencing around a school and it can make the campus seem and look like a prison. However, fencing can be an effective means of controlling who comes onto campus. It can also give a false sense of security and unless all gates are monitored and remain locked, the end result can be the same as if there were no fencing. Of the 15 sites visited, three did not have any or had very little perimeter fencing. One of those sites had conducted a parent survey regarding the issue and the results were closely divided between those who wanted the fencing and those who did not.

Commendations

Lincoln Unified utilized the Raptor system at the site visit and took our badges at the end of the tour, utilizing best practices in visitor sign-in procedures.

Banta Unified employed the best physical barrier system. Their check-in procedure involved being buzzed in through a half-door to a small waiting area where identification was checked and the sign-in form was completed with both time and date before being buzzed into the office.

Classrooms

At least one classroom was toured at each school. Evacuation routes were posted in all classrooms visited. Some maps were better than others. Some maps were too small, and one school posted a

campus map in every classroom but didn't mark the classroom's location or what route to follow for evacuation.

There were inconsistencies across the school sites visited regarding door-locking procedures. The schools visited by the Grand Jury usually kept doors locked at all times. While one school said that it kept doors locked and closed, the Grand Jury observed a classroom door propped wide open. Many schools utilized a lock block system, which allowed the door to be opened while quickly returning to a locked position with a slide or flip of the switch. Some schools utilized a standard key system for locking doors.

Some schools used flip charts with summaries of what to do in different types of emergencies. The schools that do utilize this form of emergency procedures communication did not always post them in the same area of each classroom or notify all staff that they had them. One school's Assistant Principal conducting the Grand Jury's tour was unaware of the flip charts, what they were, or where they were located.

About one-half of the classrooms visited had some form of an emergency information packet (folder/binder) and a few classrooms had emergency backpacks or tubs with paperwork and supplies to be taken in the event of an emergency.

A majority of the schools visited had window coverings, consisting of vertical or horizontal blinds, but some were old and in disrepair. If the classroom had uncovered door windows, they would need to be shielded in the event of a lockdown. Two of the schools utilized a magnetized shield that was the same size as the window to slide over to cover.

Commendations

New Hope Elementary School District covered its windows with magnets that had emergency procedures printed on them, serving two purposes.

Jefferson Unified utilized very creative ways to obscure windows with the use of long roller shades installed above the double glass doors to the library. They also used emergency kits in the classrooms and found an inexpensive and effective way to use a magnet to allow the door to be open while still locked.

Common Areas

The Grand Jury considered the common areas (cafeterias, gymnasiums, libraries, and multipurpose rooms) to be the most dangerous place to be during an emergency. The majority of the common areas lacked adequate evacuation route signs. Some schools had no evacuation route signs, some had one or two posted near a door, but not consistently at every door. Most had other safety equipment available, such as fire extinguishers and Automated External Defibrillators (AEDs). One school's AED box was open and empty. These observed deficiencies are particularly significant when the public is using the space during non-school hours.

Campuses Overall

One expert emphasized the importance of campus culture, “[a]nd just looking at the overall climate of the school...school engagement, school ownership, school pride, school artwork and items that children make and contribute that are part and present in the overall school.”

Most schools visited were well-maintained and tidy. Whether they were built recently or decades ago, the majority of campuses toured showed the care and pride of the staff that worked there and the students who attended. Some were freshly painted, had newly planted landscaping, new bark spread out, new picnic tables, and new shade structures, or were very neatly maintained. One older campus desperately needed attention. The ramps to the portable classrooms were in disrepair, and the playground was in poor condition, with uneven surfaces creating puddles and tripping hazards. However, the campus that was in this state of disrepair had the best and brightest bulletin boards scattered throughout campus, each with a different theme, showing pride in their campus.

Special Considerations

Of the school campuses toured, there were several special considerations that should be addressed in the individual site’s CSSP. Several school sites were rurally located, resulting in emergency responders having a much longer response time. One campus was located in an area prone to flooding. Another campus was located much lower than the adjacent interstate, and a vehicle accident on the interstate could become airborne, potentially landing on the field of the school. One campus was located directly next to a major train track, and while the tour was being conducted, two trains went by. The Grand Jury asked the tour leader about planned emergency responses to train derailments and was informed that none existed.

Relationships

The campuses visited represented a spectrum of relationship-based leadership and school culture. A majority of the campuses visited appeared to have a positive school culture. Many administrators knew one or more children’s names and conversed with them, sincerely engaging with students. At one campus of 700 students, the Principal knew the staff, students, and parents/guardians. At the other end of the relationship spectrum, an Assistant Principal leading the Grand Jury tour seemed disinterested and disengaged with both the tour and student interactions, only stopping to ask a student why she was out of class.

Findings

F4.1 Not all school sites have check-in procedures in place that were followed consistently, posing serious security threats.

F4.2 Perimeter fencing or an “open” campus each pose security challenges and require careful consideration to mitigate security shortcomings.

F4.3 Evacuation maps that are posted inconsistently or do not adequately illustrate evacuation routes cause confusion and prolonged evacuation times, making staff and students vulnerable to harm in both classrooms and common areas.

F4.4 Inconsistent door-locking policies and failure to follow policies create opportunities for perpetrators to enter classrooms and common areas.

F4.5 Most school sites utilized flip charts that identify steps to be taken in case of emergencies, however, none of the sites posted them in all rooms used by students, staff, parents/guardians, and the general public.

F4.6 Insufficient window coverings give perpetrators a clear line of sight, creating risk for students and staff.

F4.7 Most school sites, regardless of age, were well maintained and showed school pride. One school site demonstrated multiple maintenance shortcomings, which can negatively impact safety.

F4.8 Good relationships among administrators, certificated and classified staff, parents, and students are vital to promptly identify and address areas of concern, particularly regarding student behavior. Relationships varied greatly from campus to campus.

F4.9 The culture of safety is best developed by public transparency and involvement by all parties. Few of the school sites visited by the Grand Jury demonstrated meaningful public engagement in safety planning.

Recommendations

The 2022-2023 San Joaquin County Grand Jury recommends that the County Office of Education and the 14 school districts in the County implement school safety programs that require the following actions:

R4.1 By October 1, 2023, each school site implement an access control program that consistently includes verifying visitors' identity and collection of any issued badge before the visitor leaves the school site.

R4.2 By March 1, 2024, districts develop, adopt, and implement a plan for effective perimeter control of access at all school sites.

R4.3 By September 1, 2023, all school sites post evacuation maps clearly showing routes from the "You Are Here" perspective be prominently posted at each entry or exit door location in both classrooms and common areas.

R4.4 By March 1, 2024, districts develop, adopt, and implement a plan for door-locking policies to secure classroom and common area doors.

R4.5 By March 1, 2024, all school sites post flip charts or similar summaries of emergency procedures be posted in all classrooms and common areas.

R4.6 By March 1, 2024, all school sites ensure window coverings are provided for all windows, thereby not allowing a perpetrator a clear line of sight into a classroom or common area.

R4.7 By October 1, 2023, the Board of Trustees, during a public meeting, review and discuss the findings and recommendations of the 2022-2023 San Joaquin County Civil Grand Jury report, *Case #0322 – School Safety in San Joaquin County: Developing a Culture of Safety*.

Conclusion

The Grand Jury appreciates the cooperation of all public school districts in San Joaquin County, along with the San Joaquin County Office of Education.

School districts in San Joaquin County have taken important steps to make schools safer, but more can and should be done to reduce safety threats. While no one can predict an emergency, proper training, drills, plans, and creating a positive school culture, including a strong safety culture, can best mitigate tragic outcomes from those emergencies.

Parents/guardians can help make schools safer by:

- Asking if school emergency guidelines are tested and exercised.
- Determining whether your school has policies and procedures on security and emergency preparedness.
- Examining access to school campuses.
- Making sure accurate and timely safety information is shared.

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.

Note: If the responder is an elected official, the response must be sent within 60 days of receipt.

Public School Boards and Law Enforcement

RESPONDING AGENCY	RECOMMENDATIONS
Superintendent, San Joaquin County Office of Education	F2.1-2.11, 3.1-3.9, & 4.1-4.9 R2.1-2.3, 2.5-2.11, 3.1-3.9, & 4.1-4.7
Banta Unified School District	F2.1-2.11, 3.2-3.9, & 4.1-4.9 R2.1-2.3, 2.5-2.11, 3.2-3.9, & 4.1-4.7
Escalon Unified School District	F2.1-2.11, 3.2-3.9, & 4.1-4.9 R2.1-2.3, 2.5-2.11, 3.2-3.9, & 4.1-4.7
Jefferson School District	F2.1-2.11, 3.2-3.9, & 4.1-4.9 R2.1-2.3, 2.5-2.11, 3.2-3.9, & 4.1-4.7
Lammersville Unified School District	F2.1-2.11, 3.2-3.9, & 4.1-4.9 R2.1-2.3, 2.5-2.11, 3.2-3.9, & 4.1-4.7
Lincoln Unified School District	F2.1-2.11, 3.2-3.9, & 4.1-4.9 R2.1-2.3, 2.5-2.11, 3.2-3.9, & 4.1-4.7
Linden Unified School District	F2.1-2.11, 3.2-3.9, & 4.1-4.9 R2.1-2.3, 2.5-2.11, 3.2-3.9, & 4.1-4.7
Lodi Unified School District	F2.1-2.11, 3.2-3.9, & 4.1-4.9 R2.1-2.3, 2.5-2.11, 3.2-3.9, & 4.1-4.7
Manteca Unified School District	F2.1-2.11, 3.2-3.9, & 4.1-4.9 R2.1-2.3, 2.5-2.11, 3.2-3.9, & 4.1-4.7
New Hope Elementary School District	F2.1-2.11, 3.2-3.9, & 4.1-4.9 R2.1-2.3, 2.5-2.11, 3.2-3.9, & 4.1-4.7
New Jerusalem School District	F2.1-2.11, 3.2-3.9, & 4.1-4.9 R2.1-2.3, 2.5-2.11, 3.2-3.9, & 4.1-4.7
Oak View Elementary School District	F2.1-2.11, 3.2-3.9, & 4.1-4.9 R2.1-2.3, 2.5-2.11, 3.2-3.9, & 4.1-4.7
Ripon Unified School District	F2.1-2.11, 3.2-3.9, & 4.1-4.9 R2.1-2.3, 2.5-2.11, 3.2-3.9, & 4.1-4.7
Stockton Unified School District	F2.1-2.11, 3.2-3.9, & 4.1-4.9 R2.1-2.3, 2.5-2.11, 3.2-3.9, & 4.1-4.7
Tracy Unified School District	F2.1-2.11, 3.2-3.9, & 4.1-4.9 R2.1-2.3, 2.5-2.11, 3.2-3.9, & 4.1-4.7
Escalon Police Department	F2.4 R2.4

RESPONDING AGENCY	RECOMMENDATIONS
Lathrop Police Department	F2.4 R2.4
Lodi Police Department	F2.4 R2.4
Manteca Police Department	F2.4 R2.4
Ripon Police Department	F2.4 R2.4
Stockton Police Department	F2.4 R2.4
Tracy Police Department	F2.4 R2.4
San Joaquin County Sheriff	F2.4 R2.4

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

Honorable Michael D. Coughlan, Presiding Judge
San Joaquin County Superior Court
180 E Weber Ave, Suite 1306J
Stockton, California 95202

Also, please email a copy of the response to Mr. Irving Jimenez, Staff Secretary to the Grand Jury, at grandjury@sjcourts.org.

2022–2023 San Joaquin County Grand Jury



Good Intentions Are Failing San Joaquin County's At-Risk Children

Case #0422

Summary

The 2022-2023 San Joaquin County Civil Grand Jury received a citizen's complaint alleging the At-Risk Youth being housed at the Mary Graham Children's Shelter (MGCS) were either engaging in or were victims of dangerous behaviors during their stay. The behaviors included drug and alcohol use, tobacco use, physical abuse, physical altercations, inappropriate sexual activity, and leaving the facility at any time without permission. Based on this complaint, the Grand Jury investigated the policies, procedures, and standards applicable to the care of At-Risk Youth in San Joaquin County (County).

The Grand Jury toured MGCS, the Juvenile Detention Center, and the Children's Home of Stockton (CHS) and reviewed numerous documents, statutes, and regulations. The Grand Jury participated in four presentations and interviewed 12 witnesses from several County agencies: Human Services Agency (HSA), Children's Protective Services (CPS), Sheriff's Office, Probation Department, MGCS, and CHS. In addition, the Grand Jury attempted to interview an individual at the State's Community Care Licensing Department (CCLD) assigned to San Joaquin County to provide additional information concerning their role in policy application for the care of At-Risk Youth. The Grand Jury invited the CCLD to appear to provide clarification concerning employees' responsibilities regarding searches of individuals and living quarters, substance abuse, and physical and sexual assaults by youth. CCLD declined, stating that the matter had already been discussed and settled at their meeting with County agencies and was protected by the attorney-client privilege. CCLD said if the Grand Jury wanted more information, they could contact the agencies that attended the meetings and that CCLD would oppose any subpoena that was received.

At-Risk Youth are defined as children who do not have the opportunities, experiences, or resources necessary to succeed in life. These children have significant obstacles they need to overcome, including but not limited to parental neglect, abandonment, and medical or psychological needs that their families cannot or will not deal with on their own. In some cases, the children are victims of abuse or criminal activity. Experts continue to disagree on how to best manage and support these youth. The choices vary, from leaving them in a home with parents ill-equipped to care for them, to placing them in foster care families, group homes (whose numbers have declined), and children's shelters or they could end up in a juvenile detention facility. Previously in San Joaquin County, agency choices available for placement of youth were temporary housing with either MGCS or CHS while being evaluated for long-term or permanent placement. CHS no longer accepts these youth as they have converted their facility to a Short-Term Residential Treatment Program (STRTP). The facility is now limited to 16 beds and only accepts female residents that have been victims of commercial sexual exploitation.

The focus of the Grand Jury investigation was to assess the quality of care At-Risk Youth receive from various social welfare and law enforcement entities. Specific attention was concentrated on MGCS and interactions with the County Sheriff's Office. During the early stages of the investigation, it became clear that the complaints the Grand Jury received were not solely due to failures of these agencies' policies and procedures. Multiple agencies, including the County's CPS, Sheriff's Office, Probation Department, and Courts, are ineffective in managing At-Risk Youth and their families. Many individuals interviewed by the Grand Jury stated that disruptive youth behavior is escalating to levels where it is extremely difficult to manage the day-to-day behavior or focus on treatment for improvement. The main reasons given for this escalating behavior were a combination of neglectful parenting, greater access to social media, substance use by youth and parents/caregivers, and COVID-19 protocols. However, equally as critical and of particular concern to those interviewed, was the introduction of well-meaning legislation, which reduced resources for the welfare placement of abused and neglected youth. Concurrently, State criminal justice reform legislation (SB 439 and SB 823) resulted in increased justice-involved youth. Continuum of Care Reform (AB 403) resulted in youth with severe emotional issues being placed in the same environment as children CPS had removed for their safety. After the Grand Jury's investigation, they determined there are several reasons for putting these At-Risk Youth in harm's way. They are as follows:

- an increase in the population of At-Risk Youth who are more challenging to manage;
- staffing issues, including insufficient number of available floor personnel, and lack of leadership;
- lack of sufficient training for administrators, onsite management, and staff necessary to deal with the challenges presented by the enactment of new laws and regulations;
- lack of interagency cooperation within the County; and
- lack of foresight and preparedness to deal with Criminal Justice Reform as it pertains to youthful offenders.

The Grand Jury found that the issues noted above bring into question the overall effectiveness of the County's current commitment to caring for At-Risk Youth. The collective findings of this

investigation indicate that the County can be its own worst enemy when it comes to developing solutions to the ongoing problem of providing a safe environment for these At-Risk Youth, while also providing the services necessary to foster an ideal and secure environment where they can grow into productive citizens. Unfortunately, no magical solutions exist to solve the problems affecting these youth. All the witnesses interviewed by the Grand Jury expressed sincere concern for the welfare of the At-Risk Youth in our County. All County agencies involved in the care of this very vulnerable segment of the County's population must come together to create, implement, monitor, and advocate for better programs, care, and treatment of At-Risk Youth. These agencies must stop blaming each other for the deterioration of care for At-Risk Youth. The Grand Jury is aware of recent attempts to improve interagency cooperation. However, it has yet to see any significant evidence of progress that can result in real solutions.

Safety should be the primary focus of the agencies responsible for caring for these children. If these children do not feel safe, they may run away, act out, withdraw, or become susceptible to those who prey on them. These At-Risk Youth will view their experience with “the system” as something to survive and not an opportunity to improve the quality of their lives.

Listed at the top of the Foster Youth Bill of Rights are the following:

- To live in a safe, healthy, and comfortable home where he or she is treated with respect; and
- To be free from physical, sexual, emotional, or other abuse or corporal punishment.

The Quality Parenting Initiative (QPI), which has been effective in other counties in California and throughout the country, is also available to San Joaquin County. This program is sponsored by the Youth Law Center, a national organization cooperating with the State of California. QPI could provide a way to help relieve the pressures felt by those agencies responsible for the care of our At-Risk Youth. While QPI is intended to be a customizable solution for each county, addressing its goals, resources, and values, it does require buy-in from all the agencies that affect At-Risk Youth care.

Other programs and placement options were cited as necessary for the more difficult-to-manage youth. Alternatives with more structure and accountability by the youth and programs similar to the Discovery ChalleNGe Academy and Camp Peterson were identified by several witnesses. In addition, systems like the Catalyst Program, successfully run by CHS that helps youth aging out of the foster care system, could be an option. Catalyst provides a safe environment for these older individuals while assisting them with real-life skills to transition into the community successfully.

Glossary

- **AB 153:** State Assembly Bill 153 – As of October 1, 2021, in conjunction with the Federal Family First Prevention Services Act (FFPSA), requires that all children placed into congregate care, such as a Short Term Residential Therapeutic Facility (STRTP), or Community Treatment Facility (CTF), receive an objective assessment conducted by a qualified individual (QI).

- **AB 403:** State Assembly Bill 403, known as the Continuum of Care Reform, was signed into law by Governor Jerry Brown in October 2015 and was seen as a comprehensive effort to reform Foster Care that transformed Group Homes into STRTPs.
- **AB 2083:** State Assembly Bill 2083, known as System of Care for Children and Youth, requires each County to develop and implement a Memorandum of Understanding outlining the roles and responsibilities of the various local entities that serve children and youth in foster care who have experienced severe trauma.
- **At-Risk Youth:** Children who are or may be at risk of being physically, sexually, or emotionally abused, neglected, or exploited.
- **BHS:** Behavioral Health Services.
- **CCLD:** State of California's Community Care Licensing Division – responsible for oversight of group homes in the State.
- **CCR:** California Code of Regulations (Licensing regulations are in Title 22, Division 6, Chapter 5 Group Homes.
- **CDSS:** California Department of Social Services.
- **CHS:** Children's Home of Stockton.
- **Congregate Care:** A type of residential childcare community and residential treatment center that consists of 24-hour supervision for children in highly structured settings such as group homes, residential treatment facilities, or maternity homes.
- **CPS:** San Joaquin County Children's Services: a Division of the San Joaquin County of Human Services Agency.
- **Discovery ChalleNGe Academy:** A partnership between the California National Guard and San Joaquin County Office of Education (SJCOE) for youth between the ages of 16 and 18 who have dropped out of high school, are at risk of dropping out, or are credit deficient.
- **FFPSA:** Family First Prevention Services Act - Federal law was signed as part of the Bipartisan Budget Act on February 9, 2018. It reforms the Federal welfare financing streams, Title IV-E and Title IV-B of the Social Security Act, which provides services to families at risk of entering the child welfare system. The bill aims to prevent children from entering foster care by allowing Federal reimbursement for mental health services, substance use treatment, and in-home parenting skill training for families and children. It also seeks to improve the well-being of children already in foster care by incentivizing states to reduce the placement of children in group care.
- **Foster Youth Bill of Rights:** California Welfare & Institutions Code Section 16001.9(a).
- **Group Homes:** Residential Care Facilities used for placement of At-Risk Youth by CPS or Probation, and licensed by Title 22, Division 6, Chapter 5 of the CCR.
- **HSA:** Human Services Agency of San Joaquin County.
- **JJCC:** Juvenile Justice Coordinating Council (JJCC) as mandated by State law, to be eligible for specific State funding, develops and implements a continuum of county-based responses to juvenile crime. It is responsible for developing and updating the county's Multi-Agency Local Action Plan to serve Juvenile Justice-Involved Youth.
- **MGCS:** Mary Graham Children's Shelter.
- **Probation:** San Joaquin County Probation Department.

- **QI:** Qualified Individual. As of October 1, 2021, as required by FFPSA and AB 153 to conduct objective assessments of congregate care facilities to determine the setting which will provide the child/youth/non-minor dependent with the most effective and appropriate level of care in the least restrictive environment, consistent with the short and long-term goals, as specified in the permanency plan.
- **QPI:** Quality Parenting Initiative.
- **SB 439:** Senate Bill 439, signed by Governor Jerry Brown on September 30, 2018, established a minimum age of 12 for prosecuting youth in juvenile court in California, except in the most severe cases of murder and forcible rape. The law intends to protect young children from the adverse consequences of justice system involvement and encourage more effective interventions, if appropriate, to improve children's well-being and public safety. In addition, by January 1, 2020, counties must have a protocol for addressing alternatives to prosecution of youth under 12, even though juvenile court jurisdiction is no longer permissible starting January 1, 2019. Counties may individually troubleshoot the circumstances and needs of each youth under 12 who otherwise were or may have been under juvenile court jurisdiction.
- **SB 823:** Senate Bill 823 Department of Juvenile Justice Realignment Act, signed into law by Governor Gavin Newsom in September 2020, effectively eliminates Juvenile incarcerations.
- **STRTP:** Short-Term Residential Treatment Program.
- **YLC:** Youth Law Center – a nationwide organization dedicated to protecting children's and families' rights.

Background

The media and multiple past Grand Juries have reported on poor conditions in foster homes, group homes, and emergency children's shelters for decades. This reporting has contributed to new Federal and State laws to improve child and family welfare conditions. The most recent laws include the Federal Family First Preservation Act (FFPSA), AB 153, AB 403 – The Continuum of Care Reform Act, SB 439 – Minimum Age of Juvenile Prosecution, SB 823 – Department of Juvenile Justice Realignment Act, and AB 2083 – System of Care for Children and Youth. Unfortunately, the effect of these legislative attempts to improve the quality of care received by the population of At-Risk Youth has had the opposite result in San Joaquin County.

Recent Federal legislation has imposed stricter requirements on facilities attempting to qualify as group homes or STRTPs. These new laws require increased planning to implement the legislated changes, increased reporting by social workers, and augmented qualifications for staff. However, this left many privately run facilities unable to fully comply with the new standards. Consequently, many facilities have had to close or significantly reduce their capacity. The aftermath has been a net reduction of available placement options, and staff retention issues, especially for facilities required to take in At-Risk Youth.

The elimination of detention and incarceration of all youth offenders, except those that have committed serious crimes, e.g., murder or sexual assault, has further impacted the emergency care of At-Risk Youth. This has placed justice-involved youth or those with severe emotional issues with

youth placed in care for safety reasons due to no fault of their own. The more difficult youth routinely walk away from facilities without permission and engage in dangerous activities, including physical violence and inappropriate sexual activity. Youth leaving the premises requires the facility to frequently call law enforcement per California Community Licensing Department (CCLD) requirements. The overlap of justice-involved youth with those with severe emotional issues and children recently removed from their homes for safety reasons intensifies the trauma for all involved.

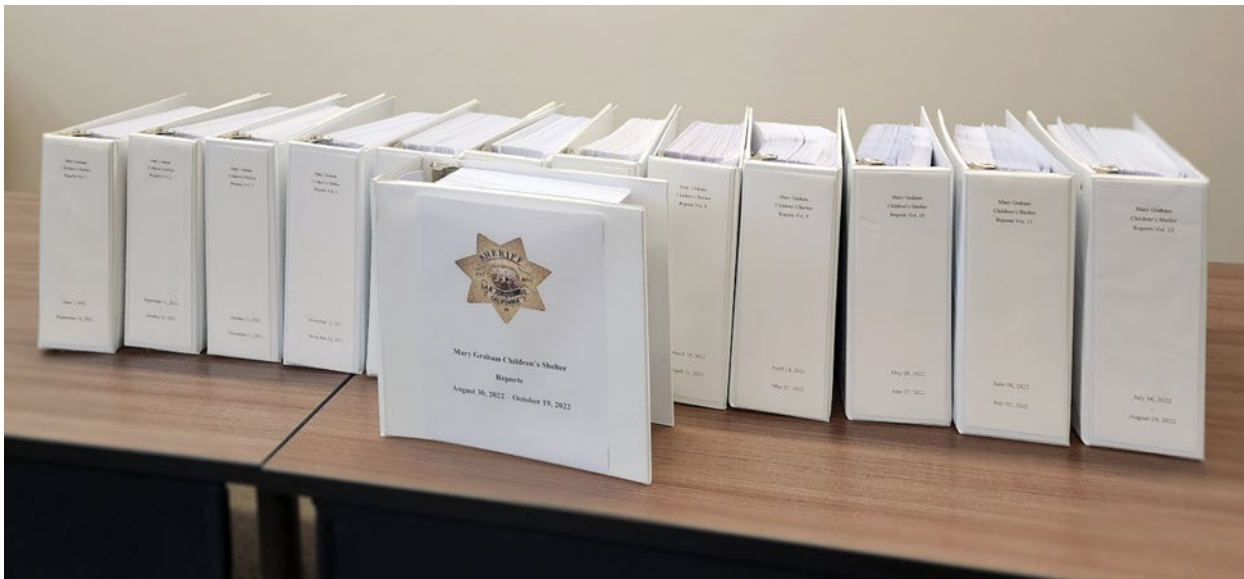
Over the years At-Risk Youth in San Joaquin County have been cared for using various modalities, e.g., the Juvenile Detention Facility, Group Homes, Children's Shelter, and Foster Care. The underlying thought has been that youth should not be treated like adults because children's brains are not completely developed, and therefore they may not fully understand the consequences of their actions. Temporary Shelters, Group Homes, and STRTPs are licensed by the California Department of Social Services (CDSS) and the CCLD by Title 22, Division 6, Chapter 5 of the California Code of Regulations. This State regulation intended the oversight within San Joaquin County to be a collaborative effort with CCLD, BHS, HSA/CPS, and the Probation Department.

Group Homes must provide 24-hour non-medical care and supervision to youth who may be at risk of being physically, sexually, or emotionally abused, neglected, or exploited. These At-Risk Youth are dependents or wards of the Juvenile Court. They often display behavioral and emotional problems that prevent them from being cared for in a family or foster care environment.

In 2013, there were 21 group home providers operating 44 group homes in the County licensed by CCLD. Group homes in the County have either closed or converted to STRTP facilities. For example, CHS, for financial reasons and to comply with the new legislation and mandatory regulations, elected to operate solely as an STRTP facility with only 16 beds limited to female residents, compared to the 52-bed Group Home it operated before the new regulations took effect. Following the enactment of the new legislation, only two other STRTP facilities have survived in the County, providing an additional 12 beds.

The 2022-2023 Grand Jury opened an investigation into MGCS and the CHS after receiving complaints about youth engaging in inappropriate behavior, i.e., leaving the premises without permission, fights, drug and alcohol use, and participating voluntarily or forcibly in sexual activity. As the Grand Jury delved into the allegations, it became clear that many issues contributed to these ongoing problems with At-Risk Youth. Many of the same deficiencies that the 2012-2013 Grand Jury found in *Case #0412 — Fractured Oversight Fails to Serve At-Risk Youth*, still plague the system, such as:

- Failure to follow mandatory reporting requirements.
- Improper incident/injury reporting.
- Incorrect Staff to Youth ratios.
- Inadequate implementation of or failure to provide mandatory training.
- Inadequate interagency cooperation.



Over 13,000 calls for Sheriff's assistance at MGCS from June 2021 to December 2022.

Reason for Investigation

The 2022-2023 Grand Jury received a citizen's complaint alleging incidents of inappropriate behavior, assaults, and the use of tobacco, alcohol, and drugs at Mary Graham Children's Shelter (MGCS). Following initial consideration of the complaint, a review of media reports addressing similar concerns, and previous Grand Jury reports, the investigation focused on a review of how At-Risk Youth are being cared for in San Joaquin County. The current Grand Jury investigated how the agencies charged with the care of At-Risk Youth communicated with each other, particularly MGCS and the San Joaquin County Sheriff's Office.

Method of Investigation

The Grand Jury conducted 12 interviews with Human Services Agency (HSA) and Children's Protective Services (CPS) administrators, group home directors, supervisors, and other staff members. In addition, the Grand Jury invited the Youth Law Center (YLC) to make a presentation describing the way the new laws have impacted the Foster Care program in California. YLC also explained how the Quality Parenting Initiative (QPI), implemented in other counties of California and throughout the country, has helped to improve the quality of care provided to At-Risk Youth. The Grand Jury also requested and received HSA, CPS, and CHS presentations.

Materials Reviewed

- 2021-2022 San Joaquin County Organization Chart.
- AB 403 Stone-Foster Youth Reform Bill 2015.
- California Complex Care Resource Guide 2022.
- Children's Home of Stockton Emergency Intervention Plan.

- Children's Home of Stockton Flyer *Catalyst- Homeless Prevention for Our Youth*.
- Children's Home of Stockton History Booklet.
- Children's Home of Stockton History Summer 2022.
- Children's Home of Stockton Impact Report 2021-2022.
- Children's Home of Stockton Milestones - 1882 to 2021.
- County of San Diego Health and Human Services Agency's Quality Parenting Initiative.
- Department of Social Services - CCLD Facility Evaluation Reports and Citations.
- FamilyFirstAct.org - 2018.
- FFPSA-Advocacy-and-Enforcement-Template-Letters-v.2.
- Foster Youth Rights Handbook, California Foster Care Ombudsperson.
- Foster-Youth-Bill-of-Rights-WIC-16001.9_ADA Complaint Copy.
- Grand Jury Report 2015-2016 Fostering a Better Foster Care System, Orange County.
- Human Services Budget, Community Centers, Contact Information, Organization Chart.
- Law Enforcement Incident Reports and Logs of Calls for Service.
- Los Angeles County 2013-2014 Grand Jury Foster Care Report.
- Personal Rights Children's Residential Facilities.
- Placement Agreements for CHS.
- Prison Rape Elimination Act flyer from San Joaquin Juvenile Detention Facility.
- STRTP Policy and Practice-California Alliance of Child and Family Services/Member Task Force. February 2021.
- STRTP- Specialty Mental Health Services Residential- Client eligibility, Services.
- Various Facility Incident Reports.
- Various Interagency emails.
- Various Training Certificates and Training Documentation.
- Youth Law Center Quality Parenting Initiative Presentation.

Websites Searched

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Sites Visited

- Children's Home of Stockton.
- Mary Graham Children's Shelter.
- San Joaquin County Juvenile Detention Facility.

Interviews Conducted

- Current Group Home administrators.
- Current Group Home Facility managers.
- San Joaquin County Human Services administrators.
- San Joaquin County Children's Protective Services administrators.
- Current Home employees and supervisors.
- Current Sheriff's Office employees.
- Probation Department administrators.

Discussions, Findings, and Recommendations

1.0 Increase in the Population of At-Risk Youth

With recent legislation, including the FFPSA, SB 823, SB 439, AB 109, AB 153, AB 2083, and AB 403, Juvenile Justice Realignment has reduced retention of juvenile offenders to only those committing egregious felonies, which overall is a small population of youth offenders. The annual Juvenile Justice Realignment Block Grant plan targets this small population of youth, ages 18-25, who have committed serious and/or violent offenses, i.e., murder and sex offenses. Wards of the court are 12-17 years old. Many are not confined and are immediately released to a parent, guardian, or caregiver, where they can access community-based programs and resources. Youth under 12 cannot be arrested or detained, as no delinquency or criminal court has jurisdiction over them. Youth under 12 cannot be prosecuted except for murder or forcible rape. San Joaquin County has a contact protocol for juvenile offenders, but for alternative placement, as described in SB 439, counties are urged to develop a protocol, which the County has not done. In 1991 a San Joaquin County Juvenile Court Judge said, "[t]here is a need for a place somewhere between Juvenile Hall and foster care to act as a safety valve to hold the most disruptive youths temporarily away from the shelters." The administrators, managers, supervisors, and employees interviewed echoed the judge's sentiment.

The Welfare & Institutions Code, Sections 1990-1995, established the Juvenile Justice Realignment Block Grant program. To receive Block Grant funds, counties must create a multiagency Juvenile Justice Coordinating Council (JJCC) to develop annual plans describing the facilities, programs, placement services, supervision, and reentry strategies to provide appropriate rehabilitative services for realigned youth. The San Joaquin County JJCC consists of the San Joaquin County Probation Department, Office of the Sheriff, County Office of the District Attorney, County Office of the Public Defender, HSA, BHS, Police Departments of Escalon, Lodi, Manteca, Ripon, Tracy, and Stockton, along with Stockton Unified School District's Department of Public Safety. The JJCC's annual plans include legislative changes as they become law.

Based on the legislated premise that community-based support services improve an offender's potential to reintegrate into the community successfully, counties are directed to develop and initiate such services. The evidence-based programs, practices, and alternatives to incarceration are intended to limit future crimes and reduce victimization. The JJCC plan identified and implemented several programs and continually evaluates the success and value of each. The San Joaquin Community Data Co-Op conducted the most recent evaluation report of programs

operated in Fiscal Year 2020-2021 by the San Joaquin County Probation Department and community-based organizations: 1) Probation Officers on Campus program, 2) the Reconnect Day Reporting Center, 3) Neighborhood Service Centers, 4) Transitional Age Youth Unit, and 5) Family Focused Intervention Team. The evaluation also included the Positive Youth Justice Initiative at Community Partnership for Families of San Joaquin and Sow A Seed Community Foundation.

COVID-19 protocols severely impacted the implementation of the network of other County funded community-based programs. As a result, actions and involvement have yet to progress as planned. Accordingly, many community programs are no longer in place, while others are slowly gearing back up. As a result, youth are not receiving the community care envisioned by the legislated reforms.

SB 823 is in the implementation phase of the Juvenile Justice Realignment Block Grant, which ends in June 2023. Its success will be evaluated for both the reduction in the number of juvenile incarcerations and juvenile offenses. The shift from punishment and warehousing of juvenile offenders to prevention, rehabilitation, treatment, and second chances will not be accomplished without overcoming challenges. In California's eagerness to reduce the number of incarcerated youth, Juvenile Courts avoid sentencing them to incarceration for anything except for murder and sex offenses. Laws reducing juveniles' exposure to the harshness of the incarceration system failed to provide an alternative to juvenile detention or county jail, and instead created a "revolving door" in the courts. Unless the offenses are violent or deemed heinous, youth are released without consequences. According to witness testimony, "second chances" are good, but too many second chances without consequences lead to a lack of accountability. Youth offenders have no reason to change their behavior, leading to a "you can't do anything to me" attitude, which has led to disruptions in congregate care. We do these youth a disservice because once they become adults, they will no longer be protected from prosecution for their offenses.

Before SB 823, arrested youth were taken to the Juvenile Detention Facility, where they were immediately evaluated to assess their risk to the community or themselves. A comprehensive assessment was conducted by educational, medical, psychiatric, probation, and custody staff from different County agencies working together as a team at the detention facility. High-risk youth were retained. Low-risk youth were released to their parent/legal guardian or placed in foster care. Some were referred to community-based programs for services or placed on probation.

After SB 823, all youth offenders are either released on probation or their charges dismissed and their records sealed, except those who committed murder or sex offenses. Critics allege this endangers public safety and puts these offenders back on the streets to commit more crimes without victims being notified. Due to this policy, youth offenders have quickly realized that there is no meaningful consequence to committing criminal acts.

As highlighted in yellow in the chart below, the legislation led to a decrease in juvenile detention and an increase in the population at MGCS.

Statistics from the annual Proposed Budget Books prepared for the County Board of Supervisors.

Department	2017-18	2018-19	2019-20	2020-21	Est/Act 2021-22
Juvenile Detention					
Admissions	856	695	651	664	478
Avg Daily Population	90	88	38	63	41
Camp Avg Daily Pop	24	22	16	17	8
HSA – Foster Care					
Institutions / Group Homes / STRTP	173	182	184	115	170
MGCS					
Children Provide Care*	564	486	476	892	921
Avg Daily Population**	16	11	9	17	22

Findings

F1.1 The San Joaquin County Board of Supervisors and San Joaquin County Probation Department failed to promptly take expedient measures to keep up with the ever-changing regulatory environment regarding the Juvenile Realignment Act, which created significant deficiencies in available placement options.

F1.2 The San Joaquin County Board of Supervisors and San Joaquin County Human Services Agency failed to take timely steps to keep up with the Juvenile Realignment Act's ever-changing regulatory environment, which created significant deficiencies in available services and placement options.

F1.3 The San Joaquin County Board of Supervisors and San Joaquin County Human Services Agency and San Joaquin County Probation Department are underutilizing available program options like the San Joaquin County Office of Education's Discovery ChalleNge Academy, or the Youth Law Center's Quality Parenting Initiative. This deprives children of additional available resources.

F1.4 The San Joaquin County Board of Supervisors and San Joaquin County Human Services Agency and San Joaquin County Probation Department, did not plan or account for the increased number of the most difficult-to-place youth needing placement in congregate care, creating restricted access to services and potential harm to juveniles and communities throughout San Joaquin County.

*Figure includes services for individuals provided multiple occurrences of care throughout the year.

**After January 1, 2017, the length of stay was statutorily limited to 10 days.

Recommendations

R1.1 By December 31, 2023, the San Joaquin County Board of Supervisors and San Joaquin County Probation Department, through collaboration with Human Services Agency, Children's Protective Services, Behavioral Health Services develop, adopt, and implement appropriate alternative housing placement options (e.g., transitional housing placement program, small family homes, group homes, and/or short-term residential therapeutic programs).

R1.2 By December 31, 2023, the San Joaquin County Board of Supervisors and Human Services Agency, through collaboration with the Behavioral Health Services, San Joaquin County Probation Department, San Joaquin County Office of Education, and all San Joaquin County Law Enforcement Agencies, develop, adopt, and implement appropriate programs for justice-involved youth, as listed in Finding 1.3.

R1.3 By December 31, 2023, the San Joaquin County Board of Supervisors, through collaboration with Human Services Agency, Probation, and Juvenile Justice Coordinating Council, develop plans for the increased utilization of programs such as the San Joaquin County Office of Education's Discovery ChalleNGe Academy or the Youth Law Center's Quality Parenting Initiative.

R1.4 By December 31, 2023, the San Joaquin County Board of Supervisors, through collaboration with the Human Services Agency and San Joaquin County Probation Department, develop, adopt, and implement a type of alternative placement for the most difficult-to-place youth.

2.0 Training and Staffing Issues

Throughout all presentations and interviews, the 2022-2023 Grand Jury heard on all topics investigated, recruitment and retention of personnel is a significant concern for multiple departments. The Board of Supervisors has approved many additional positions requested by the Human Services Agency and Probation Department. However, many positions remain vacant. The vacancy reasons include staff departures during the COVID-19 protocols, multiple legislative compliance requirements, County salaries not being competitive with nearby counties, and obstacles filling positions managing difficult-to-control youth. As of April 2022, the County workforce vacancies increased to 15.9% over the prior fiscal year of 4.7%. HSA and Probation are listed as departments with significant vacancies. HSA has 181 vacancies, 14% of its total workforce, and Probation has 93 vacancies, 28% of its workforce.

The positions most impacted in this investigation are those dealing with the daily management of disruptive youth. In interviews conducted with HSA/CPS, MGCS, and San Joaquin County Probation Department, additional employees for these positions were deemed by all as the most essential in managing these youth. However, this specific workforce experiences a high turnover due to burnout from dealing with high-needs youth on an hourly/daily basis. In addition, many departments compete within the same pool of candidates, i.e., law enforcement and social workers. More departments are requesting the addition of social workers as more individual evaluations and treatment plans are required by legislation. San Joaquin County Probation Department and CPS work closely as many youth offenders cycle between the departments, with

many residing at MGCS between placements. Caseloads have increased throughout the State as the number of youth needing foster care increased, and the ratio of social workers and probation officers per child has decreased.

