

SAN JOAQUIN COUNTY
CIVIL GRAND JURY
2023-2024
FINAL REPORT



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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

Stockton, CA 95202

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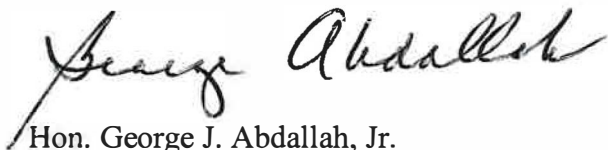
June 5, 2024

The Superior Court of California, County of San Joaquin thanks and commends the 2023-2024 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 2023-2024 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 2023-2024 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 2023-2024 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. 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 2023-2024 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



Civil Grand Jury of San Joaquin County

180 E. Weber Avenue, Suite 1114
Stockton, CA 95202
Telephone: 209-468-3855

June 5, 2024

Honorable Gus C. Barrera II
Presiding Judge
Superior Court of California
County of San Joaquin
180 E. Weber Avenue, Suite 1306J
Stockton, CA 95202

Honorable George J. Abdallah
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 Barrera and Judge Abdallah,

On behalf of the 2023-2024 San Joaquin County Civil Grand Jury, I am humbled and honored to submit to you and all members of the public this year's San Joaquin County Civil Grand Jury's Final Report.

This year's San Joaquin Civil Grand Jury started off handicapped as we began with only 17 members instead of the normal 19. Within two months we lost three members and were down to only 14 members. Those that remained brought their own unique skills and abilities and were ready to help out where needed. They were dedicated and focused in fulfilling the Grand Jury's mission:

- To confirm that local government officers and employees are administering their agencies honestly, efficiently, and in compliance with the law.
- To identify instances of dishonest, inefficient, or illegal action; and
- When such actions are found, recommend the development of policies and procedures that will correct those shortcomings.

Our lack of numbers did not deter this Grand Jury. The Grand Jury completed the mandated site visits of the facilities in the county: the County Jail, the Juvenile Detention Facility, and the California Health Care Facility. Other sites visited were San Joaquin County Hospital and the Micke Grove Park and Zoo. Some members of the Grand Jury went on ride-alongs with several local law enforcement agencies. All police agencies in the county gave presentations on the state

of their departments. Several other county agencies also made presentations in response to the Grand Jury inquiries:

- District Attorneys' Office
- County Public Works
- City of Stockton Public Works
- County Administrator
- Stockton Animal Control
- San Joaquin County Chief Administrative Officer
- Registrar of Voters
- San Joaquin County Office of Education
- Homeless
- Santa Clara Cold Case Unit

The Grand Jury received 26 complaints which were given due consideration. There were several inquiries as a result and directly led to opening two investigations. This Grand Jury was curious as to the effectiveness of the previous Grand Jury reports that had been written, responded to, cleared by Continuity Committees follow-up reports, and considered closed. This evolved into a new type of report titled "2nd Look" reports. The Grand Jury reviewed hundreds of documents, e-mails, and news reports in preparation for each inquiry, investigation and report.

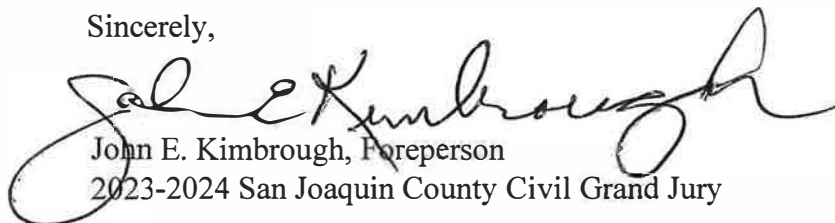
The Civil Grand Jury conducted close to 50 witness interviews. Witnesses called to testify before the Civil Grand Jury can be apprehensive, anxious, or nervous; however, interviewers made witnesses feel at ease after only a few minutes. Most thank the interviewers for making it less stressful and even a pleasant experience.

On behalf of this year's Civil Grand Jury, I would like to thank our advisors Judge Abdallah, Assistant District Attorney Rick Price, and Assistant County Counsel Kimberly Johnson for all their input and advice. A special thank you to Mr. Irving Jimenez, the Judicial Secretary/Civil Grand Jury Staff Secretary for all his hard work and service to the Civil Grand Jury. In his first full year in this position, he has shown the desire and the ability to learn and retain Grand Jury procedures on his own. He is very personable and gets along with everyone. He will be an asset for years to come.

I would like to thank all Grand Jury members for their hard work and effort in producing this year's Final Report. I hope that your experience was such that you may consider serving again sometime. I sincerely wish the best for all of you in whatever the future holds.

Lastly, I would like to thank Judge Abdallah for giving me the opportunity to serve as Foreperson for the 2023-2024 San Joaquin County Civil Grand Jury.

Sincerely,



John E. Kimbrough, Foreperson
2023-2024 San Joaquin County Civil Grand Jury

2023-2024 San Joaquin County Civil Grand Jury



Back row from left to right: Tom Bowe, Richard Dunne, Steven Gardner, Patrick Curry, Nancy Brison-Moll, Charles Keen Jr.

Front row from left to right: Scotty Sheets, Mary Kennedy-Bracken, John Kimbrough, Gaye Cornell, Jim Hanley

Not pictured: Jane Butterfield, LaVerne Jackson, Patrick Piggott

The 2023-2024 Grand Jury brought a wide range of professional experience from the private sector to government service. Areas of experience include but are not limited to:

| | |
|-------------------|------------------------|
| Architecture | Information Technology |
| Banking | Law Enforcement |
| Construction | Legal Profession |
| Education | Medical |
| Entrepreneurship | Military Service |
| Family Counseling | |

SECTION 2: INVESTIGATIONS

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2023- 2024 San Joaquin Civil County Grand Jury



City of Stockton Crisis in Government

Case #0123

Summary

In response to complaints received, the 2023-2024 Civil Grand Jury investigated potential new Brown Act violations by members of the Stockton City Council. Previous complaints regarding the same type of violation by the City Council were also received during the 2022-2023 Grand Jury term. Because those complaints were received late in that term, they were forwarded to the 2023-2024 Civil Grand Jury for evaluation and potential action.

The 2023-2024 Civil Grand Jury also received complaints regarding the creation of a work environment of fear within the Stockton City Government. The alleged sources of that fear were created by individuals associated with 209 Times, LLC, a Social Media Platform (SMP), through e-mails, and public comments that have left city staff and elected officials continuously intimidated.

Background

In March 2023, a sitting Stockton City Councilperson, alleging fear for their safety, filed a police report and a request for a restraining order against a known political activist, Motecuzoma

Patrick Sanchez. The city councilperson alleged that the threats received were based on confidential information from a Stockton City Council Closed Session meeting that had just ended 30 minutes prior to the incident. Knowledge of that confidential information would indicate a Brown Act violation by someone present in the closed session.

A hearing on the restraining order was held in the Superior Court of San Joaquin County. The presiding Judge ruled that a restraining order would be inappropriate as it would prevent a citizen from contacting their elected representatives.

However, the filing of the restraining order brought to light that there had been a violation of the Brown Act by someone in attendance at a Closed Session of the Stockton City Council. The City Attorney hired an outside firm to conduct an investigation to determine whether a Brown Act violation had occurred and to identify the source. The Civil Grand Jury has been informed that the investigation resulted in findings that a Brown Act violation had occurred. However, neither the investigative report nor its findings were released to the public.

The Ralph M. Brown Act was adopted to assure the public has access to information on the actions under consideration by public legislative bodies and their actions are conducted in open public forums. It allows a few sessions to be closed to enable certain important matters to be discussed in private among the council members, such as employee discipline and lawsuit decisions. If a council member reveals confidential information learned in closed session it is a violation of the law.

Brown Act, California Government Code § 54950. The Brown Act or “Open Meeting Law” is officially known as the Ralph M. Brown Act and is found in the California Government Code § 54950 et seq. 1.