Challenges to Having a Fully Trained Work Group

Finding adequate training time requires extra staffing to maintain the necessary ratio of youth to staff. This is exceedingly difficult for departments already struggling to fill positions. In addition, the staffing turnover rate in the most challenging, and frequently lower-paid, positions is exceptionally high.

“Out-of-control youth” is the description used by many interviewees. However, youth behavior has changed noticeably in the past decade. When asked about the observed behavior of youth-in-care now versus a decade ago, all witnesses testified to behavior becoming worse and worse, year upon year:

- “Youth wouldn't think about punching an officer, now they do that.”
- “Youth wouldn't before think about attacking a kid four times their size, now they do that.”
- “A lot of self-harm... a **lot** of self-harm.”
- “Years working at Juvenile Hall, we've regularly had kids in the psychiatric hospital on a psychiatric hold, but recently, two critical incidents of legitimately attempted suicide. Never had that before.”
- “Kids used to do what they were told when they were told. And now these Gen Z are on a whole other level of do what they want when they want to do it.”
- “The immediate gratification, they have social media, they have Door Dash, all these instant things that they can have in the world now, and that is very different from the kids I served in 2000, that they didn't really have cell phones or Internet or those direct connections.”

Witnesses interviewed gave vague answers to straightforward questions about the way physical and sexual assaults are handled, or when a youth and their property can be searched. The Grand Jury discovered that no procedures were in place to guide congregate care employees. When asked about a hypothetical situation where a 10-year-old girl was discovered being sexually abused by a 16-year-old boy, most witnesses said they would tell the boy to stop. When the witnesses were asked what they would do if the boy refused, the Grand Jury was met with silence. All agreed the behavior should be stopped, but interviewees were unsure how. This indecisiveness was part of the reason the Sheriff's Department became so frustrated with MGCS. In the Sheriff Department's view, it is a crime, and there is no question that the action needs to be stopped immediately with whatever force is necessary. The Sheriff's Department was unaware that employees could not just jump in and physically restrain youth. MGCS staff are required to try all non-physical techniques first. Their actions are guided by what is known as “trauma informed” policies, which are based on the idea that At-Risk Youth have been traumatized by the events leading to their removal from the home, being placed in the foster care system, the type of placement, along with the number of placements. All of these factors contribute to a certain amount of trauma.

When dealing with these At-Risk Youth, procedures and protocols are designed to not add any additional trauma. In theory, trauma-informed policies would be sufficient for most cases. In extraordinary cases, while compassion can be a mitigating factor, it should not restrict the caregiver's ability to prevent dangerous, illegal, or disruptive behaviors. Restorative Justice could then be applied after the event is under control. Trauma inflicted on the caregivers during such incidents is given low priority and will remain so until appropriate policy and procedural changes can be made.

Compliance With State Mandates

Multiple new legislation and voter proposition mandates often require developing plans, some by forming commissions. As a result, timelines for plan development can overlap. In addition, various plans require interagency teams to cooperate in the drafting and approval process. As a result of new legislation and new plans, County agencies find it necessary to update policies, procedures, and training continuously. This can confuse staff as to what policy or procedure is the current order of the day. In addition, this takes numerous hours from coordination to actual implementation and creates a challenge to maintain day-to-day operations.

Mary Graham Children's Shelter

MGCS provides services to all youth who do not have a caretaker. They cannot refuse to take in any youth brought to them. Most interviewees mentioned the value of MGCS to the County. However, either due to a lack of sufficient staffing or inadequate training, MGCS staff are not equipped to manage every youth they receive. This includes youth who are removed from homes for their safety, youth between treatment programs, and justice-involved youth who have been adjudicated and returned to MGCS. In addition, the population may include severely emotionally disturbed youth that would have previously been candidates for secured facilities.

The County Board of Supervisors recognized the need for increased staffing allocations at MGCS and approved the budget for increased staffing. However, MGCS continues to experience a remarkably high staff turnover rate. Multiple openings are continuously posted for applications. As a result, MGCS is perpetually going through the staff fulfillment process. A typical hiring scenario starts with 25 applicants for 14 open positions and fills only two. Only half of the applicants respond and schedule an interview. Of that half, eight show up for the interview, six pass background checks, one resigns before training is over, and three leave when the job proves too difficult.

The most difficult-to-fill positions are "floor staff" that deal hourly with youth. As discussed in Section 1.0, with more youth not being detained per the new justice guidelines, MGCS is receiving more disruptive youth, and at the same time, they are experiencing a shortage of floor staff. In addition, assaults experienced by floor staff happen quite often, ranging from attacks as severe as a knife to the neck and being jumped on, to spitting, hitting, shoving, and throwing things, including chairs, food, hygiene products, and hot water. Staff also endure screaming, yelling, and cursing. These cumulative incidents lead to a high rate of staff trauma and attrition of floor staff. Concerns

for staff safety have resulted in a recent union-negotiated safety supplement increase in wages for these positions.

Additionally, with the rise in incidents, in view of the 13,000 calls from MGCS for service reviewed by the Grand Jury, HSA/CPS reached out to the Sheriff's Office for assistance to determine whether the Sheriff's Office would be willing to provide a deputy on a 24-hour basis, modeled after Orange County's Memorandum of Understanding (MOU) with their Sheriff's Office. CPS hoped this service, which would be funded by HSA/CPS, would provide deputies with the demeanor, approach, and concern for the youth served at MGCS. After discussion, the Sheriff's Office declined this request.

Training

Training has been and continues to be a source of concern for MGCS. The 2012-2013 San Joaquin County Grand Jury noted non-adherence to annual training requirements as a reason for deficient performance. The 2022-2023 San Joaquin County Grand Jury noted that staff were unsure what they could or could not do in certain situations, especially regarding physical assaults, drug and alcohol possession and use, and sexual activity by youth. While MGCS used an Excel spreadsheet to track the completion of training, CCLD noted that the records were spotty at best and sometimes nonexistent. No method was in place to regularly monitor what training was necessary, how often, and what certifications needed renewing. Scheduling and attendance were also questionable.

During COVID-19, witnesses stated that all training "kind of stopped at the very beginning of the pandemic" from March 2020 until May 2021, when virtual training began. Training and the scheduling of training has been inconsistent. Training to renew certifications for physical intervention by MGCS employees lapsed. Since this lapse, staff have been relegated to managing behaviors using verbal de-escalation or body proximity (inserting themselves between youth). Management claims their failure to maintain timely training was due to a lack of staff. Management further maintained staff could not attend training sessions because they could not be released without violating mandated staffing ratios.

In response to a number of CCLD citations, HSA was required to develop a Plan of Correction (POC) to address MGCS employee training. A new analyst position was created at MGCS to formalize the training and tracking of employees. After the expiration of the physical intervention certifications, a decision was made by MGCS leadership to go with a new certification program vendor. This necessitated training an in-house trainer (the new Analyst) before training employees. The result of this decision has been a year-long gap in recertification for physical intervention by staff dealing with youth. MGCS continues to track training on an updated spreadsheet, which has resulted in two subsequent inspections of training records by CCLD yielding positive reports.

While focus and concern are given to youth trauma, the Grand Jury heard concerns about the lack of safety training focused on staff's safety from assaults and emotional trauma. Currently, employees can talk to a CCLD-contracted psychologist and utilize their medical health benefits. However, this process may take six months from an incident to a counseling appointment. In addition, after-incident reports do not include official debriefings of the entire floor staff,

supervision, and management. Floor staff have told their supervisors that they want to be debriefed after incidents occur to improve incident responses.

Human Services Agency/Children's Protective Services

The Children's Protective Services Bureau of HSA (CPS) requires specific in-person service delivery by social workers to prevent or remedy neglect or abuse. Social workers are formed into teams to address the multiple needs of youth removed from the home:

- Investigation, Intake, and Assessment.
- Court.
- Permanent placement.
- Federal case review.
- Child and Family Team.
- Child Advocacy Center.
- Family Reunification.
- Intensive Family Preservation.

In 2020-2021, many social workers left employment with this department. Compared to the previous three fiscal years, the attrition has slowed. However, the positions dealing with day-to-day care continue to experience more vacancies, many due to burnout. CPS social workers routinely enter situations that are highly emotional and potentially volatile. Often, law enforcement assistance is needed. The social workers deal with families going through a traumatic experience for all involved. Parents are frustrated when a child is separated from their family, and social workers may be threatened. Children are removed because of concern for the child's welfare due to neglect and physical and/or sexual abuse. Social workers interview these children to obtain detailed information and hear troubling stories daily. Overall, the substance use rate in the County is very high, resulting in a high volume of cases. When CPS separates a child from their parent(s), social workers go to court to testify and are cross-examined frequently to justify the child's removal. Child welfare contains many laws requiring continuous reporting. The paperwork is onerous and time-consuming.

These social workers were deemed essential during the COVID-19 pandemic, requiring them to continue going into homes, in-person meetings, and court. Many were uncomfortable doing so and left these positions, causing an increased workload for the remaining workers. A bachelor's degree or a master's degree in social work is required for these positions. Many social workers in CPS with a master's degree were able to transfer to mental health clinical positions, as the number of these positions in the County has increased and offer higher salaries for a much less stressful job.

On April 26, 2023, the San Joaquin County Board of Supervisors awarded \$5.2 million in grant money to San Joaquin County Behavioral Health Services and HealthForce Partners Northern San Joaquin Valley. This new workforce development program will "find ways to get people into behavioral health services because there's a huge need. Not many people go into the field, so any way we can make it easier for folks — to not only learn here but to stay here — and grow our community, is really important," as reported in Recordnet.com.

Findings

F2.1 Human Services Agency, Children's Protective Services, and Mary Graham Children's Shelter are critically and chronically understaffed and fail to provide the level of supervision required for At-Risk Youth and sheltered children.

F2.2 Human Services Agency, Children's Protective Services, and Mary Graham Children's Shelter training has been inconsistent and inadequate to meet regulatory requirements that are critical for the staff to maintain the welfare of At-Risk Youth and sheltered children.

F2.3 Mary Graham Children's Shelter employees lack clear and concise guidance for handling disruptive behaviors, which creates an environment where the safety of children and staff is compromised.

Recommendations

R2.1 By December 31, 2023, Human Services Agency implement an ongoing recruitment plan utilizing the services of a third-party recruiter.

R2.2 By December 31, 2023, Human Services Agency and Mary Graham Children's Shelter develop and implement a regular training schedule for all levels of employees and administrators, and provide accurate documentation that all required training has been completed.

R2.3 By December 31, 2023, Human Services Agency requests clear and concise written guidance from the California Care Licensing Department concerning how to deal with disruptive behaviors by youth.

3.0 Lack of Interagency Cooperation

AB 2083 (System of Care) requires each county in California to develop and implement an MOU outlining the roles and responsibilities of the various local entities serving At-Risk Youth. In January 2021, San Joaquin County prepared and submitted its MOU to the State. Signatories to this MOU were agency heads from the following entities:

- San Joaquin County Health Care Services.
- San Joaquin County Behavioral Health Services.
- San Joaquin County Human Services Agency.
- San Joaquin County Probation Department.
- San Joaquin County Office of Education.
- Valley Mountain Regional Center.

In addition to the agency heads, the attorneys for Behavioral Health Services and Human Services Agency signed the document. Further, representatives from the Lodi Unified School District and Stockton Unified School District signed the document. Conspicuously missing from the MOU were

any representatives from the San Joaquin Sheriff's Office or any discussion about how the Sheriff's Office would fit into this plan. The absence of the Sheriff's Office from participation in the development of the MOU was a significant omission. Their exclusion from the MOU created a disconnect between the social agencies responsible for the immediate care of At-Risk Youth and the Sheriff's Office, whose services are often required in moments of crisis.

From the beginning of the Grand Jury's investigation, it became clear that one of the most significant issues impacting the policies for managing the care for At-Risk Youth in the County was a lack of meaningful interagency cooperation. The Grand Jury heard testimony from several witnesses from different agencies, each of whom blamed the other for ineffective collaboration. For example, witnesses from HSA/CPS and MGCS testified that to help reduce the number of runaways from MGCS and instances of inappropriate behavior there (e.g., substance use, physical and sexual misconduct), they asked the Sheriff's Office during a meeting in 2021 to station a deputy 24 hours a day at the shelter. The Sheriff's Office was initially receptive to the proposal but, at a subsequent meeting, responded that they did not have the budget or staffing for such an assignment. When HSA/CPS offered to provide the funds necessary for such an assignment, the Sheriff's Office failed to respond. As a result, no further discussions were held or plans made to address this matter.

Witnesses from the Sheriff's Office testified that they were overwhelmed by calls to MGCS due to runaways, violent altercations between youth residing at the shelter, altercations between youth and staff, illicit drug and alcohol use, and inappropriate sexual activity. The Sheriff's Office attributed these issues to MGCS's failure to enforce its rules. Their witnesses and documents noted over 13,000 calls for service over a year and a half, stating that it was a drain on their available resources. The Sheriff's Office witnesses were unaware that MGCS and every congregate care facility are required to call a law enforcement agency whenever a child leaves the premises without permission. The calls for runaways represented the majority of calls for service the Grand Jury reviewed. One member from the Sheriff's Office threatened to have MGCS shut down if they could not resolve their issues internally.

After meetings between the Sheriff's Office, HSA/CPS, and MGCS proved unfruitful, the Sheriff's Office filed a complaint with CCLD, alleging that MGCS was not following its internal protocols. The Sheriff's Office also requested clarification from CCLD concerning what actions could be taken to stop inappropriate behaviors. During the meetings with CCLD, HSA/CPS, the Sheriff's Office, and Probation, CCLD explained the children's rights as they pertained to searches for contraband. However, the meeting became adversarial, and the Sheriff's Office made no recommendations other than that MGCS needed to enforce its rules. CCLD never provided the requested clarification and declined to appear before the Grand Jury.

A fourth meeting was held in December 2022, where representatives from HSA/CPS, MGCS, Probation, Behavioral Health Services, CCLD, California Department of Social Services (CDSS), and the Sheriff's Office were in attendance. CDSS facilitated the meeting based upon an understanding that work needed to be done regarding collaboration between the County partners. The consensus was that the other agencies collaborated consistently except for the Sheriff's Office. However, the Sheriff's Office persisted by inquiring what MGCS was doing to make changes. The representative from CDSS stated the purpose of the meeting was not to determine what MGCS was doing, as they

were already working on a Plan of Correction. Instead, the purpose of the meeting was to focus on interagency collaboration. As a result, HSA/CPS and the Sheriff's Office offered to provide training to each other's staff. An apparent agreement had been reached to provide CPS field training to deputies, and the Sheriff's Office would provide narcotics training to MGCS staff. Both parties agreed on a date. However, HSA/CPS reached out multiple times to the Sheriff's Office to confirm the dates; but they were met with silence. Due to the agency heads' failure to follow through on the training, the Sheriff's Field Training Officers took the initiative to ask CPS staff for training on how to conduct their interactions with At-Risk Youth. In exchange, the officers would provide narcotics training to CPS staff. At the time of this report, no interagency meetings or training have taken place.

Findings

F3.1 The absence of the Sheriff's Office from participation in the development of the System of Care Memorandum of Understanding was a significant omission by the San Joaquin County Board of Supervisors and the San Joaquin County Human Services Agency, which failed to capitalize on law enforcement experience when developing the MOU.

F3.2 Substantial issues in managing the care for At-Risk Youth in the County were due to a lack of meaningful interagency cooperation, which missed an opportunity to leverage and gain sustainable support from other agencies.

F3.3 The Sheriff's Office has failed to meaningfully collaborate with the other agencies charged with the care of At-Risk Youth, leaving those agencies more vulnerable to threats and challenges.

Recommendations

R3.1 By December 31, 2023, San Joaquin County Human Services Agency prepare an addendum to the System of Care MOU that includes the participation of the Sheriff's Office.

R3.2 By December 31, 2023, San Joaquin County Human Services Agency establish and utilize a multiagency task force to focus on managing the care for At-Risk Youth in the County.

R3.3 By October 1, 2023, the Sheriff's Office designate a permanent liaison to collaborate with the other agencies charged with the care of At-Risk Youth.

Conclusion

The agencies of San Joaquin County tasked with caring for the health and safety of our At-Risk Youth need to come together and be proactive in changing the current system. Unfortunately, there is no one-size-fits-all remedy that solves all the problems. What is recommended in this report may help in the short term, but long-term solutions require a reevaluation of recent legislative changes and guiding principles.

Locally, the system needs to be given the priority it deserves. County leaders must work together to seek out and take advantage of all existing State and Federal programs. They must become more effective leaders. They need to join, sponsor, and advocate for groups and programs by lobbying for legislative changes. Currently, the County needs more hands-on, face-to-face staffing to care for and guide the most challenging youth. The County needs to have structured placement options with some restrictions to separate the justice-involved youth from the youth Children's Protective Services has removed for safety reasons.

The County should immediately enhance recruitment efforts through the use of a third-party recruiter. In addition, priority should be given to recognizing and aiding at-risk families, helping them stabilize and stay together so foster care will not be needed. The County has plenty of laws, funds, and the knowledge that the system as it currently exists needs to be improved.

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).

The Grand Jury issued this report except for one member of the jury. This juror was excluded from all parts of the investigation including interviews, deliberations, and the making and acceptance of the report.

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.

Note: If the responder is an elected official, the response must be sent within 60 days of receipt.

San Joaquin County Board of Supervisors

Findings – F1.1, F1.2, F1.3, F1.4, F3.1, and F3.2

Recommendations – R.1.1, R1.2, R1.3, R1.4, R3.1, and R3.2

San Joaquin County Human Services Agency

Findings – F1.2, F1.3, F1.4, F2.1, F2.2, F2.3, F3.1, and F3.2

Recommendations – R1.1, R1.2, R.1.4, R2.1, R2.2, R2.3, R3.1, and R3.2

San Joaquin County Sheriff's Office

Findings – F3.2 and F3.3

Recommendations – R3.2 and R3.3

San Joaquin County Probation Department

Findings – F1.1, F1.3, and F3.2

Recommendations – R1.1, R1.2, R1.3, and R3.2

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

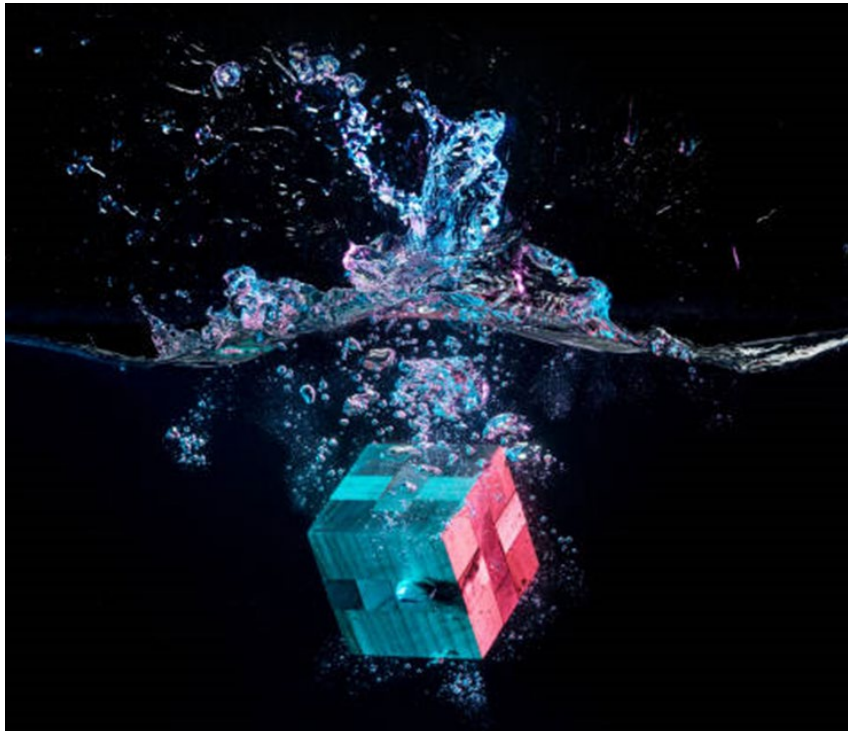
Honorable Michael D. Coughlan, Presiding Judge
San Joaquin County Superior Court
180 E Weber Ave, Suite 1306J
Stockton, California 95202

Also, please email a copy of the response to Mr. Irving Jimenez, Judicial Staff Secretary to the Grand Jury, at grandjury@sjcourts.org.

2022–2023 San Joaquin County Grand Jury



The Eastern San Joaquin Groundwater Authority: A Rubik's Cube of Water Management Case #0622



Summary

Water has been a concern for all Californians since the earliest days of statehood. Years of severe drought are often followed by a superabundance of rain and snow that results in flooding. Both can be devastating, as has been the case recently in San Joaquin County. Because our State's water

supply is cyclical, the need for intelligent and efficient management of this crucial resource is vitally important for everyone.

Our water sources generally can be categorized as either surface water (rivers, creeks, lakes, etc.) or groundwater (water held in the soil or underground aquifers). In the early 1900s, the State government began authorizing the creation of water districts to manage groundwater, favoring local control of this resource. Due to decades-long declines in groundwater levels and water quality, in 2014 the State legislature adopted three bills that together are known as the Sustainable Groundwater Management Act (SGMA). SGMA requires the creation of Groundwater Sustainability Agencies (GSAs), which are tasked to develop and implement Groundwater Sustainability Plans (GSPs). GSPs describe how to avoid undesirable results and mitigate groundwater overdrafts in basins and subbasins identified as being in a state of critical overdraft by 2040. Our Eastern San Joaquin Subbasin is in critical overdraft.

In 2017, the 16 GSAs and local agencies responsible for managing the groundwater in the Eastern San Joaquin Subbasin joined together to form the Eastern San Joaquin Groundwater Authority (ESJGWA) to cooperatively carry out the purposes of SGMA. Having received a citizen's complaint and subsequently reviewing concerns about public outreach and engagement by the ESJGWA in the course of its work, and because of the significance of water issues to San Joaquin County residents, the 2022-2023 Grand Jury elected to undertake an investigation.

The Grand Jury conducted 12 interviews with the complainant, members of the ESJGWA Board of Directors (current and former), County staff, representatives of several stakeholder groups, and interested citizens. The State Department of Water Resources (DWR) staff, who have been meeting monthly and working directly with the ESJGWA, declined the Grand Jury's request for an interview. The Grand Jury also reviewed ESJGWA governance documents, meeting minutes, budgets, annual reports, initial and final GSPs, and public outreach materials; websites of the ESJGWA and its member GSAs; portions of the SGMA and related Department of Water Resources (DWR) requirements, California Water Code, and other relevant government codes; stakeholder correspondence; news media stories on groundwater in the Central Valley; and many other pertinent documents.

The Grand Jury concluded that while the ESJGWA has successfully developed and is currently implementing its GSP, concerns exist about inadequate public engagement, a lack of transparency in the conduct of its business, and administrative issues.

Although the ESJGWA developed an unadopted plan for public outreach and engagement and has contracted a consultant to develop a new plan, it currently has none. Outreach efforts to identify and engage members of disadvantaged communities and non-English speakers have been limited and unsuccessful. DWR and ESJGWA also have not developed a clear and consistent message to help the public understand the importance of SGMA and how groundwater shortages can impact their lives.

Important ESJGWA financial information is buried deep within the websites of the County Flood Control & Water Conservation District and the County Administrator's Office (CAO), making it nearly impossible for citizens to locate. The ESJGWA's website does not include information

required by several State laws, does not identify the members of the Board of Directors, minutes of public meetings are difficult to locate or missing, and financial information is absent.

Board and other public meetings are routinely held at inconvenient times for public participation, and repeated public requests that meeting times be changed have not been addressed. Possible Brown Act violations have occurred relating to the ESJGWA's Technical Advisory Committee (TAC).

The ESJGWA has inadequate staff support to function efficiently and effectively. This is evidenced by the year-long lapse of an important agreement between one of the member parties and the County, and by staff members' testimony.

To correct these deficiencies, the Grand Jury recommends the ESJGWA Board of Directors, County Board of Supervisors, and Auditor-Controller's Office take the following actions:

- Develop, adopt, and implement a plan to improve public communications and outreach.
- Reinstitute periodic outreach events to inform the public about the GSP and the status of its related implementing projects.
- Identify ways to better find and engage with members of disadvantaged communities (DACs), including non-English speakers, in the San Joaquin Subbasin.
- Update the website to provide easier, more comprehensible access to ESJGWA financial information.
- Update the Flood Control & Water Conservation District's website to provide convenient access to financial and project information related to the use of Zone 2 funds.
- Explain the differences between the fiscal year-end ESJGWA fund balance reports and the annual independent audit balance sheets.
- Update the website, esjgroundwater.org, to ensure full compliance with the provisions of SB 929, SB 272, and Government Code Section 7405.
- Update the website and Board Bylaws to reflect the actual dates and times for Board meetings.
- Update the website to enable easier public access to meeting minutes.
- Identify the members of the Board on the website, meeting agendas, and official written documents.
- Consider ways to enable and promote increased public attendance at open meetings.
- Formalize the status of the TAC as a standing committee and bring it into compliance with the requirements of the Ralph M. Brown Act.
- Monitor the expiration dates for any relevant governance or contractual documents and GSP implementation deadlines to ensure the Board can act before any lapses occur.
- Ensure staff support is adequate for efficient, cost-effective operations.

Glossary

- **AB:** Assembly Bill.
- **Ad Hoc Committee:** A committee created for a particular purpose when necessary or as needed.
- **Basin:** An underground reserve of water.
- **CAO:** San Joaquin County Administrator's Office.
- **California Code of Regulations (CCR) 354.10(d)(3):** That part of the California Code of Regulations pertaining to notification and communication requirements for groundwater sustainability plans.
- **County Resolution R-15-17:** The Resolution whereby the County Board of Supervisors adopted the *2015 Strategic Plan to Meet Water Needs* and Zone No. 2 property-related fees.
- **Cal Water:** California Water Services Company.
- **CPRA:** California Public Records Act.
- **DAC:** Disadvantaged Community. A census designated area with an annual median household income (MHI) that is less than 80 percent of the Statewide annual MHI.
- **District:** San Joaquin County Flood Control & Water Conservation District.
- **DWR:** California Department of Water Resources. The DWR protects, conserves, develops, and manages much of California's water supply. Its mission is to sustainably manage the water resources of California, in cooperation with other agencies, to benefit the state's people and protect, restore, and enhance the natural and human environments.
- **ESJGWA:** Eastern San Joaquin Groundwater Authority.
- **Ex officio:** A person who holds a position in one body (such as an organization's staff) by virtue of holding a position in another.
- **GBA:** Ground Water Banking Authority. The predecessor agency to the ESJGWA.
- **Government Code Section 7405:** Passed by the State Legislature in 2016, this directs that State governmental entities follow Section 508 of the Federal Rehabilitation Act requiring accessibility of electronic and information technology.
- **GSA:** Groundwater Sustainability Agency.
- **GSP:** Groundwater Sustainability Plan.
- **ISD:** Independent Special District.
- **JPA:** Joint Powers Agreement (or Authority). A written legal agreement between two or more public agencies allowing joint exercise of common powers. See California Government Code beginning at Section 6500.
- **MHI:** Median Household Income.
- **MOA:** Memorandum of Agreement. A written document reflecting an agreement between parties to cooperatively work together on a project or objective.
- **Meeting Minutes:** The official written record of a meeting, including who was in attendance, what decisions were made, and other consequential events that happened at the meeting.
- **Overdraft:** When the rate of groundwater pumping exceeds the rate of groundwater recharge.
- **SB:** Senate Bill.
- **SB 272:** Approved in 2015, SB 272 adds a section to the California Public Records Act requiring local agencies to create a catalog of Enterprise Systems by July 1, 2016, with annual updates.

- **SB 929:** Passed in late 2018, SB 929 is a law requiring all independent special districts in California to create and maintain a website by January 2020, with five distinct pieces of information posted: contact information, the current agenda for regular meetings, a financial transaction report, a compensation report, and an enterprise system catalog.
- **SGMA:** Sustainable Groundwater Management Act. SGMA comprises a three-bill legislative package (AB 1739, SB 1168, and SB 1319) signed by Gov. Jerry Brown in 2015. It requires local agencies to form groundwater sustainability agencies (GSAs) for high- and medium-priority basins. GSAs must develop and implement groundwater sustainability plans (GSPs) to avoid undesirable results and mitigate overdraft by 2040.
- **TAC:** Technical Advisory Committee.
- **Water Code Section 10723:** The part of the California Water Code that pertains to establishing groundwater sustainability agencies.
- **Water Code Section 10728.4:** The part of the California Water Code that describes notification requirements for holding a public hearing prior to adoption or amendment of a groundwater sustainability plan.
- **Zone 2:** Water Investigation Zone No. 2, which was established by the San Joaquin County Board of Supervisors as a Countywide zone in 1989. In 2015, San Joaquin County property owners approved a property-related fee in support of the water management efforts funded by Zone 2.

Background

Most Californians depend on two sources for water: surface water and groundwater. Surface water begins as rain or snow running through rivers and streams, lakes, reservoirs, canals, treatment plants, and finally into the pipes that lead to our faucets. Groundwater is held in layers of soil, gravel, and rocks known as aquifers, which absorb and store water that percolates through the soil. Groundwater is pumped from wells and used for drinking and other home uses, for the water needs of businesses and industry, and for farm irrigation and livestock watering. See Figure 1.

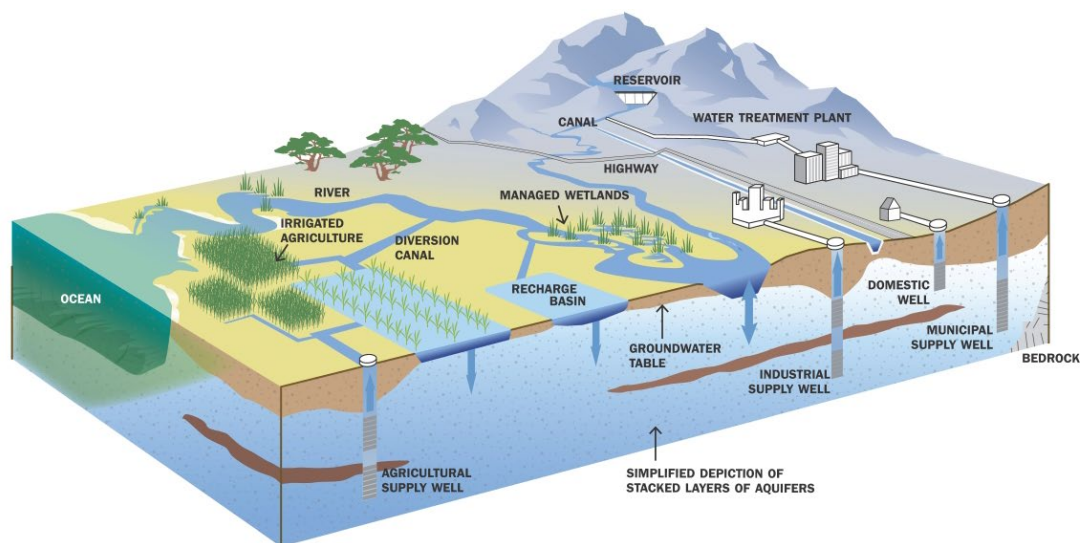


Figure 1. Diagram of the Hydrologic Cycle.

(Source: Department of Water Resources, "Groundwater: Understanding and Managing this Vital Resource."
<https://storymaps.arcgis.com/stories/ff075c25b77e4b1d95ce86a82bf0fe96>)

As shown in Figure 2, groundwater use in California varies by location, but Statewide approximately 40 to 60 percent of the water used in California is groundwater. The amount of groundwater used in a year depends on precipitation and reservoir conditions, with more groundwater being pumped in dry years when it serves as a crucial buffer during drought conditions.

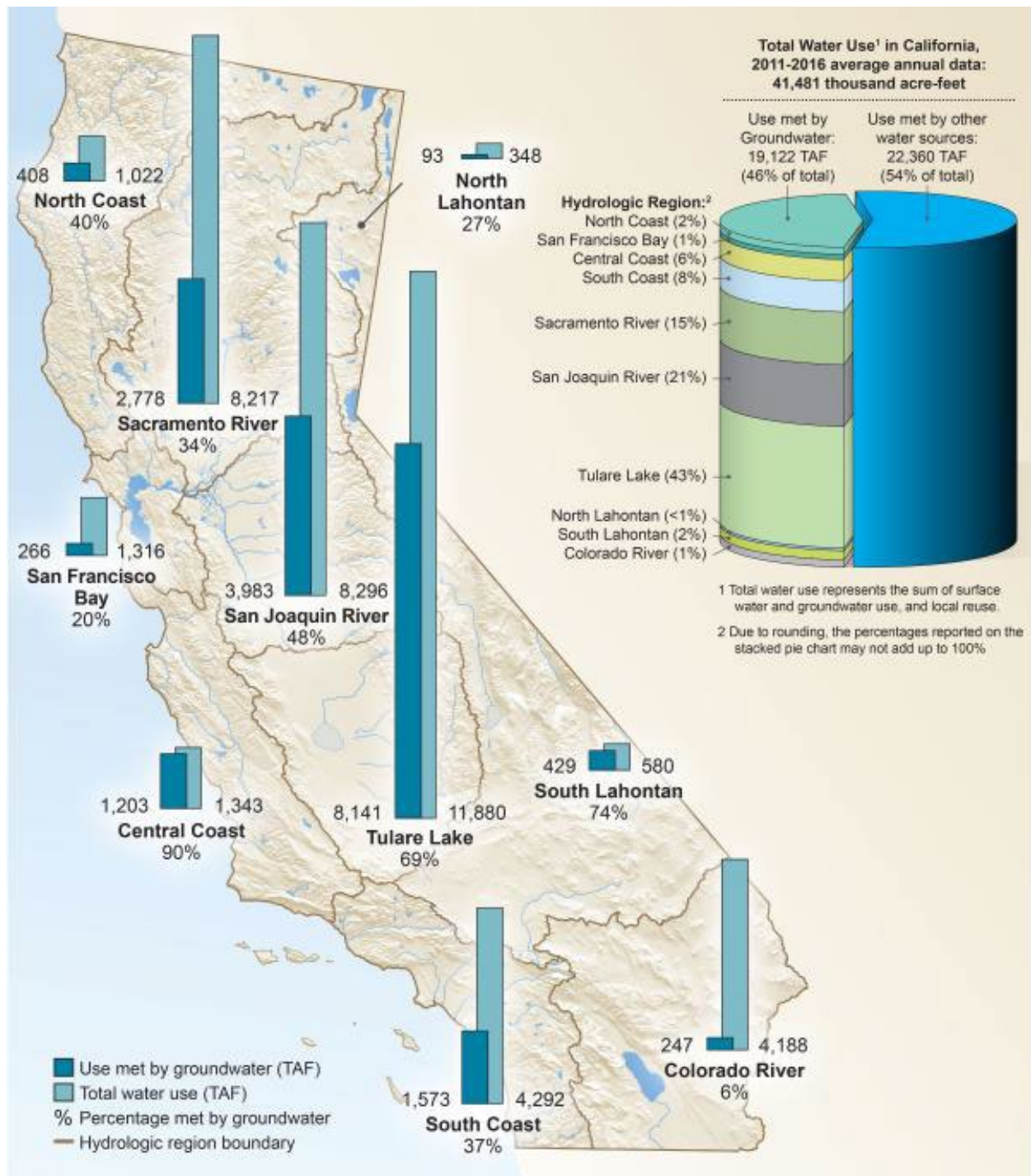


Figure 2. Groundwater Use Versus Other Water Sources for Different Areas of California.

(Source: Department of Water Resources, "Groundwater: Understanding and Managing this Vital Resource."
<https://storymaps.arcgis.com/stories/ff075c25b77e4b1d95ce86a82bf0fe96>)

As Figure 1 illustrates, water can go back into the aquifers in a groundwater basin (recharge) through natural processes and human efforts. However, the amount of groundwater is limited. When the rate of pumping exceeds the rate of recharge (overdraft), the aquifer becomes depleted. This can cause shallow wells to go dry and pumping costs to rise as wells must pump water from deeper levels. It can take years, if not decades, to replenish depleted aquifers. In some areas where groundwater levels have dropped because of excessive pumping, portions of the aquifers have collapsed causing the land surface to drop (land subsidence). Less groundwater can be stored in the aquifer for future use, and less groundwater is available as a buffer against drought. Worse, when aquifers collapse, the negative impact on storage capacity cannot be reversed.

The series of “atmospheric river” storms that pummeled California in the winter and spring of 2023 dumped record-setting levels of rain and snow, unfortunately resulting in serious flooding for certain areas. A positive aspect has been the replenishment of depleted lakes and reservoirs, bringing some immediate drought relief. However, the effects of many preceding years of extreme drought, an increase in the number of wells to replace surface water, and the resulting over-pumping of groundwater, cannot be so easily undone. Land subsidence has already occurred, shallow wells have already run dry, and aquifer recovery is slow at best.

In some parts of California, often in underrepresented or disadvantaged rural communities, people rely on groundwater to supply all their water needs. When aquifers in these areas are over-pumped, families are left without clean water for drinking, cooking, and bathing. Over-pumped aquifers also can lead to higher concentrations of pollutants in the groundwater, making the groundwater that remains unsafe for drinking and unusable for agriculture. Over-pumping of groundwater and the resulting negative effects is a serious issue for all Californians.

Groundwater Management in California

Article X, Section 2 of the California Constitution requires that all water use be both “reasonable and beneficial,” but until recently regulation focused mostly on surface water, not groundwater. Beginning in the early 1900s, the State began to study groundwater and authorized the creation of local water districts to manage groundwater within those districts. Since that time, the State policy has favored local control of groundwater resources, with the State’s role limited to funding technical studies to better understand its groundwater resources. In 1956, the State formed the Department of Water Resources (DWR) to manage much of California’s water supply. In the same year, the San Joaquin County Flood Control and Water Conservation District was formed to plan, construct, and operate flood control, water supply, drainage, and groundwater recharge projects. By the 1980s, concern about environmental impacts, including the continuing declines in groundwater levels, led to increased support for more comprehensive management of California’s groundwater. Within San Joaquin County, local water interests have partnered together over the years to build consensus regarding the groundwater resources with varying degrees of successful implementation of plans, however, the subbasins continue to be overdrafted.

In 2014, the State legislature adopted three bills, together known as the Sustainable Groundwater Management Act (SGMA), which for the first time set forth a statewide framework to manage groundwater by shifting the State’s role to that of overseer and potential regulator. In signing SGMA, however, Governor Jerry Brown emphasized that “groundwater management in California is best accomplished locally.” SGMA and subsequent Statewide regulations require local agencies to

develop and implement plans for sustainable groundwater management within specified timelines or face the consequence of the State taking over groundwater management. SGMA and subsequent State regulations require local agencies to form Groundwater Sustainability Agencies (GSAs) for all medium and high-priority groundwater basins in the State. GSAs are required to develop and implement Groundwater Sustainability Plans (GSPs) designed to avoid undesirable results and mitigate overdrafts by 2040. The State Department of Water Resources (DWR) provides regulatory oversight through its responsibility to evaluate and assess GSPs.

Groundwater Management for San Joaquin County

Groundwater in San Joaquin County is found in two separate subbasins of the San Joaquin Valley Groundwater Basin: the Eastern San Joaquin Subbasin and the Tracy Subbasin. The 2022-2023 Grand Jury focused its attention on the Eastern San Joaquin Subbasin (see Figure 3), one of 21 basins and subbasins the DWR has identified as being in a condition of critical overdraft.