The 2023-2024 Civil Grand Jury received complaints from numerous City employees and officials regarding their belief that a threatening work environment has been created by the ongoing bullying and intimidation from individuals connected to this SMP. Those interviewed

told the Civil Grand Jury that if they if did not agree with and/or support the positions pushed by this SMP, then they would be vilified and unfairly attacked in posts on that outlet.

The SMP claims that they are not a news agency and therefore cannot be held to the same ethical standards for news agencies regarding the verification of facts. The Society of Professional Journalists (SPJ) revised its Code of Ethics in 2014, including the following requirements:

- Label advocacy and commentary
- Weigh the consequences of publishing personal information
- Identify sources clearly
- Avoid conflicts of interest and disclose unavoidable conflicts

This SMP claims their social media posts are simply “expressions of citizen views” written under and protected by the freedom of speech provision of the U.S. and California constitutions. However, in their posts, there is no evidence of the validity of the information stated. The information posted is presented in a slanted and/or politically biased way to create perceived “facts”. Unfortunately, as is often the case with current social media, the content of posts is perceived by the reader as real and true. By not following the SPJ standards, the SMP is misleading the public.

The barrage of posts by this SMP has created a threatening work environment for staff and elected officials in the City of Stockton. The Civil Grand Jury was also made aware that, in addition to these social media posts, City staff feel continually harassed when individuals associated with this SMP bombard them with hundreds of emails, messages, and letters that include personal attacks and demeaning accusations.

It has been reported to the Grand Jury, that these posts are often written in a biased and misleading way, presented as “facts” meant to embarrass the targeted subjects. These actions have resulted in the suppression of open discussions and the sharing of ideas because of fear of being publicly vilified. Good government requires free and open expression without fear of retribution.

City Council meetings are also used as a platform by the supporters of this SMP who, during the Public Comment period, continuously make accusations against the council or staff. They demand what they want done by the Council and City staff. These personal accusations and demands are then posted on their social media platforms but are represented as a public position and not the specific views of the SMP. Stating and supporting political views and then advertising via social media as representing a public position violates the FPPC. The Fair Political Practice Commission (FPPC) requires that the names of persons or organizations (committees) sponsoring information be posted on the advertisement/posts so the reader would be informed who is responsible for publishing the information.

Reason For Investigation

The 2022-2023 Civil Grand Jury began an investigation of potential Brown Act violations by members of the Stockton City Council. The 2023-2024 Civil Grand Jury continued that investigation and also received and investigated complaints regarding a threatening and ineffective work environment created within Stockton City Government involving intimidation by individuals associated with this SMP.

Method of Investigation

Materials Reviewed

- Newspapers:
 - The Record
 - The Los Angeles Times
 - Tracy Press
 - The Sacramento Bee
- Press Releases
- Stockton City Council Meeting Minutes
- City of Stockton Charter
- City of Stockton Code of Conduct

- City of San Francisco Code of Ethics
- City of San Francisco Policies & Procedures
- City of Alameda Policies & Procedures
- City of Lodi Policies & Procedures
- San Joaquin County Court case records

Interviews Conducted

- Current and former Stockton City Councilpersons
- City employees
- Consultants to the City of Stockton
- FPPC Attorney
- Citizens

Websites/Digital Posts

- FPPC
- California League of Cities
- San Francisco Ethics Commission
- 209 Times
- 209 Times other social media platforms: Facebook, Instagram, YouTube, X (formally Twitter)
- NPR: Articles by Yowei Shaw and Kia Miakka Natisse
 - April 29, 2021- The Chaos Machine: An Endless Hole
 - May 6, 2021- The Chaos Machine: Wrathful Lord
 - May 13, 2021- The Chaos Machine: A Looping Revolt
- Stocktonia.org
- The California Fair Employment and Political Practices Commission

Reports

- Previous Civil Grand Jury Reports:

- 2013-2014 Case #1113

Other Sources

- Stockton City Council and the Brown Act; The Law Applies to Everyone
- FPPC Candidate Filings
- City of Stockton Council Training Records

Discussions, Findings, and Recommendations

1.0 Threatening Work Environment

Harassed, Threatened, Coerced, Bullied, Afraid: These are words used by witnesses to describe the atmosphere for those working in Stockton City Hall. Witnesses reported receiving constant emails, letters, phone calls, and comments made in public demanding actions from associates of this SMP. When those associates are not satisfied, the result is insulting and misleading reports posted on social media. These posts claim actions are necessary and allege those not meeting their demands of inappropriate intent and corruption.