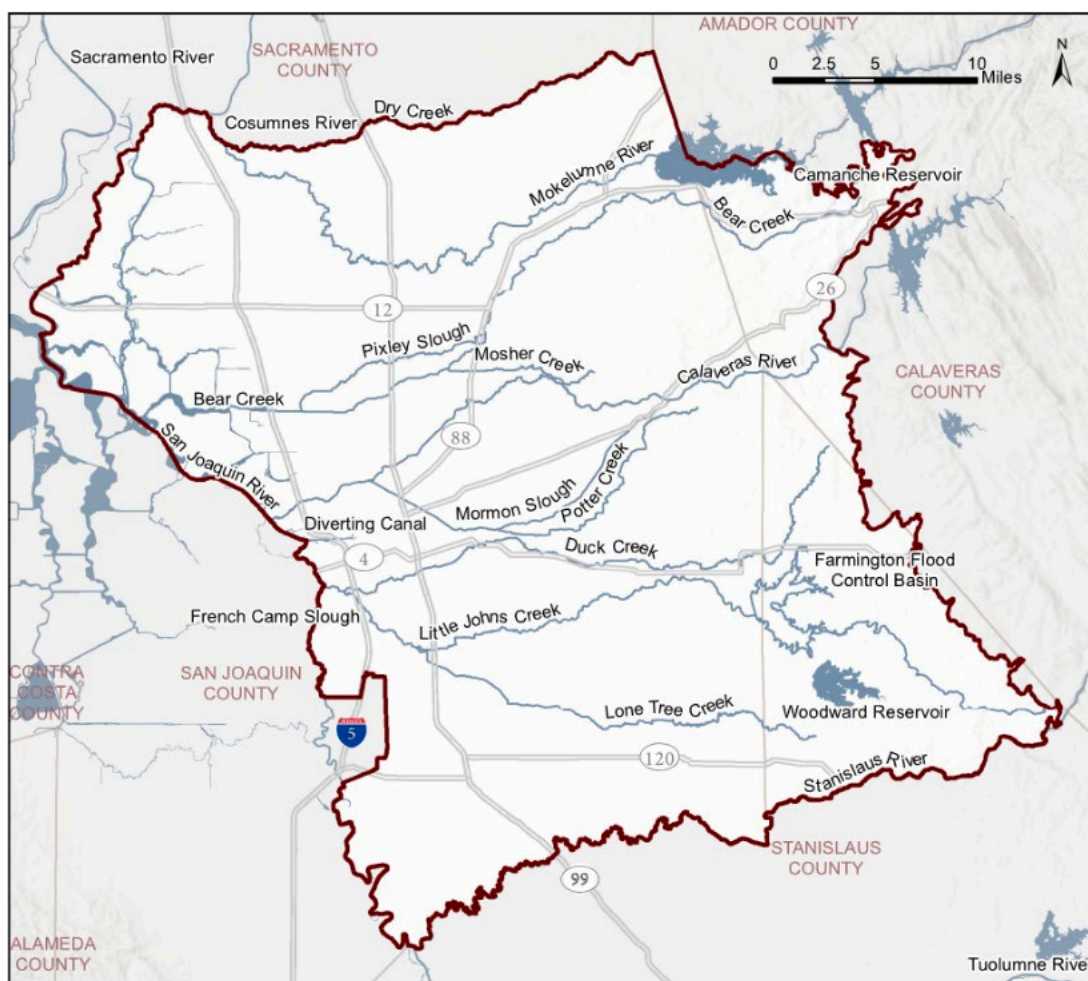


Figure 3. Eastern San Joaquin Subbasin.

(Source: Eastern San Joaquin Groundwater Authority, "Eastern San Joaquin Groundwater Subbasin Groundwater Sustainability Plan," November 2019; revised June 2022. https://www.sjgov.org/docs/default-source/public-works-documents/water-resources/final-esj-revised-gsp_june2022_clean.pdf?sfvrsn=675b059b_5)

The Eastern San Joaquin County Groundwater Banking Authority established in 2001 consisted of many of the same members as the ESJGWA. This group produced a Groundwater Management Plan in 2004 to address the overdraft situation as well as other water management projects. Complete follow-through on this plan and prior plans was hindered primarily by lack of funding. However, lessons learned have provided solid groundwork for the establishment of the SGMA-focused ESJGWA.

In April 2017, the 16 GSAs and local agencies responsible for managing the groundwater in the subbasin entered into a joint exercise of powers agreement (JPA) to establish the Eastern San Joaquin Groundwater Authority (ESJGWA) “for the purpose of coordinating the various GSAs’ management of the Basin, in accordance with SGMA” (JPA, Recital D). Later that year, San Joaquin County and California Water Services (Cal Water), an investor-owned utility that has groundwater management operations and acts as an urban water supplier in the subbasin, signed a Memorandum of Agreement (MOA) authorizing Cal Water to participate as a limited voting member in a GSA pursuant to a provision in SGMA allowing such arrangements.

The GSAs comprising the ESJGWA are a mixture of independent special districts (ISDs), municipalities, and San Joaquin County. As defined by the California Special Districts Association, “Special districts are local governments created by the people of a community to deliver specialized services essential to their health, safety, economy, and well-being. A community forms a special district, which are political subdivisions authorized through a state’s statutes, to provide specialized services the local city or county do not provide.”

Both the ESJGWA and its member GSAs are governed by individual boards of directors. The boards of the GSAs are elected by the people of their respective communities, and typically consist of three, five, or seven members. ESJGWA Board members serve by appointment; each GSA selects one of the members of its board (plus an alternate) to also serve on the ESJGWA Board. Thus, the ESJGWA Board has 16 members. The 16 GSAs that comprise the ESJGWA are as follows:

- | | |
|--|---|
| • Calaveras County Water District/Stanislaus County (Eastside San Joaquin GSA) | • Lockeford Community Services District |
| • California Water Service Company (Cal Water-San Joaquin County No. 2) | • North San Joaquin Water Conservation District |
| • Central Delta Water Agency | • Oakdale Irrigation District |
| • Central San Joaquin Water Conservation District | • San Joaquin County |
| • City of Lodi | • South Delta Water Agency |
| • City of Manteca | • South San Joaquin Groundwater Sustainability Agency |
| • City of Stockton | • Stockton East Water District |
| • Linden County Water District | • Woodbridge Irrigation District GSA |

The service areas for each of these agencies is shown in Figure 4.

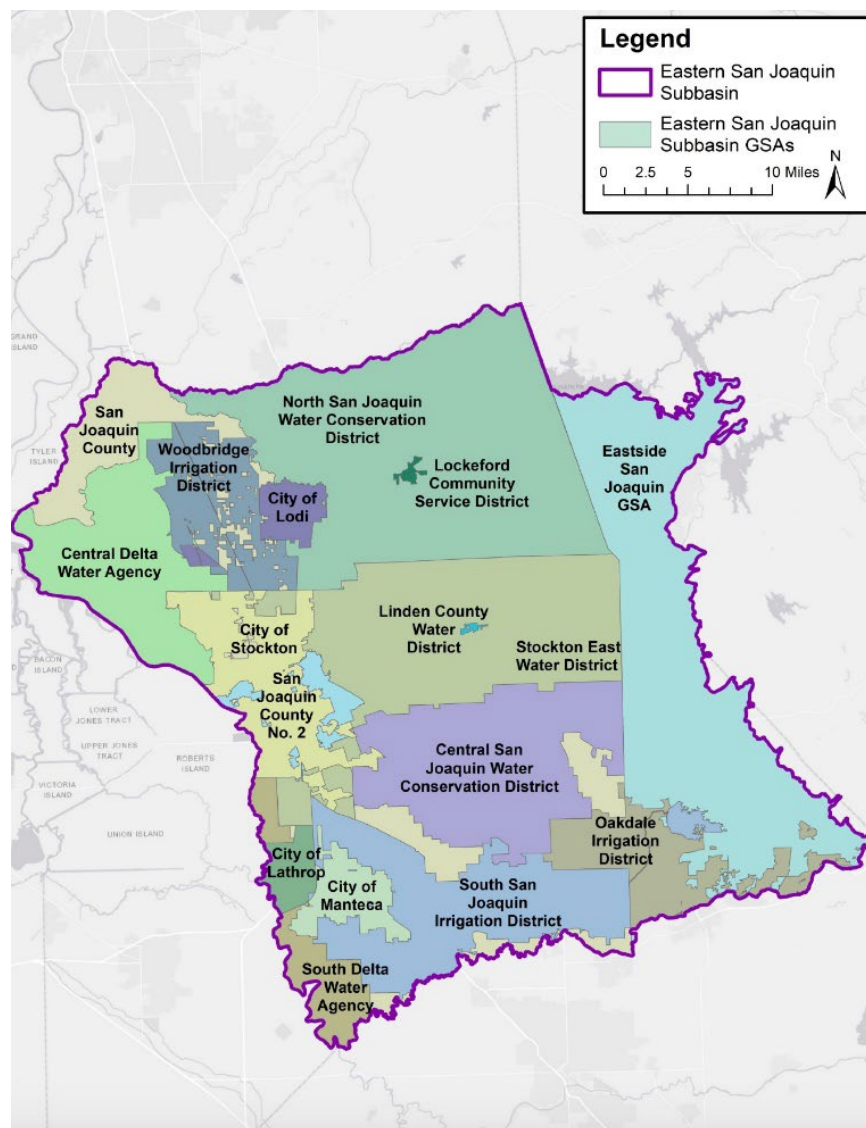


Figure 4. Areas Served by ESJGWA Member GSAs.

(Source: Eastern San Joaquin Groundwater Authority, "Members." <http://www.esjgroundwater.org/About-Us/Members>)

Reason for Investigation

The Grand Jury received a citizen's written complaint, conducted an interview, and subsequently reviewed issues concerning public outreach and engagement by the ESJGWA. According to the State's publication, *Governments Working Together, A Citizen's Guide to Joint Powers Agreements*, the Grand Jury is an agency for the public that can provide independent oversight of Joint Powers Authorities such as the ESJGWA. Due to the significance of water issues to the citizens of San Joaquin County, the ESJGWA's activities were an important subject for investigation.

Method of Investigation

Owing to the history and complexity of water issues and entities in the Eastern San Joaquin Subbasin, the 2022-2023 Grand Jury concentrated its investigation on the transparency of the ESJGWA's meetings, public engagement, and decision-making processes; its efforts to encourage and facilitate public participation during and after the development of its initial Groundwater Sustainability Plan (GSP) as required by the Sustainable Groundwater Management Act (SGMA); and the correctness and transparency of its financial records. The Grand Jury did not evaluate the substantive actions recommended in the Groundwater Sustainability Plan adopted by the ESJGWA.

The Grand Jury reviewed the legal requirements and State Department of Water Resources (DWR) recommended actions for developing a GSP; the ESJGWA's governance documents and bylaws; the meeting minutes for the ESJGWA Board and other committees; ESJGWA and GSA websites; presentations and budgets; technical and outreach materials related to how the ESJGWA developed its GSP; and correspondence from stakeholder organizations. The Grand Jury conducted 12 interviews with current and former ESJGWA and GSA Board members, County officials, staff, and stakeholders. Grand Jury members also attended several ESJGWA and GSA Board meetings.

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Discussions, Findings, and Recommendations

1.0 Outreach and Engagement

Much of what the Sustainable Groundwater Management Act (SGMA) requires of local agencies like the Eastern San Joaquin Groundwater Authority (ESJGWA) is beyond the scope of this Grand Jury investigation. However, the statute and California Department of Water Resources (DWR) regulations include provisions to promote involvement of interested parties in the formation of a Groundwater Sustainability Agency (GSA) and in the development and implementation of a Groundwater Sustainability Plan (GSP). As the local agency formed specifically to “cooperatively carry out the purposes of SGMA” and “satisfy the requirements of SGMA for coordination among GSAs” (JPA, Article 3.4(c) and (e)), the Grand Jury determined to investigate whether the ESJGWA had fulfilled, and is currently fulfilling, those public outreach obligations.

DWR’s primary role in SGMA is to give guidance and support to GSAs. This is done through regional coordinators along with staff from four regional offices to serve as primary points of contact for GSAs. This support includes guidance on communication and engagement. During the Grand Jury’s investigation, it became evident that communication and engagement while developing the GSP was challenging. To support ESJGWA, DWR provided grant funding and contracted consultants to assist with outreach efforts.

1.1 Requirements and Suggested Practices for Outreach Under SGMA

In January 2018, DWR published the *Guidance Document for Groundwater Sustainability Plan Stakeholder Communication and Engagement*. The guidance provided that: “Other than what is required by statute or regulation, GSAs have discretion on how they communicate and engage with the beneficial uses and users of groundwater within a basin,” and “expertise of stakeholders may increase the chance that the GSAs are using best available information and best available science for GSP development.” The guidance document included a chart to help GSAs determine who should be invited to engage in GSP development. The chart is reproduced in Appendix A.

In addition, according to the State-prepared fact sheet, *Sustainable Groundwater Management Act, Stakeholder Inclusion*: “SGMA requires consideration of the interests of diverse, social, cultural, and economic elements of the populations within the basin during plan development. Collaborative and inclusive processes can make plans more resilient by increasing buy-in and trust. . . . It is important that GSAs send appropriate notices; hold meetings in times, places, and manners that support effective engagement; and acknowledge issues raised.”

To promote inclusiveness in the development and implementation of a basin’s GSP, SGMA **requires** that an agency take the following actions:

- Consider the interests of all beneficial uses and users of groundwater in the basin, including agricultural and domestic users, municipal uses, environmental uses, users of interconnected surface water, Federal and State agencies, California Native American tribes, and disadvantaged communities (Water Code, Section 10723.2).
- Maintain a list of interested persons to whom the GSA will send notices regarding plan development, meetings, and other activities (Water Code, Section 10723.4).

- Issue a written statement describing the manner in which interested parties may participate in the development and implementation of the plan. This statement must be provided to cities, counties, and public water systems located in the plan area (Water Code, Section 10723.8).
- Provide notice and hold a public hearing at least 90 days after providing notice prior to adoption or amendment of a plan (Water Code, Section 10728.4).
- Describe GSA outreach efforts in plans (California Code of Regulations, Section 354.10(d)(3)).

SGMA also **suggests** the agency implement the following actions:

- Hold meetings in places and at times that support participation, including evening meetings to accommodate those unable to otherwise attend.
- Send notices both electronically and via mail.
- Send notices in languages that people understand and otherwise communicate effectively across diverse language groups.
- Ensure the notices are sent to disadvantaged communities, public water suppliers serving those communities, small agricultural operations, and other interest groups who may face barriers to participating in GSA efforts. People who are not active in, or represented by, an existing agency, association, or group, may need additional effort to reach and engage.
- Document GSA outreach efforts.
- Share outreach responsibilities with partner agencies that are available and have expertise in the subject.

1.2 Outreach Efforts Before and After Initial Submittal of the GSP

1.2.1 Public Meetings

The Grand Jury found that during development of the initial GSP, from July 2017 until submittal to the DWR in late January 2020, the ESJGWA held numerous meetings that were open to the public, including 28 Board of Directors meetings and 20 Advisory Committee meetings. Since the initial GSP submittal, from February 2020 until present (April 2023), 21 Board meetings and 22 Steering Committee meetings have been held. As described fully in Section 3.2.1, ESJGWA Board and Advisory/Steering Committee meetings have consistently been held on weekdays during the morning.

1.2.2 Informational Open House Events

During the period of initial GSP development, the ESJGWA held four informational open house events: August 29, 2018 (Stockton); November 7, 2018 (Manteca); February 12, 2019 (Lockeford); and July 18, 2019 (Stockton). The purpose of these informational events, according to event announcement flyers, was to offer “a series of public meetings to provide updates on local efforts to meet the State’s SGMA goals.” The flyers further invited the public “to learn about sustainable groundwater management. You will have the opportunity to ask questions and provide input about the Groundwater Sustainability Plan.” In addition to these general events, the ESJGWA also

provided seven presentations to targeted community groups in 2018 and 2019. Some member GSAs provided outreach presentations to their communities during this same period. Other than a SGMA update event held on July 22, 2021, in Ripon, the Grand Jury found no additional public information events have been held since the initial GSP submittal to the DWR in January 2020.

According to the ESJGWA's June 2022 GSP update, a total of 175 individuals attended the four open houses. However, multiple witnesses testified that with one exception, the open house events had low attendance, with only 15-20 members of the public over the course of several hours. An opinion expressed by several witnesses was that "trying to get public input is really tough," especially with a topic as esoteric as groundwater management.

1.2.3 Communications Responsibility and Planning

An important consideration about effective public engagement and outreach regarding SGMA and the GSP is: whose responsibility is it, the ESJGWA's or the individual member GSA's? The answer is *both*. JPA Article 2.8 states in part, "The Members intend through this Agreement to cooperate to...conduct outreach to Other Basin Agencies and private parties..." Both the ESJGWA and individual member GSAs are required by SGMA to engage in outreach activities. Some witnesses stated that, in addition to their efforts, the ESJGWA looked to individual GSAs to engage with their respective communities. However, the Grand Jury examination of member GSA websites shows a wide variation in the amount of information provided. Some have a great deal of information about SGMA and the GSP, while others have some, and a few have no information. A few GSAs held outreach events during GSP development, but the majority did not. The Grand Jury concluded that between the ESJGWA and member GSAs, outreach and engagement efforts have been uneven.

The ESJGWA hired consultant firms both to develop the GSP and to assist in formulating and executing a public outreach and engagement strategy, which was to be implemented while the GSP was being completed. A *Stakeholder Engagement & Public Outreach Plan*, dated June 25, 2018, and labeled DRAFT, was posted to the ESJGWA's website, but as of April 2023 had been removed. The draft plan is included as an appendix to the June 2022 version of the GSP. Based on witness testimony, the Grand Jury concluded this plan was never finalized nor formally implemented by the Board, though aspects of it appear to have been used.

Clear messaging to gain stakeholder interest was problematic given the technical and complex nature of groundwater management. This difficulty was evidenced by the Grand Jury's questioning of witnesses critical of ESJGWA's efforts. To better understand the outreach shortfalls, the Grand Jury questioned what the message "should be" and how best to engage the public. No specific messaging was suggested, while outreach ideas included visiting local community areas to conduct individual discussions or sending notifications by mail, which some witnesses stated was not effective. Many affirmed the issue was complicated.

Witness testimony and minutes from recent Board and Steering Committee meetings demonstrate a renewed interest in outreach and engagement by the ESJGWA motivated by the five-year GSP update cycle required under SGMA. Funds for outreach efforts have been limited; however, for 2023, DWR has funded a consultant firm to work with the Board to develop a new communications and engagement plan. Current efforts include, as suggested by SGMA, efforts to "share outreach responsibilities with partner agencies that are available and have expertise in the subject."

1.2.4 Sustainability Work Group

One aspect of the draft *Stakeholder Engagement & Public Outreach Plan* that appears to have been implemented was the Stakeholder Work Group (subsequently renamed Sustainability Work Group), which began in July 2018. The Sustainability Work Group consisted of 16 members representing a range of interests, including wildlife habitat, water conservation, agriculture/farming, and environmental justice. Aided by a DWR facilitator and other consultant personnel, the group met monthly to “review and/or provide input to the consulting team who is developing the GSP about groundwater-related issues.” The *Eastern San Joaquin Groundwater Sustainability Work Group Stakeholder Assessment Highlight Report*, produced by consultant personnel and dated December 31, 2018, described inadequacies and frustrations perceived by some members with the work group and GSP development process, including:

- Insufficient outreach to and inclusion of potential members of other organizations.
- A concern the work group was just a “check-the-box” exercise and would not result in meaningful contributions to the GSP.
- Insufficient time at meetings for discussion after information was presented to the group.
- Lack of clarity on how work group comments will be incorporated into GSP development.
- A need for more diverse representation in the ESJGWA organization and its decision making; specifically, to include environmental and environmental justice interests.
- A belief that outreach to the broader public was lacking and that many people who could be impacted by the GSP were not aware of the development process.

Testimony offered by some witnesses echoed and added to concerns expressed by members of the Sustainability Work Group, while others said they felt ESJGWA consultants had done a reasonably good job. Some witnesses testified that suggestions and ideas from the work group were completely ignored, while others said they had been used to inform the GSP. A witness testified consultant staff did not possess detailed knowledge of local issues facing specific groups such as some urban water users and small domestic well owners. The Sustainability Work Group continued to meet until December 2019, at which point it was disbanded. Witness testimony included the recommendation to reactivate the Sustainability Work Group.

1.2.5 List of Interested Persons

In accordance with Water Code Section 10723.4, the ESJGWA developed a list of persons who expressed interest in the development and implementation of the subbasin GSP. According to the revised GSP (June 2022), this list was developed from “existing stakeholder lists and databases from prior Eastern San Joaquin Subbasin engagement efforts, conducting new research, and obtaining referrals from key stakeholders and stakeholder groups.” Interested persons could also subscribe to the mailing list on esjgroundwater.org. Flyers advertising the four outreach events described in Section 1.2.2 were distributed to individuals and groups on the interested persons list via email and hard copies.

The interested persons list was used recently by ESJGWA’s consultant for a survey in the initial stages of developing the new communication and engagement plan. The ESJGWA consultant found

the list to be “weak,” and they will be connecting with other groups to broaden and update their outreach. One witness testified that ESJGWA outreach efforts since January 2020 have been “minimal” and had been curtailed because of budgetary constraints, while another stated they had not received any notifications from the ESJGWA since GSP submittal.

Findings

F1.2.1 The Eastern San Joaquin Groundwater Authority has provided no public information events on the status of the adoption and implementation of the Groundwater Sustainability Plan since July 2021, leaving the public largely unaware of what the Eastern San Joaquin Groundwater Authority is doing regarding groundwater sustainability and the associated effects and costs of Groundwater Sustainability Plan implementation.

F1.2.2 The Eastern San Joaquin Groundwater Authority developed but never formally approved or adopted an engagement and public outreach plan, and although the Department of Water Resources is now funding a consultant firm to work with the Board of Directors to develop one, public communications and engagement efforts so far have been limited and ineffective.

Recommendations

R1.2.1 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors, in consultation with member Groundwater Sustainability Agencies, develop, adopt, and implement a schedule for regular public events to provide information on Groundwater Sustainability Plan adoption and implementation and the associated effects and costs.

R1.2.2 By December 31, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors follow the Department of Water Resources-funded communications consultant’s recommendations in developing, adopting, and implementing a communications and outreach plan and that the plan be posted to its website upon adoption.

1.3 Efforts to Reach Diverse Population Groups

SGMA requires that agencies developing Groundwater Sustainability Plans, “Consider the interests of all beneficial uses and users of groundwater in the basin, including...disadvantaged communities” (Water Code, Section 10723.2). DWR defines a disadvantaged community (DAC) as a community with an annual median household income (MHI) that is less than 80% of the Statewide annual MHI. Multiple communications from various stakeholder groups to the ESJGWA, which were provided to the Grand Jury, questioned the DWR’s income-only-based definition of DAC. These stakeholders urged the ESJGWA to consider other factors, such as socioeconomics, public health, and environmental hazards, in determining whether a community is “disadvantaged.”

In its GSP, the ESJGWA includes a description of DACs they identified in the subbasin. However, there is no mention of outreach efforts tailored to DACs, only that DACs are included in the overall target audience for outreach and engagement efforts. Specifically, two witnesses noted that domestic well owners and small community water systems had not been engaged, either before GSP submittal or since. Additional witness testimony acknowledged that these users might not be DACs as defined by DWR, but insufficient engagement of these users remains the case.

In reviewing numerous printed and electronic materials used by the ESJGWA for outreach and educational purposes, the Grand Jury noted they were primarily in English, with a few flyers also in Spanish. No materials were in other languages. According to the San Joaquin County Council of Governments, 39 languages are spoken in County homes, including significant numbers speaking Spanish, Tagalog, Vietnamese, Mandarin, Cantonese, and Arabic.

Findings

F1.3.1 The Eastern San Joaquin Groundwater Authority's efforts to identify and engage with people who are members of disadvantaged communities have been limited, potentially excluding members of these communities from learning about and having a voice in groundwater sustainability plans.

F1.3.2 Informational materials used to communicate with and inform residents of the subbasin have been in English and Spanish only, thus leaving subbasin residents who speak and read other languages potentially uninformed about the Eastern San Joaquin Groundwater Authority and its activities.

Recommendations

R1.3.1 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors develop specific methods for better identifying and engaging with disadvantaged communities in the Eastern San Joaquin Subbasin and include these in the communication and engagement plan currently being developed with the Department of Water Resources.

R1.3.2 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors develop methods for communicating more effectively with major non-English speaking groups and include these in the communication and engagement plan currently being developed with the Department of Water Resources.

2.0 Funding, Budgets, and Expenditures

The Eastern San Joaquin Groundwater Authority (ESJGWA) was created to develop a Groundwater Sustainability Plan (GSP) that achieves groundwater sustainability in the Eastern San Joaquin Subbasin by 2040. The Subbasin's existing independent water management agencies agreed that cooperating to form the ESJGWA was an efficient and cost-effective method to develop the GSP for initial and ongoing compliance with the Sustainable Groundwater Management Act (SGMA) within the Subbasin (Joint Powers Agreement, Recital E). Plan development entailed obtaining and coordinating the necessary funding, staffing, data collection and analysis, and identifying projects or strategies to meet current and future water demands.

Preparing and submitting the GSP to the Department of Water Resources (DWR) for review and approval within the deadlines established by SGMA and DWR was a complex and expensive challenge. This successful endeavor by the ESJGWA is singular within the State. Of special note is the number and diversity of the 16 GSAs within the Subbasin collaborating on one plan for the entire Subbasin. These autonomous agencies vary in size, user types, water sourcing methods, and administrative and financial levels.

The recent approval by DWR of the ESJGWA's GSP is a notable achievement and ensures water management in San Joaquin County remains local as the GSAs adhere to the approved plan. A significant benefit of retaining local control rather than the State taking control is much lower costs to all users within the Subbasin area. In addition, proposals for projects supporting GSP implementation, when presented as a unified ESJGWA body, are more substantial and compelling for obtaining financial support in the form of grants and/or tax or fee increases to ensure project completion and continuous success toward the sustainability goal.

In reviewing their annual budgets, the Grand Jury found the primary source of funding for the ESJGWA's work to this point has been DWR grants (roughly 50% of funding). The balance of ESJGWA funding comes from a combination of GSA member contributions and the County's Water Investigation Zone 2 fund (about 25% each). The GSA member contribution is a cost allocation determined by a formula established by the ESJGWA Board to be paid by each member GSA (JPA, Article 3.9.c.). As discussed in more detail below, the Zone 2 fund revenue derives from a Countywide property fee.

2.1 Water Investigation Zone 2 Funds Used By the ESJGWA

The Grand Jury investigated the use of Zone 2 funds by the ESJGWA. Zone 2 revenue pays for water resource planning activities of the San Joaquin County Flood Control & Water Conservation District (District), which reports directly to the County Board of Supervisors. The District established Zone 2 to provide a revenue source through a property fee levied on all properties within the County. The planning activities funded by Zone 2 must support the six goals of the County's *2015 Strategic Plan to Meet Water Needs*, one of which is "manage groundwater in eastern San Joaquin County" (County Resolution R-15-17).

The Grand Jury was particularly interested in the use of Zone 2 funds relating to ESJGWA member Cal Water. Pursuant to the JPA that formed the ESJGWA, once all autonomous member water agencies within the Subbasin had formed GSAs and established their boundaries, San Joaquin County formed a GSA that included all remaining properties. California Water Service (Cal Water) is a private investor-owned utility that delivers water to properties both within the City of Stockton and to unincorporated areas within the County. Under SGMA, private investor-owned utilities such as Cal Water cannot form their own GSAs but can participate in a limited fashion in connection with a local agency. The City of Stockton retained Cal Water's service area within its GSA, while the County opted to enter into a Memorandum of Agreement (MOA) with Cal Water. The MOA divides the County's GSA into two separate areas, called County GSA (also identified as Eastern San Joaquin 1) and Cal Water-County GSA (also identified as Eastern San Joaquin 2). The MOA grants Cal Water limited participation rights in ESJGWA planning efforts in exchange for Cal Water's agreement to pay all costs associated with Cal Water-County GSA. (MOA, Article 4)

The Grand Jury reviewed available financial records of the ESJGWA and the County (listed in Section 2.2 below) and determined that Cal Water has paid all ESJGWA costs associated with the Cal Water-County GSA, as allocated by the formula used for cost allocation to all GSAs located within the County. The cost allocation paid by each GSA within the ESJGWA, including Cal Water-

County GSA, is reduced by a credit from Zone 2 funds. The Eastern San Joaquin GSA represents properties located outside the County and does not receive the Zone 2 credit.

Findings

F2.1.1 The Memorandum of Agreement with Cal Water benefits the County and its taxpayers by reducing the cost allocation paid by the County and incorporates Cal Water's expertise and support into the Groundwater Sustainability Plan development and implementation.

F2.1.2 Zone 2 property fees are collected by the County within the Cal Water-County GSA boundaries. Therefore, it is reasonable and equitable that Cal Water-County GSA receives the same reduction to its member cost allocation as all other County Groundwater Sustainability Agencies to reflect the property fees paid into the Zone 2 fund.

2.2 Transparency and Ease of Access to Financial Information

During its investigation, the Grand Jury requested, received, and reviewed the following financial data: Zone 2 Fund Reports (2016-2022), ESJGWA Fund Reports (2018-2022), Countywide annual audits (2014-2021), Chart of Accounts, Vendor Payments (2015-2022), ESJGWA and Zone 2 projected and actual budgets, and annual County proposed budget reports prepared for the Board of Supervisors. In addition, Grand Jury members reviewed the County's OpenGov Financial Data Transparency Portal. The Grand Jury also heard testimony from County officials familiar with ESJGWA financial processes.

The San Joaquin County Public Works Department provides accounting services for the ESJGWA and develops budgets for approval by the ESJGWA Board and the County Board of Supervisors (JPA, Article 4.10). The Grand Jury found the annual proposed budgets on the County Administrator's Office (CAO) Budget public website to be an excellent overview of both Zone 2 and ESJGWA origination, purpose, and fiscal year planning. Revenues collected for Zone 2 and the ESJGWA are held separately in the County Treasury (JPA, Article 5.7). The Zone 2 fund is not audited separately from the District, and the County Auditor-Controller's Office does not prepare a separate financial statement. The Flood Control & Water Conservation District posts on its website the annual Engineer's reports for the beneficial use Zones 9 and 10. These reports include services provided, the budget to provide the services, and the criteria. However, according to witness testimony, the District does not post an annual report for Zone 2 accountability.

ESJGWA is audited annually in accordance with JPA Article 5.8 and is included in the "County of San Joaquin, California" annual audit, which is conducted by an independent auditor. Within this audit, the ESJGWA is labeled a "Nonmajor Special District Governed by the Board of Supervisors." Audits reviewed by the Grand Jury from 2014 to 2021 include ESJGWA from 2017 on, with a brief description of "Eastern San Joaquin Groundwater Authority... established in 2017." However, from 2018 to 2021, the balance sheet column heading lists the ESJGWA as the "Eastern San Joaquin Ground Water **Banking** Authority," which is a different agency established prior to the ESJGWA, and which terminated in 2022. A review of preceding audits does not include any Eastern San Joaquin authorities. The Grand Jury also received ESJGWA fund reports (labeled "21451") from the

Auditor-Controller's Office and compared fund balances. The Grand Jury noted that year-end balances between the audits and the fund reports differ, as summarized in Table 1.

Table 1. Differences Between County Audited Year-End Balances and the 21451 Fund Report

Audit Combining Balance Sheet				
2022	2021	2020	2019	2018
–	386,618	(641,657)	(483,152)	474,139
Audit Combining Statement of Revenues, Expenditures				
–	369,813	(641,657)	(483,152)	275,982
ESJGWA 21451 Fund Report				
2022	2021	2020	2019	2018
370,409	380,025	(553,577)	(328,783)	442,117

Neither the County nor ESJGWA provides easy access to ESJGWA financial information. The County's OpenGov Financial Data Transparency Portal can be utilized to examine how Zone 2 funds are used, but the Grand Jury found it very difficult to locate and access this information. The Zone 2 budget link leads to a page with only minimal information. More information regarding Zone 2 and projects is available elsewhere on the District's website, but it is difficult to find that information. Similarly, the ESJGWA's website does not provide a convenient link to ESJGWA budgets or financial information. That information can only be found by searching through agenda meeting packets of the Board and the Steering Committee. Even so, budget information presented at a meeting might not be included in the packets. For example, on February 8, 2023, the Steering Committee considered a draft budget proposal, but the proposal was not included in the meeting packet available to the public. The Grand Jury requested and received a copy of the proposed budget presentation, but it was not clear how the public would know to request that information.

Findings

F2.2.1 Important Eastern San Joaquin Groundwater Authority financial information is not readily available on the Eastern San Joaquin Groundwater Authority website, effectively depriving the public access to this information.

F2.2.2 Important Zone 2 financial information is not readily available on the San Joaquin County Flood Control & Water Conservation District's website, therefore does not meet the public's need for transparency.

F2.2.3 The Eastern San Joaquin Groundwater Authority is included in the annual San Joaquin County independent audit, but the audited fund balance differs from the fund balance report, calling into question the data included in the reported financials.

F2.2.4 The independent auditor lists and discusses the Eastern San Joaquin Groundwater Authority in the "Summary of Significant Accounting Policies." The balance sheet column heading listing the

previous Ground Water Banking Authority (GBA) is incorrect, lessening public confidence in the audit.

Recommendations

R2.2.1 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board modify the Eastern San Joaquin Groundwater Authority website to provide the public clear and convenient access to a more detailed Eastern San Joaquin Groundwater Authority budget with prior-year actuals.

R2.2.2 By November 1, 2023, the County Board of Supervisors modify the Flood Control & Water Conservation District’s website to provide the public clear and convenient access to financial and project information related to the use of Zone 2 funds, including prior year actuals and services provided each year.

R2.2.3 By November 1, 2023, the County Auditor-Controller’s Office explain the difference between the County annual audits and the #21451 fund reports and make the explanation available to the public.

R2.2.4 By November 1, 2023, the County Auditor-Controller’s Office review the County independent audit balance sheets column header and the description narrative to confirm Eastern San Joaquin Groundwater Authority as the entity audited and use the correct name in future independent audit balance sheets.

3.0 Public Information and Transparency

The Eastern San Joaquin Groundwater Authority (ESJGWA) is a public entity formed through a joint exercise of powers agreement (JPA), pursuant to the Joint Exercise of Powers Act (California Government Code Section 6500 et seq.). Its member independent special districts (ISDs), cities, and San Joaquin County are also local government agencies. Although these entities, individually and collectively, can be effective at their various local government responsibilities, what they do and how they operate is often a mystery to the public. Recognizing the need for transparency and accountability, the State has over the years enacted several pieces of legislation. These include the Ralph M. Brown Act (Government Code Sections 54950–54963) and SB 929, part of the California Public Records Act (CPRA).

The Brown Act is the State’s “sunshine law” for local agencies, requiring them to conduct their business at open and public meetings. It is based upon the policy that the people must be informed so they can keep control over their government. Among other things, the Brown Act requires meeting agendas for the Board of Directors and standing committees to be posted in a public place and on the agency’s website, if it has one, at least 72 hours in advance to help the public participate. Standing committees are committees that have been formally established by the Board with set meeting times. Ad hoc committees, which are temporary committees formed for a single task and then dissolved, are not subject to the Brown Act. JPAs such as the ESJGWA are subject to the provisions of the Brown Act.

3.1 Website

SB 929 required that by January 2020, all ISDs must establish and maintain a website. The ESJGWA has established a website, esjgroundwater.org, which provides general information about groundwater sustainability; meeting times, agendas, and minutes; outreach efforts during GSP development; and various reports. While not an ISD itself, the ESJGWA includes many ISDs as members and in the interest of transparency and good governance should adhere to the same website standards as its member agencies. These requirements include posting:

- contact information;
- the most recent agendas for Board and all standing committee meetings;
- a report of financial transactions or link to the State Controller's website; and
- board compensation or link to the State Controller's website.

In addition to these requirements of SB 929, SB 272 requires agencies to provide an Enterprise System Catalog, a list of certain software programs used by the agency. Government Code Section 7405 requires all public agency websites be accessible to visually impaired and deaf persons.

The Grand Jury found that the ESJGWA's website does not fully comply with these transparency and accessibility laws, and only one of the 16 member GSAs is in full compliance. First, esjgroundwater.org does not include a financial transaction report (such reports must be submitted to the State Controller's Office annually), nor does it have a link to the State Controller's website. Second, the website does not include a Board of Director's compensation report nor link to the State Controller's website. Third, it does not include an Enterprise System Catalog. Fourth, a cursory test by a Grand Jury member using the accessibility.org compliance checker indicated the ESJGWA's website does not comply with State government accessibility guidelines. Several ESJGWA Board and staff members interviewed by the Grand Jury could not confirm if the website was accessible to sight-impaired persons. See Appendix B, ESJGWA Website Compliance, for compliance details.

The Grand Jury heard testimony from several individuals connected with the ESJGWA that included uncertainty about whether the website was compliant with applicable statutes, recognized that deficiencies existed, and acknowledged that complaints had been received. These witnesses also testified that staff work demands are high, and the timely posting of information to the website is a lesser priority that they would like to rectify.

Findings

F3.1.1 The Eastern San Joaquin Groundwater Authority website does not provide the State-required Financial Transaction Report or a link to the State Controller's website, which decreases transparency.

F3.1.2 The Eastern San Joaquin Groundwater Authority website does not list the Board compensation report or a link to the State Controller's website, reducing transparency.

F3.1.3 The Eastern San Joaquin Groundwater Authority website does not provide an Enterprise System Catalog, which violates public records and transparency reporting requirements.

F3.1.4 The Eastern San Joaquin Groundwater Authority website does not meet the accessibility requirements established by Government Code Section 7405, which could make it difficult for some members of the public to access the site and could expose the Eastern San Joaquin Groundwater Authority to legal action.

F3.1.5 The Eastern San Joaquin Groundwater Authority website is not updated in a timely manner, causing frustration for site visitors and the appearance of a lack of transparency.

Recommendations

R3.1.1 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors update their website to include the current Financial Transaction Report (or link to the State Controller’s website) to ensure compliance with SB 929.

R3.1.2 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors update their website to include a Board compensation report (or link to the State Controller’s website) to ensure compliance with SB 929.

R3.1.3 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors update their website to include an Enterprise System Catalog to ensure compliance with SB 272.

R3.1.4 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors ensure that their website complies with the requirements of Government Code Section 7405.

R3.1.5 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors consult with San Joaquin County’s Information Systems Division to recommend, develop, and implement methodologies to ensure the timely posting of information to the Eastern San Joaquin Groundwater Authority website.

3.2 Board, Standing Committees, and Advisory Committees

The ESJGWA Board of Directors meets monthly, as described in the JPA Agreement and Board Bylaws. These governance documents also provided for the establishment of one or more advisory committees, technical committees, and ad hoc (temporary, single purpose) committees. The Board of Directors had its first meeting in June 2017 and the Advisory Committee in May 2018. Because they were formally established and meet on a continuing basis, meetings of the Board and the Advisory Committee (which in 2020 became the Steering Committee) must be conducted in accordance with the Ralph M. Brown Act.

3.2.1 Meeting Times, Cancellations, and Scheduling Changes: When Do You Meet?

Open meetings are a primary way for interested citizens to engage with and provide input to public agencies and officials. The ESJGWA’s Bylaws and its website state that regular Board meetings are

held on the second Wednesday of each month “at 9:30 a.m. or at a time specified by the Authority Board.” The website indicates Board meetings are held at 11:00 a.m. After examining agendas and meeting minutes, the Grand Jury determined Board meetings have commenced at 10:30 a.m. since March 2020. At its meeting held January 11, 2023, the Board voted to move to a quarterly meeting schedule, with occasional special meetings as needed, and with a starting time of 10:30 a.m. Advisory and Steering Committee meetings have generally also been held during morning hours, prior to Board meetings. As noted in Section 1.1, SGMA guidance suggests that public meetings be held “at times that support participation.” The Grand Jury heard testimony and received documentary evidence that requests to hold public meetings after regular working hours had been made multiple times over several years. These requests stated holding meetings after work hours would help promote public participation and outreach. To date, no changes have been made. Most member GSAs also hold their monthly Board meetings in the morning time or early afternoon; 25% hold them after regular working hours.

In reviewing Board and Advisory/Steering Committee agendas and meeting minutes from the formation of the ESJGWA until present, the Grand Jury noted an increasing number of meeting cancellations over time, as shown in Table 2. All scheduled meetings of the Steering Committee from February to June 2022 were cancelled. In June 2020, the Board reduced its number of meetings, convening approximately quarterly until January 2022 when a monthly schedule was resumed. The Steering Committee continued a monthly schedule during this period. Meetings and meeting cancellations for the Board and Advisory/Steering Committee were properly noticed in accordance with the Brown Act.

Table 2. Number of Meetings Cancelled from Inception to Present

	2017	2018	2019	2020	2021	2022	2023 (thru May)
Board of Directors	1	1	2	1*	0	4*	3
Steering Committee	—	1	1	3*	3	8*	2

** The status of one or more additional meetings is unknown as no minutes were published.*

3.2.2 Technical Advisory Committee: Ad Hoc or Not?

From its beginnings, the ESJGWA envisioned the need for one or more ad hoc committees to investigate, advise, and provide the Board with recommendations on various technical, policy, and other matters that the Board would then act on. Being ad hoc, these committees met on an as-needed basis without an established schedule or published agenda, and their meetings were not noticed in advance. The Technical Advisory Committee (TAC) has operated as an ad hoc committee.

Based on an examination of Board and Steering Committee meeting minutes, a compiled listing of TAC meeting dates and assignments from February 2020 to March 2023, and witness testimony, the Grand Jury concluded that the TAC has existed in some form nearly continuously since 2017. One witness commented: “The TAC has been around a long time.” In the Board meeting minutes of

June 9, 2021, a member of the public questioned why “TAC meetings are open to the Public, but no notice is provided on the ESJ Groundwater website.” The minutes also note, “In response to TAC notices, it was confirmed that the meeting section will be updated on the ESJ Groundwater website appropriately to follow Brown Act.” The Grand Jury found no listing of TAC meeting notices on esjgroundwater.org. At the Board meeting held February 8, 2023, in response to past public comments, Board members and staff discussed whether the TAC was a standing committee, demonstrating ambivalence about the TAC’s ad hoc status.

3.2.3 Identifying Members of the Board: Who Are They?

During its investigation, the Grand Jury attempted to find the names of individuals representing member GSAs on the ESJGWA Board of Directors by examining its website, meeting agendas, and meeting minutes, and by querying witnesses. One witness, when asked if they could identify Board members, said they could not because “There are a bunch.” Unlike its member GSAs, the ESJGWA does not identify who serves on the Board of Directors, either on its website or on its printed meeting agendas. Currently, the only way for the public to find who sits on the Board is by searching the minutes of Board meetings, where attending members are named in the roll call section. If a Board member was absent, or if their alternate attended, the Board member’s identity would remain unknown. All the member GSAs provide the names and contact information for their Board members on their websites, and more than half list them on meeting agendas. Some provide photos of Board members on their websites as well.

Findings

F3.2.1 The Eastern San Joaquin Groundwater Authority Board routinely holds its meetings at times that differ from those stated in its Bylaws and on its website. Together with cancellations and a reduction in the number of Board meetings, this creates confusion and reduces opportunities for public engagement.

F3.2.2 The Eastern San Joaquin Groundwater Authority Technical Advisory Committee is a de facto standing committee but does not follow noticing and transparency requirements for its meetings, violating the Brown Act and giving the public no insight or input into its activities.

F3.2.3 The Eastern San Joaquin Groundwater Authority does not identify the individuals who serve on the Board of Directors on either its website or its agendas, making it difficult for the public to ascertain who governs the Eastern San Joaquin Groundwater Authority and who from each Groundwater Sustainability Agency sits on their Board.

Recommendations

R3.2.1 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors amend its Bylaws and update its website to reflect the actual meeting time of the Board.

R3.2.2 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors, during a public meeting, discuss and implement options that would enable increased public attendance at its meetings.

R3.2.3 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors acknowledge at one of its meetings that the Technical Advisory Committee (TAC) is a standing committee and direct that the TAC begin holding its meetings in compliance with the Brown Act.

R3.2.4 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors ensure that its website has been updated to include the name, position, and contact information for each person serving on the Board and that this information be kept current.

R3.2.5 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors ensure the name and position of each current Board member be included in the agenda of each Board meeting.

3.3 Meeting Minutes

Minutes for a particular ESJGWA Board or Advisory/Steering Committee meeting are included in the agenda packet for the next meeting of that body. Agendas and agenda packets are posted on esjgroundwater.org/Agendas. There is no indication on the Agendas web page that minutes of the previous meeting are included in agenda packets. Member GSAs and other local government agency websites viewed by the Grand Jury frequently provide separate links to their meetings' minutes. The Grand Jury sometimes found it difficult to locate the minutes for a Board or Advisory/Steering Committee meeting held on a particular date, especially when the following meeting (and sometimes several meetings) had been cancelled. In a few instances, minutes are missing from the website, making it impossible for the Grand Jury to verify whether the previously scheduled meeting had occurred. Several stakeholder witnesses also expressed frustration with meeting minutes that are difficult to locate or missing.

Finding

F3.3.1 The minutes of Board and Steering Committee meetings are difficult to locate on the Eastern San Joaquin Groundwater Authority website and sometimes are not posted for months or at all, resulting in frustration for interested parties and a lack of transparency.

Recommendation

R3.3.1 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors make changes to the website to ensure all meeting minutes (including drafts) are posted within 10 business days of the meeting adjournment and made easily available to the public.

4.0 Administrative Issues

4.1 Lapse in the County's MOA with Cal Water

Cal Water has participated as part of the Eastern San Joaquin Groundwater Authority (ESJGWA) by means of a Memorandum of Agreement (MOA) between Cal Water and San Joaquin County. The original MOA was approved in May 2017 and stipulated it would terminate in three years or once the County adopted a Groundwater Sustainability Plan (GSP) but could be extended for up to two years. In December 2019, after the member Groundwater Sustainability Agencies (GSAs) and County all adopted the initial GSP, the term of the original MOA was extended for another two

years. That renewed agreement lapsed in December 2021; however, the County Board of Supervisors did not approve another MOA with Cal Water until November 29, 2022. Witnesses confirmed during Grand Jury questioning that the MOA had lapsed because of administrative oversight.

4.2 Inadequate Staff Support

Article 3.10 of the Joint Exercise of Powers Agreement (JPA) states the ESJGWA does not anticipate having any employees, but that employees of member GSAs may, with the GSA's consent, serve as ex officio employees. Certain County staff also fulfill ESJGWA staff roles. The Grand Jury heard testimony from several witnesses indicating staff support for the ESJGWA is insufficient. It was mentioned that certain staff members must fulfill multiple roles and shoulder many critical responsibilities and that doing so had resulted in overwork and stress. Other testimony related that some desired efforts in support of the ESJGWA's work were delayed or went unfulfilled and that a primary reason was a lack of resources and staffing. The high cost involved for staffing was mentioned several times. In addition, as noted in Section 3.1, other witness testimony and some documents supplied to the Grand Jury indicated updates to the ESJGWA's website have been delayed because of a shortage of staff support.

Findings

F4.1 San Joaquin County and Cal Water allowed their Memorandum of Agreement to automatically terminate in December 2021 and failed to renew it until November 2022, which undermines public confidence in the County's governance and due diligence in tracking all legal agreements.

F4.2 The Eastern San Joaquin Groundwater Authority has insufficient staff support, which negatively impacts its ability to operate efficiently and can result in staff burnout and possible administrative delays and errors.

Recommendations

R4.1 By November 1, 2023, the San Joaquin Board of Supervisors develop, adopt, and implement a methodology for reviewing Eastern San Joaquin Groundwater Authority governance and contractual documents regularly to ensure that any that are approaching expiration can be acted upon promptly.

R4.2 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board develop a recommendation and proposal for additional staffing necessary to adequately support its activities and present this proposal to the member Groundwater Sustainability Agencies' Boards and the County Board of Supervisors for approval.

Conclusion

On March 2, 2023, the State Department of Water Resources (DWR) recommended approval of the GSPs for six critical subbasins, including the Eastern San Joaquin Subbasin. In its announcement, DWR noted: "While additional analytical work is needed during implementation, DWR deemed the

framework for management sufficient under the law.” The Grand Jury commends the ESJGWA and its member GSAs for their years of hard work to achieve this milestone accomplishment.

Going forward, the Grand Jury believes the ESJGWA has much to do to improve the public’s knowledge, understanding, and confidence in its operations. Needed improvements include increasing transparency of its operations and financial workings; revamping the presentation of information at public meetings and on the website to make it more complete and more accessible; improving and expanding communication efforts to identify, reach out, educate, and engage with the Subbasin’s diverse stakeholder communities; and allocating more resources for administrative support to ensure efficient and timely operations. While the ESJGWA has begun to address some of these concerns, by incorporating the Grand Jury recommendations the ESJGWA will raise awareness of their efforts and better serve the interests of San Joaquin County’s groundwater users.

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 for the Eastern San Joaquin Groundwater Authority Board of Directors and San Joaquin County Board of Supervisors, and within 60 days of receipt of the report for the San Joaquin County Auditor-Controller.

- The Eastern San Joaquin Groundwater Authority Board of Directors shall respond to:
Findings F1.2.1, F1.2.2, F1.3.1, F1.3.2, F2.2.1, F3.1.1, F3.1.2, F3.1.3, F3.1.4, F3.1.5, F3.2.1, F3.2.2, F3.2.3, F3.3.1, and F4.2;
Recommendations R1.2.1, R1.2.2, R1.3.1, R1.3.2, R2.2.1, R3.1.1, R3.1.2, R3.1.3, R3.1.4, R3.1.5, R3.2.1, R3.2.2, R3.2.3, R3.2.4, R3.2.5, R3.3.1, and R4.2.
- The San Joaquin County Board of Supervisors shall respond to:
Findings F2.2.2 and F4.1;
Recommendations R2.2.2 and R4.1.
- The San Joaquin County Auditor-Controller shall respond to:
Findings F2.2.3 and F2.2.4;
Recommendations R2.2.3 and R2.2.4.

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

Honorable Michael D. Coughlan, Presiding Judge
San Joaquin County Superior Court
180 E Weber Ave, Suite 1306J
Stockton, California 95202

Also, please email a copy of the response to Mr. Irving Jimenez, Staff Secretary to the Grand Jury, at grandjury@sjcourts.org.

Appendix A: Stakeholder Engagement Chart for GSP Development

To assist GSAs with identifying individuals and groups they expected to engage with or inform while developing their GSP, the DWR provided the following chart to “stimulate brainstorming.” DWR noted that the list is not exclusive.

Category of Interest	Examples of Stakeholder Groups
General Public	<ul style="list-style-type: none"> • Citizens groups • Community leader
Land Use	<ul style="list-style-type: none"> • Municipalities (City leaders, County planning departments) • Regional land use agencies
Private users	<ul style="list-style-type: none"> • Private pumpers • Domestic users • Schools and colleges • Hospitals
Urban/ Agriculture users	<ul style="list-style-type: none"> • Water agencies • Irrigation districts • Municipal water companies • Resource conservation districts • Farmers/Farm Bureaus
Industrial users	<ul style="list-style-type: none"> • Commercial and industrial self-suppliers; groups • Local trade association or group
Environmental and Ecosystem	<ul style="list-style-type: none"> • Federal and State agencies (Fish and Wildlife) • Wetland managers • Environmental groups
Economic Development	<ul style="list-style-type: none"> • Chambers of commerce • Business groups/associations • Elected officials (Board of Supervisors, City Council members) • State Assembly members • State Senators
Human right to water	<ul style="list-style-type: none"> • Disadvantaged Communities • Small community systems • Environmental Justice Groups
Tribes	<ul style="list-style-type: none"> • Tribal Government
Federal and State lands	<ul style="list-style-type: none"> • Military bases/Department of Defense • Forest Service • National Park Services • Bureau of Land Management • California Department of Fish and Wildlife
Integrated Water Management	<ul style="list-style-type: none"> • Regional water management groups (IRWM regions) • Flood agencies • Recycled water coalition

(Source: Guidance Document for Groundwater Sustainability Plan Stakeholder Communication and Engagement. California Department of Water Resources. January 2018.)

Appendix B: ESJGWA and GSA Website Compliance

REQUIRED	Eastern San Joaquin Groundwater Authority	Calaveras County Water District/ Stanislaus County	California Water Services Co. (Cal Water)	Central Delta Water Agency	Central San Joaquin Water Conservation District	City of Lodi
Has website?	Yes	Yes	Yes	Yes	Yes	Yes
ESJGWA site links to...	—	Yes	Yes	No	Yes	Yes
Link to most recent agenda on home page?	Yes	Yes	†	Yes	No	Yes
Contact info?	Yes	Yes	†	Yes	Yes	Yes
Agendas as searchable, indexable PDFs?	Yes	Yes	†	Yes	No	Yes
Enterprise System Catalog?	No	Yes	†	No	No	No
Financial Transaction Report (or link)?	No	No (but have budgets, independent audits)	†	No (link in a PDF)	No	No‡
Board Compensation Report (or link)?	No	No	†	No (link in a PDF)	No	No‡
ADA compliant?*	No	No		No	No	
BEST PRACTICE						
Board roster?	No	Yes	†	Yes, but old	Yes	Yes
Public can attend meetings via phone/online?	No	Yes	†	Yes	Yes (listen only)	Yes
Video/audio recording of board meetings?	No	Yes	†	No	No	Yes
Board meets after 5 pm?	No	No	†	No	No	Yes
BoD named on communications?	No	Yes	†	Yes	Yes	No
* Checked using accessibility.org compliance checker			† Not applicable because it is a private company			‡ But, Gov Code Sec. 53893 allows providing print copy when requested

	City of Manteca	City of Stockton	Linden County Water District	Lockford Community Services District	North San Joaquin Water Conservation District	Oakdale Irrigation District
REQUIRED						
Has website?	Yes	Yes	Yes	Yes	Yes	Yes
ESJGWA site links to...	Yes	Yes	Yes	No	Yes	Yes
Link to most recent agenda on home page?	Yes	Yes	Yes (but no agenda archive)	Yes	No	Yes
Contact info?	Yes	Yes	Yes	Yes	Yes	Yes
Agendas as searchable, indexable PDFs?	Yes	Yes	No	No	Yes	Yes
Enterprise System Catalog?	Yes	Yes (for 2016)	Yes	Yes	No	Yes (outdated; 2016)
Financial Transaction Report (or link)?	No‡	No‡	Yes (for 2019)	Yes	No	Yes
Board Compensation Report (or link)?	No‡	No‡	Yes (for 2020)	Yes	No	No
ADA compliant?*			No	Yes	No	No
BEST PRACTICE						
Board roster?	Yes	Yes	Yes	Yes	Yes	Yes
Public can attend meetings via phone/online?	Yes	Yes	No	No	Yes	Yes
Video/audio recording of board meetings?	Yes	Yes	No	No	No	No
Board meets after 5 pm?	Yes	Yes	Yes	No	No	No
BoD named on communications?	Yes	Yes	Yes	No	Yes	No
* Checked using accessibility.org compliance checker						

	San Joaquin County	South Delta Water Agency	South San Joaquin Groundwater Sustainability Agency	Stockton East Water District	Woodbridge Irrigation District
REQUIRED					
Has website?	Yes	Yes	Yes	Yes	Yes
ESJGWA site links to...	Yes	No	Yes	Yes	No
Link to most recent agenda on home page?	Yes	No	Yes	Yes	Yes
Contact info?		Yes	Yes	Yes	Yes
Agendas as searchable, indexable PDFs?	Yes	Yes	Yes	No	Yes
Enterprise System Catalog?	Yes	No	Yes	Yes	Yes
Financial Transaction Report (or link)?	No†	Yes	Yes	No	Yes
Board Compensation Report (or link)?	No†	Yes	Yes	No	Yes
ADA compliant?*		Yes	Yes	No	Yes (12/15/22)
BEST PRACTICE					
Board roster?	Yes	Yes	Yes	Yes	Yes
Public can attend meetings via phone/online?	Yes	No	No	Yes	No
Video/audio recording of board meetings?	Yes	No	No	No	No
Board meets after 5 pm?	No	No	No	No	No
BoD named on communications?	Yes	No	No	Yes	No
* Checked using accessibility.org compliance checker					

SECTION 3: LAW AND JUSTICE

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Continuum of Care Reform..... Page 115



2022–2023 San Joaquin County Grand Jury



Law and Justice Report with a Special Report on the Juvenile Justice System and Continuum of Care Reform

Introduction and Background

California Penal Code sections 919(a) and 919(b) authorize the Grand Jury to inquire into the condition of jails and public prisons operated by the State, County, and Cities within the jurisdiction of San Joaquin County (SJC). The Grand Jury may investigate matters pertaining to law enforcement including the Sheriff's Office, police, juvenile justice, public safety, probation, and the inspection of detention facilities within the county.

Law Enforcement Department Descriptions

The following are overviews of the various law enforcement agencies that the Grand Jury reviewed. The many programs and activities found in the descriptions are not meant to be a complete survey of each department, but rather examples of the types of activities that the Grand Jury noted or were described in presentations. Most programs and activities would overlap in all city police departments or the San Joaquin County Sheriff's Office. For example, a Neighborhood Watch program is described in the Stockton and Tracy Police Departments, yet likely all or most of the agencies would have such a program.

Summary

The 2022-2023 Grand Jury Report reviewed the law enforcement and public agencies within San Joaquin County including the:

- City police departments of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy.
- San Joaquin County Sheriff's Office.
- College, university, and school departments of public safety, i.e., San Joaquin Delta College, the University of the Pacific, and Stockton Unified School District.
- San Joaquin County Jail and Lodi Jail.
- Juvenile Detention Facility under the Juvenile Detention Service within the San Joaquin County Probation Department.

- Agencies with significant security concerns, i.e., The Port of Stockton and the California Health Care Facility.

The Grand Jury had presentations from all of the agencies except the California Health Care Facility. Jury members toured six city police departments (Escalon, Lathrop, Lodi, Ripon, Stockton, and Tracy) and also toured the San Joaquin County Jail, the Lodi Jail, the Juvenile Detention Facility, the Port of Stockton, and the California Health Care Facility. Interviews were also conducted.

The police chiefs and the San Joaquin Sheriff-were asked to comment on the following issues:

- Collaborative relations between law enforcement and citizens.
- Community Mental Health Response Program.
- Homelessness issues.
- 9-1-1 dispatch policies.
- Mass casualty and active shooter response policies.
- Racial profiling perceptions.
- Crime statistics.
- Staffing demands and recruitment strategies.

In view of the national concerns related to law enforcement use of force events, the Grand Jury members participated in ride-along sessions with law enforcement agencies to observe the law enforcement officers' interactions with the citizens they are sworn to serve. All Grand Jury members who spent time with law enforcement officers during their ride-along sessions commented on the professional manner each of the officers or deputies displayed. They demonstrated appropriate de-escalation techniques and guidance with each of the complainants or suspects they encountered.

Staff shortages is a common concern expressed by many of the law enforcement agencies. This results in longer response times to calls for service. Some agencies are having difficulty using the newly installed computer Data Base Management System (DBMS) which provides required data to the Department of Justice.

This report includes information gleaned from the presentations, facility visits, independent research of agency websites, documents provided by the agencies, and individuals' ride-along observations. A listing of the types of calls for service jurors observed during their ride-along sessions follows the agency description.

Collaborative Relations Between Law Enforcement and Citizens

A focus common in all the agencies' presentations was their effort to inform and engage with their communities. This was seen as a crucial endeavor in a national news climate where law enforcement is often viewed negatively. Outreach programs designed to engage and educate the public include enhancing website and social media presence, special events, coffee talks, identifying and working with youth-centered events and organizations, and collaborating with businesses. This allows officers opportunities to interact with the community in positive ways.

Community Mental Health Response Program

Police often interact with citizens with mental health issues. They coordinate with the San Joaquin County Behavioral Health Department. Mental health personnel are typically available only during business hours. Regardless of the hour or circumstance, they frequently did not get to the scene in

a timely manner. Training on how to de-escalate such situations and gain control without deadly force is an important effort and is now mandatory for all law enforcement personnel.

Homelessness Issues

Homelessness is a problem in San Joaquin County. Homeless encampments may be seen along the freeways, under viaducts, and in parks. During ride-along sessions, law enforcement personnel were observed to be professional and humane in their interactions with the homeless. Presentations also emphasized this approach. Law enforcement provides information about available support resources during their interactions with the homeless. However, more San Joaquin County resources are needed to establish adequate housing and support for the homeless.

9-1-1 Dispatch Policies

Prioritization protocols are in place at all dispatch centers. Priority 1 involves crimes against persons and property that are in progress. Priority 2 are crimes against persons and property where response may be delayed, and Priority 3 designates an action that may be delayed. A dispatcher's job is a difficult one and takes significant training. Due to staff shortages, many departments had to come up with creative solutions for making do with less. For example, Ripon Police Department Dispatchers serve as a dispatch center for Escalon and Lathrop. Lodi dispatchers have additional jail duties. Grand Jury members who did ride-along sessions with Lodi, Stockton, and the Sheriff's Office noted the frequency of calls and officer staffing issues sometimes made it difficult to respond in a timely manner.

Mass Casualty and Active Shooter Response Policies

The law enforcement departments are training in mass casualty and conducting active shooter response scenarios. They adhere to mutual aid training protocols for tactical incidents and practice with other departments. The University of the Pacific and Delta College police departments have trained with the Stockton Police Department. Due to recent national events, training should be and is a regular activity. Police chiefs noted that their officers were trained to not hesitate in responding in the event of an ongoing incident where citizens' lives are in danger.

Racial Profiling Perceptions

Crime reports note racial backgrounds to determine if inappropriate or unfair stops are occurring. AB 243 requires bias training for every peace officer and a refresher course every five years. AB 953 requires law enforcement to collect data on all officer contacts. This data is collected and sent to the California Department of Justice (DOJ) to be analyzed statistically with the goal of eliminating racial and identity profiling.

Crime Statistics

The police departments report crime statistics to the Uniform Crime Reporting (UCR) program. Several departments have crime analysts. Crimes are also analyzed through Mark43, which provides daily reports of incidents and trends. Crime statistics are reported and were evident in the presentations. Theft and traffic concerns are the largest issues in San Joaquin County. The University of the Pacific (UOP) and San Joaquin Delta College's police departments also report statistics to the Department of Education (DOE) as required by the Clery Act.

Staffing Demands and Recruitment Strategies

All the law enforcement departments are faced with recruiting, hiring, and retention challenges, i.e., fewer people want to become law enforcement officers considering the news and negative public perceptions. Officer pay scales are typically lower in San Joaquin County than those in surrounding counties. Most of the law enforcement agencies expressed concern regarding recruitment.

Prison Rape Elimination Act Compliance

County custodial facilities must be in compliance with the Code of Federal Regulations 28 (CFR Part 115) Prison Rape Elimination Act of 2003 (PREA). Failure to meet these standards can result in serious consequences for detainees and an inability to protect vulnerable individuals housed at the County custodial facilities. This obligation to protect is ethically correct and required by law. Personnel at some custodial facilities lacked a comprehensive knowledge of all PREA requirements and some facilities were not in compliance.

Glossary

- **AB 243:** California Assembly Bill requires bias training for every peace officer and a refresher course every five years.
- **AB 481:** California Assembly Bill No. 481, Chapter 406 passed in 2021 sets forth the requirements for law enforcement and State agencies to request military equipment including funding, acquisition, and use.
- **AB 953:** “California Assembly Bill 953-Racial and Identity Profiling Act of 2015 (RIPA) requires law enforcement to collect data on all officer contacts/stops, eliminate racial and identity profiling, and improve diversity and racial identity sensitivity law enforcement. The data is sent to the California Department of Justice annually.”
- **Academy:** POST accredited training academy.
- **AFIS:** Automated Fingerprint Identification System.
- **ASR:** Annual Security Reports (California) as required by the Clery Act.
- **AWP:** San Joaquin County Sheriff’s Office Alternative Work Program.
- **BSCC:** Board of State and Community Corrections (California).
- **California Penal Code Section 830.32(b):** Identifies who may be a peace officer...(b) Persons employed as members of a police department of a school district pursuant to Section 38000 of the Education Code, if the primary role of the police officer is the enforcement of the law as described in Section 38000 of the Education Code.
- **California Penal Code Section 832.5(a)(1):** “Each department or agency in this state that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of these departments or agencies, and shall make a written description of the procedure available to the public.”
- **California Penal Code Section 919(a):** “The Grand Jury may inquire into the case of every person imprisoned in the jail of the county on a criminal charge and not indicted.”
- **California Penal Code Section 919(b):** “The Grand Jury shall inquire into the condition and management of the public prisons within the county.”
- **CDCR:** California Department of Corrections and Rehabilitation.

- **CERT:** Custody Emergency Response Team. The jail version of a SWAT team.
- **Clery Act:** Public Law 101-542. Higher Education Act of 1965. Amended 20 U.S.C. 1092 The Jeanne Clery Act requires disclosure of Campus Security Policy and Campus Crime Statistics by all colleges and universities that participate in Federal financial aid programs. They must keep and disclose information about crime on and near their respective campuses. Compliance is monitored by the U.S. Department of Education. The law is named after Jeanne Clery, a 19-year-old Lehigh University student who was raped and murdered.
- **CHCF:** California Health Care Facility located in Stockton.
- **CHHS:** California Health and Human Services Agency.
- **CMC:** Community Medical Centers is a network provider of medical services that started as a volunteer effort in the late 1960s. It is a network of neighborhood health centers serving over 100,000 patients in San Joaquin, Solano, and Yolo Counties.
- **ComCar:** Community Car Program in the San Joaquin County Sheriff's Office in which deputies work specific areas to gain greater connections and trust with the community. ComCar deputies work in specific areas known as "micro-beats."
- **COVID-19:** Disease caused by Coronavirus.
- **CRU:** Community Revitalization Unit in the San Joaquin County Sheriff's Office enforces blight laws in the County.
- **DBMS:** Data Base Management System is software that allows organizations to store, organize, and manage large amounts of data.
- **Delta College:** San Joaquin Delta College.
- **DHCS:** Department of Health Care Services (California).
- **DJJ:** Division of Juvenile Justice (California).
- **DOE:** Department of Education (U.S.).
- **DOJ:** Department of Justice (California).
- **DSS:** Department of Social Services (California).
- **EBP:** Evidenced-Based Programming is a method shown by scientific research to effectively reduce recidivism rates and increase an offender's likelihood of success following release from incarceration, including programs focused on education, vocational training, mental health, substance abuse rehabilitation, or building healthy relationships.
- **Education Code Section 38000:** California Education Code 38000 Part A states that a school district may "establish a security department..." in order to "ensure the safety of school district personnel and pupils..."
- **EMP:** Electronic Monitoring Program. This is house arrest with a monitoring device.
- **FTO:** Field Training Officer is an experienced or senior member of law enforcement responsible for the training and evaluation of a junior or probationary level member.
- **I-CAP:** Stockton Police Department Intelligence-Communication and Planning deploys available resources in hot spot neighborhoods to prevent crime.
- **IEP:** Individual Education Program is a written document developed for a child in grades K-12 who is eligible for Special Education. The IEP is crafted through a team effort and is reviewed at least once a year.
- **Lateral or Lateral Officer:** Experienced law enforcement officers recruited from other agencies.

- **LEAD:** Law Enforcement Applicant Development is a program to assist youth usually aged 16-19 interested in a career in law enforcement.
- **Mark43:** An AWS Partner Network Advanced Technology based in New York City that developed a cloud-based software solution for the public safety industry. The Mark43 platform offers records management and computer-aided dispatch (CAD) applications for a growing number of police and public service organizations.
- **Marshall Plan:** A strategic initiative adopted by the Stockton City Council to reduce crime and increase public safety. The plan was discussed in Council on January 31, 2012, and the Marshall Plan Committee met through 2012 and held a symposium for community leaders on February 8, 2013.
- **MHP:** Mental Health Plan (San Joaquin County).
- **NASRO:** National Association of School Resource Officers.
- **NOBLE:** National Organization of Black Law Enforcement.
- **OYCR:** Office of Youth and Community Restoration (California).
- **one.Cruikshank:** The San Joaquin County Office of Education program (named for Judge John F. Cruikshank, Jr.) provides a fully accredited year-round education for all individuals enrolled in the Juvenile Court School. Attending school is mandatory Monday through Friday for all youth.
- **POP:** Problem-Oriented Policing diagnoses and solves problems that are increasing crime risks, usually in areas that are seeing comparatively high levels of crime. POP is challenging in that agencies need to diagnose and solve what could be any of a wide range of crime-causing problems.
- **POST:** Peace Officer Standard and Training sets the standards for all law enforcement training.
- **POST Academy:** Any law enforcement academy approved by POST to provide minimum selection and training standards for California law enforcement.
- **PREA:** Prison Rape Elimination Act established in 2003 under the Code of Federal Regulations 28 (CFR Part 115), the Prison Rape Elimination Act sets the standards for the detection, prevention, reduction, and prosecution of prison sexual assault. It also provides funds to help State and local governments implement the act.
- **Principled Policing:** Focuses on the way police interact with the public and how these interactions influence crime rates and the public's view of police and willingness to obey the law. Practicing procedural justice can have a significant impact on compliance, cooperation, public safety, and officer safety.
- **Read 180:** A reading intervention program, utilizing adaptive technology, to help students who are reading two grades below level or have reading difficulties.
- **Resident:** Any person confined or detained in a juvenile facility or in a community confinement facility.
- **Ride-along:** An opportunity for a citizen to ride with a police officer.
- **SB 92:** California Senate Bill 92 Chapter 18. Committee on Budget and Fiscal Review, Juvenile Justice. Commencing July 1, 2021, it prohibits further commitment of wards to the Division of Juvenile Justice unless the ward is otherwise eligible to be committed to the division and a motion was filed to transfer the ward from the juvenile court to a court of criminal

jurisdiction. This bill requires a court to consider the commitment to county-based custody as an alternative to the Division of Juvenile Justice.

- **SB 230:** California Senate Bill 230 builds on California's rigorous officer training requirements by establishing a minimum standard on the use of force for all law enforcement agencies throughout the State. No later than January 1, 2021, it required each law enforcement agency to maintain a policy that provided guidelines on the use of force, utilizing de-escalation techniques and other alternatives to force when feasible. It also has specific guidelines for applying deadly force and factors for evaluating and reviewing all use-of-force incidents. The bill requires each agency to make its use of force policy accessible to the public.
- **SB 823:** California Senate Bill 823 was signed into law September 30, 2020. Also known as the "Juvenile Justice Realignment Act," closes the Division of Juvenile Justice and removes it from the California Department of Corrections and Rehabilitation (CDCR). It places Juvenile Justice under the authority of the Department of Health and Human Services in a new division called the Office of Youth and Community Restoration (OYCR).
- **School-to-Prison Pipeline:** Used to describe the disproportionate frequency of students from disadvantaged backgrounds becoming incarcerated because of harsh school and municipal policies. These policies and procedures involve zero-tolerance, suspensions, expulsions, and arrests for minor misbehavior. The school-to-prison pipeline affects students of color, students with disabilities, and LGBTQ students more than their peers.
- **SJC:** San Joaquin County.
- **SRO:** School Resource Officer.
- **STARS:** Sheriff's Team of Active and Retired Seniors.
- **Stop Data:** Article 2 of the California Code of Regulations (CCR 999.225) identifies law enforcement agencies as subject to the collection of stop data. Stop Data is the information gathered when police officers make discretionary stops and stops resulting from a dispatched call for service. The Stop Data collection program is implemented with the intention of creating an internal culture of accountability and ensuring that policing practices are constitutional.
- **STRIPE:** Trained student employees at the University of the Pacific who function as a safety escort service.
- **STRTP:** Short-Term Residential Therapeutic Programs.
- **SUAS:** Small Unmanned Aircraft System.
- **SUSD:** Stockton Unified School District.
- **SUSD DPS:** Stockton Unified School District Department of Public Safety.
- **Title IX:** The U.S. Department of Education Office for Civil Rights enforces, among other statutes, Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance.
- **UCR:** Uniform Crime Reporting Program has generated reliable statistics for use in law enforcement since 1930. It includes data from more than 18,000 enforcement agencies. Agencies participate voluntarily and submit their crime data either through a state UCR program or directly to the FBI's UCR Program.
- **UOP:** University of the Pacific (sometimes also referred to as Pacific).
- **Ward:** Someone under the protection of the Court.

San Joaquin County Sheriff's Office



The San Joaquin County Sheriff's Office provides law enforcement and services for the 784,298 citizens of San Joaquin County. The Sheriff's Office is the primary law enforcement provider for the 159,170 citizens in the unincorporated areas of the County. The Sheriff's Office is also responsible for patrolling 500+ miles of navigable Delta waterways. The Sheriff's Office staffing is currently near allocated levels. There is a command staff consisting of a Sheriff Public Administrator, an Undersheriff, an Assistant Sheriff, and a Custody Assistant Sheriff. The communications center and jail central control are currently understaffed. Fifteen of the 23 allocated Communications Dispatcher II positions are filled.

General Areas of Responsibility

- Airport Security.
- Animal Services.
- Civil.
- Courts.
- Criminal.
- Custody.
- Public Administrator.

Collaborative Relationships Between Law Enforcement and Citizens

The Sheriff's Office promotes collaborative relations between law enforcement and citizens in the following areas:

Community Car Program (ComCar)

This program is designed to establish relationships and trust between the Sheriff's Office and the community. ComCar deputies work in specific areas known as "micro-beats." Selected deputies must display a willingness to uphold and a knowledge of the ComCar philosophy. They are expected to become experts in their assigned community, establishing good working relationships with residents and businesses, as well as identifying areas of concern.

Community Revitalization Unit (CRU)

CRU was formed to assist ComCar deputies in identifying and addressing quality of life and blight issues. CRU deputies specialize in non-traditional law enforcement tactics. They have recently been given Code Enforcement powers, and detailed training on County Ordinances and available resources. They work with ComCar deputies to identify where neighborhood clean-ups would help change the trajectory and pride in ownership of entire neighborhoods.

Citizens Academy

This eight-week Academy is designed to make citizens better informed by fostering a clear understanding of a deputy and correctional officer's duties and how they carry out those duties. All applicants must pass a warrant check prior to acceptance into the Academy.

STARS Volunteers and Volunteer Chaplaincy Program

In addition to regular interactions through proactive patrols and responding to calls for service, the Field Forces Division incorporates retired seniors, volunteer chaplains, and civilian staff to bolster the Sheriff's Office and community relationships. The Sheriff's Team of Active and Retired Seniors (STARS) is a volunteer program for concerned citizens aged 50 and older. STARS volunteers assist the Sheriff's Office by enhancing and promoting efforts in crime prevention and other tasks and services as directed. Over the last three years, the Sheriff's Office has expanded its Chaplaincy Program. It currently has four volunteer chaplains fostering familiarity with the role of law enforcement in the community. Chaplains also support deputies when dealing with citizens in incidents such as accidental deaths, suicides, serious accidents, drug and alcohol abuse, and other appropriate situations. This provides an additional layer of service to the community during tragic events.

LEAD Program

The Law Enforcement Application Development Program (LEAD) operates under the umbrella of the Central Valley Chapter (CVC) of the National Organization of Black Law Enforcement Executives (NOBLE). It is a collaborative operation between the San Joaquin County Sheriff's Office, Stockton Police Department, Stockton Unified School District Police Department, several private enterprises, and stakeholders in the community. The goal of the program is to introduce and prepare young applicants for the possibility of a career within the law enforcement community.

Community Mental Health Response Program

Law Enforcement Responds 24/7 to:

- Bizarre or erratic behavior/crisis/drug induced.
- Threatening behavior (armed/unarmed/threats).
- If not a danger to others or criminal.
 - Will refer to a clinician.

Mental Health:

- Generally fixed 8 a.m. to 5 p.m. schedule.
 - After hours response is unlikely (referral or follow up).
- Cannot respond to violent behavior.

- Including threats, suicide, bizarre actions, under the influence or weapons.
- Sheriff's Office serves as a transport unit.
- Determine 72-hour commitments (5150) or immediate release.

9-1-1 Dispatch Policies

Priority 1 – Requires immediate dispatching of units (possibly Code 3)

The highest priority calls are those in which the physical well-being of a person is in jeopardy, such as traffic accidents, suicide attempts, any call involving the use of weapons, including fights and robberies.

Priority 2 – Requires dispatching as quickly as possible (Code 2)

These calls for service do not require an immediate response but should be dealt with as soon as possible. However, a situation such as a combative shoplifter being detained could fall within the Priority 1 classification.

Priority 3 – Requires dispatching as quickly as convenient (Code 1)

The majority of calls received fall into this category. They are informational in nature, or the time element dictates that no person or property is in jeopardy. Calls in this category are handled in the order in which they are received.

Dispatch Training

- Approximate 10-month on the job training program.
- Divided into two sections: call taking and radio training.
- Three-week (120 hours) POST mandated Public Safety Dispatcher Basic Course.
- Dispatchers must complete 24 hours of POST Continuing Professional Training in each two-year POST cycle to be compliant.

Crime Statistics

Overall calls for service have dropped 16.3% from 2021. Property crimes decreased 32.1%, vagrancy crimes decreased 28.4%, but violent crimes increased 11.3%.

San Joaquin County Sheriff's Office Ride-along Observations

During Grand Jury ride-along sessions, the Sheriff's officer responded to calls for service that included: a reported bank fraud, suspicious persons, disturbances, welfare checks, loud music, officer assistance request from CHP, mail theft, audible alarm at a business, and an identity theft.

San Joaquin County Sheriff's Office Unified Court Services Division and County Jail Court

The San Joaquin County Sheriff's Office Unified Court Services Division provides court security to the four court facilities in San Joaquin County. This includes the management of in-custody inmates brought to court from the county jail and juvenile facilities, all temporary inmate holding cells,

courtroom security as monitored by court bailiffs, as well as monitoring and response to all security issues within the courthouse.

The Sheriff's Unified Court Services Division operates with a total allocation of 54 full-time and 48 part-time positions. This includes one captain, one lieutenant, five sergeants, 39 full-time deputies, eight correctional officers, 48 part-time deputies and correctional officers. Approximately 26,320 inmates were transported to court in Fiscal Year 2021-2022. A private non-sworn security company is utilized to monitor entry screening and after-hours courthouse security.

Court locations include Stockton, Manteca, Lodi (currently closed), Tracy (currently closed), and the Juvenile Detention Facility.

Custody

The Sheriff's Custody Division is a complex operation that is managed by two captains, nine lieutenants, and an Inmate Programs Director in compliance with the California Code of Regulation Title 15, Division 3.

Each of the nine lieutenants divided responsibilities consisting of, but not limited to: management of the John Zunino Jail Complex and Honor Farm Complex (Intake, Main Jail, Honor Farm), Inmate Work Programs Unit (Alternative Work Program, Electronic Monitoring Program (EMP), Work Furlough Program, and Alcohol Monitoring Program), Transportation/Inmate Hospital Security, Medical Services, Maintenance and Food Services Liaison, Inmate Population Management, Training, Records Division, Realignment/AB 109 Liaison Construction Project Management, and PREA Compliance. The Inmate Program Director provides a variety of programs and services to assist offenders with successful reintegration into the community.

Booking

- Live Scan.
 - Local Automated Fingerprint Identification System (AFIS) search to verify arrestee's identity.
- Consular Notification.
 - Completed during intake process.
 - Provides notification for foreign nationals to nearest consulate (Article 36(1)(b) of the Vienna Convention on Consular Relations).
- Programs and Services.
 - Identify level of education and utilize for jail programs and services.
- Veterans Affairs.
 - Identify veterans at booking to allow for contact with VA to link for eligible services.

Inmate Orientation

- Orientation videos in both English and Spanish.
- Inmate Orientation & Rule Book in English and Spanish given upon housing and available on tablets and kiosks.
- Housing Guidelines given upon housing, posted on inmate information board, available in English and Spanish.
- Housing Unit Officer.