City staff and elected officials fear tarnished reputations or unjustified scorn. The result is that they are hesitant to discuss issues openly and mistrust of others in City government is fostered. This leads to less informed decision-making and delays in government action.

The FPPA and FPPC have published rules for local government agencies and laws about requiring public information in campaign situations. These guidelines are stated as rules for campaign committees but the definition of committees under these circumstances includes individuals, therefore applicable to the SMP.

When a political consultant uses social media to express political views, the FPPC requires the name of the committee or payor to be on that post in order to have an informed citizenry. This SMP does not appear to follow the FPPC rules. To avoid the threat of public ridicule, what is **not** published can be traded for something of value. Political Consultants are often compensated but

compensation is not just limited to money. A filed FPPC Form 460 showed loans from a political consultant in a campaign for a seat on the Stockton City Council. After being elected, this individual then tried to appoint that same political consultant to several City committees and commissions.

A threatening work environment has also been created internally. For example, the Stockton City Attorney, City Manager, and City Clerk job performance reviews are posted on most Closed Session Council meeting agendas. This practice allows job evaluations to be conducted at any Closed Session meeting because they are a standing agenda item. Although it would be common practice to have an annual review for these positions, a chartered employee should not have to fear for their job by the continual threat of a job performance review at every Closed Session Council meeting.

Another threat to government transparency is the City of Stockton's failure to allow the public access to the required FPPC Form 700 filings for most of the appointed Boards and Commissions via the City's portals. FPPC Form 700 filings can only be obtained by sending a California Public Records Act (CPRA) request to City Clerk.

The Civil Grand Jury has also found that those appointed to work in the Mayor's Office are not bound by the same employment rules as other city staff and therefore are not held to the same standards as city employees.

Findings

F1.1: City government is hampered by a threatening work environment created by the continued harassment and bullying by this SMP. Their actions have affected every level of City government.

F1.2: Members of the Stockton City Council have enabled this SMP to continue a campaign of harassment through their continued association with and appointment of their associates to City Boards and Commissions.

F1.3: City employees have lost confidence in the City Council’s ability to ensure a non-toxic and non-threatening working environment.

F1.4: The practice of agendizing the performance review of chartered officers at every Closed Session Council meeting creates a perception of unstable government in the eyes of City employees and the public.

F1.5: The City does not provide citizens electronic access to all Form 700 filings.

F1.6: There are employees of the Mayor’s Office that are not bound by the same employment standards as City Staff.

Recommendations

R1.1: By September 1, 2024, the City Council should stop enabling the SMP from interfering with effective city government through their continued association and/or support of individuals associated with the SMP.

R1.2: By March 31, 2025, the City Council should adopt rules for handling unlawful threatening Communications received by City officials and employees. Unlawful threats, not covered under the First Amendment, should be referred to the District Attorney’s office.

R1.3: By March 31, 2025, the City should adopt an ordinance similar to the City of San Francisco Campaign and Governmental Conduct Code Section 1500 et seq., to strengthen election transparency. That ordinance requires political consultants and candidates to file reports directly to the City in all municipal elections listing business relationships, financial investments, and who they pay for political help or receive in-kind support from, as well as indicating whom they provide support to in elections.

R1.4: By March 31, 2025, the City should stop the practice of agendizing Chartered Officers performance reviews on an ongoing basis but set them annually or for specific situations which require notice by law.

R1.5: By March 31, 2025, the City should amend its policies and procedures to make all Form 700 filings available to the public online.

R1.6: By March 31, 2025, the City shall enact a policy that all employees of the Mayor's office be under the same mandated employment rules and laws as the rest of the City staff.