Intake Housing

- Intake housing units 1, 2, 3, and 4.
- Two officers for up to a maximum of 131 inmates.
- Double bunking.

Medical Housing and Sheltered Housing Units (Adjoined)

- Comprised of inmates with medical and mental needs.
- One officer for 39 inmates for Medical.
- Two officers for 99 inmates for Sheltered.

Medical Housing and Medical/Dental Clinic

- On-site medical care, non-emergency treatment, and behavioral services.
- Cardiology.
- Pulmonology.
- Dental.
- Podiatry.
- Orthopedic.

General Population Housing Unit

- Direct supervision housing.
- One officer for 64 inmates.

Administrative Segregation Unit (AdSeg)

- Maximum Security Housing.
- Two officers for 94 inmates.
- Double bunking.

Honor Farm

- 355 Board of State and Community Corrections (BSCC)-rated bed capacity.

Jail Population

When the jail population reaches its capacity, it triggers a population reduction plan.

- Total Bed Capacity: 1,585.
- State Rated Capacity: 1,550.
- BSCC does not include medical housing bed space into their rated capacity – 35 beds.
- Population as of October 31, 2022, was 1,249.

Educational Programs

- G.E.D.
- High School Diploma.
- Office Technology.
- Creative Writing.
- Beyond Incarceration.
- Substance Abuse.
- Read 180.
- Life Skills.
- Parenting Skills.
- Ownership.

- Anger Management.
- Creative Conflict Resolution.

Services

- Human Services Agency.
- Child Support.
- Root and Rebound.
- Malachi Dads.
- Resource Fair.
- Community Based Organizations.
- Inkoff – Tattoo Removal (coming soon).

Inmate Vocational Programs

In recognizing that inmates need viable job skills to re-enter as productive community members, the expansion of inmate vocational programs is a high priority.

- Forklift Simulator.
- ABC NORCAL Construction Training (coming soon).
- Truck Driving Simulator (coming soon).

Alternative Work Programs (AWP) and Program Participation for Fiscal Year 2020-2021

- 2,138 applications.
- 1,200 participated.

Electronic & Alcohol Monitoring (commonly called House Arrest)

- 259 applications.
- 85 participated in electronic monitoring.
- 59 participated in the alcohol program.

Community Corps

- Community Revitalization.
- Clean Roads & Waterways.
- Recycling at County Disposal Sites.
- Graffiti and Weed Abatement.
- Approximately 20 participants daily.
- Supervised by Inmate Labor Specialist.

Custody Emergency Response Team (CERT) (This is the jail version of a SWAT Team)

- One CERT Captain.
- Two CERT Commanders/Lieutenants.
- Three CERT Team Leaders/Sergeants.
- 22 CERT Operators.

Escalon Police Department



The City of Escalon covers 2.4 square miles and has 7,523 residents. The City's mission statement is "Taking pride in our community through quality service." Of the seven cities in San Joaquin County, Escalon has the smallest police department with 11 sworn officers. The police department, however, is augmented by 12 reserve officers. The department will be sending its first female candidate to the Delta College Police Academy during the summer of 2023. The Escalon Police Department has contracted with the Ripon Police Department to provide full-time dispatch services since March 1, 2011. During September, October, and November of 2022, several officers attended active shooter training with the Sacramento County Sheriff's Department, the Ceres Police Department, and the Stockton Unified School District Department of Public Safety (SUSD DPS).

Escalon Ride-along Observations

During the Grand Jury ride-along session with the Escalon Police Department, the officer responded to calls for service that included: a welfare check, a hit and run vehicle accident, a suspicious vehicle near a park, and found a wallet with money but no ID and was turned in to the police station.

Lathrop Police Department



The 2010 Census reported that the population of Lathrop was 18,023. By 2022, the population had grown over 70% to 30,659. Formed on the 29th of June 2022, the Lathrop Police Department is the newest law enforcement agency in San Joaquin County. The San Joaquin County Sheriff's Office previously patrolled Lathrop. The mission of the Lathrop Police Department is stated as, "...committed to connecting and partnering with our community and making it a safe and desirable place to live, work, and visit." The Lathrop Police Department faced a big challenge in creating a new department quickly. The Department has 35 sworn officers and 12 professional staff. The Department is drawing lateral officers from other agencies. Dispatch services are provided by the

Ripon Police Department. The Department provides Ripon Police Department funding for six dispatchers.

Community connections are a strong emphasis. The Department is building its social media presence. The Department also has a community meeting room available. The City Council voted that the squad cars be designed with an off-white paint scheme and custom decals that will differ greatly from the traditional black and white vehicles that residents are used to seeing. According to the police chief the cars are reported by the public to “be seen everywhere.”

Crime statistics were provided to the Grand Jury reporting on a period from July-October 2022. There were 126 crimes against persons, 323 crimes against property, and 296 traffic incidents. The Department has worked with San Joaquin County Behavioral Health Services for training on mental health crises intervention strategies.

Lathrop Ride-along Observations

During the Grand Jury ride-along session with the Lathrop Police Department, the officer responded to calls for service that included: a suspicious vehicle, traffic stops, and a threat of gun violence disturbance.

Lodi Police Department



The City of Lodi is 14 square miles with a population of 66,348 according to the 2020 U.S Census. The Lodi Police Department’s mission “is to ensure the safety and security of our community by reducing crime, creating strong partnerships, and investing in our employees to prepare for the future.” Since 1906, when the Lodi Police Department was formed, the Department has grown to 79 allotted sworn officers. The current number of sworn officers is 74, leaving five positions to be filled. As with other police departments in San Joaquin County, Lodi is facing a shortage of applicants that meet Department qualifications.

Lodi Police Ride-along Observations

During the Grand Jury ride-along sessions with the Lodi Police Department, officers responded to 13 different calls for service that included: a large group of unruly juveniles, welfare checks, a man down, a vehicle accident with injuries, unruly disturbance by an adult, shoplifting, juvenile battery complaint, brandishing a gun, loitering, a silent alarm, a suspicious occupied vehicle, a man with a knife, and an internet scam involving a juvenile.

Lodi Jail

The Grand Jury toured the Lodi Jail on December 29, 2022, with the Lodi Police Captain. The Sheriff's Office is the only other department that has a jail within the County. The Lodi Jail is described as the smallest detention facility in San Joaquin County. Jurors were surprised to observe a rather spacious facility and operation in Lodi.

People arrested in Lodi are taken to the Lodi Jail where they are processed for either release, holding, court appearance, or transport to the County Jail. Dispatch personnel are on duty three at a time and do double duty in the jail for intake and monitoring duties. There are 10 cells, and if needed, each cell can accommodate two people.

The Lodi jail is considered primarily a holding jail. A prisoner may be held in jail up to ten days. Detainees are taken to the facility, interviewed by a dispatcher to determine medical issues, provided with an intake packet, and then fingerprinted. Anyone requiring a body cavity search would be taken to the hospital. There is a safety padded room for those deemed to have behavioral issues, and also a drunk tank cell. There are also two rooms for juveniles who are under close observation. There is also an interview room, telephone access, a holding cell for the court, and a visiting room. The jail separates males and females.

The court in Lodi, previously served by two judges, was moved to the San Joaquin County Courthouse in Stockton in March 2023. This will require the Lodi Police Department to stretch staff to move detainees to the Courthouse in Stockton. Officers appearing in court now have to travel to Stockton.

PREA: Although staff indicated PREA information was available to detainees, the Grand Jury members did not see such documentation. It needs to be more readily visible in signs and handouts. Cameras were placed in front of rooms where privacy is not an issue. The PREA coordinator was not available to the Grand Jurors on the day of the tour.

Manteca Police Department



The City of Manteca's population increased by 27.9% between the 2010 census of 67,096 and the 2021 population of 85,792. The Manteca Police Department's mission statement says, "The Manteca Police Department is committed to working together to form a partnership with the community. Through this relationship, we will protect the community while maintaining public trust and a commitment to those we serve. We will exemplify pride and professionalism in our actions through our core values: honor, integrity, accountability, and fairness."

The Police Department has 56 sworn positions and six non-sworn positions. The Department is staffed with one captain, two lieutenants, seven sergeants, 46 officers, four Community Service Officers, and two booking officers. The Department is divided into two divisions having a combined total of 109 full-time police employees. The Operations Division is led by one captain and two lieutenants and is divided into two areas—the East Area Command and the West Area Command. The second division is the Services Department. The Operations Department consists of Patrol, Traffic, Community Resource Officers, School Resource Officer, SWAT, K-9, and an Unmanned Aerial Unit. In 2017 the department formed the Small Unmanned Aircraft System (SUAS) unit and was equipped with three drones. Since then, the SUAS unit has increased to 11 drones. Considered a “game changer,” the drones provide the ability to get a vantage point that keeps officers safe. If a suspect is hiding, the drone pilot can locate the person. Drones are used when Special Weapons and Tactics (SWAT) teams may deal with a situation involving barricaded armed suspects. The drones can also help in the search for missing persons, they are not used for general surveillance.

Dispatch Staffing and Training

The Dispatch Department consists of one Public Safety Dispatch Coordinator and 12 full-time dispatchers. The department answered 27,430 9-1-1 calls in 2021, of which 98% were answered within 10 seconds. One hundred percent of the 9-1-1 calls in 2021 were answered within 15 seconds. Dispatcher training consists of an initial POST Basic Dispatch course within the first year of dispatching, and on-the-job training with a communications training officer.

Manteca Police Department Challenges and Goals

The Manteca Police Chief shared with the Grand Jury challenges for the Department:

- Continuously changing legislative mandates.
- Employee lack of wellness.
- Increasing cost of contracts, equipment, and technology.
- Recruitment and retention.

The Manteca Police Chief also noted goals and priorities to address the need for:

- A new police facility.
- Increased patrol staffing.
- Effective strategies for homeless issues and ongoing partnerships.
- Increased community engagement.
- Ongoing training.
- Succession planning at all levels.

Ripon Police Department



The population of Ripon was 14,297 according to the 2010 census. By 2021 the population of Ripon grew to 16,440. Ripon was originally known as Stanislaus City but was renamed in 1875 for Ripon, Wisconsin. The Ripon Police Department is authorized for 24 sworn members. Officers are required to live no further than 40 miles from Ripon in an effort to secure their personal interest in the community. The mission statement of the Ripon Police Department is: "We, the members of the Ripon Police Department, are committed to being responsive to our community in the delivery of quality services. Recognizing our responsibility to maintain order, while affording dignity and respect to every individual, our objective is to improve the quality of life through a community partnership which promotes safe secure neighborhoods." This mission statement was validated by a Grand Juror who went on a ride-along.

In addition to the Ripon Police Department's mission statement, the Department's philosophy is: Officers have the ability to make a difference daily through finding solutions to community problems, including enforcement of the law, non-enforcement contacts, and community partnerships.

The Ripon Police Department has a "guardian rather than a warrior mentality." There were zero complaints against officers in the last two years (2020-2022). The Department's goals include:

- Maintain or reduce response time to calls for service.
- Reduce the number of larcenies and shoplifting by 5%.
- Reduce the number of stolen vehicles by 5%.
- Reduce the number of total assaults by 3%.
- Reduce the number of traffic collisions including DUI and collisions relating to speed and turning movement.
- Increase staff training, including core courses and professional development.

During the presentation to the Grand Jury, the Police Chief reviewed statistics for 2021 compared to a five-year average as described below:

	2021	5-Year Average
Total Incidents	21,614	23,730
Calls For Service	10,338	11,359
Officer Initiated Activity	11,276	12,371
Part 1 UCR Crimes	392	365
Mental Health Incidents		
Incidents Reported	316	277
Reports/Evaluation Holds	89	50

Ripon Ride-along Observations

During the Grand Jury ride-along session with the Ripon Police Department, the officer responded to calls for service that included: a report of a boat parked on a street that had not moved for several months, two adults observed engaged in illegal activity near the Stanislaus River, and traffic stops.

Stockton Police Department



The City of Stockton is 65 square miles with a population estimate of 322,120 according to the 2020 U.S. Census, making it the 13th largest city in California. The Stockton Police Department undertakes a regional approach, covering six geographic districts that help address crime and the quality of life in the community. Three of these districts are north of the Calaveras River and three are south. The number of calls for service are similar in both north and south Stockton. The Sheriff's Office (rather than the Stockton Police Department) has responsibility over several carved-out geographic areas throughout the city, ranging in size from just several blocks to much larger areas.

The Department is led by the Chief of Police, an Assistant Chief, and two Deputy Chiefs. The Department is budgeted for 228 professional staff and 485 sworn officers. At the time of a presentation to the Grand Jury, there were 183 professional staff and 380 sworn officers. A serious staffing shortage of more than 100 officers was reported in March 2023. Due to staffing issues, officers are called more frequently for service and face higher numbers of priority incidents. Specialty assignments such as bicycle and public housing officers were moved to patrol to fill some of the positions. These officers will no longer participate in Law Enforcement Assisted Diversion programs. This will have an impact on programs that support the community.

Collaborative Relationships Between Law Enforcement and Citizens

Violence Reduction Initiative

Prior to 2012, the City of Stockton was experiencing a rise in violent crime, specifically homicides, gangs, and gun violence. To address escalating violence, the Stockton Police Chief proposed a “Violence Reduction Initiative” to the Stockton City Council in May 2012, which passed the initiative providing the following:

- Establishment of the Police Department's Community Response Teams.
- Reactivation of a camera system already installed throughout the city and used to monitor high-crime areas and deploy appropriate resources as conditions changed.
- Refocused gang/street outreach.
- Establishment of the Police Chief's Community Advisory Board in November 2012.

Community Response Teams

In early 2012, the Department began real-time policing strategies that adjust staffing and deployment driven by intelligence gathering and trending violence data. These strategies focus on data and community input to define neighborhood problems. Department Intelligence-Communication and Planning (I-CAP) meetings help deploy available resources in hot-spot neighborhoods in an attempt to prevent retaliatory shootings.

I-CAP evolved into the current Community Response Teams which meet with neighborhoods to develop relationships, define problems, and follow up with proactive enforcement and problem-solving.

Efforts to Build Community Trust

Community Advisory Board

The Community Advisory Board intends to foster better communication, trust, and collaboration between the people of Stockton and their police. The board gathers a cross-section of the Stockton community to maintain an open dialogue with the Police Chief.

Operation Ceasefire

Operation Ceasefire is a program adopted by many cities across the country as a partner-based violence reduction strategy using respectful, direct communication with the highest-risk youth and young adults. It is an action item from the City's Marshall Plan and offers a multi-disciplinary approach to the most at-risk violent offenders.

Watch Programs

Neighborhood Watch Groups were developed to encourage citizen involvement to deter crime by early detection.

Business Watch establishes communication links among various businesses within a specific geographic area such as a plaza, mall, complex, or city block. Each business works with the others to keep the Police Department informed of any activity that could be considered criminal in nature.

Crime Free Multi-Housing is a partnership between the Stockton Police Department and managers/owners of multi-unit rental properties working together to prevent crime and enforce

the penal code and civil code violations. Management and residents agree to work together to keep a well-maintained property and promote good quality of life while reducing crime.

Expanded Communications

The department offers two-way communication with the community through social media such as Facebook and text-tipping, which allows anonymous tips via email or cell phone.

Increased Law Enforcement Collaborations

The department reaches out and collaborates at the:

- Federal level—U.S. Marshals Task Force, ATF, DEA, and FBI partnerships.
- State level—CHP assistance with Community Response Teams.
- County level—Countywide Gang Task Force, Countywide Firearms Reduction Consortium, and Countywide Community Corrections Partnership Task Force.

Expanded Outreach and Volunteer Programs

Citizen input has helped expand Crime Stoppers, the Police Chaplaincy, the Stockton Police Youth Activities League, and now the Sentinel Program, a volunteer program for adults.

Efforts to Address Mental Health

The city is partnering with Community Medical Centers (CMC) on a pilot project to explore how the police can work with mental health personnel to provide services to persons who are not in immediate danger. The Care Team has one team currently available Monday through Friday, 8 a.m. to 5 p.m. Within the next few years, CMC plans to have two “primary response” vans with basic medical aid and two transport vans.

Dispatching

Call Prioritization Rationale

- The Dispatch Center received 654,463 calls in 2021, of which 225,865 were through 9-1-1.
- A call for service priority is determined by the call type, based on whether the crime is in progress, danger to a person or property, and the presence of a suspect.
- Dispatchers have the option of adjusting the priority of each call for service based on the information received from the caller (crimes in progress, weapons involved, etc. would take priority).

Dispatch Staffing and Training

- The Dispatch Center is a 24/7 operation, with the total number of dispatchers on duty fluctuating based on historical call intake data.
- Dispatchers undergo a 12-month intensive, on-the-job training program, in addition to attending a mandatory three-week POST Academy.
- Budgeted for 41 full-time positions, eight of which are currently vacant. They also have six supervisor positions, with one vacancy.

Principled Policing

Principled Policing has been integrated throughout the Department with its tenets included in departmental policies, employee evaluations, and special assignment requests. Stockton Police Department personnel have received intensive training in three areas:

1. Procedural Justice focuses on how the characteristics of police interactions with the public shape the public's views of the police and improve community-police relations and trust.
2. Implicit Bias focuses on how subconscious psychological processes can shape an officer's actions and lead to racially disparate outcomes, even where actual prejudice is not present.
3. Trust Building focuses on reconciliation and facilitating honest conversations between communities and police that address historical tensions, grievances, and misconceptions with the ultimate goal of resetting relationships.

Crime Statistics Summary

In a comparison of 2021 crime statistics to 2020, total crime was down 8%, property crime was down 12%, and violent crime was down 8%. Dispatch handled 382,790 calls for service in 2021; the department dispatched 211,446 calls for service. There were 681 firearms booked for evidence, and a total of 1,088 firearms in 2021, representing a 2% decrease from 2020.

Available crime statistics through September of 2022 compared to the same time in 2021 showed that total crime was up 7.3%, property crime was up 11.1%, violent crime was up 0.8%, and homicides were up from 31 in 2021 to 43 in 2022.

Recruiting and Retention

Sworn Officer Hiring

- Authorized and budgeted: 485 officers.
- Current Staffing: 380 officers as of October 18, 2022.
- 15 Trainees in a POST academy.
- 6 Trainees in Problem-Oriented Policing (POP).
- 18 Trainees supervised by Field Training Officers (FTO).
- 11 hired/30 separated.
- 18 sworn lateral transfers to other agencies.

Recruiting

- Recruiting events: 85.
- Current recruiters: 39.
- Currently in the background check process:
 - 32 Officer candidates.
 - 12 Professional staff candidates.

Stockton Police Department Ride-along Observations

During the Grand Jury ride-along sessions with the Stockton Police Department, officers responded to calls for service that included: a violation of a restraining order, theft, traffic hazards, a family disturbance, burglary and foot pursuit of a suspect, suspicious vehicle, suspicious persons, a man waiving a machete at a retail location, and a mental health patient waving a hammer in the roadway.

Tracy Police Department



The City of Tracy has a population of approximately 93,000 according to the 2020 Census. Tracy covers approximately 21 square miles, is the second most-populated city in San Joaquin County, and is located in the southern part of the County.

The Tracy Police Chief's philosophy promotes the values of "Service, Integrity, and Excellence" and "respecting the sanctity of human life and dignity without prejudice." Emphasis is "how to make it better" and "continuously seek to improve, grow, and enhance police commitment to protect and preserve life under an umbrella of accountability."

The emphasis during the Police Chief's presentation was placed on community engagement and community expectations. The Chief mentioned the Department had over 150 outreach events for the public. Also mentioned were promotional videos, website development, partnerships with businesses, schools, community organizations, Neighborhood Watch Groups, and other supportive community efforts. The Department develops strategies to gain the public's trust. It makes available English and Spanish speakers and coordinates with community programs focusing on juveniles such as the Juvenile Leadership Academy.

The Tracy Police Department is fully staffed and approved for 104 police officers. It can therefore respond to most calls in a very timely manner. Officers have time for proactive patrolling and community engagement. Officers typically range in age from 25 to 35. Most hires are lateral transfers from other departments, primarily from Stockton and Sacramento. The emphasis for recruitment is on education and having a positive demeanor. Word-of-mouth from officers attracts recruits, and there is a \$1,000 cash bonus to a current employee who refers a candidate who is later hired.

The Department is a "full-service operation" including a field patrol unit staffed with seven teams of police and community officers under a police sergeant. There are three bureaus: the Bureau of Field Operations, the Bureau of Support Services, and the Bureau of Investigations. The Bureau of Field

Operations consists of the Patrol Division with 56 positions and the Community Services Division with 45.5 positions. The Community Services Division includes a Neighborhood Resources Unit (i.e., School Resource Officers, Crime Prevention Specialists, and Volunteers in Police Services), Traffic Safety Unit, and Code Enforcement. The Bureau of Support Services includes Police Support Services, Animal Services, Dispatch, and Records. The Bureau of Investigations includes General Investigations, Special Investigations, Special Enforcement, and the Crime Scene Unit.

Technology and equipment upgrades were also described as a big category of emphasis including equipment for vehicle technology, camera and license plate reading equipment, and drones.

The Community Mental Health Response Program coordinates with San Joaquin County Behavioral Health. Mental health outreach efforts average two to four days a month. Mental health calls for service increased 17% from 2020 to 2021. The department has started a Familiar Faces Program to provide a homeless outreach team staffed by two Homeless Outreach Coordinators and one Neighborhood Resource Officer. The objective is to provide shelter resources, transportation, medical resources, and transitional life coaching for the unsheltered.

All 9-1-1 calls have a predesignated priority with crimes against people having the highest priority. All calls for service increased 17% from 2020 to 2021. The Department trains for Mass Casualty and Active Shooter Response, and in the spring of 2022 conducted a “live” training experience. The Department trains officers to immediately respond to neutralize a threat even if only one officer is on the scene. It adheres to the mutual aid model and trains with other departments.

Gangs and homelessness were not described as major problems in Tracy compared to other cities. However, an encampment of homeless people at El Pescadero Park concerned citizens.

Property crimes placed the highest demand on the department. The UCR Part I Crime Statistics indicated that there were 2,023 crimes in 2019 and 1,639 in 2020. Traffic incidents are the biggest concern for the city. Besides an increase in speeding, there was also an increase in traffic fatalities in 2022. The contributing factors are the configuration of the highways surrounding Tracy, known as the “Tracy Triangle,” and traffic cutting through town.

Tracy Police Ride-along Observations

During the Grand Jury ride-along sessions with the Tracy Police Department, officers responded to six different calls for service that included: a possible break-in, a need for medical assistance, shoplifting, welfare checks, a disturbance, and drone surveillance in the downtown area.

San Joaquin Delta College District Police Department



The San Joaquin Delta College prides itself as being one of the “safest” places within the City of Stockton, due in large part to the efforts of the San Joaquin Delta College District Police. There are over 16,000 students attending Delta College. There are also many private and public events that bring large groups to campus such as the Delta Flea Market. The Department rarely has calls that involve serious crimes.

The San Joaquin Delta College District Police Department is current with their required filing of crime statistics as required by the Clery Act. The Clery Act is a Federal requirement for higher education institutions to report to the Department of Education (DOE) on 11 defined crimes. Delta College District Police has assigned an officer to be a dedicated liaison for the transient or homeless population that come onto campus. The liaison has lessened the need for an escalated response in calls that involve the homeless.

There are over 200 cameras across campus, as well as a callbox/camera tower. The cameras have been a significant deterrent in crime prevention. Police presence on campus has made a positive impact in reducing parking lot break-ins and vehicle theft.

The police department has enacted de-escalation training in conjunction with the Stockton Police Department as part of their officer effectiveness training in resolving hostile conflicts as required by California Senate Bill SB 230. The Department has had successful results utilizing the recently acquired Virtual Reality (VR) in training for difficult scenarios. Delta College has a POST Academy program on campus. The course is designed for entry-level training for students preparing for a position as a Reserve Officer, Peace Officer, or Deputy Sheriff assigned to patrol. The Delta College District Police, therefore, is in a good position to recruit new officers from the Academy.

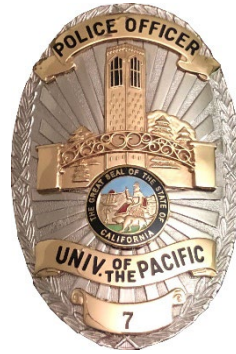
Delta College Police Department is uniquely positioned to offer assistance to the Stockton Police Department and may at times have a faster response time due to their proximity to high profile/crime locations such as the malls that are across the street.

Budgetary constraints have hampered the upgrade of the entire communication system. This has been brought to the attention of the College administration.

San Joaquin Delta College Ride-along Observations

During a Grand Jury ride-along, the Delta College Police Chief circled the campus. There were no calls for service. The juror met several other officers and a Student Service Officer who were checking the security of a classroom door.

University of the Pacific Department of Public Safety



University of the Pacific (referred to as UOP or Pacific) is one of only two private universities in California whose officers have full police officer authority, giving them the ability to focus on keeping the University community safe. The Department of Public Safety works under the authority of a Memorandum of Understanding (MOU) with the Stockton Police Department. UOP police take training courses under Stockton Police Department, including de-escalation techniques, active shooter training, and anti-bias training.

The Department provides protection, services, and education to ensure a safe place for students, faculty, staff, and guests to live, study, work, and visit. Through the Department's strategic approach to campus safety and the work of its officers, Pacific's crime statistics are low.

The Department has 15 officers and six dispatchers. All the officers are POST trained. Geographically, they are limited to a three-block radius around the University, patrolling nearby neighborhoods. There is a low number of calls.

Clery and Annual Security Reports (ASR) are prepared annually in compliance with Federal laws. The report is prepared with data and information provided by the UOP Department of Public Safety, the office of the Dean of Students, Environmental Health and Safety, the Title IX Coordinator, and various law enforcement agencies that provide services to Pacific properties within their jurisdictions.

Crime statistics for the years 2020 to 2022 were provided to the Grand Jury. Most offenses were property crimes. In 2020-2021, burglaries were up to seven and fondling incidents up to nine. There were seven "use of force" occurrences. A typical occurrence would be a traffic stop and "a weapon seen," so that an officer would need to draw a weapon. No citizen complaints were submitted against officers. As required by California Penal Code Section 832.5(a)(1) each department shall establish a procedure to investigate complaints. Through Stop Data, bias complaints are also tracked. A serious crime or investigation would be turned over to the Stockton Police Department per the MOU.

The Student Counseling Center assists with student mental health needs. The Center transfers students to a hospital for serious concerns. There is a homeless liaison officer who trains fellow officers on how to deal with homeless contacts. The homeless liaison officer patrols the levee of the Calaveras River looking for homeless encampments. If an officer finds an encampment, they immediately ask the people to leave. The officer provides them with a brochure containing information regarding community resources.

Security is a priority on campus with hundreds of cameras in use. Sixty STRIPE students have duties locking and checking on doors around campus. The STRIPE program is essentially students who are police cadets and who may go on to the academy. Recently, a STRIPE student did go on to the police training academy. They are trained on the use of golf carts and escort students safely home from 6 p.m. to 2 a.m.

Recruitment is a challenging issue, especially when trying to build a diverse team. The University of the Pacific Department of Public Safety finds it difficult to compete with the larger, higher-paying departments in the area. Typical candidates have been officers from other agencies looking for a slower pace before they retire. The community atmosphere and close positive connections to students is seen as a positive experience. A tuition remission plan for employees and their children is a benefit that attracts officers and is an incentive to stay at UOP. Because UOP does not have a degree program in Criminal Justice, students interested in a career in Law Enforcement must attend school elsewhere. There are plans to develop a master's degree in criminal justice that would bring more students on campus interested in law enforcement and increase the potential for more recruits. A new Social Services program being developed is envisioned as being a benefit to the community.

University of the Pacific Public Safety Department Ride-along Observations

During the Grand Jury ride-along session with the UOP Police, the officer responded to a report of a person passed out in a vehicle and medical assistance for a person with breathing difficulties.

Stockton Unified School District Department of Public Safety (SUSD DPS)



The Stockton Unified School District Department of Public Safety (SUSD DPS) is one of two school districts in Northern California (12 total in the State) that maintains its own police department. They receive their law enforcement authority through California Penal Code 830.32 and Education Code 38000. The Department reports directly to the SUSD Superintendent of Schools. The SUSD DPS is accountable to the California Department of Justice. The Department is budgeted for a staff of 40, with 26 being sworn officers. The Department works 24/7 and serves over 40,000 students, faculty, and staff at more than 60 schools in the Greater Stockton area.

A School Resource Officer (SRO) is placed at every high school and the School for Adults. The Department prides itself on the positive relationships SRO officers develop with school personnel and students, including the School for Adults (English learners), where students coming from other countries are often afraid of the police. SUSD DPS officers receive specialized training through the

National Association of School Resource Officers (NASRO), including de-escalation, crisis intervention, and awareness of bias issues.

The Department prepares for mass shootings and active shooter situations through District Emergency Preparedness Training, Tactical Medicine Training, and Multi-Agency Training with the Stockton Police Department, Sheriff's Office, San Joaquin Delta College, and California State University Stanislaus Police. They participate in table-top training as well as on-site drills (although scheduling those with school personnel can be difficult). A recent high school drill where the campus closed down within two to three minutes was seen as a big success. The next training drill is scheduled for November 2023.

Policy 709, SUSD DPS Policy Manual Military Equipment, provides guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code Sections 7070, 7071, and 7072) as set forth under Assembly Bill 481 (2021). A request was made on April 4, 2023, to the SUSD Board of Trustees for the purchase of such military equipment. As noted in the policy, the decision regarding whether and how military equipment is funded, acquired, or used should "give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input." The request describes the specific equipment, necessary training, and the need to safeguard the public.

Following a Department of Justice Agreement in 2019 to address discriminatory treatment of minority students and students with disabilities, SUSD DPS has worked extremely hard to establish new programs. They provide school safety through restorative justice, youth engagement, a holistic approach, and community involvement.

A major change for the Department is the implementation of arrest diversion under the Deflection Program with arrests declining by 90%. Rather than citing students and putting them into the judicial system ("School-to-Prison Pipeline"), efforts are made to provide services for any non-violent offender. They receive support to mitigate future negative actions. The Deflection Program includes screening and assessment, education and tutorial services, victim awareness, substance use counseling, mental health treatment, crisis intervention, family counseling, recreation, and sports programs. "Wrap around" services include access to community resources such as meals and support for shelter. These efforts have made SUSD DPS a role model for other school districts, who have reached out to learn about the Deflection Program.

Programs designed to engage students with the police in positive ways include the Explorer program, which provides opportunities for students interested in a career in law enforcement and currently has about 20 youths ages 14-21; Police Activity League (PAL), which provides sports activities; Gang Resistance Education and Training (GREAT Program); Peer Leaders Uniting Students (PLUS); and Anger Management for Students (AMPS).

The holistic approach to school safety addresses criminal justice, socioeconomic, and environmental factors that adversely affect the community. These include family and youth resource referrals, working with mental health clinicians, and also ensure the wellbeing of and support for officers.

SUSD DPS supports the community's involvement with the homeless. The Department works in collaboration with the San Joaquin Homeless Strike Team. Students may be referred to the Spot Youth Center located at the Women's Center for critical housing needs. The Department holds

annual community events to benefit SUSD Families in Transition, including a Back-to-School Supply Drive, a Holiday Food Drive, and a Toy Drive.

These and other implemented programs have had a significant impact on student success and a positive view of SUSD DPS by the public.

Port of Stockton Police Department



At the start of a site visit in January 2023, the Director of the Port of Stockton provided the Grand Jury with a PowerPoint presentation and discussed the layout of the Port. A brochure, "Port of Stockton Investing in Our Future, 2021 Annual Report," and a summary sheet, "By the Numbers, Port of Stockton, California," were provided. The Stockton Port District, more commonly known as the Port of Stockton, is a unique inland Port situated on the Delta of the San Joaquin River. As a California Special District and public entity, the Port offers flexible solutions for domestic and international distribution by ship, rail, or truck.

Boasting world-class warehouse facilities and recent infrastructure improvements, state-of-the-art cargo handling equipment upgrades, and offering land approved for new development, The Port of Stockton has the capacity to meet a growing demand for efficient shipping.

The Deputy Director provided a driving tour with detailed explanations and information. The Grand Jurors viewed docked ships, new building projects and development, rail lines and roads, movement and storage of cargo from ships and trucks, products both export and import, private companies on the property, and historical naval buildings, such as the Lindley House (the historic Naval Commander's house).

The security of the Port was of particular interest. There is a Police Department at the Port, but not a fire department. In the event of a fire, the Stockton Fire Department would respond. The Port Police Department has 16 sworn officers, two for Explosive Ordinance Detection with a K-9 officer, a Patrol Boat Unit, eight support technicians, and one security analyst. The Port Police Department polices 4,000 acres that are cordoned off by security gates. The main gate serves as the security point for vehicle entry into the Port. There are 90 cameras on the property. Cameras are monitored and patrols are dispatched from a single location at the main gate. Some of the structures on the property are not in use due to their age or safety concerns, lessening the need for patrolling those buildings.

The police maintain order and security at the Port water access, road access, and railroad lines. Those who do not belong are quickly escorted off the property. There is a transient homelessness

problem that borders the surrounding properties, but due to patrolling, incidences of trespassing are low. Officers monitor the homeless that are in proximity to staging areas for railcars to avoid incidents that could hinder rail movement.

The Stockton Police Department and/or the Sheriff's Office would respond if an arrest were warranted. If there is a Homeland Security issue, the Coast Guard would respond. The Department is small but effective and will have to grow as the Port is currently starting to develop large tracts of land for future projects.

Juvenile Detention Facility



In October 2022, the Grand Jury toured the San Joaquin County Juvenile Detention Facility (known also or previously as the Juvenile Detention Center, Juvenile Hall, and Peterson Juvenile Hall). The Deputy Chief Probation Officer provided an overview of the facility operations. The San Joaquin County Juvenile Detention Facility is a minimum-security juvenile detention facility in French Camp. The 229-bed facility consists of the Juvenile Detention Hall and Camp Peterson and has been operational since 1980.

At the time of the visit, the juvenile resident population was about 55. Twenty-two of the residents had been involved in murders or attempted murders, many of which were gang related. With the Juvenile Justice Realignment Block SB 823 changes, at the time of the tour six older youth (over age 18) were expected to return to the facility.

The Juvenile Detention Facility holds youth who 1) have been accused of violating the law, 2) have pending court proceedings, or 3) have been committed by order of the court. When detainees arrive, they are evaluated to assess their risk to the community, others, or themselves. An assessment is conducted by educational, medical, psychiatric, probation, and custody staff.

Services provided to residents include Evidenced Based Programming (EBP), educational and vocational pathways, mentoring, structured activities, counseling services, and family engagement. The goal is to reunite youth with their family whenever possible or transition the offender to safe transitional housing, and sustainable employment. Good behavior allows more privileges such as video game time, television, food credits, additional phone and visiting time. Poor behavior results in restricted privileges.

Counseling Services

- Juvenile Detention Facility staff are available to talk with residents at all times.
- Behavioral Health or substance use counseling is available upon request.
- Probation Officers are available Monday through Friday.

Programming/Activities

- Evidence-Based Programming (EBP) and support services.
- Cognitive Behavioral Training (CBT) Open Group Sessions.
- Activities include arts and crafts, table games, video games, television, and access to reading materials in the library.

Education

The Juvenile Detention Facility provides school year-round, offered by the San Joaquin County Office of Education (SJCOE) through one.Cruikshank, an education program for the residents. Education is the focus for reducing recidivism. All residents are encouraged to earn a high school diploma or further their education. The facility has initiated a technology and business skills training program that includes computer coding and programming, a pre-apprentice construction program, and an introduction to building trades. Forklift training is a new program that could lead to employment opportunities. The staff were particularly proud of a new virtual reality simulator that assists students in their preparation for certification. Gardening is used as a learning tool to teach math and science. An on-site kitchen is used for a culinary training program.

The SJCOE provides a tutor to facilitate communication and assist the students. Residents who are high school graduates are encouraged to enroll in on-line classes through San Joaquin Delta College.

Students identified as needing an Independent Educational Program (IEP) have a special program set up for them through one.Cruikshank. Students that already have an IEP from their previous school have it transferred to one.Cruikshank in one to four days. However, the Grand Jury learned the IEP may get delayed two to six weeks if students come from districts or programs outside of San Joaquin County.

Students that are initially identified as needing an IEP program in one.Cruikshank require observation to understand the problem and obtain approval from a parent/guardian to develop a plan. The IEP is then developed by a team led by the school counselor and in consultation with the Resource Specialist Teacher or IEP specialist. Once agreed to by the parent/guardian, this plan can take up to 60 days to be finalized. The challenges are that students may not be at the Juvenile Detention Facility for very long, the parent/guardian may want to wait until the child is out of the Facility, or if the child does not want to cooperate. Although there are concerns regarding delays receiving files from students' previous schools, and setting up a new program, the special education staff immediately respond to students' needs and support faculty efforts.

Facility Physical Improvements

Improving aesthetics was a major effort in the last few years and included new furniture, brightly colored walls including murals created by the residents and upgraded recreation areas. Work is still in progress for additional upgrades.

Landscape Management and Construction Programs

SJCOE has partnered with Greater Valley Conservation Corps to undertake a full landscaping project to include walking paths, patio space, new sprinkler systems, grass, trees, flower beds, and exercise space. Future plans for outdoor courtyard gardens were also described. Another program is the

Northern California Construction Training, an “out-of-custody” pre-apprenticeship program, which focuses on the building trades.

Painting or Murals

A local artist is guiding residents in painting murals in the recreation yards and in the main hallways of the institution. The artist uses art therapy in working with the residents to conceptualize ideas for the artwork. Eight murals have been completed to date.

Housing Placement

Housing placements are based on information gathered during an evaluation of the residents. A detailed assessment is completed before placement in a unit. The evaluation assesses mental, emotional, physical, sexual, age, sophistication level, safety concerns, and risk level. Classification is ongoing as population changes are continuous. Units include an open area with tables to work with staff, classrooms, and banks of bedrooms where residents are enclosed at night.

One unit houses females of which there were only five at the time of the visit. One unit was designated for younger or less sophisticated residents, and another unit was for higher risk and older residents.

Camp Peterson

Camp Peterson is a separate facility within the Juvenile Justice Facility that has 45 beds for male residents. It is an open dormitory setting, providing bunk bed dorms, a multi-programming area, classrooms, and living area. A basketball court and outdoor areas were available to residents. Placement is earned through good behavior and is considered a reward.

Dream Center

The Dream Center is an incentive-based program providing residents fun and positive activities away from the living units. In group entertainment areas such as the Dream Center, efforts are made to provide a calm and welcoming environment showcasing resident art and creative works. Residents earn incentive points to participate in games and purchase snacks.

Programs Offered

Culturally Responsive Programs are held monthly to promote residents’ understanding of cultural topics and celebrations. A San Joaquin Delta College class emphasizes social awareness, ethnic studies, and tolerance.

Family Engagement

Family members are encouraged to participate in programs with the juvenile residents. An attractive visiting area was evident with a place for younger siblings to play. Staffing to cover visits could be an issue due to overall staff shortages.

Camera Security

A camera monitoring room was staffed by one person at a time. The Grand Jury was told that plans for new equipment and software, including motion-triggered cameras, were being developed.

Resident and Staff Movement Security

Residents were dressed in different colored shirts to identify their unit. Residents were either escorted or on their own, with doors being opened and monitored by staff. Staff also radioed or called security to move through hallway doors and outside areas.

Medical Services

A doctor is on site once a week and a nurse is available seven days a week from 6:00 a.m. to 9:30 p.m. A parent can consent to COVID shots. 9-1-1 is called in an emergency. An ambulance or a staff member takes residents to the San Joaquin County Hospital.

Staffing

The Grand Jury met a very dedicated staff. They are extremely hard-working and seemed to work well together for the care of the residents. The Facility, however, was understaffed and has not been able to recruit or retain desired staff levels due to lower salaries compared to the County Jail, and significant restrictions and rules regarding controlling juvenile residents. Due to the staff shortage, staff had long shifts and at times double shifts. The jobs were described as much more demanding than other custodial jobs in the County. Despite these issues the staff promoted a positive and nurturing environment.

Prison Rape Elimination Act (PREA)

A PREA Coordinator is assigned to ensure compliance with PREA. At the time of the tour, PREA posters were not readily seen in all units. PREA information is published in the new *Youth Handbook*, dated December 7, 2022, which provides instructions on how to report an incident and receive assistance.

Grievance and PREA Forms

A resident may bring a grievance to the unit staff or supervisor. If the grievance cannot be resolved, they may complete a written grievance form and submit it to the Youth Advocate. They may also seek aid or advice from the Public Defender, a private attorney, the Ombudsman, or a probation officer. Grand Jury members did not see any forms readily available in every unit. With writing instruments under control, the forms would need to be filed with the assistance of a staff member making any confidential grievances impossible. This is especially troubling for PREA complaints.

Special Report on the Juvenile Justice System and Continuum of Care Reform

For nearly two decades, California has enacted a series of legislative and voter-approved measures designed to reduce commitments of youth to the State juvenile and adult systems by reducing reliance on incarceration and expanding community-based options for youth. To further reach this goal, the State has transferred the responsibility of managing all youth under the jurisdiction of the juvenile courts pursuant to Welfare and Institutions Code Section 602 to local jurisdictions.

The impact of the Division of Juvenile Justice (DJJ) realignment and closure plan has been significant, leading to the elimination of State juvenile detention facilities and an increase in the number of youths competing for out-of-home care or into county juvenile detention facilities. However, the plan has also faced challenges, including limited resources and funding for the

development of local programs and facilities, as well as concerns over the quality of care and services provided to youth in these programs.

Realignment transfers responsibility for managing all youthful offenders from the State to local jurisdictions. Under SB 823, new commitments of juvenile offenders ceased after June 30, 2021. Youth adjudicated but not delivered to DJJ prior to July 1, 2021, will still be accepted. Limited exceptions apply per SB 823.

Under SB 823, chapter 337 (statutes of 2020), juvenile offenders cannot be committed to DJJ after July 1, 2021, unless a youth who is otherwise eligible to be committed under existing law and in whose case a motion to transfer the minor from juvenile court to a court of criminal jurisdiction was filed. If an eligible youth is committed after July 1, 2021, DJJ will process acceptance through current procedures. Youth adjudicated on or before June 30, 2021, will still be accepted and will be subject to the county fee in effect on the date of adjudication.

SB 92 sets a defined closure date of June 30, 2023, for all DJJ facilities. This builds on the State's commitment to provide more treatment and rehabilitative services for youth closer to home.

SB 823 has repealed previous legislation, moving the DJJ into the California Health and Human Services Agency (CHHS) as the Office of Youth and Community Restoration (OYCR). DJJ implemented the phased closure of its facilities. The decision to close certain housing units or entire facilities was driven by the desire to eliminate incarcerations.

Although Juvenile Justice Reform and Foster Care Reform took divergent paths, both are rooted in the belief that youth are best served and have the best outcome when they remain in the community in family-based care. Unintended consequences of Juvenile Justice Reform added difficulties in placing youth in foster care. It could, however, be mitigated by greater efforts committed to youth programs. As part of CCR, group homes were replaced with Short-Term Residential Therapeutic Programs (STRTP) intended to serve children and youth whose challenging behaviors and significant emotional and developmental needs created barriers to placement in family-based care. This new STRTP license category required providers to obtain national accreditation, meet Department of Health Care Services (DHCS) mental health standards, procure a contract with a County Mental Health Plan (MHP), and implement trauma-informed care. STRTPs were quickly overwhelmed by a licensing and compliance focus and a glaring lack of coordination between the counties throughout California and the Department of Social Services (DSS) and DHCS—the two State Departments entrusted to oversee the implementation of this level of care. According to the California Alliance of Child and Family Services, this uncoordinated approach has resulted in:

- Regulations that are redundant, conflicting, and in some cases superfluous.
- Regulation and funding methods that compartmentalize the mental health and “care and supervision” components of integrated 24/7 treatment.
- Minimal direction to placing agencies (counties) regarding the type and intensity of mental health services indicated for youth in STRTP.
- Failure to conform to the mental health contracting conditions that differ significantly across counties.

- Flawed assumptions about occupancy rates and mental health revenue, resulting in financially under-resourced STRTP.
- Lack of consideration for the critical role of education in a short-term residential treatment setting.
- Complete disregard of financial resources and regulatory direction to fund and facilitate aftercare and transitions as a critical component of STRTPs.

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Follow-up Report to the 2019-2020 San Joaquin County Civil Grand Jury



Illegal Dumping: Talking Trash

Case #0519

Preface

This report contains a continuation of the responses to the 2019-2020 San Joaquin County Civil Grand Jury report regarding illegal dumping in San Joaquin County. The 2022-2023 Grand Jury reviewed the agency responses to the 2021-2022 Grand Jury follow-up recommendations. Conclusions are presented after the agency responses, which are presented verbatim in this report.

Discussions, findings, and recommendations from the 2022-2023 Grand Jury are in text boxes framed in black.

Complete copies of the original report and the agency's responses are found on the San Joaquin County Grand Jury website at: <https://www.sjcourts.org/grandjury/>.

Summary

The 2019-2020 Grand Jury investigated the complex issue of illegal dumping in San Joaquin County. The investigation produced multiple findings and recommendations, requiring responses from the County Board of Supervisors and the City of Stockton. The City of Stockton responded with their willingness to participate in all the recommendations. Their participation, however, depended upon San Joaquin County developing and mobilizing an illegal dumping task force. It is possible that the outbreak of the COVID pandemic had a direct impact on the ability of the County to fulfill the recommendations of the Grand Jury.

The 2020-2021 Grand Jury made multiple attempts to obtain verification of the task force formation, as well as resolution of the recommendations. Only the recommendation of the assignment of an Administrative Hearing Officer for code enforcement was fulfilled. All other recommendations remained unsatisfied.

The 2021-2022 Grand Jury verified that the task force was created and held several meetings to discuss the issue of illegal dumping in the County. Other recommendations were also fulfilled, but several remained unresolved.

The 2022-2023 Grand Jury determined that recommendations R1, R2, and R3 from the 2021-2022 Grand Jury follow-up report have either been sufficiently implemented or are nearly complete in the implementation plan for monitoring cameras and codifying enforcement.

Method of Follow-Up Investigation

The 2022-2023 Grand Jury reviewed the original 2019-2020 report and the follow-up responses to report #0519, Illegal Dumping: Talking Trash. The Grand Jury interviewed a member of the Board of Supervisors and reviewed the responses to the findings and recommendations to determine:

- if the agency's responses were complete and comprehensible;
- if the agency would implement the recommendations within the stated deadlines; and
- if confirmation was necessary. Confirmation could include written documentation, interviews, or site inspections.

Glossary

- **CDD:** Community Development Department
- **County:** San Joaquin County
- **GORequest:** San Joaquin County website to report service requests
- **Rec #:** Recommendation number
- **3 E's Plan:** Comprehensive plan to address illegal dumping
- **CRU:** Community Revitalization Unit
- **CCU:** Community Car Unit

Summary of Responses and 2022-2023 Grand Jury Conclusions.

Respondent	2021-2022 Rec #	Response	2022-2023 Grand Jury Conclusion		
			Rec #	Due Date	Conclusion
SJC Board of Supervisors	R1	Will be implemented	R1	September 30, 2022	No further action
SJC Board of Supervisors	R2	Will be implemented	R2	September 30, 2022	No further action
SJC Board of Supervisors	R3	Will be implemented	R3	September 30, 2022	No further action

2021-2022 Findings, Recommendations, and Agency Responses

Board of Supervisors

2021-2022 Grand Jury Finding F1: Because the County has not created a strong, enforceable ordinance, illegal dumping continues without consequences.

Agency Response: Agree.

2021-2022 Grand Jury Recommendation R1: By September 30, 2022, the Board of Supervisors adopts an enforceable ordinance to deter illegal dumping. This ordinance will include a mechanism for collecting fines, an appeals process, and a way to recoup the cost of administration from the illegal dumpers.

Agency Response: *Will be implemented. A draft ordinance will be agendized for introduction to the Board of Supervisors on August 23, 2022, and for adoption on September 13, 2022. If adopted the ordinance will become effective 30 days after adoption. The purpose of the proposed ordinance is to protect public and private property from illegal dumping, to hold any person that takes actions that substantially contribute to illegal dumping accountable, to deter illegal dumping and to mitigate the harms that the County has found are caused by illegal dumping. Ordinance provisions prohibit all illegal dumping and, among other things, make vehicle or trailer owners liable if their vehicle or trailer is used for illegal dumping with the express or implied permission of the owner. For example, if the County Sheriff's Office gets video of an identifiable vehicle or trailer, even if they cannot identify the driver, they can take action against the vehicle/trailer owner. This is to address situations in which residents obtained video of vehicles dumping waste, but authorities could not take enforcement action because they could not identify the driver. Further, the proposed ordinance is going to the Board of Supervisors as part of an illegal dumping mitigation plan called the "3 E's Plan" to address Illegal Dumping. The Plan will be carried out by the County's Illegal Dumping Task Force, which will report back to the Board of Supervisors on the effectiveness of the Plan, including the ordinance if it is adopted, in one-year.*

A draft ordinance is complete and will be part of an illegal dumping mitigation package proposed for approval to the Board of Supervisors by early summer of 2022.

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Finding F2: San Joaquin County still lacks the capability to monitor dumping hotspots and to prosecute illegal dumpers.

Agency Response: *Partially disagree. The County disagrees that it still lacks the capability to monitor dumping hotspots; however, agrees that the County still lacks the capability to prosecute illegal dumpers.*

2021-2022 Grand Jury Recommendation R2: By September 30, 2022, approves a plan to effectively monitor the surveillance camera.

Agency Response: *Will be implemented. On August 23, 2022, the County Board of Supervisors will consider the “3 E’s Plan” to address Illegal Dumping, which includes the posting and monitoring of surveillance cameras. The Plan proposed to be carried out by the County’s Illegal Dumping Task Force, includes action items relating to education, enforcement, and eradication. As part of the plan to implement robust enforcement, including the adoption of a new ordinance prohibiting illegal dumping, the County’s Sheriff’s Office, with assistance and funding to the Public Works Department, will be as follows:*

A. Video surveillance using cellular fed cameras equipped with a notification system, will be used to monitor dumping hot spots, and send notifications when movement is detected. Data will be stored in the system’s cloud database and accessible to download and memorialize for investigational purposes.

B. The Sheriff’s Office Community Revitalization Unit (CRU) and the Community Car Unit (CCU) will proactively identify and investigate illegal dumping issues with the County.

i. CRU consists of eight specially trained Deputies to address the quality-of-life issues surrounding illegal dumping and homelessness.

ii. CCU designates a Deputy to be assigned to a smaller area within the County to establish close relationship and address issues within the community.

C. Sheriff’s Office will provide training to all sworn Deputies to educate them on how to effectively enforce the ordinance from a call-for-service model.

D. The Strategic Intelligence Unit will collect data on reports of illegal dumping, issued citations, deployment of Sheriff’s Office resources, and other relevant data to evaluate the effectiveness of the illegal dumping ordinance.

E. The Sheriff’s Office and other County departments, including but not limited to Public Works, Community Development, Environmental Health, and County Administrator’s Office, will conduct continuous evaluation and review of the effectiveness of the Sheriff’s Office response and deployment strategy to modify enforcement strategies as needed.

2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Finding F3: Regional limitations prevent each jurisdiction from sharing the specific costs of cleanup outside of its respective boundaries. These limitations make a coordinated response difficult.

Agency Response: *Agree.*

2021-2022 Grand Jury Recommendation R3: By September 30, 2022, the San Joaquin County Board of Supervisors develop and adopt a plan to equitably share costs for illegal dumping removal throughout the County.

Agency Response: *Will be implemented. Illegal dumping and its negative effects do not stop at City borders, but no single jurisdiction has the funding to tackle it. Further, there are legal limitations on the use of certain funds across jurisdictional boundaries. Accordingly, on August 23, 2022, the County Board of Supervisors will consider the “3 E’s Plan” to address Illegal Dumping, which includes specific direction to staff to work cooperatively with the 7 cities within the County to propose development of consistent regulatory frameworks and joint education, eradication, and enforcement measures.*

The 2022-2023 Grand Jury determined to take no further action.

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 2020-2021 San Joaquin County Civil Grand Jury



San Joaquin County: A Fragmented COVID-19 Response

Case #0120

This report contains the responses to the 2020-2021 San Joaquin County Civil Grand Jury report, “A Fragmented COVID-19 Response.” This follow-up report focuses on the 2020-2021 Grand Jury findings and recommendations and the San Joaquin County Board of Supervisors’ responses, which are presented verbatim in this report.

The 2022-2023 Grand Jury follow-up determinations are presented after the agency’s responses to each recommendation.

Discussions, findings, and recommendations from the 2022-2023 Grand Jury are in text boxes framed in black.

Complete copies of the original report and the agency’s responses may be found on the San Joaquin County Grand Jury website at: <https://www.sjcourts.org/grandjury/>

Summary

The 2020-2021 Grand Jury investigated the County’s overall capabilities, preparedness, and response to the effects of the COVID-19 pandemic. The investigation was initiated following a presentation by County staff outlining their capabilities and response to this health crisis. Findings and recommendations were made regarding:

- the County’s Public Health Service organizational structure;
- the development, testing, and implementation of plans and procedures to address future public health emergencies;

- written clarification of policies for placement and utilization of personnel designated as disaster service workers; and
- the development and implementation of written policies with definitive procedures requiring all County employees who may be called upon to perform disaster service work to be trained annually on the County's Emergency Operation Plan.

Method of Follow-Up Investigation

The current Grand Jury reviewed the original 2020-2021 report Case #0120, "A Fragmented COVID-19 Response," and the follow-up report of the 2021-2022 Grand Jury.

The mandatory responses from the Board of Supervisors to the findings and recommendations were reviewed to determine the following:

- if the agency's responses were complete and comprehensible;
- if the agency would implement the recommendations within the stated deadlines; and
- if confirmation was necessary. Confirmation could include written documentation, interviews, or site inspections.

Glossary

- **BOS:** Board of Supervisors
- **CAO:** Administrator's Office
- **COVID-19:** Coronavirus disease
- **EMSA:** Emergency Medical Services Agency
- **EOC:** Emergency Operation Center
- **EOP:** Emergency Operations Plan
- **OES:** Office of Emergency Services
- **Tabletop Exercise:** Discussion-based sessions where team members meet in an informal classroom setting to discuss their roles during an emergency and their responses to a particular emergency. A facilitator guides participants through a discussion of one or more scenarios.

Findings, Recommendations, Agency Responses, and Grand Jury Results

1.0 Overall Lack of Coordination & Collaboration

2020-2021 Grand Jury Finding F1.3: When Public Health Services took over management of the COVID-19 response, communication and coordination between departments failed, which delayed the process of curtailing the spread of the COVID-19 Virus.

Agency Response: *Partially Agree. Due to COVID-19 gathering protocols, all in person meetings were eliminated and many government staff teleworked. This created another*

unprecedented issue for the EOC. While some methods were in place for webinars and conference calls, not all agencies or staff had access or experience in this method. This required additional modifications to the EOC operations, where key leadership EOC positions were filled virtually, creating coordination issues as well.

The various phases of the pandemic caused new direction and communication constantly, sometimes every few days, by way of the State and Center for Disease Control and Prevention (CDC). The dynamic of this pandemic and information changing rapidly would seem like information was not received timely or coordinated. The majority of the time this was out of the County's control, and methods for communicating would be altered to meet the needs of the current situation.

2020-2021 Grand Jury Recommendation R1.3: By June 1, 2022, the San Joaquin County Board of Supervisors approve the Office of Emergency Services written policy with procedures and practical application exercises, requiring annual testing of the overall coordination, effectiveness, and application of San Joaquin County's Emergency Operations Plan, including its Emergency Support Function Annexes.

Agency Response: *Will be implemented. A written policy with procedures will be developed, however may not be approved by the Board of Supervisors before June 1, 2022. It should be noted here that the County Disaster Council, as chaired by the Director of Emergency Services is empowered by County Ordinance (Title 4, Division 3, Chapter 1, 4-3003 & 4-3007) to review and approve emergency and mutual aid plans developed by the Director of Emergency Operations in cooperation with the Chiefs of Emergency Services. Once the policy and procedures are approved, the Office of Emergency Services will ensure the Grand Jury receives a copy.*

The Multi-Year Training and Exercise Plan (MYTEP) and Emergency Operations Plan (EOP) were completed and updated in October 2021. The EOP was approved by the Disaster Council, department heads, and the Board of Supervisors in January 2022 (R-22-15). The MYTEP transitioned to the Integrated Preparedness Plan in late 2022. The training and exercise program outlined in this plan will assist the County and stakeholders in developing and meeting training and exercise objectives. This plan is supported by County Policy 1911 – Emergency Operations Training adopted by the Board of Supervisors on January 24, 2023 (B-23-31).

The 2022-2023 Grand Jury determined to take no further action.

2020-2021 Grand Jury Recommendation R1.4: By October 1, 2022, Office of Emergency Services conduct the first assessment of the overall coordination, effectiveness, and application of San Joaquin County's Emergency Operations Plan, and its Emergency Support Function Annexes using practical application exercises and report their findings and recommendations to the Board of Supervisors.

Agency Response: *Will be implemented. The recommendation will be implemented but potentially not before October 1, 2022. While workshops, drills, tabletops, functional and*

full-scale exercises are typically the method for assessing the coordination and effectiveness of emergency plans, an After-Action Report and Improvement Plan (AAR/IP) is the final requirement for any exercise. The EOP identifies this requirement consistent with the Homeland Security Exercise and Evaluation Program, which provides tools to develop, conduct, and evaluate such exercises. The AAR/IP is a collaboration of all participants and identifies actions taken, necessary modifications to plans and procedures, training needs, and recovery activities to date. The EOP outlines that the completed AAR/IP will be distributed to County leadership and Department Heads within 90 days of the end of the event.

The MYTEP outlines the plan of action, and the AAR/IP documents strengths and weaknesses of the exercises.

The Emergency Operations Plan was approved by the Disaster Council, department heads, and the Board of Supervisors in January 2022 (R-22-15). A functional full-scale regional flood exercise was conducted in August 2022, and an Improvement Plan was developed. On December 13, 2022, the Board of Supervisors accepted and approved the COVID-19 Emergency After-Action Report and Improvement Plan.

The 2022-2023 Grand Jury determined to take no further action.

4.0 Inadequate Public Health Emergency Response Capabilities

2020-2021 Grand Jury Finding F4.1: The lack of understanding of San Joaquin County's Emergency Operations Plan delayed a collaborative and coordinated response necessary to meet the requirements outlined in the Public Health Emergency Preparedness agreement.

Agency Response: *Partially agree. The County partially agrees with this finding, which identifies opportunities for improving leadership, collaboration, and coordination in responding to public health emergencies.*

2020-2021 Grand Jury Recommendation R4.1: By March 1, 2022, Health Care Services complete an operational audit to affirm that the requirements outlined within the Public Health Emergency Preparedness agreement are being met.

Agency Response: *Requires further analysis. This recommendation will not be implemented before March 1, 2022, and will be an item in the scope of the countywide review of the emergency response to be performed after the cessation of the current public health emergency.*

The COVID-19 After-Action Report (AAR) was presented to the Board of Supervisors on December 13, 2022. The scope of this review satisfies the recommendation for an operational audit and Countywide review. The County is following up on the various findings and recommendations included in the AAR and will implement the resulting improvement plan.

The 2022-2023 Grand Jury determined to take no further action.

2020-2021 Grand Jury Recommendation R4.2: By April 30, 2022, Health Care Services present their findings to the Board of Supervisors.

Agency Response: *Requires further analysis. This recommendation will not be implemented before April 30, 2022, and will be an item in the scope of the countywide review of the emergency response to be performed after the cessation of the current public health emergency.*

The COVID-19 AAR was presented to the Board of Supervisors on December 13, 2022. The scope of this review satisfies the recommendation for an operational audit and Countywide review. The County is following up on the various findings and recommendations included in the AAR and will implement the resulting improvement plan.

The 2022-2023 Grand Jury determined to take no further action.

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 2020-2021 San Joaquin County Grand Jury



Independent Special Districts: Transparency “Not Found”

Case #0220

Preface

This report contains the responses to the 2021-2022 San Joaquin County Grand Jury follow-up report regarding Independent Special Districts (ISD), the Local Agency Formation Commission (LAFCO), the County of San Joaquin and its Auditor-Controller’s Office and Information Systems Division. This report focuses on the 2021-2022 Grand Jury findings and recommendations and the responses, which are presented verbatim in this report.

The 2022-2023 Grand Jury follow-up determinations are presented after the agency’s response to each recommendation.

Discussions, findings, and recommendations from the 2022-2023 Grand Jury are in text boxes framed in black.

Complete copies of the original report and the agency’s responses may be found on the San Joaquin County Grand Jury website at <https://www.sjcourts.org/grandjury/>.

Summary

The 2020-2021 Grand Jury investigated San Joaquin County’s 102 Independent Special Districts and related County agencies in response to the lack of public access to dependable, complete, and transparent information on these districts. Beginning in January 2020, SB 929 required all ISDs in California to have websites containing specific information, including agendas, financial statements, and links to the State Controller’s Office. Districts are able to claim an exemption if they believe

that developing a compatible website would be a hardship. Findings and recommendations were made in several areas:

- independent special district website content and development,
- compliance with California legislation, including SB 929 and SB 272,
- enhancement of County websites to collect and share information on all ISDs, and
- establishment of a prototype website for districts unable to develop their own sites.

Method of Follow-Up Investigation

The 2022-2023 Grand Jury reviewed the responses to the 2020-2021 Grand Jury report, *Case #0220 Independent Special Districts: Transparency “Not Found,”* conducted interviews, issued requests for compliance, performed research, and documented the mandatory responses to the findings.

These responses were then reviewed to determine:

- if the agency or elected official’s responses were complete and comprehensible;
- if the agency or elected official would implement the recommendations within the stated deadlines; and
- if confirmation, including written documentation and interviews, was necessary.

Glossary

- **ACO:** Auditor-Controller’s Office.
- **County:** San Joaquin County.
- **District:** San Joaquin County Independent Special District.
- **ISD:** Independent Special District, a local government granted by State statutes to serve a community of people by delivering specialized services not provided by city or county.
- **LAFCO:** Local Agency Formation Commission, “an independent regulatory commission created by the California Legislature to control the boundaries of cities and special districts.” (*It’s Time to Draw the Line: A Citizens Guide to LAFCO*, 6). All 58 counties have a LAFCO.
- **SB 272:** California State Senate Bill 272: Public Records Act: Enterprise System Catalog.
- **SB 929:** California State Senate Bill 929: Special districts: Internet Web sites.
- **State:** State of California.

Findings, Recommendations, Agency Responses, and Grand Jury Results

1.0 All Independent Special Districts

2021-2022 Grand Jury Finding F1.1: The District lacks a public website which limits transparency and makes it difficult for constituents to review agendas, financials and other pertinent documents.

2021-2022 Grand Jury Recommendation R1.1: By November 30, 2022, the District develop and launch a website that is compliant with all State guidelines, including SB 929 and SB 272, or provide proof of exemption.

The 14 remaining independent special districts from the 2021-2022 follow-up report that had not met the 2020-2021 recommendations now fall into five categories: Website created, working on the website, exempt, dissolved or no contact information available.

Website Created:

Reclamation Districts 2062, 2074, 2094, and 2114
Sanitation District: Country Club

Websites Under Construction:

Fire Protection Districts: Eastside Rural and Lincoln Rural

Exempt:

Reclamation Districts 38, 524, and 2096

Dissolved:

California Irrigation District
Dos Reis Storm Water District

No Contact Information/Status Unknown:

Boggs Tract Fire Department
Tuxedo-Country Club Rural Fire Department

The 2022-2023 Grand Jury determined to take no further action.

2.0 LAFCO

2021-2022 Grand Jury Finding F2.1: The local Agency Formation Commission website contains limited information of San Joaquin County's independent special districts which has not been updated since July 2020. The absence of a centralized and detailed database with links to district information makes it difficult for constituents to access information specific to their respective districts.

Agency Response: *No response received.*

2021-2022 Grand Jury Recommendation R2.1: By December 31, 2022, LAFCO work with the San Joaquin County Information Systems Division to create a webpage on the LAFCO website that lists all independent special districts within San Joaquin County and contains links to a summary page for each district that includes the district's boundary maps, municipal service reviews and most recent sphere of influence study.

Working with a website development company, LAFCO designed and implemented a new website, sjlafco.org, which went live on May 17, 2023. LAFCO staff are currently working to upload all pertinent information to the website. Upon review, the website looks like a good starting point, although it is apparent that information needs to be updated to ensure dependable, complete, and transparent information. The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R2.2: By December 31, 2022, LAFCO, in conjunction with the San Joaquin County Information Systems Division, County Auditor-Controller, Registrar of Voters, and the Clerk of the Board of Supervisors, add links to additional district information, including audits, election information and special district board member appointments, to each district's summary page.

The 2022-2023 Grand Jury endeavored to confirm the implementation and adherence to the recommendations of the 2021-2022 Follow-Up Report #0220, *Independent Special Districts: Transparency "Not Found."* While conducting this work, it was discovered that Boggs Tract Fire District had no known contact information or board members. According to LAFCO, an Independent Special District must have a board, with 3, 5, or 7 members who are either appointed by the SJC Board of Supervisors or elected by the community in which the district is located. On LAFCO's new website, Boggs Tract information states that there are three board members who are appointed by the Board of Supervisors, and two must live within the fire district. The following statement is also made: "There are currently no Board members (2022)."

The 2022-2023 Grand Jury found that the longstanding problem with public access to information regarding independent special districts continues. LAFCO's new website is a step in the right direction; however, it is missing the individual ISD website addresses and contains outdated, incorrect contact information. An irrigation district that dissolved in 2018 is listed as active.

The 2022-2023 Grand Jury Finding F1.1: The Boggs Tract Fire District has no Board of Directors, thereby leaving the 284 property owners within the district with absolutely no accountability or transparency for how their taxpayer dollars are allocated.

The 2022-2023 Grand Jury Finding F1.2: Outdated and incorrect contact information hinders the public's right to transparency.

The 2022-2023 Grand Jury Recommendation R1.1: By November 1, 2023, the Local Agency Formation Commission (LAFCO) work with the San Joaquin County Board of Supervisors to ensure that board members are appointed and alert the newly appointed board members of SB 929, which requires the formation of a website for public transparency and accountability.

The 2022-2023 Grand Jury Recommendation R1.2: By November 1, 2023, LAFCO communicate annually with all Independent Special Districts, requiring they verify contact information for board members and representatives, including phone numbers and addresses, and provide their ISD website address to LAFCO.

The 2022-2023 Grand Jury Recommendation R1.3: By November 1, 2023, LAFCO verify the dissolution of the California Irrigation District, and if dissolved, remove it from the LAFCO website.

3.0 San Joaquin Board of Supervisors

The 2022-2023 Grand Jury endeavored to confirm the implementation and adherence to the recommendations of the 2021-2022 Follow-Up Report #0220, *Independent Special Districts: Transparency “Not Found.”* While conducting this work, it was discovered that Boggs Tract Fire District had no known contact information or board members. According to LAFCO, an independent special district must have a board, with 3, 5, or 7 members which are either appointed by the Board of Supervisors or elected by the community in which the district is located. On LAFCO’s new website, Boggs Tract information states that there are three board members who are appointed by the Board of Supervisors, and two must live within the fire district. The following statement is also made: “There are currently no Board members (2022).”

The 2022-2023 Grand Jury Finding F2.1: The Boggs Tract Fire District has no board of directors, thereby leaving the 284 property owners within the district with absolutely no accountability or transparency for how their taxpayer dollars are allocated.

The 2022-2023 Grand Jury Recommendation R2.1: By November 1, 2023, the Board of Supervisors appoint three board members to the Boggs Tract Fire District following the guidelines that two of the three must live within the fire district.

4.0 San Joaquin County Auditor-Controller’s Office

2021-2022 Grand Jury Finding F3.1: San Joaquin County Auditor-Controller’s Office receives detailed audits from independent special districts but does not make these audits available to the public via the Auditor-Controller’s website, denying constituents convenient access to this information.

Agency Response: *The Auditor-Controller’s Office disagrees with the finding.*

*Effective October 1, 2021, the Auditor-Controller’s Office implemented the Grand Jury’s original recommendation F4.2...” By December 31, 2021, make all electronic independent special district audits going forward available on the Auditor-Controller’s website”. All independent special district audit reports received are available through a link located at the following page of the Auditor-Controller’s public website:
www.sjgov.org/departments/aud/program-services.*

2021-2022 Grand Jury Recommendation R3.1: By October 31, 2022, The San Joaquin County Auditor-Controller post all electronic independent special districts’ audits on the Auditor-Controller’s website.

Agency Response: *Please see the Response to Finding 3.1 above.*

2021-2022 Grand Jury Recommendation R3.2: By December 31, 2022, the Auditor-Controller's Office provide the most recent independent special district audit links to LAFCO for their independent special district summary webpages.

Agency Response: *The ACO concurs with the recommendation.*

The ACO will work with the County's Information Systems Division and LAFCO to provide the most recent independent special district audit links to LAFCO for their new independent special district summary webpages.

LAFCO created a website in May 2023 and is working to populate the site with current information. The link to financial reports does not connect directly to records for that district, only to the Auditor-Controller's home page. The Grand Jury is hopeful that the Auditor-Controller's Office will continue to work with the Local Agency Formation Commission on this endeavor to bring full, dependable, and complete transparent information to the public regarding San Joaquin County's Independent Special Districts.

The 2022-2023 Grand Jury determined to take no further action.

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 Sections 911, 924.1(a), and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Response Requirements

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

The San Joaquin County Local Agency Formation Commission is required to respond to: Findings F1.1, F1.2, and Recommendations R1.1, R1.2, and R1.3.

The San Joaquin County Board of Supervisors is required to respond to:

Findings F2.1 and Recommendation R2.1.

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

Honorable Michael D. Coughlan, Presiding Judge
San Joaquin County Superior Court
180 E. Weber Ave., Suite 1306J
Stockton, California 95202

Also, please email a copy of the response to Mr. Irving Jimenez, Judicial Secretary to the Grand Jury, at grandjury@sjcourts.org.

Follow-up Report to the 2021-2022 San Joaquin County Grand Jury



Stockton Unified School District Board of Education:

A Failing Grade in Public Trust

Case #0121

Preface

This report contains the responses to the 2021-2022 San Joaquin County Civil Grand Jury report regarding Stockton Unified School District. This follow-up report focuses on the 2021-2022 Grand Jury findings and recommendations and the Stockton Unified School District responses, which are presented verbatim in this report.

The 2022-2023 Grand Jury reviewed the agency responses to those recommendations. The Grand Jury's follow-up conclusions are presented after the agency responses.

Discussions, findings, and recommendations from the 2022-2023 Grand Jury are in text boxes framed in black.

Complete copies of the original report and the agency's responses may be found on the San Joaquin County Grand Jury website at <https://www.sjcourts.org/grandjury/>.

Summary

Over the past two years, the San Joaquin County Civil Grand Jury has conducted two separate investigations of Stockton Unified School District (SUSD) spanning topics from Superintendent turnover to fiscal mismanagement. While many circumstances have changed over the past two

years, one thing has remained the same: the SUSD Board of Trustees. The November 2022 election has changed the current majority of the Board, nonetheless, the 2022-2023 Civil Grand Jury maintained a keen eye on Stockton Unified School District, especially with respect to SUSD's response to *Case #0121 – A Failing Grade in Public Trust*.

The San Joaquin County Civil Grand Jury is constitutionally established as a branch of the California Superior Court. The rules and regulations for the Grand Jury proceedings and for those who must reply to recommendations are long established by statutory law. These regulations are mainly found in the California Penal Code. In reply to the 2021-2022 Grand Jury report issued in July 2022, the SUSD Trustees either inadvertently or deliberately failed to follow the law in some responses. The supplemental responses are listed after the initial agency response in this follow-up report.

Method of Follow-up Investigation

The 2022-2023 Grand Jury:

- attended SUSD Board meetings,
- conducted follow-up interviews,
- requested documents that were germane to Case #0121,
- reviewed Board agendas, and
- reviewed Board videos.

Materials Reviewed

- Board meetings.
- Board minutes.
- Document requests.
- Interviews.
- Media reports.

Findings, Recommendations, Agency Responses, and Grand Jury Conclusions

1.0 Finance

2021-2022 Grand Jury Finding F1.1.1 Stockton Unified School District does not utilize financial software that aligns with the San Joaquin County Office of Education software, making analysis and review by the San Joaquin County Office of Education difficult.

Agency Response: *The District recognizes the importance of its financial software and of its compatibility with the software utilized by the San Joaquin County Office of Education.*

2021-2022 Grand Jury Finding F1.1.2 Stockton Unified School District Business Services staff lacks necessary training and guidance to execute complex District business needs, resulting in the need to hire outside consultants at an increased cost to the District.

Agency Response: *The District disagrees with this finding. There are many excellent administrators and staff in the District's Business Services Department, and these employees undergo regular and consistent training. Nevertheless, it has been necessary to retain the services of outside consultants to augment these services, particularly in light of recent personnel vacancies and shortages, but the Board disagrees that doing so reflects a lack of staff training.*

2021-2022 Grand Jury Finding F1.1.3 The current Chief Business Officer was hired without following Board Policy 4211, creating an appearance of partiality and creating diminished internal and external confidence.

Agency Response: *In hiring its prior Chief Business Officer, although the District engaged in an expedited process in order to fill the vacancy as soon as possible, the District complied with the basic principles set forth in Board Policy 4211, including that "there will be no unlawful discrimination in selection."*

2021-2022 Grand Jury Recommendation R1.1.1 By January 1, 2023, the Stockton Unified School District Board of Trustees direct the Superintendent to assess the current financial software to be compatible with the San Joaquin County Office of Education software.

Agency Response: *On August 9, 2022, the Board of Trustees complied with this Recommendation.*

Besides being an insufficient response to Recommendation 1.1.1 according to Penal Code 933.05(a)(2), the 2022-2023 Civil Grand Jury heard testimony Stockton Unified School District (SUSD) has not adopted software compatible with the San Joaquin County Office of Education (SJCOE). Furthermore, in June of 2022, SJCOE reached out to SUSD due to data files that were found to be "unusable." Additionally, in October of 2022, SJCOE once again reached out to SUSD due to "lack of going concern."

2022-2023 Grand Jury Finding 1.1: As evidenced by the lack of an adequate and legal response per Penal Code 933.2, and due to continued lack of software integration and compatibility, the Grand Jury gives the District response a *failing grade* in transparency and accountability.

2022-2023 Grand Jury Recommendation 1.1: By October 1, 2023, Stockton Unified School District Board of Trustees align financial record keeping with San Joaquin County Office of Education through software upgrades and demonstrate compliance to the 2023-2024 Grand Jury.

2021-2022 Grand Jury Recommendation R1.1.2 By December 1, 2022, Stockton Unified School District Board of Trustees, in conjunction with the Business Services Department, develop, adopt

and implement training policies with protocols consistent with California Association of School Business Officers best practices.

Agency Response: *The District already has an extensive system of policies and procedures regarding training and staff development such as is set forth in Board Policy/Administrative Regulation 4131, 4231, and 4331. These trainings include those offered through the California Association of School Business Officials (“CASBO”) and other organizations. Nevertheless, by February 14, 2023 will have complied with this Recommendation.*

According to interviews, the current Superintendent has ordered the creation of “playbooks” to assist replacement staff with departmental policies and procedures.
The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R1.1.3 By December 1, 2022, the Stockton Unified School District Board of Trustees publicly commit through a Board resolution to adhere to Board Policy 4211.2 in recruitment efforts, candidate screenings and interview processes for all open positions.

Agency Response: *On August 9, 2022, the Board of Trustees complied with this Recommendation.*

The 2022-2023 Grand Jury determined to take no further action.

1.2 Change Orders

2021-2022 Grand Jury Finding F1.2.1 Not all change orders are brought to the Board of Trustees for approval or ratification, leaving the Board and senior management unaware of overruns and total cost of projects and causing possible cost overages and budget deficits.

Agency Response: *The District regrets to report that not all change orders have been brought to the Board for approval or ratification, but the District will take steps to remedy this problem, to the extent that it exists.*

2021-2022 Grand Jury Recommendation R1.2.1 By August 30, 2022, the Stockton Unified School District Board of Trustees develop, adopt and implement a policy with procedures for tracking adjustments to contracts.

Agency Response: *The Board will comply with this Recommendation no later than December 13, 2022.*

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R1.2.2 By August 30, 2022, the Stockton Unified School District Board of Trustees develop, adopt and implement a policy to require the Facilities and Planning Department to submit all construction change orders to the Board for review, approval and ratification under one standard agenda heading.

Agency Response: *The Board will not implement this recommendation because it is neither warranted nor reasonable. The Board, however, agrees that construction change orders must be approved by the Board in order to be enforceable. But there is no legal basis for all construction change orders to be submitted “under one standard agenda heading,” and indeed, there are good reasons to do otherwise.*

As the Stockton Record reported on January 28, 2023, “According to Public Contract Code §21152, a contractor is required to submit all change orders to the board.”

Additionally, the February 2023 Fiscal Crisis Management Assistance Team (FCMAT) noted, “The district failed to provide complete documentation for all vendor transactions selected for review, which resulted in FCMAT having limited documentary support for these items.”

The SUSD Board Agenda dated March 20, 2023, lists Board Agenda Item (BAI) 14.4, “Approval of Two (2) Change Order Requests...” indicating that recently SUSD has started listing change orders for Board review and approval, although the District response was they “will not implement this recommendation.”

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R1.2.3 By August 30, 2022, the Stockton Unified School District Board of Trustees direct the Director of Facilities and Planning to designate an individual to monitor and update change orders monthly and to ensure other employees in the department are cross trained in this process.

Agency Response: *The Board will implement this recommendation by September 27, 2022.*

On October 25, 2022, BAI 14.13 – Information on Business Services Office Training, was presented with timelines ensuring proper training by Dannis, Wolliver, and Kelley (DWK).

The 2022-2023 Grand Jury determined to take no further action.

1.3 Grants

2021-2022 Grand Jury Finding F1.3.1 The elimination of the Stockton Unified School District Grant Development Office in a February 2021 District reorganization resulted in grants no longer being monitored by a specific department or individual, risking additional and unnecessary spending from the General Fund.

Agency Response: *The District will re-establish the Grant Development Department, and it is actively recruiting for a Grant Development and Compliance Specialist who will report directly to the Superintendent.*

2021-2022 Grand Jury Finding F1.3.2 Stockton Unified School District does not identify and pursue all grant opportunities due to a lack of coordinated leadership, potentially resulting in unnecessary spending from the General Fund, contributing to a budget shortfall and missing opportunities for additional funding for the benefit of the students.

Agency Response: *The District regularly identifies and pursues available grant opportunities, and the District will plan to increase its efforts in this regard.*

2021-2022 Grand Jury Recommendation R1.3.1 By December 30, 2022, the Stockton Unified School District Board of Trustees reinstate the Grant Development Office to identify grant opportunities and apply for and monitor all grant applications. Reinstatement of the Grant Development Office will facilitate project and cost management.

Agency Response: *The District will re-establish the Grant Development Department, and it is actively recruiting for a Grant Development and Compliance Specialist who will report directly to the Superintendent.*

According to media reports and Board meeting agendas, SUSD on July 26, 2022, passed BAI 13.3 reinstating the Grant Development Office and has started recruiting a new director and staff for the Grant Development Office.

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R1.3.2 By December 30, 2022, the Stockton Unified School District Board of Trustees approve the reinstatement of a grant writer position within the Grant Development Office to explore grant opportunities for programs, facilities and services to assist in minimizing the risk of a Stockton Unified School District budget deficit.

Agency Response: *At the regular Board meeting on July 26, 2022, the Board reinstated the Grant Development and Compliance Specialist position.*

The 2022-2023 Grand Jury determined to take no further action.