2.0 Brown Act

The City has reportedly spent thousands of dollars on investigations including potential Brown Act violations. Witnesses confirmed these investigations did take place. However, the citizens of Stockton, who funded these investigations, have not been allowed access to the findings of Brown Act violations. The purpose of the Brown Act is to ensure transparency in government.

Citing attorney-client privilege, the Stockton City Council continually rebuffed requests from the 2023-2024 Civil Grand Jury to turn over the publicly funded report findings, not the report itself, on the recently completed Brown Act violation investigation. While the Civil Grand Jury was unable to obtain this information, the report's existence and findings were released on official City letterhead by a member of city council: another apparent Brown Act violation. This letter was subsequently posted on a SMP. Although the post was titled as an "official news release", no other social media platforms or news outlets reported or confirmed the released report or findings. It should be noted that the City made no official news release.

By not releasing any information regarding the Brown Act violation investigation directly to the Grand Jury, the Council has "tied the hands" of the Grand Jury. The Civil Grand Jury made clear to the City Council's representative that we wanted the results of the findings of that investigation, yet they were not forthcoming with those answers. This has prevented the fulfillment of our mandate which is to investigate and ensure that local governments are acting in

compliance with the laws, to identify illegal and inefficient actions, and to recommend procedures to correct these shortcomings.

While some cities prohibit cell phones or recording devices in Closed Sessions, Stockton does not. In fact, the Civil Grand Jury was informed attendees in closed sessions regularly have used their phones during Closed Sessions.

Findings

F2.1: There have been multiple and continued Brown Act violations regarding the release of confidential discussions that occurred during Council Closed Sessions.

F2.2: Violation of Closed Session confidentiality leaves the Council unable to carry out their responsibilities in the best interests of the public because they are not able to have free and open discussions due to the atmosphere of distrust.

F2.3: The City Council lacks rules preventing the use of any electronic communication devices during Closed Sessions.

F2.4: There is a lack of transparency concerning Brown Act violation investigation findings that have been funded by citizen tax dollars.

F2.5: The use of official City stationery by an individual council member misleads the public to believe the content reflects an official City position.

F2.6: The Council has received training regarding the Brown Act, but it is clear that some members have open disregard for that training.

F2.7: The Brown Act includes provisions to assess penalties for violations by the City Council. The public has received no information that any penalties have been assessed.

Recommendations

R2.1: By March 31, 2025, the City should amend its Closed Session policies and procedures to minimize the risk of revealing confidential information. There should be a requirement that no phone, electronic communication or recording devices be allowed in the room when it is a Closed Session. Additionally, each attendee should sign a pledge of secrecy on entering each meeting as an immediate and continual reminder that the rules of the Brown Act apply.

R2.2: By March 31, 2025, the City shall develop a City Ordinance regarding Brown Act violators that includes an impartial process for determining whether the Brown Act confidentiality requirement related to Closed Session has been violated and appropriate sanctions for the violator, including but not limited to, mandatory public censure and removal from committees and commissions.

R2.3: By March 31, 2025, the City shall enact a policy that all findings of Brown Act violations investigations must be released to the Civil Grand Jury within seven days of receipt by the Council.

R2.4: By March 31, 2025, the City should amend their policies and procedures regarding the use of City Stationary. For example, the City of Lodi ordinance states:

Section 7.4 Use of City Letterhead or City Seal

All Council Member correspondence written on City resources, i.e. letterhead, staff support, postage, etc., will reflect a majority position of the Council, not individual Council Members' positions. All Council Member correspondence using City resources shall be copied to the full Council.

3.0 Grievance Process

The Civil Grand Jury has been told by City employees that the process for filing and resolving complaints of harassment and/or bullying is not fully understood. The City Ethics Hotline is also

used by the public and some public complaints have included threats and attacks on city staff. Complaints are filed on the City Ethics Hotline utilizing email or phone. The Hotline is managed by a third-party consultant to ensure confidentiality of the process. However, this confidentiality appears to have been compromised by leaks.