1.4 Purchasing Inconsistencies

2021-2022 Grand Jury Finding F1.4.1 Stockton Unified School District's purchasing policies and procedures are not clearly defined, allowing for deviation from California Association of School Business Officers best practices by the Business Services Department.

Agency Response: *The District's general purchasing policies and procedures are set forth in Board Policy/Administrative Regulation 3310, 3311, and 3311.1, and in addition, the District maintains certain manuals and guides for its Purchasing Department including the Purchasing Policies and Procedures Manual; the School Bid Guidelines and Exceptions, updated October 26, 2021; and the Districtwide Purchasing Guidelines, updated February 1, 2022. These manuals/guides are intended to summarize, in a user-friendly format, the applicable Board Policies, Administrative Regulations, statutes, and case law. The District will review this material to enhance clarity and consistency. The Board disagrees, though, that CASBO provides definitive "best practices" against which the District's policies and procedures can or should be judged, although the District may consult CASBO resources to the extent that they may be helpful. Finally, the Board responds to the concerns raised in the Report regarding the District not utilizing an RFQ process to retain Total School Solutions;*

TSS provided professional consulting services, and because this was a “special service” under Government Code Section 53060, no bidding or Request for Qualifications was required.

2021-2022 Grand Jury Finding F1.4.2 Stockton Unified School District’s purchasing policies and procedures are not clearly defined, causing inaccurate evaluations of actual cost and delivery of products and services.

Agency Response: *The Board disagrees that its purchasing policies or procedures have caused incorrect evaluations of the actual cost and delivery of products and services. And the Board incorporates by this reference its response to Finding 1.4.1 above.*

2021-2022 Grand Jury Finding F1.4.3 Stockton Unified School District is inconsistent in use of Invitation for Bid, Request for Qualifications and Request for Proposal, resulting in providers not being strategically vetted and thereby allowing opportunity for misuse of funds and/or malfeasance.

Agency Response: *The District disagrees with this Finding. Purported inconsistencies identified in the Report are attributable to an exemption for special services, as explained above, and moreover, the Board is unaware of any evidence of misuse of funds or malfeasance. Nevertheless, the District will be implementing new policies and procedures pertaining to purchasing and procurement.*

2021-2022 Grand Jury Finding F1.4.4 Stockton Unified School District inconsistently uses a Request for Proposal for legal services as required by Board Bylaw 9124, potentially resulting in greater costs for legal services.

Agency Response: *The District points out that the awarding of contracts for professional services, like legal services, is not entirely based on pricing, but rather, is based largely on the quality of services provided. Moreover, as a matter of law, school districts are not required to use a Request for Proposal or public bidding process when retaining legal services.*

2021-2022 Grand Jury Finding F1.4.5 The Board of Trustees routinely disregards Stockton Unified School District staff recommendation and analysis of Request for Proposals, potentially causing the hiring of lesser qualified and/or more costly vendors.

Agency Response: *The District disagrees with this Finding. The Board does not routinely disregards staff recommendations and analyses on Requests for Proposals. In fact, only on rare occasions does the Board not support the staff recommendation. Moreover, if the Board were to decline a staff recommendation, that does not mean that the Board has disregarded or not considered the staff recommendation. The Board values and thoroughly considers staff recommendations in awarding contracts.*

2021-2022 Grand Jury Recommendation R1.4.1 By September 30, 2022, Stockton Unified School District Board of Trustees develop, adopt, and implement a revised Board Purchasing Policy 3310 to include clear policies and procedures for use of Invitation for Bid, Request for Qualifications and Request for Proposal.

Agency Response: *The District will comply with this Recommendation by November 8, 2022.*

Stockton Unified School District Board Policy 3310 was rewritten and approved by the Board on November 14, 2022, BAI 9.3(A).

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R1.4.2 By November 1, 2022, Stockton Unified School District Board of Trustees develop, adopt, and implement a training program and training schedule for administration, department heads and purchasing staff on the use of Invitation for Bid, Request for Qualifications and Request for Proposal.

Agency Response: *District staff already are engaged in such training. By November 8, 2022, the District will publicize the trainings in which staff has been engaged.*

On October 25, 2022, BAI 14.13 – Information on Business Services Office Training, was presented, with timelines, ensuring proper training pertaining to bids by Dannis, Wolliver, and Kelley (DWK).

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R1.4.3 By September 30, 2022, Stockton Unified School District Board of Trustees publicly agree through a Board resolution to adhere to Board Bylaw 9124 by requiring a Request for Proposal for all legal services.

Agency Response: *The District will not comply with this Recommendation as such as Board Resolution is unnecessary. As matter of law, school districts are not required to use a Request for Proposal or public bidding process when retaining legal services.*

While school districts do not have to issue a Request for Proposal (RFP) for temporary legal services, a cursory review of other school districts in California indicates that an RFP for legal services is a normal process and best practice to request bids by law firms as a tool of transparency and to ensure no conflict of interest is perceived or occurs when hiring legal services. FCMAT further illustrates in the February 2023 AB139 report presented to the Board that, “It is of concern that the board set a policy (Board Bylaw 9124) and then ignored it. Even more irregular and of equal concern is that the board would contract for services from a legal firm that would not advise their prospective client to follow their own policies.”

On January 6, 2023, BAI 2.2 terminated the questionable legal contract on a Board vote of 4-3.

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R1.4.4 By September 30, 2022, Stockton Unified School District Board of Trustees publicly agree, through a Board resolution, to require and consider staff recommendations and scoring matrixes prior to voting on any Request for Proposal.

Agency Response: *The Board will not comply with this Recommendation because such as Board Resolution is unwarranted and unnecessary. The Board routinely considers staff recommendations and scoring prior to voting on vendors' proposals. Nevertheless, during this calendar year, the District will be implementing new policies and procedures pertaining to purchasing and procurement.*

While the 2022-2023 Grand Jury understands a Board Resolution is nonbinding and merely a gesture of Board support, the Grand Jury is disappointed that the Board will not comply with such a recommendation in order to show support for SUSD staff's hard work and dedication while also demonstrating a check on actual or perceived conflict of interests.

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R1.4.5 By September 30, 2022, The Board of Trustees pass a resolution affirming Board Policy 3310, SUSD Districtwide Purchasing Guidelines, and Administrative Regulation 3310 and direct the Superintendent to follow these Policies, Guidelines and Regulations.

Agency Response: *The Board does not believe that such a Board Resolution is necessary, but the Board will comply with this Recommendation by November 8, 2022.*

The 2022-2023 Grand Jury determined to take no further action.

1.5 Legal Services Billing

2021-2022 Grand Jury Finding F1.5.1 Lack of detailed billing and incomplete invoices for Board review creates risks of paying for services not received.

Initial Agency Response: *The Board disagrees that this is an uncontrolled risk at the District.*

The Grand Jury does not find all of the Stockton Unified School District responses in compliance. The Grand Jury does not create new compliance guidelines itself but follows the law that directs what compliance means:

California Penal Code section 933.05:

(a) For purposes of subdivision of Section 933.05, as to each grand jury finding the responding persons or entity shall report one of the following actions:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933.05, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented actions.

(2) The recommendation has not yet been implemented but will be implemented in the future, with a time frame for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. The time frame shall not exceed six months from the date of publication of the grand jury report.

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

As a result, an insufficient response to the 2021-2022 San Joaquin County Civil Grand Jury, Stockton Unified School District was directed by the Court to comply with the above Penal Code. Stockton Unified School District's supplemental response is listed below.

Supplemental Agency Response: Pursuant to Penal Code Section 933.05(a)(2), the Board disagrees wholly with this Finding. As was set forth in the District's response to Recommendation #R1.5.1, all law firms retained by the District submit proper detailed invoices.

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R1.5.1 By October 1, 2022, the Stockton Unified School District Board of Trustees develop, adopt and implement a policy that requires legal firms to provide detailed billing information as prescribed by the American Bar Association.

Agency Response: All law firms retained by the District submit proper detailed invoices. The District points out, though, that the legal services invoices that were submitted to the Grand Jury by the District were redacted to prevent disclosure of attorney-client privileged information.

The 2022-2023 Grand Jury determined to take no further action.

1.6 Consulting Services

2021-2022 Grand Jury Finding F1.6.1 Consultant forms are accepted and forwarded to the Board without all sections completed and/or answered appropriately, impairing the Board's ability to make informed decisions.

Agency Response: *The District will take steps to remedy this problem, to the extent that it exists.*

2021-2022 Grand Jury Finding F1.6.2 Stockton Unified School District paid at least one consultant for services not delivered, resulting in a misuse of public funds.

Agency Response: *The District regrets to report that it has confirmed that in at least one instance, the District paid a consultant for services not delivered, and the Board appreciates that the Grand Jury has brought this situation to its attention. The District will take steps to remedy this problem, to the extent that it exists.*

2021-2022 Grand Jury Recommendation R1.6.1 By October 1, 2022, the Board of Trustees direct the Superintendent to adhere to Stockton Unified School District Board Policy E 3600 and require all Consultant Forms be complete and accurate prior to presentation to the Board.

Agency Response: *The Superintendent is hereby directed to adhere to this Recommendation.*

<p>The 2022-2023 Grand Jury determined to take no further action.</p>
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1.7 District Deficit and Risk of Insolvency

2021-2022 Grand Jury Finding F1.7.1 Stockton Unified School District current budget projections indicate there will be a budget deficit of more than \$30 million in fiscal year 2024-2025, a deficit which could cause layoffs and elimination or reduction of student programs.

Agency Response: *The District is in the process of resolving its budgetary issues.*

2021-2022 Grand Jury Finding F1.7.2 Stockton Unified School District has no plan in place to deal with deficit spending, putting Stockton Unified School District at risk of fiscal insolvency.

Initial Agency Response: *The District disagrees with this Finding.*

<p>The Grand Jury does not find all of the Stockton Unified School District responses in compliance. The Grand Jury does not create new compliance guidelines itself but follows the law that directs what compliance means:</p>

<p><i>California Penal Code section 933.05:</i></p>
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<p><i>(a) For purposes of subdivision of Section 933.05, as to each grand jury finding the responding persons or entity shall report one of the following actions:</i></p>

<p><i>(1) The respondent agrees with the finding.</i></p>
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<p><i>(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.</i></p>
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<p><i>(b) For purposes of subdivision (b) of Section 933.05, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:</i></p>
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(1) The recommendation has been implemented, with a summary regarding the implemented actions.

(2) The recommendation has not yet been implemented but will be implemented in the future, with a time frame for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. The time frame shall not exceed six months from the date of publication of the grand jury report.

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

As a result, an insufficient response to the 2021-2022 San Joaquin County Civil Grand Jury, Stockton Unified School District was directed by the Court to comply with the above Penal Code. Stockton Unified School District's supplemental response is listed below.

Supplemental Agency Response: Pursuant to Penal Code Section 933.05(a)(2), the District disagrees wholly with this Finding. The District has specific plans of action to avoid deficit spending such as by updating the District budget to accurately reflect unaudited actuals within the ending balances, by aligning the budget to correspond with student needs, and by continuing to reduce expenditures in various areas.

The FCMAT February 2023 AB139 report and the SJCOE October 2022 letter of Lack of Going Concern state multiple areas of accounting and management deficiencies that are indicators of fiscal insolvency and eventual State receivership.

2022-2023 San Joaquin County Civil Grand Jury Finding 1.2: While Stockton Unified School District "disagrees wholly" with the 2021-2022 Grand Jury finding concerning fiscal insolvency, two other independent evaluations support the 2021-2022 Grand Jury finding.

2022-2023 San Joaquin County Civil Grand Jury Recommendation 1.2: To safeguard against fiscal insolvency and possible State takeover of Stockton Unified School District, the San Joaquin County Office of Education by December 1, 2023, contract with the Fiscal Crisis & Management Assistance Team, to conduct a Fiscal Health Analysis of Stockton Unified School District and present the Fiscal Crisis & Management Assistance Team findings and recommendations to Stockton Unified School District during a public Board meeting.

2021-2022 Grand Jury Finding F1.7.3 Stockton Unified School District Departments do not have clear operational budgets, decreasing the effectiveness of planning and implementation of student-focused decision making.

Initial Agency Response: *The District disagrees with this Finding.*

Supplemental Agency Response: *Pursuant to Penal Code Section 933.05(a)(2), the District disagrees wholly with this Finding. The District has clear and detailed operational budgets for its various school sites and departments which are all set up within Business Plus, the District's accounting system. For the 2022-23 fiscal year, each school site and department throughout the District has been assigned a business analyst from the District's Business Department to help assist with respect to the alignment and expenditure reporting within their respective operational budgets.*

2021-2022 Grand Jury Finding F1.7.4 Stockton Unified School District has no defined and documented plan to pay for essential and on-going costs once one-time funds are depleted or unavailable, increasing the risk of General Fund depletion.

Initial Agency Response: *The District disagrees with this Finding*

Supplemental Agency Response: *Pursuant to Penal Code Section 933.05(a)(2), the District disagrees wholly with this Finding. Pursuant to its overall fiscal plan, the District continues to adjust its budget to move expenditures away from one-time funding, and additionally, the District continues to reduce expenditures that are deemed unnecessary while maintaining the District's primary focus on supporting the students.*

2021-2022 Grand Jury Finding F1.7.5 Stockton Unified School District has no Multi-Year Financial Projection to monitor the one-time fund expenditures as Stockton Unified School District moves into 2022-2023, potentially causing the projected deficit to occur earlier.

Initial Agency Response: *The District disagrees with this Finding.*

Supplemental Agency Response: *Pursuant to Penal Code Section 933.05(a)(2), the District disagrees wholly with this Finding. For re-adoption of the budget, the District has expressly adjusted its multi-year financial projections with specific plans to move expenditures away from one-time funding for the 2023-24 and 2024-25 fiscal years, and additionally, the District continues to reduce expenditures that are deemed unnecessary while maintain the District's primary focus on supporting the students.*

2021-2022 Grand Jury Recommendation R1.7.1 By December 1, 2022, the Stockton Unified School District Board of Trustees, in conjunction with the Superintendent, develop, adopt and implement operational budgets that address projected deficit spending for the District and all departments.

Agency Response: *The District already is complying with this Recommendation.*

<p>The 2022-2023 Grand Jury determined to take no further action.</p>
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2021-2022 Grand Jury Recommendation R1.7.2 By October 1, 2022, Stockton Unified School District Board of Trustees develop, adopt and implement a documented plan to identify the essential ongoing costs that are being funded by one-time money and revise the budget to reflect the impact to the General Fund.

Agency Response: *By November 23, 2022, the Board will adopt a plan to identify the essential ongoing costs that are being funded by one-time money, and will revise the District's budget if necessary.*

On January 24, 2023, SUSD conducted a special Board meeting to address the budgeting of Elementary and Secondary School Emergency Relief Fund (ESSER I, II, and III) monies. While the 2022-2023 Civil Grand Jury appreciates the efforts and hopes there will be more such meetings in the future, the Chief Business Officer was not able to answer Trustee questions about specifics. As mentioned by the Superintendent at the time, in the future there will be more presentations concerning one-time monies.

2022-2023 Grand Jury determined to take no further action.

2.0 Duty of Care

2.1 Conflict of Interest

2021-2022 Grand Jury Finding F2.1 The Stockton Unified School District Board of Trustees has shown disregard for Board Bylaw 9270, Conflict of Interest, contributing to an appearance of impropriety that may diminish the integrity of the District.

Initial Agency Response: *The District disagrees with this Finding.*

Supplemental Agency Response: *Pursuant to Penal Code Section 933.05(a)(2), the District disagrees wholly with this Finding. The Board of Trustees, individually and collectively, understands the importance of avoiding conflicts of interests and even the appearance of impropriety. In this regard, by approving this Supplemental Response to the Report from the San Joaquin County Grand Jury in Case #0121, the Board hereby reaffirms its commitment to comply with Board Bylaw 9270 ("Conflict of Interest").*

2021-2022 Grand Jury Finding F2.2 Not all Stockton Unified School District Board of Trustee members have completed the California School Board Association Master in Governance training program, leaving them inadequately trained in Board duties and responsibilities.

Agency Response: *The Board of Trustees will work on resolving these issues.*

2021-2022 Grand Jury Recommendation R2.1 By October 1, 2022, all members of the Stockton Unified School District Board of Trustees complete all five of the California School Board Association Masters in Governance training courses.

Agency Response: *The District will comply with this Recommendation by June 30, 2023.*

On March 1, 2023, SUSD responded to SJCOE, with their *Notice of Proposed Actions: AB 139 Audit*, which states:

"Board's Proposed Actions:

The Board agrees that it shall at least biennially be trained in the following areas:

a. Governance training (with an emphasis on the role of the board vs. staff), such as California School Boards Association Masters in Governance training

b. Conflict of interest training

c. Brown Act training (with emphasis on how to avoid illegal board meetings)

d. Ethics training for boards (required every two years per AB 2158)

The Board intends that it shall undertake the first such training pursuant to this recommendation, in each of the above areas, no later than July 31, 2023."

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R2.2 By October 1, 2022, Stockton Unified School District Board of Trustees provide Board members' California School Board Association certifications of completion of Masters in Governance training to the public in accordance with the Freedom of Information Act.

Agency Response: *By June 30, 2023, the District will comply with this Recommendation, consistent with the California Public Records Act.*

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R2.3 By October 1, 2022, Stockton Unified School District Board of Trustees post Board members' California School Board Association certifications of completion of Masters in Governance training on the District website.

Agency Response: *By June 30, 2023, the District will comply with this Recommendation.*

The 2022-2023 Grand Jury determined to take no further action.

3.0 Lack of Transparency

2021-2022 Grand Jury Finding F3.1 Lack of Stockton Unified School District Board of Trustee meeting minutes posted publicly and/or timely per Board Bylaw 9324, Minutes and Recordings, and Ed Code §35145a creates diminished public awareness of the actions of the Board of Trustees.

Agency Response: *The District has discovered that there had been some lapses in Board approval of Minutes, but on a going-forward basis, this issue has been resolved.*

2021-2022 Grand Jury Finding F3.2 The absence of general discussion in Board minutes diminishes Board accountability and public transparency, leaving District constituents ill-informed of District issues that could have adverse effects on the students.

Agency Response: *The District disagrees with this Finding. The audio and Zoom recordings of Board of Trustees meetings are available to the public, and except for Closed Session, all Board discussions are open to the public so there is full transparency.*

2021-2022 Grand Jury Finding F3.3 Board agenda packets are often missing important information, a violation of Board Bylaw 9324, Agenda/Meeting Materials, contributing to ill-informed decision making which could adversely impact students and constituents.

Agency Response: *The District disagrees with this Finding. Board agenda packets are in full compliance with law and with Board Bylaw 9324.*

2021-2022 Grand Jury Finding F3.4 Lack of public discussion on Board agenda items creates an appearance of business being conducted “behind closed doors” and fosters mistrust among District staff and constituents.

Agency Response: *The District disagrees with this Finding. The audio and Zoom recordings of Board of Trustees meetings are available to the public, and except for Closed Session, all Board discussions are open to the public so there is full transparency.*

2021-2022 Grand Jury Finding F3.5 Lack of certified translators for Board meetings causes inaccurate and nontransparent translations of public meetings.

Agency Response: *The District disagrees with this Finding. There are trained and experienced translators available at every Board meeting.*

2021-2022 Grand Jury Recommendation R3.1 By September 1, 2022, Stockton Unified School District Board of Trustees agendaize and approve Board minutes at the following Board meeting to optimize public information and transparency in accordance with Board Bylaw 9324.

Agency Response: *The District has discovered that there had been some lapses in Board approval of Minutes, but this issue has been resolved on a going-forward basis. It is a goal of the District to have Board Meeting Minutes agendaized and approved at the following Board meeting.*

<p>The 2022-2023 Grand Jury determined to take no further action.</p>
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2021-2022 Grand Jury Recommendation R3.2 By September 1, 2022, Stockton Unified School District Board of Trustees amend Board Bylaw 9324 Minutes and Recordings, to require posting Board minutes on the Stockton Unified School District website within 30 days of Board meetings to optimize transparency.

Agency Response: *The District has discovered that there had been some lapses in Board approval of Minutes, but this issue has been resolved on an ongoing basis. It is a goal of the District to have Board Meeting Minutes agendaized and approved at the following Board meeting.*

<p>The 2022-2023 Grand Jury determined to take no further action.</p>
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2021-2022 Grand Jury Recommendation R3.3 By August 15, 2022, Stockton Unified School District Board of Trustees follow Board Bylaw 9324.2 by including a summary of Board discussion in meeting minutes.

Agency Response: *The audio and Zoom recordings of Board of Trustees meetings are available to the public, and except for Closed Session, all Board discussions are open to the public so there is full transparency. On August 9, 2022, the Board of Trustees approved clarifying revisions to Board Bylaws 9324.*

The 2021-2022 San Joaquin County Civil Grand Jury recommendation was specific to Board minutes, and not accessibility of meetings. As noted by a member of the public at the January 24, 2023 Board meeting, vote totals are not transparent to the discussion and reasoning behind Board decisions, disenfranchising the voting public. As the 2021-2022 Civil Grand Jury Case #0121 states, “A comparison of Board minutes from the other 13 school districts in San Joaquin County to those of SUSD shows the SUSD Board minutes are not as comprehensive as all other County school districts. SUSD minutes include no general discussion regarding Trustee activity while all other districts’ minutes do.”

Although the District response to Finding 3.2 was “disagree,” SUSD has begun including public discussion and trustee comments on Board minutes, further increasing information and transparency to the general public as well as meeting the recommendation of the 2021-2022 Civil Grand Jury.

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R3.4 By August 15, 2022, Stockton Unified School District Board of Trustees adhere to Board Bylaw BB 9322 Agendas/Meeting Materials and direct the Superintendent to ensure all Board agenda packets have completed forms, with no blank spaces or incomplete details and information.

Agency Response: *The District already complies with this Recommendation.*

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R3.5 By October 1, 2022, Stockton Unified School District Board of Trustees utilize professional services of a certified Spanish translator for all Board meetings to insure accurate translation of all public meetings. This will ensure transparency.

Agency Response: *Although its translators are not necessarily certified, such as through the American Translators Association, the District retains the services of dedicated, competent, and professional translators to work at Board meetings.*

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R3.6 By November 1, 2022, the Stockton Unified School District Board of Trustees, during a public meeting, discuss each finding and recommendation of this full Grand Jury report as a separate Board agenda discussion item.

Agency Response: *On August 4, 2022, the District hosted a Town Hall meeting for the purpose of hearing from the public regarding the Grand Jury Report. Additionally, at the Board's regular meeting on August 23, 2022, the District's draft Response to the Grand Jury Report was agendaized, and the public and members of the Board of Trustees had a full opportunity to express their views on each Finding and Recommendation in the Grand Jury Report prior to the Board approving this response to the Report.*

Merriam-Webster Dictionary defines Town Hall as “an event at which a politician or public official answers questions from members of the public.”

The 2022-2023 San Joaquin County Civil Grand Jury attended the “Town Hall” and witnessed silence insofar as the public officials were concerned, an attempt to end the “Town Hall” after only four speakers. The Board members that were present made no effort to answer the public’s questions concerning the Grand Jury report and demonstrated a lack of interest in public input.

The 2022-2023 Grand Jury determined to take no further action.

2022-2023 San Joaquin County Civil Grand Jury Conclusion

As the 2020-2021 Grand Jury Case #0620 – *Stockton Unified School District Board of Trustees: Dissention, Dismay, and Disarray* concludes, “To paraphrase the former student representative, the Grand Jury wishes all members of the Stockton Unified community the best of luck in their endeavors to make SUSD the district that it deserves to be.”

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).

This report was issued by the Grand Jury with the exception of one juror who, due to a potential conflict of interest recused themselves from all parts of the investigation, including interviews, deliberations, and the writing and approval of the report.

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.

Note: If the responder is an elected official, the response must be sent within 60 days of receipt.

San Joaquin County Office of Education Board of Trustees respond to Finding and Recommendation 1.2.

Stockton Unified School District Board of Trustees respond to Finding and Recommendation 1.1 and 1.3.

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

Honorable Michael D. Coughlan, Presiding Judge
San Joaquin County Superior Court
180 E Weber Ave, Suite 1306J
Stockton, California 95202

Also, please email a copy of the response to Mr. Irving Jimenez, Staff Secretary to the Grand Jury, at grandjury@sjcourts.org.



Superior Court of California, County of San Joaquin

180 E. Weber Avenue, Ste 1306]

Stockton, CA 95202

Telephone: (209) 992-5695

October 3, 2022

Cecelia Mendez, Board President
Stockton Unified School Board of Education
56 S. Lincoln St.
Stockton, CA 95203

Re: Response to 2021-2022 Grand Jury Report #0121

Dear President Mendez:

At the direction of Hon. Michael D. Coughlan, Presiding Judge of Superior Court, I am the Judge assigned to supervise the grand juries in San Joaquin County.

The court has received Stockton Unified School Board of Education's formal Response, dated August 24, 2022 to the 2021-2022 San Joaquin County Grand Jury's Report #0121.

The Response notes that it is submitted pursuant to California Penal Code sections 933 and 933.05. Upon review, it appears that the responses to the following Grand Jury Findings do not meet the requirements of California Penal code section 933.05(a)(2): FI .5; FI .7.2, FI .7.3; .7.4; .7.5; and F2.1. Penal Code section 933.05(a) states:

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

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor."

Please submit the Board's response, in compliance with California Penal Code section 933.05(a)(2), within forty-five (45) days of receipt of this communication. If additional time is needed, it will be provided.

Sincerely,

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

/ Hon. George J. Abdallah, Jr.

Judge of the Superior Court and

Supervising Judge to the San Joaquin County Grand Juries

Follow-up Report to the 2021-2022 San Joaquin County Civil Grand Jury



San Joaquin County and Its Seven Cities: Cybersecurity: Local Defense Against a Global Threat Case #0321

Preface

This report contains the responses to the 2021-2022 San Joaquin County Civil Grand Jury report titled *Cybersecurity: Local Defense Against a Global Threat*. This follow-up report focuses on the 2021-2022 Grand Jury findings and recommendations, and the San Joaquin County Board of Supervisors' responses which are presented verbatim in this report.

The 2022-2023 Grand Jury follow-up determinations are presented after the agency's responses to each recommendation.

Discussions, findings, and recommendations from the 2022-2023 Grand Jury are in text boxes framed in black.

Complete copies of the original report and the agency's responses may be found on the San Joaquin County Grand Jury website at: <https://www.sjcourts.org/grandjury/>.

Summary

San Joaquin County's cities, County agencies, and school districts have fallen victim to ransomware and cybersecurity attacks in recent years. Due to the complexity of Information Technology (IT) infrastructure and the rise in cybercrime, the 2021-2022 Grand Jury investigated the IT departments

of San Joaquin County's seven cities and the County Information Services Department (ISD) to ensure that the security and disaster preparedness of IT services were in place.

The 2021-2022 Grand Jury recommended that the County and the seven cities:

- develop, adopt, and implement an IT Disaster Preparedness Plan;
- develop, adopt, and implement a Business Continuity Plan; and
- remedy specific cybersecurity risks as they pertain to each entity.

As a leader in best-practice policies, San Joaquin County is quickly becoming a front-runner in information technology and cybersecurity.

The 2022-2023 Grand Jury has determined that five of the seven cities and the County have met the recommendations of the 2021-2022 Grand Jury investigative report.

Method of Follow-Up Investigation

The 2022-2023 Grand Jury reviewed the original 2021-2022 report #0321, *Cybersecurity: Local Defense Against a Global Threat*, and conducted an interview. The 2021-2022 Grand Jury interviewed Directors of the Information Technology Departments. The mandatory responses to the findings and 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; and
- if confirmation was necessary it could include written documentation, interviews, or site inspections.

The 2022-2023 Grand Jury determined that recommendations have either been implemented or are nearly complete in the implementation process for the seven cities and the County.

Glossary

- **Access:** The ability and means to communicate with or otherwise interact with a system; to use system resources to manage information; to gain knowledge of the information the system contains; to control system components and functions.
- **Attack:** An intentional attempt to gain unauthorized access to system services, resources, or information; an attempt to compromise system integrity.
- **Authentication:** The process of verifying the identity or other attributes of an entity (user, process, or device).
- **Authorization:** A process of determining, by evaluating applicable access control information, whether a subject is allowed to have the specified types of access to a particular resource.
- **BCP:** Business Continuity Plan. A document that sets forth procedures for the continued performance of core capabilities, critical operations, and user services during any disruption or potential disruption.

- **CIO:** Chief Information Officer.
- **Computer-Aided Dispatch Systems:** Used by dispatchers, call-takers, and 911 operators to prioritize and record incident calls, identify the status and locations of responders in the field, and effectively dispatch responders.
- **Confidentiality:** A property of information that is not disclosed to users, processes, or devices unless they have been authorized to access the information.
- **Cyber event or incident:** An occurrence that actually or potentially results in adverse consequences to an information system or the information that the system processes, stores, or transmits and that may require a response action to mitigate the consequences. An occurrence that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies.
- **Cybersecurity:** The activity, process, ability, capability, or state whereby information and communications systems and the information contained therein are protected from and/or defended against damage, unauthorized use, modification, or exploitation.
- **Data integrity:** The property that data is complete, intact, and trusted and has not been modified or destroyed in an unauthorized or accidental manner.
- **Data security policy:** A rule or set of rules that governs the acceptable use of an organization's information and services to a level of acceptable risk and the means for protecting the organization's information assets.
- **Encryption:** The process of converting data into a form that cannot be easily understood by unauthorized people or agents.
- **Firewall:** A capability to limit network traffic between networks and/or information systems. A hardware/software device, or a software program, that limits network traffic according to a set of rules of what access is and is not allowed or authorized.
- **Hacker:** An unauthorized user who attempts to or gains access to an information system.
- **ISD:** Information Systems Department.
- **IT:** Information Technology.
- **KnowB4:** A proprietary security awareness training platform. KnowB4 is used by agencies for simulated phishing activities and other email compromise tests, as well as for other IT security training needs.
- **Malware:** Software that compromises the operation of a system by performing an unauthorized function or process.
- **Mobile device management tool:** A security software tool designed to help organizations secure, manage and monitor mobile devices such as smartphones and tablets.
- **Multi-factor authentication:** An electronic authentication mechanism in which a user is granted access to an application only after presenting two or more pieces of evidence (factors or keys only the authentic user knows or possesses).
- **Multi-layer security access:** Multi-layer security refers to a system that uses numerous components to shield the IT infrastructure. It is a defense mechanism that mitigates, delays or prevents threats.
- **Network or cyber infrastructure:** The information and communication systems and services composed of all hardware and software that process, store, and communicate information; any combination of all these elements.

- **Next-generation systems:** Security systems consisting of both firewall and intrusion prevention systems built in, rather than as add-ons, along with the features of basic firewalls.
- **Phishing:** A digital form of social engineering to deceive individuals into providing sensitive information.
- **Ransomware:** A type of malicious software designed to block access to a computer system until a sum of money is paid.
- **Ransomware attack response plan:** A set of predetermined and documented procedures to detect and respond to a cyber incident involving demand for ransom for recovery and restoration of data or systems.
- **Records Management System:** The management of records for an organization throughout the records' life cycle.
- **Redundancy:** Additional or alternative systems, sub-systems, assets, or processes that maintain a degree of overall functionality in case of loss or failure of another system, sub-system, asset or process. Typically applied to power supplies and data backup systems.
- **Vulnerability:** A characteristic or specific weakness that renders an organization or asset (such as information or an information system) open to exploitation by a given threat or susceptible to a given hazard.
- **Wi-Fi network:** A family of wireless network protocols used for local area networking of devices and internet access, allowing nearby digital devices to exchange data by radio waves.

Summary of Responses and Grand Jury Conclusions

Respondent	2021-2022 Rec #	Response	2022-2023 Grand Jury Conclusion	
			Due Date	Conclusion
San Joaquin County Board of Supervisors	R1.1	Implemented November 1, 2022	November 1, 2022	No further action
City of Escalon	R2.1	Implemented January 1, 2023	January 1, 2023	No further action
City of Lathrop	R3.1	Implemented June 1, 2022	November 1, 2022	No further action
	R3.2	Disagrees	November 1, 2022	No further action
	R3.3	Implemented January 1, 2023	January 1, 2023	No further action
	R3.4	Implemented January 1, 2023	November 1, 2022	No further action
	R3.5	Implemented January 1, 2023	January 1, 2023	No further action
City of Lodi	R4.1	Will be implemented by July 1, 2023	July 1, 2023	Will be implemented July 1, 2023
City of Manteca	R5.1	Will be implemented by January 1, 2023	October 1, 2023	The requested confirmation of compliance was not received (see R1.0)
	R5.2	Will be implemented by March 1, 2023	October 1, 2023	The requested confirmation of compliance was not received (see R1.1)
	R5.3	Will be implemented by March 1, 2023	October 1, 2023	The requested confirmation of compliance was not received (R1.2)

Respondent	2021-2022 Rec #	Response	2022-2023 Grand Jury Conclusion	
			Due Date	Conclusion
City of Ripon	R6.1	Implemented December 13, 2022	January 1, 2023	No further action
	R6.2	Implemented December 13, 2022	January 1, 2023	No further action
	R6.3	Implemented December 13, 2022	January 1, 2023	No further action
	R6.4	Implemented December 13, 2022	January 1, 2023	No further action
	R6.5	Implemented December 13, 2022	January 1, 2023	No further action
	R6.6	Implemented December 13, 2022	January 1, 2023	No further action
City of Stockton	R7.1	Implemented November 1, 2022	November 1, 2022	No further action
City of Tracy	R8.1	Implemented 1 st quarter of 2023	April 1, 2023	No further action
	R8.2	Implemented 1 st quarter of 2023	April 1, 2023	No further action
	R8.3	Implemented 1 st quarter of 2023	April 1, 2023	No further action

Findings, Recommendations, Agency Responses, and Grand Jury Results

1.0 San Joaquin County

2021-2022 Grand Jury Finding F1.1: San Joaquin County does not have a formal internal policy concerning payments or procedures in ransomware attacks. This absence of policy could cause confusion, delay and greater loss of security in the event of such an attack.

Agency Response: *Agree. Information Systems Division (ISD) concurs with the Grand Jury's finding.*

2021-2022 Grand Jury Finding F1.2: San Joaquin County has an exemplary profile regarding cybersecurity and should serve as a model for other government agencies within San Joaquin County.

Agency Response: *Agree. ISD concurs with the Grand Jury's finding.*

2021-2022 Grand Jury Recommendation R1.1: By November 1, 2022, the San Joaquin County Board of Supervisors, in conjunction with San Joaquin County ISD, develop, adopt and implement a formal internal policy and procedure for response to a ransomware attack.

Agency Response: *Will be implemented. San Joaquin County ISD will develop, adopt, and implement a formal internal policy and procedures for the County's response to a ransomware attack. This process has already begun, but may extend beyond November 1, 2022. ISD will coordinate with County Counsel, as well as other agencies with robust ransomware policies and procedures, to develop and implement a plan that represents current industry best practices.*

<p>The 2022-2023 Grand Jury determined to take no further action.</p>
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2.0 City of Escalon

2021-2022 Grand Jury Finding F2.1: The City of Escalon does not have a documented Business Continuity Plan, leaving the City relatively unprepared to restore essential services in a disruptive event.

Agency Response: *The City of Escalon acknowledges Finding F2.1 and will develop, adopt and implement a Business Continuity Plan by January 1, 2023.*

2021-2022 Grand Jury Recommendation R2.1: By January 1, 2023, the Escalon City Council, in conjunction with Mid Valley IT, develop, adopt, and implement a Business Continuity Plan.

Agency Response: *The City of Escalon acknowledges Finding F2.1 and will develop, adopt and implement a Business Continuity Plan by January 1, 2023.*

<p>The 2022-2023 Grand Jury determined to take no further action.</p>
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3.0 City of Lathrop

2021-2022 Grand Jury Finding F3.1: The City of Lathrop does not employ multi-factor authentication universally, leaving City systems more vulnerable to the activities of bad actors.

Agency Response: *The City of Lathrop City Council agrees with Grand Jury Finding F3.1 and Recommendation R3.1 and multi-factor authentication security has been implemented and in effect since June of 2022.*

2021-2022 Grand Jury Recommendation R3.1: By November 1, 2022, the Lathrop City Council, in conjunction with the City's IT department, develop, adopt, and implement a procedure for universal multi-factor authentication for access to City data.

Agency Response: *The City of Lathrop City Council agrees with Grand Jury Finding F3.1 and Recommendation R3.1 and multi-factor authentication security has been implemented and in effect since June of 2022.*

<p>The 2022-2023 Grand Jury determined to take no further action.</p>
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2021-2022 Grand Jury Finding F3.2: The City of Lathrop provides an unsecured public Wi-Fi network. Misuse of this unsecured network could expose the City to liability risks.

2021-2022 Grand Jury Recommendation R3.2: By November 1, 2022, the Lathrop City Council, in conjunction with the City's IT department, provide a secure public Wi-Fi network.

Agency Response: *The City of Lathrop disagrees with Grand Jury Finding F3.2 and Recommendation R3.2 because by definition, publicly available Wi-Fi is inherently "unsecured", although this designation is a misnomer because it eludes to an idea that publicly available Wi-Fi can either be secured or unsecured, and that unsecured is less "safe" or more "risky" than secured. Neither are the case. An "unsecured network" only means that such Wi-Fi is publicly available for anyone to use. Wi-Fi networks, either secured or unsecured, cannot merge end-users between those networks. Secured and unsecured networks, and the end-users utilizing either, remain completely isolated from one another; it would be unfeasible for someone with access to only an unsecured Wi-Fi network to also have the ability to gain access to a separate, secured Wi-Fi network.*

The commonly perpetuated idea of "risk" associated with the use of an unsecured Wi-Fi network incorrectly shapes such "risk" as something that happens upon an end-user regardless of their use of the unsecured Wi-Fi network, when in reality, risk can develop and potentially increases the more limited and end-user's understanding of how their digital presence on the internet affects their vulnerability and security. End-users should be encouraged to utilize personal checks and balances to verify the Wi-Fi networks they choose to connect to are verifiable and reputable, that their presence on the internet is not made easily available to be tracked by others, and that they are visiting legitimate websites, in order to further maintain security of their personal data and information.

Publicly available Wi-Fi is a critical asset to cities around the country. Publicly available Wi-Fi provides the public the opportunity to connect to critical and important information equitably

and provides a consistent source of access to such information, promoting economic inclusion within the community. The City of Lathrop currently hosts and unsecured public Wi-Fi network entitled "City of Lathrop Guest Cloud 1" and end-users who connect to this network to access the internet must agree to the terms and conditions of its use, and which the public is only able to remain connected to for time increments of thirty (30) minutes, between 7am and 7pm, seven (7) days per week.

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Finding F3.3: The City of Lathrop does not have an approved Business Continuity Plan, rendering the City relatively unprepared to restore essential services in a disruptive event.

2021-2022 Grand Jury Recommendation R3.3: By January 1, 2023, the Lathrop City Council, in conjunction with the City's IT department, develop, adopt, and implement a Business Continuity Plan.

Agency Response: *The City of Lathrop has an unwritten Business Continuity Plan but not a written one. The City of Lathrop City Council agrees with Grand Jury Finding F3.3 and Recommendation R3.3 and documentation is anticipated to be complete by January 2023.*

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Finding F3.4: The City of Lathrop does not have a formal internal policy or procedure to address ransomware attacks. This absence of policy could cause confusion, delay and greater loss of security in the event of such an attack.

2021-2022 Grand Jury Recommendation R3.4: By November 1, 2022, the Lathrop City Council, in conjunction with the City's IT department, develop, adopt, and implement a formal internal policy and procedure for a ransomware attack.

Agency Response: *The City of Lathrop has an unwritten, internal procedure to address ransomware attacks and, in addition to such, has hired a consultant whom will assist the City in development and implementation of a formal written policy for procedures to address ransomware attacks. The City of Lathrop City Council agrees with Grand Jury Finding F3.4 and Recommendation R3.4 and anticipates documentation will be complete by January 2023.*

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Finding F3.5: The City of Lathrop does not have an insurance policy covering financial losses from a cyberattack, possibly exposing City financial resources.

2021-2022 Grand Jury Recommendation R3.5: By January 1, 2023, the Lathrop City Council, in conjunction with the City's IT department, obtain an insurance policy to mitigate fiscal impact resulting from cyberattack or other critical information system loss.

Agency Response: *The City of Lathrop City Council partially agrees with Grand Jury Finding F3.5 and Recommendation R3.5 and would like to further clarify that staff confirmed that the city of Lathrop does in fact have cybersecurity insurance coverage, and is currently in discussions with Risk Management to enhance said coverage.*

The 2022-2023 Grand Jury determined to take no further action.

4.0 City of Lodi

2021-2022 Grand Jury Finding F4.1: The City of Lodi does not have an approved Business Continuity Plan, rendering the City relatively unprepared to restore essential services in a disruptive event.

Agency Response: *Lodi agrees with this finding. However, Lodi was already on track to complete a BCP before this investigation began and will have one in place by the end of June 2023.*

2021-2022 Grand Jury Finding F4.2: The City of Lodi has implemented an excellent cyber awareness training program for all employees minimizing risk to damage from cyberattack.

Agency Response: *Lodi agrees with this finding.*

2021-2022 Grand Jury Recommendation R4.1: By January 1, 2023, the Lodi City Council, in conjunction with the City's IT division, develop, adopt and implement a Business Continuity Plan.

Agency Response: *Lodi will adopt a Business Continuity plan by the recommended date.*

The City of Lodi agrees to comply by July 1, 2023.

5.0 City of Manteca

2021-2022 Grand Jury Finding F5.1: The City of Manteca has an Information Technology Security Policy which has not been updated since 2010, leaving the City relatively unprepared for a cyber event.

Agency Response: *The City agrees with this finding in part; while the City's policy has not been updated since 2010, the City has undertaken other security measures and trainings to stave off a cyber-event.*

2021-2022 Grand Jury Finding F5.2: The City of Manteca lacks a policy and procedure for ransomware attacks. This absence of policy could cause confusion, delay, and greater loss of security in the event of such an attack.

Agency Response: *The City agrees with this finding in part; though the City does not have a formal policy, IT staff is trained and capable to deal with a cyber-event.*

2021-2022 Grand Jury Finding F5.3: The City of Manteca has a significant number of security devices with single power supplies. This lack of redundant power presents vulnerability in major or prolonged power outages.

Agency Response: *The City agrees with this finding.*

2021-2022 Grand Jury Recommendation R5.1: By January 1, 2023, the Manteca City Council, in conjunction with the City's ISD, develop, approve, and implement an updated Information Technology Security Policy.

Agency Response: *This recommendation will be completed by January 1, 2023.*

2021-2022 Grand Jury Finding F5.1: The City of Manteca has an information technology security policy that has not been updated since 2010, leaving the City relatively unprepared for a cyber event.

The 2022-2023 Grand Jury's request for confirmation of action taken has not been answered.

The 2022-2023 Grand Jury Recommendation 1.0: By October 1, 2023, the Manteca City Council, in conjunction with the City's ISD, develop, approve, and implement an updated Information Technology Security Policy and forward the approved policy to the 2023-2024 San Joaquin County Civil Grand Jury.

2021-2022 Grand Jury Recommendation R5.2: By January 1, 2023, the Manteca City Council, in conjunction with the City's ISD, develop, approve, and implement a confidential policy and procedure for response to a ransomware attack.

Agency Response: *The City will implement this recommendation on or before March 1, 2023.*

2021-2022 Grand Jury Finding F5.2: The City of Manteca lacks a policy and procedure for ransomware attacks. This absence of policy could cause confusion, delay, and greater loss of security in the event of such an attack.

The 2022-2023 Grand Jury's request for confirmation of action taken has not been answered.

The 2022-2023 Grand Jury Recommendation R1.1: By October 1, 2023, the Manteca City Council, in conjunction with the City's ISD, develop, approve, and implement a confidential policy and procedure for responding to a ransomware attack and forward the approved policy to the 2023-2024 San Joaquin County Civil Grand Jury.

2021-2022 Grand Jury Recommendation R5.3: By March 1, 2023, the Manteca City Council, in conjunction with the City's ISD, develop, approve and adopt an updated timeline to replace single-powered units with dual-powered or redundant-powered units in their network architecture.

Agency Response: *All critical network architecture have been updated with redundant-powered units.*

2021-2022 Grand Jury Finding F5.3: The City of Manteca has a significant number of security devices with single power supplies. This lack of redundant power presents vulnerability in major or prolonged power outages.

The 2022-2023 Grand Jury's request for confirmation of action taken has not been answered.

The 2022-2023 Grand Jury Recommendation R1.2: By October 1, 2023, the Manteca City Council, in conjunction with the City's ISD, to provide confirmation of the completion of the replacement of single-powered units with dual-powered or redundant-powered units in their network architecture and forward the confirmation to the 2023-2024 San Joaquin County Civil Grand Jury.

6.0 City of Ripon

2021-2022 Grand Jury Finding F6.1: It is unclear in the City of Ripon's Organization Chart where responsibilities for IT and IT security lie, creating confusion over who is responsible to act in a disruptive event.

Agency Response: *The City of Ripon respectfully disagrees with this finding for the reasons set forth below.*

The IT Department is organized into Information Technology Technician level I and II, with the tier II technician reporting directly to the Lieutenant of the Ripon Police Department. The Police Department's organizational chart (sic) depicts the relationship between the two IT positions and the Lieutenant. In a disruptive event it is clear that the technicians within the IT Department, as well as all identified vendors and contractors, respond to, preserve and reinstate functions as the City of Ripon, under the supervision of the Lieutenant.

At this time, both Information Technology Technician positions are filled and both employees have been fully briefed as to the organizational structure.

2021-2022 Grand Jury Finding F6.2 The City of Ripon has a rudimentary network diagram outlining the City's router and firewall relationship with networks used, but the diagram lacks detail, leaving uncertainty about data security.

Agency Response: *The City of Ripon respectfully disagrees with the finding. The City of Ripon has contracted with Waypoint Network Solutions for the last 15 years to assist in creating very detailed diagrams of network structure including documentation on router and firewall settings. Both of the City's Information Technology technicians understand these diagrams and work with Waypoint Network Solutions as updates are periodically needed when improvements are made to increase the security of the City's network.*

2021-2022 Grand Jury Finding F6.3: Although the City of Ripon met expectations in the areas of data confidentiality and security, lack of IT staff and leadership leaves these areas vulnerable to cyberattack.

Agency Response: *The City of Ripon has addressed this Finding as to staffing following the information-gathering phase of the Report. The City of Ripon has created a second full time*

position as part of the Fiscal year 2022-2023 budget. The City has filled both full-time positions since the completion of the information-gathering phase.

The City of Ripon respectfully disagrees with the finding regarding lack of leadership. The IT team leader reports directly to the Lieutenant of the Ripon Police Department for status updates and administrative decisions.

2021-2022 Grand Jury Finding F6.4: The City of Ripon lacks a Business Continuity Plan, rendering the City relatively unprepared to restore essential services in a disruptive event.

Agency Response: *The City of Ripon has addressed this finding following the information-gathering phase of this Report. The City of Ripon has drafted a formal plan for business continuity as part of the City's Network Security Plan (sic) that was approved by the City Council on December 13, 2022.*

2021-2022 Grand Jury Finding F6.5: The City of Ripon does not have a Disaster Preparedness Plan, leaving the City at risk for significant delay and cost to restore IT systems in the event of a disaster.

Agency Response: *The City of Ripon has addressed this finding following the information-gathering phase of this Report. Many of the disaster response measures were already in place prior to the information-gathering phase. To avoid the confusion of utilizing multiple plans in the event of a ransomware attack, the City of Ripon has drafted the elements of the of the disaster preparedness plan as part of the City's Network Security Plan.*

2021-2022 Grand Jury Finding F6.6: The City of Ripon does not have a formal policy or procedure to address ransomware attacks. This absence of policy could cause confusion, delay and greater loss of security in the event of an attack.

Agency Response: *The City of Ripon has addressed this finding following the information-gathering phase of this Report. Many of the measures to address a ransomware attack were already in place prior to the information-gathering phase. To avoid the confusion of utilizing multiple plans in the event of a ransomware attack, the City of Ripon has incorporated the elements of the ransomware attack response as part of the Network Security Plan.*

2021-2022 Grand Jury Recommendation R6.1: By January 1, 2023, the Ripon City Council develop and make public an updated City Organizational chart showing details of the City's IT functions, including all IT positions.

Agency Response: *The City of Ripon has updated its organizational chart to show the changes made to our current staff positions (sic).*

<p>The 2022-2023 Grand Jury determined to take no further action.</p>
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2021-2022 Grand Jury Recommendation R6.2: By January 1, 2023, the Ripon City Council develop and adopt a detailed Network Diagram to decrease security vulnerabilities.

Agency Response: *The City of Ripon already has developed and adopted highly detailed networks diagrams that are kept confidential and secure internally. The City of Ripon*

recognizes the importance of maintaining network documentation and will continually maintain its network documentation consistent with the Grand Jury's recommendation.

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R6.3: By January 1, 2023, the Ripon City Council obtain a third-party security review of the City's IT department assets, positions, and policies and an evaluation of data confidentiality, security systems and protocols.

Agency Response: *The City of Ripon has obtained the third-party firm "Resolute Guard" to perform an independent review of the City's IT department assets, which has been completed. The City of Ripon's IT department has incorporated the recommendations of this third-party review into the operations of the IT department, consistent with the Grand Jury's findings.*

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R6.4: By January 1, 2023, the Ripon City Council develop, adopt and implement a formal Business Continuity Plan.

Agency Response: *The City of Ripon has conducted an internal review of its network and developed the elements of the business continuity plan as part of the City's Network Security Plan that is accessible to the IT department and relevant Response Team Members. This plan was adopted by the City Council on December 13, 2022 and will be continually reviewed and updated to stay current and effective with evolving technologies.*

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R6.5: By January 1, 2023, the Ripon City Council develop, adopt and implement a formal Disaster Preparedness Plan for IT functions.

Agency Response: *The City of Ripon has conducted an internal review of its network and incorporated the elements of the Disaster Preparedness Plan as part of the City's Network Security Plan previously described.*

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R6.6: By January 1, 2023, the Ripon City Council develop, adopt, and implement a formal internal policy and procedure for response to a ransomware attack.

Agency Response: *The City of Ripon has conducted an internal review of its network and incorporated the elements of responding to a ransomware attack as part of the City's Network Security Plan previously described.*

The 2022-2023 Grand Jury determined to take no further action.

7.0 City of Stockton

2021-2022 Grand Jury Finding F7.1: The City of Stockton does not have a formal internal policy concerning payments or procedures in ransomware attacks. This absence of policy could cause confusion, delay, and greater loss of security in the event of an attack.

Agency Response: *The City agrees with this finding.*

2021-2022 Grand Jury Finding F7.2: The City of Stockton has a large IT Department which places cybersecurity and disaster preparedness at a high priority, minimizing risk to the City's information and service systems.

Agency Response: *The City agrees with this finding.*

2021-2022 Grand Jury Recommendation R7.1: By November 1, 2022, the Stockton City Council, in conjunction with the City's IT department, develop, adopt, and implement a formal internal policy and procedure for response to a ransomware attack.

Agency Response: *A formal internal policy and procedure for response to a ransomware attack was approved by the City Manager on September 1, 2022, and presented to the City Council at its September 13, 2022 public meeting (sic).*

<p>The 2022-2023 Grand Jury determined to take no further action.</p>
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8.0 City of Tracy

2021-2022 Grand Jury Finding F8.1: Lacking a requirement for encryption of thumb drives used on City devices exposes the City of Tracy to potential data theft and contamination.

2021-2022 Grand Jury Recommendation R8.1: By November 1, 2022, the Tracy City Council, in conjunction with the IT division, develop, adopt, and implement a policy requiring encryption of thumb drives used on City devices.

Agency Response: *IT has developed a draft policy to require encrypted thumb drives which will be routed through HR for official adoption. For the implementation of administrative policies such as the one for the encryption of thumb drives, the City of Tracy's procedures require that these draft policies be routed to the various bargaining units for approval. The draft IT policy is currently being circulated to these units and should be ready for adoption shortly. While we strive to remove technological barriers that encourage removable storage use, we recognize special situations exist that require it. Once the new policy is rolled out all thumb drives used for City data or on City-owned devices will be required by the policy to be encrypted.*

<p>The 2022-2023 Grand Jury determined to take no further action.</p>
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2021-2022 Grand Jury Finding F8.2: The City of Tracy lacks a completed Business Continuity Plan, rendering Tracy relatively unprepared to restore essential services in a disruptive event.

2021-2022 Grand Jury Recommendation R8.2: By January 1, 2023, the Tracy City Council, in conjunction with the IT division, develop, adopt and implement a formal Business Continuity Plan.

Agency Response: *Human Resources coordinated with a consultant and management from each department to draft a Business Continuity Plan to be finalized as an Annex to the City of Tracy Emergency Management Plan. The South San Joaquin County Fire Authority has contracted services to prepare the draft Emergency Management Plan which is anticipated to be finalized in the fall of 2022. The IT Manager had several meetings with the consultant to summarize the business continuity plan for the information technology needs of the organization. The IT department is aware of the lack of an IT-specific Disaster Recovery/ Business continuity plan as it relates to a Cyber incident. The IT department will be crafting an RFP to include a disaster preparedness plan and necessary infrastructure additions as well as IT-specific Business Continuity. In addition, we plan to add a dedicated information security position this fiscal year in line with the Grand Jury recommendation. It is generally recognized practice for the Security Officer in an organization to maintain a Disaster Preparedness and Business Continuity Plan. Due to the nature of this policy adoption, as part of the Tracy Emergency Management Plan, City Council approval is required. The City is striving to adopt this Business Continuity Plan by the first quarter of 2023.*

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R8.3: By January 1, 2023, the Tracy City Council provide the Grand Jury with an updated formal Disaster Preparedness Plan.

Agency Response: *We view the business continuity, and the disaster preparedness plans as two sides of the same coin that work hand in hand and should be addressed holistically. Any large- scale Cyber business continuity event should be treated in a similar way as a disaster. Most equipment will be unavailable for extended periods of time due to the necessary forensics. We plan on addressing this in conjunction with the IT-specific business continuity plan as outlined in the response to Finding 8.2. Due to the nature of this policy, as an annexation to the City of Tracy Emergency Management Plan, City Council approval is required. The City is striving to adopt the Disaster Preparedness Plan by the first quarter of 2023.*

The 2022-2023 Grand Jury determined to take no further action.

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).

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 City of Lodi and the City of Manteca shall respond to all the findings and recommendations specific to their city.

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

Honorable Michael D. Coughlan, Presiding Judge
San Joaquin County Superior Court
180 E Weber Ave, Suite 1306J
Stockton, California 95202

Also, please email a copy of the response to Mr. Irving Jimenez, Staff Secretary to the Grand Jury, at grandjury@sjcourts.org.

Follow-up Report to the 2021-2022 San Joaquin County Civil Grand Jury



Lathrop-Manteca Fire District: A Work in Progress: From Turmoil to Healing

Case #0721

Preface

This report contains the responses to the 2021-2022 San Joaquin County Civil Grand Jury report regarding the Lathrop-Manteca Fire District (LMFD). This follow-up report focuses on the 2021-2022 Grand Jury findings and recommendations and the LMFD Board of Directors (BOD) responses, which are presented verbatim in this report.

The 2022-2023 Grand Jury follow-up determinations are presented after the agency's responses to each recommendation.

Discussions, findings, recommendations, and conclusions from the 2022-2023 Grand Jury are in text boxes framed in black.

Complete copies of the original report and the agency's responses may be found on the San Joaquin County Grand Jury website at: <https://www.sjcourts.org/grandjury/>.

Summary

The Lathrop Manteca Fire District Board of Directors responded to the 2021-2022 San Joaquin County Civil Grand Jury and while wholly or partially disagreeing with many findings, LMFD has either implemented, partially implemented, or planned to implement most of the Grand Jury's recommendations.

Method of Follow-Up Investigation

The current Grand Jury reviewed the 2021-2022 report #0721, *Lathrop-Manteca Fire District: A Work in Progress: From Turmoil to Healing*. The Grand Jury conducted an interview with a representative from the LMFD Board of Directors and the mandatory responses to the findings and 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; and
- if confirmation was necessary, it could include written documentation, interviews, or site inspections.

Glossary

- **AB1234 Ethics Training:** Assembly bill for ethics training required for all elected government officials. Training includes promoting public trust, respect, fairness, and responsibility.
- **BOD:** Board of Directors.
- **Brown Act:** The Ralph M. Brown Act "requires local government business to be conducted at open and public meetings, except in certain limited situations. The Brown Act is based upon state policy that the people must be informed so they can keep control over their government." California Government Code beginning at Section 54950.
- **Cal Card:** Referred to as District Credit Card, one of the State of California's commercial card services programs available to State and publicly funded local agencies.
- **Cal-JAC:** The California Firefighters Joint Apprenticeship Committee is a standards-based apprenticeship program.
- **California Public Records Act:** Provides the public access to public records in the State of California.
- **FLSA:** The Fair Labor Standards Act establishes minimum wage, overtime pay, recordkeeping and employment standards affecting employees in the private sector and in Federal, State, and local governments. "Covered nonexempt employees must receive overtime pay for hours worked over 40 per workweek (any fixed and regularly recurring period of 168 hours – seven consecutive 24-hour periods) at a rate not less than one and one-half times the regular rate of pay. There is no limit on the number of hours employees 16 years or older may work in any workweek. The FLSA does not require overtime pay for work on weekends, holidays, or regular days of rest, unless overtime is worked on such days." And "Hours worked ordinarily include all the time during which an employee is required to be on the employer's premises, on duty, or at a prescribed workplace."
- **LMFD:** Lathrop-Manteca Fire District.
- **MOU:** Memorandum of Understanding. A type of agreement between two or more parties.
- **Merit Increase:** Financial reward for good performance.
- **NDA:** Non-Disclosure Agreement. A legally binding contract that establishes a confidential relationship.
- **Step Increase:** This is a periodic increase in an employee's rate of basic pay from one step of the grade of his or her position to the next higher step of that grade.

Summary of Responses and Grand Jury Conclusions

Respondent	2021-2022 Rec #	Response	2022-2023 Grand Jury Conclusion		
			Rec #	Due Date	Conclusion
LMFD BOD	R1.1	Will not be implemented	R1.1	October 2022	The Board made key modifications to Ordinance No. 1. No further action
LMFD BOD	R1.2	Implemented	R1.2	October 2022	No further action
LMFD BOD	R1.3	Implemented	R1.3	October 2022	No further action
LMFD BOD	R1.4	Will be implemented	R1.4	November 2022	District Policy 0.19 amended and approved. No further action
LMFD BOD	R1.5	Will be implemented	R1.5	November 2022	District Policy 0.14 amended and approved. No further action
LMFD BOD	R1.6	Implemented	R1.6	October 2022	A Cal-JAC Committee was established. No further action
LMFD BOD	R1.7	Will not be implemented	R1.7	November 2022	No further action
LMFD BOD	R1.2.1	Implemented	R1.2.1	October 2022	No further action
LMFD BOD	R1.2.2	Will not be Implemented	R1.2.2	October 2022	The Board policy ensures compliance. No further action
LMFD BOD	R2.1	Will be implemented	R2.1	December 2022	District Policy 7.03 developed and approved. No further action
LMFD BOD	R2.2	Not yet implemented	R2.2	January 2023	No further action

Respondent	2021-2022 Rec #	Response	2022-2023 Grand Jury Conclusion		
			Rec #	Due Date	Conclusion
LMFD BOD	R2.3	Implemented	R2.3	October 2022	No further action
LMFD BOD	R2.4	Implemented	R2.4	October 2022	No further action
LMFD BOD	R2.5	Will be Implemented	R2.5	January 2023	District Policy 1.12 developed and approved. No further action

Findings, Recommendations, Agency Responses, and Grand Jury Results

2.0 Financial Matters and Board Training

1.1 Financial Matters

2021-2022 Grand Jury Finding F1.1: Ordinance 1 and District rules and regulations enable the Fire Chief to control most financial operations of the District with limited or no Board oversight, thus providing an opportunity for financial malfeasance.

Agency Response: *The District disagrees wholly with this finding. The District's Board adopts a budget each year in accordance with California law. The District's budget establishes expenditure limits for concerns identified in the budget. The District's Policy 0.35 further establishes purchasing procedures required for District procurements.*

2021-2022 Grand Jury Finding F1.2: Ordinance 1 and current policies allow the Fire Chief, as Chief Executive Officer, to alter or disregard District policies without approval by the Board, causing confusion and discord within the District.

Agency Response: *The District Board disagrees wholly with this finding. Ordinance 1 provides that the Chief shall be held accountable to the Directors only, and shall make written and verbal reports thereto as the Directors may require. The District maintains current District Board adopted policies to manage the affairs of the District, which the Fire Chief administers and enforces.*

2021-2022 Grand Jury Finding F1.3: The Board of Directors failed to enforce the District's Credit Card Policy providing an opportunity for financial malfeasance.

Agency Response: *The District Board **disagrees wholly with this finding.** The District's Fire Chief enforces the District's Policies as part of the Fire Chief's duty to enforce the District's comprehensive set of rules and regulations concerning discipline, training, and operation of the Fire Department.*

2021-2022 Grand Jury Finding F1.4: Requiring non-exempt administrative employees to attend a retreat that created overtime hours without compensation was in violation of the current Memorandum of Understanding and the Fair Labor Standards Act, opening the District to potential liability.

Agency Response: *The District Board **disagrees wholly with this finding.** The District cannot agree with a legal conclusion based on the cursory information provided by the Grand Jury.*

2021-2022 Grand Jury Finding F1.5: Funds generated for the use of the District through the Cal-JAC program were allocated to purchases, services and events, uses that were not in compliance with District's purchasing and credit card policies. These expenditures could be construed as misuse of funds.

Agency Response: *The District Board **disagrees partially with this finding.** The funds generated for use of the District through the Cal-JAC program were applied toward certain allowable items and activities and not expressly prohibited according to Cal-JAC policy, however the use of District credit card(s) to purchase alcoholic beverages were in direct violation with the District's purchasing and credit card policies (Policy 0.15 District Credit Card Policy).*

2021-2022 Grand Jury Finding F1.6: Beginning in 2019 the District's fireworks booth was operated by the 501(c)(3) nonprofit Behind the Fire LMFD, overseen by a member of the Chief's family. This occurred with no oversight by the Board, who held the license for the booth, a situation that could expose the District and its Board to allegations of misconduct and malfeasance.

Agency Response: *The District Board **partially disagrees with this finding.** While it is true that the fireworks booth was operated by a 501(c)(3) nonprofit group, there is no information presented indicating misconduct or malfeasance. Therefore, the District cannot agree with the Grand Jury's finding regarding possible exposure to allegations of misconduct or malfeasance, as doing so would be pure speculation.*

2021-2022 Grand Jury Recommendation R1.1: By November 1, 2022, the Board of Directors replace Ordinance 1 in its entirety by developing, adopting and implementing policies and procedures that clearly define the authority, and limitations thereon, of the Fire Chief and provide greater Board oversight of the operations of the District.

Agency Response: *This recommendation will not be implemented because Ordinance No. 1 includes additional provisions governing various aspects of the Fire District. Although Ordinance No. 1 was not "replaced in its entirety", revisions and amendments to the*

ordinance have been implemented to provide greater Board oversight of the operations of the District.

On June 16, 2022, the Lathrop-Manteca Board of Directors introduced the first reading of the amended Ordinance No. 1 for the Organization and Rules for the Manteca-Lathrop Rural County Fire Protection District. This amendment incorporated new language to ensure the Fire Chief is administering financial operations of the District in accordance with the adopted budget. Those changes include the following:

Section 1. Officers, Article 1 - "The Fire District shall consist of a Fire Chief and as many other personnel as may be necessary for the effective operation of the department as determined by the Fire Chief and authorized by the Fire Board as part of the District's annual budgeting process."

Section 2. Duties of the Chief, Article 2. "The Fire Chief shall be responsible for developing a comprehensive annual budget and provide said budget to the Board for review and adoption in compliance with local, State, and Federal Laws, as well as District policy."

Section 3. Membership, Article 1 - "The Personnel of the District shall consist of such persons as may be identified and appointed by the Chief. Personnel shall be approved by the Directors based on adoption of the District's annual budget and amendments in compliance with State and Local Laws."

The amended Ordinance No. 1 was posted in the Manteca Bulletin on July 16, 2022, and the second reading was conducted at the Regular Meeting of the Fire Board on July 21, 2022. The Board of Directors passed and adopted the amended Ordinance No. 1 on July 21, 2022. The amended Ordinance No. 1 became effective 30-days later on August 20, 2022.

To provide additional Board oversight of District financial matters, at their February 17, 2022 regular meeting, the Board established a standing "Finance Committee" and appointed two Board members to work directly with the Fire Chief. This standing committee operates under established bylaws, and keeps agendas and minutes of meeting content/discussion.

While Ordinance No. 1 was not replaced in its entirety, several key components of the ordinance were rewritten, and the Board established a standing Finance Committee that meets regularly to review District financial matters.

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R1.2: By November 1, 2022, the Board of Directors develop, adopt and implement a policy to require Board approval for any alterations or deviations from established policies and procedures.

Agency Response: This recommendation was implemented through the approval of Policy 0.01 - Policy Manual at the regular meeting of the Board on February 17, 2022.

Section 0.01.7 Revisions to Policies states:

“Policy manual revisions. The Fire Chief shall have the authority to create, edit, or delete any policy regarding Emergency Operations, Training, Equipment and Technology, Fire Prevention, Safety, Personnel, Facilities, or other areas within the Scope of the Fire Chief's purview. The Fire Board will be notified of any changes to policies at the next scheduled regular board meeting.

Any policy or procedure affecting the Fire Board, organization of the District, Finances, Inter-Governmental relationships, or other areas within the scope of the Fire Board's purview shall be reviewed and adopted by the Fire Board at their discretion.”

The Board approved Policy 0.01 requiring Board approval for any alterations or deviations from established policies or procedures.

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R1.3: By November 1, 2022, The Board of Directors develop, adopt and implement a policy and procedure for financial oversight by the Board that includes a system of checks and balances.

Agency Response: ***This recommendation has been implemented.** The Board addressed this recommendation at their February 17, 2022 board meeting. To provide additional Board oversight of District financial matters, at their February 17, 2022 regular meeting, the Board established a standing “Finance Committee” and appointed two Board members to work directly with the Fire Chief. This standing committee operates under established bylaws, and keeps agendas and minutes of meeting content/discussion.*

To further address financial oversight, at the regular board meeting held April 21, 2022, the Board adopted the following financial policies:

- 1. Policy 0.22 Finance Committee Bylaws*
- 2. Policy 0.23 Financial Oversight and the Finance Committee*
- 3. Policy 0.24 Preliminary Budget Approval Policy*

The Board provided additional oversight with three policies addressing financial oversight in 2022.

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R1.4: By November 1, 2022, the Board of Directors develop, adopt and implement updated travel and education policies compliant with the District Memorandum of Understanding for Executive Staff and Fair Labor Standards Act.

Agency Response: ***This recommendation has not yet been implemented.** A draft Travel Policy has been written and reviewed by the new Fire Chief. The policy is scheduled to be brought before the Board of Directors for approval at their regular meeting on October 21, 2022.*

The Board discussed and approved their amended District Travel and Reimbursement Policy 0.19 at the Board meeting of November 17, 2022.

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R1.5: By November 1, 2022, the Board of Directors develop, adopt and implement a policy with detailed procedures for the use of earned Cal-JAC program funds that is in accordance with the District's purchasing and credit card policies.

Agency Response: *This recommendation has not yet been implemented. District staff has developed a draft Cal-JAC policy which is scheduled to be brought before the Board of Directors for approval at their regular meeting on October 21, 2022. Staff presented a draft of the policy to the Board in November of 2021. Additionally, staff has communicated with Cal-JAC personnel in development of the draft policy and is already operating under the intent of the draft policy.*

The District amended their Purchasing Policy and Procedures for the California Joint Apprenticeship Committee (Cal-JAC), Policy 0.14, and the Board approved the policy on November 17, 2022.

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R1.6: By November 1, 2022, the Board of Directors appoint a committee of no less than three to pre-approve Cal-JAC expenditures.

Agency Response: *This recommendation has yet to be implemented. The draft Cal-JAC policy scheduled for approval by the Board at their regular meeting in October 2022, includes provisions for the District's Cal-JAC committee to approve of Cal-JAC expenditures. In advance of the pending approval of the policy, the committee is already operating comprised of 8 total members (4 members of the District's management team, and 4 members of the firefighter's labor organization).*

The LMFD established a Cal-JAC committee that meets regularly.

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R1.7: By January 1, 2023, the Board of Directors develop, adopt and implement a policy and procedure for the operation of the fireworks booth raffle and for the operation of the District booth.

Agency Response: *This recommendation will not be implemented because it is not warranted. The provisions regulating the sale of safe and sane fireworks are explicitly detailed in section 8.13.090 "Safe and sane fireworks - Prerequisite for issuance of permit" of the City of Lathrop Municipal Code.*

The nonprofit “Behind the Fire LMFD” and the former Fire Chief in question are no longer associated directly with the Lathrop-Manteca Fire District. A review of the charity research tool on the State of California Department of Justice website shows the entity is “not registered” with a letter dated December 23, 2019 recommending the revocation of the organization's tax exempt status. Further, a recent search of the California Secretary of State website lists the entity as “Suspended”. According to the City of Lathrop Municipal Code 8.13.090(b) both the City of Lathrop and the Lathrop-Manteca Fire District have the right to receive a permit annually to sell safe and sane fireworks. In 2022, the District allocated its permit to the non-profit lottery system in accordance with the provisions of the municipal code.

The 2022-2023 Grand Jury determined to take no further action.

1.2 Board Training

2021-2022 Grand Jury Finding F1.2.1: Board members’ AB1234 Ethics Training Certificates posted are expired or missing, indicating that some Board members may not be in full compliance with AB1234 regulations.

Agency Response: *The District Board **disagrees partially** with this finding. The Board agrees that at the time of review, there were Board members with expired or missing AB1234 Ethics Training Certificates posted on the District's website. Although the certificates posted on the website indicated they were expired and/or missing, the District had current records indicating that all Board Members were in full compliance with AB1234 regulations.*

2021-2022 Grand Jury Recommendation R1.2.1: By November 1, 2022, the Board of Directors complete required AB1234 training and make the Ethics Training Certificates available upon request per the California Public Records Act.

Agency Response: *This recommendation has been implemented. All current Board Members have completed the required AB1234 Ethics Training. Not only has the District made the training certificates available upon a California Public Records Act request, but the certificates are posted prominently on the District's official website. at the following link [Fire Board of Directors | Lathrop Manteca Fire District \(lmfire.org\)](https://www.lathropmantecafire.org/).*

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R1.2.2: By January 1, 2023, the Board of Directors develop, adopt and implement a policy requiring all incoming elected, or appointed, Board members complete AB1234 training within 60 days of taking office.

Agency Response: *This recommendation will not be implemented because it is not warranted. The Board has been compliant and remains in compliance with the requirements of AB1234 Ethics Training. Newly elected or appointed Board members typically take the*

training within the first 30 days of taking office. Further, the Board adopted by-laws that include an identified Code of Ethics.

The 2022-2023 Grand Jury determined to take no further action.

3.0 Harassment and Intimidation: Board Oversight

2021-2022 Grand Jury Finding F2.1: The Board of Directors was not aware of issues that District employees had with the Chief. Ordinance 1 general conduct rule blocked employee accessibility to the Board. This situation contributed to a hostile work environment.

Agency Response: *The District Board **disagrees partially with this finding.** The Board acknowledges that it was not made aware of various concerns involving the former Fire Chief. The District's Rules and Regulations do in fact prohibit (provision has since been omitted) individual employees from contacting Board Members directly with two exceptions: 1) as an authorized representative of the employee group, or 2) as a resident of the Fire District.*

The existing Memorandum of Understanding (MOU) between the District and the Lathrop - Manteca Firefighters Association, International Association of Fire Fighters, Local 4317, did include and presently includes a formalized grievance procedure which includes provisions for complaints, and subsequent disciplinary appeal or arbitration consistent with state labor laws. The MOU for the Members of the Executive Staff, do not currently include such provisions.

2021-2022 Grand Jury Finding F2.2: The District does not have a formal employee satisfaction survey or engagement process to allow employees to share work environment concerns with the Board and Management. The District is unable to implement warranted improvements for issues and concerns if they are not brought to light by employees.

Agency Response: *The District **disagrees wholly with this finding.***

2021-2022 Grand Jury Finding F2.3: Requiring non-exempt administrative employees to attend a retreat that created overtime hours without compensation was in violation of the current Memorandum of Understanding and the Fair Labor Standards Act. This action could expose the District to potential liability including financial penalties.

Agency Response: *The District Board **disagrees wholly with this finding.** The District cannot agree with a legal conclusion based on the cursory information provided by the Grand Jury.*

2021-2022 Grand Jury Finding F2.4: Allegations were made that merit or step pay increases were withheld pending the signing of a non-disclosure agreement which violates the District's Memorandum of Understanding for Executive Staff. If proven to be true, and not corrected, the District could be subject to legal action brought by affected employees.

Agency Response: *The District Board **wholly disagrees with this finding.** The District cannot agree with a legal conclusion based on the cursory information provided by the Grand Jury.*

2021-2022 Grand Jury Finding F2.5: Pending litigation filed against the Fire District by employees for harassment and intimidation could expose the District to expenses for financial settlements and legal fees.

Agency Response: *The District Board **disagrees partially with this finding.** The District cannot speculate as to exposure for financial settlements while litigation is pending.*

2021-2022 Grand Jury Finding F2.6: The District does not have a nepotism and cronyism policy that prohibits the direct supervision of family members and/or individuals with whom the supervising manager has a romantic or other close personal, financial, business or political relationship. Not having a clear policy for nepotism and cronyism has created discord within the District.

Agency Response: *The District Board **agrees with this finding.***

2021-2022 Grand Jury Recommendation R2.1: By December 1, 2022, the Board of Directors develop, adopt and implement a formal employee complaint policy with procedures for filing complaints, reporting back to complainants, filing appeals and providing accessibility to the Board while adhering to all laws and rules regarding confidentiality.

Agency Response: *This recommendation has not yet been implemented. More time is necessary to develop and implement a formal employee complaint policy. The Board will work with staff to develop a policy and will strive to present to the Board for approval in November 2022.*

In an effort to increase communication between employees and the Board, the Board has established (2) two-person ad hoc committees (one committee each for the two employee groups) to maintain regular dialogue with employees. In the absence of the recommended complaint policy, the ability to use the grievance process for L4317 remains. Executive staff can bring complaints to the Board's ad hoc committee.

The District developed Policy 7.03 - Unlawful Harassment and Complaint Procedure and the Board approved the policy on November 17, 2022.

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R2.2: By January 1, 2023, the Board of Directors develop, adopt and implement an annual employee satisfaction survey and employee engagement process to review survey results to ensure that new management and updated policies are providing a positive effect on the District's work environment.

Agency Response: *This recommendation has not yet been implemented. The Fire Chief, in cooperation with District staff, will discuss the feasibility and efficacy of implementing an*

annual survey with the Board. If it is determined a survey is value added, it will be implemented by January 1, 2023.

The District has taken steps to engage employees and ensure employee satisfaction through the establishment and approval of the amended complaint policy and with regularly scheduled meetings between new management and employees.

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R2.3: By November 1, 2022, the Board of Directors complete an investigation into the allegations that non-exempt employees did not receive mileage payments and were not paid for overtime hours while attending the Napa retreat and, if the allegations are found to be true, take corrective action to ensure payments are made to the affected employees within 30 days thereafter.

Agency Response: *This recommendation has not yet been implemented but will be implemented in the future within a reasonable timeframe.*

The Board investigation was not conclusive, nevertheless the District did pay overtime and reimbursement for mileage for affected employees.

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R2.4: By November 1, 2022, the Board of Directors complete an investigation into allegations that merit and/or step increase payments were withheld from employees pending the signing of a non-disclosure agreement and, if the allegations are found to be true, take corrective action to ensure payments, including applicable retroactive pay, are made within 30 days thereafter.

Agency Response: *This recommendation has not yet been implemented but will be implemented in the future within a reasonable timeframe.*

The Board investigation was not conclusive, nevertheless affected employees were paid their earned merit and/or step increases.

The 2022-2023 Grand Jury determined to take no further action.

2021-2022 Grand Jury Recommendation R2.5: By December 1, 2022, the Board of Directors develop, adopt and implement an updated policy addressing nepotism and cronyism in the District.

Agency Response: *This recommendation has not yet been implemented. The District has existing policy 1.05 - "Personal Relationships in the Workplace" which does not explicitly prohibit direct supervision of family members and/or individuals with whom the supervisors have romantic, personal, financial, business or political relationship. In short, the existing policy only states that the District will monitor situations and take "prompt action" when*

problematic. This policy will be updated and presented to the Board for approval prior to December 1, 2022.

The District developed Policy 1.12 - Hiring Relatives/Nepotism and the Board approved the policy on December 21, 2022.

The 2022-2023 Grand Jury determined to take no further action.

2022-2023 Grand Jury Conclusion

While the Lathrop-Manteca Fire District (LMFD) wholly or partially disagreed with many of the 2021-2022 Grand Jury findings, the District implemented the recommendations for all but two. Recommendation R1.7 regarding the LMFD Fireworks booth was not implemented because those findings and recommendations were resolved with the dissolution of the *Behind the Fire* 501(c)(3), and the District's subsequent adherence to the City of Lathrop fireworks booth policies and procedures. Recommendation R2.2 for developing and administering an employee engagement survey will not be implemented at this time. However, the District addressed employee satisfaction and engagement with several other policies previously noted in this follow-up report.

All other 2021-2022 Grand Jury recommendations were either directly or indirectly implemented with the establishment of District policies that were also approved by the Board and being implemented by District Management.

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 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).

SECTION 5: PRESENTATIONS AND TOURS

Presentations..... Page 229

Tours..... Page 230



The 2022-2023 Grand Jury attended the following presentations and toured the following facilities:

Presentations

San Joaquin County Departments, Divisions, Agencies, and Commissions:

Behavioral Health Services
District Attorney's Office
Health Care Services Agency
Human Services Agency-Children's Services
Information Systems Division
Local Agency Formation Commission
Port of Stockton
Probation Department
Registrar of Voters
Sheriff's Office

City Departments and Agencies:

Escalon Police Department
Lathrop Police Department
Lodi Police Department
Manteca Police Department
Ripon Police Department
San Joaquin County Delta College District Police Department
Stockton Police Department
Stockton Unified School District Department of Safety
Tracy Police Department
University of the Pacific Police Department

Other Presentations:

California Association of Local Agency Formation Commissions

Tours and Patrol Observations

Tours:

Banta Elementary School
California Health Care Facility
Children's Home of Stockton
City of Lodi Jail
Hazelton Elementary School
Lodi High School
Mary Graham Children's Home
Mountain House High School
New Hope Elementary School
New Jerusalem Elementary School
Oak View Elementary School
one.Charter Academy of Visual and Performing Arts
Port of Stockton
Ripon High School
San Joaquin County Jail
San Joaquin County Juvenile Detention Facility
Tom Hawkins Elementary School
Tully C. Knoles School
Veritas Elementary School
Vista High School
Waterloo Middle School
Williams Middle School

Patrol Observations:

Escalon Police Department

Lathrop Police Department

Lodi Police Department

Manteca Police Department

Ripon Police Department

San Joaquin County Delta College District Police Department

San Joaquin County Sheriff's Office

Stockton Police Department

Tracy Police Department

University of the Pacific Police Department

SECTION 6: GRAND JURY PROCESS

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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 empaneled 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; and
- 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 the 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 court 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 at:

<https://www.sjcourts.org/wp-content/uploads/GrandJuryComplaintForm2.pdf>

Send your completed form to:

San Joaquin County Superior Court
Attn: Irving Jimenez, 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>.