Findings

F3.1: The confidentiality of the City's Ethics Hotline process has been compromised after the complaints are referred to City staff.

Recommendations

R3.1: By March 31, 2025, the City shall hire an independent third party to investigate the City's Ethics Hotline process to regain employee and public trust in the system.

Conclusion

The efficient and ethical governing of the City of Stockton is under attack by both external and internal forces. This must be stopped. Externally, individuals utilizing a SMP have consistently attempted to undermine the local democratic process by misleading the Stockton electorate and attempting to affect election results through unethical influence.

Internally, members of the Stockton City Council, who support the efforts of that SMP, are complicit in the deterioration of comradery, trust, respect, and ethical governing in Stockton. The continued violations of the tenets of the Brown Act by council members undermine the provision of good government to the citizens of Stockton.

The Civil Grand Jury strongly supports the Freedom of Speech Rights guaranteed by the United States Constitution. However, the abuse of those rights by individuals utilizing this Social Media

Platform to spread misinformation and create a threatening work environment for City staff and elected officials is unacceptable and must be stopped.

Glossary

- **209 Times LLC:** A limited liability company that is reported on the Secretary of States (SOS) website as “Suspended-FTB”. All officers listed on the SOS website are named as Motecuzoma Patrick Sanchez. This individual also owns Tecuani LLC and Tlatoani Consulting, both of which are consulting firms that serve politicians
- **AB 1234:** Assembly Bill 1234 requires local agency officials to take an ethics training course upon election or appointment and every two years during their term
- **Brown Act:** Government Code sections 54950 et seq regulating the conduct of public meetings, closed session meetings and related public information requirements
- **Bully:** Aggressive behavior to cause discomfort or cause someone to do something by means of coercion
- **CPRA:** California Public Records Act: The California Public Records Act allows the public the right to request access to records
- **Closed Sessions:** The Ralph M. Brown Act in California allows closed sessions for local legislative bodies, such as boards, councils, and commissions, to meet privately in certain circumstances
- **et seq:** To include sections immediately following the identified section
- **City Charter:** The document establishing the City of Stockton and defining its authority and framework for the government organization, akin to its constitution

- **FPPA:** Fair Political Practice Act
- **FPPC:** Fair Political Practice Commission
- **Fictitious Name Statement:** When operating a business as a sole practitioner but doing so under a name other than yours, you are required to file a Fictitious Business Name statement so the public knows the identity of the business owner
- **FPPC Form 700:** Every elected official and public employee who makes or participates in making governmental decisions is required to submit a Form 700 which is also titled a Statement of Economic Interests. The Form provides transparency and ensures accountability in governmental decisions. Reporting is related to income, investments, interests in real property, and business positions
- **Harass:** To bother or disturb persistently, to intimidate or coerce, as with persistent demands
- **LLC:** An LLC is a limited liability corporation which is the underlying legal vehicle of the tasks it purports to do, such as a partnership or a corporation. If the organization is not under a structured legal definition, it could be a sole proprietorship
- **Misleading:** Unsupported by any foundational facts
- **NPR:** National Public Radio
- **SMP:** A social media platform called 209 Times, LLC
- **SPJ:** Society of Professional Journalists- An organization of Professional Journalists and collegiate institutional members, founded in 1920.

- **Threat:** To state one's intention to take hostile action against in retribution for something done or not done
- **Unethical:** Not in compliance with accepted ethical standards for media outlets and journalists

Disclaimers

Civil Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Civil 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 Civil 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 Civil Grand Jury except for one member of the jury. This juror was excluded from all parts of the investigation including interviews, presentations, deliberations, and the development 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.

| Responding Agency | Finding and Recommendation |
|-----------------------|----------------------------|
| City of Stockton | F3.1 |
| | R3.1 |
| Stockton City Council | F1.1-1.6, F2.1-2.7 |
| | R1.1-1.6, R2.1-2.4 |

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

Honorable Gus C. Barrera II, 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, Irving Jimenez Staff Secretary to the Grand Jury, at civilgrandjury@sjcourts.org.

2023- 2024 San Joaquin County Civil Grand Jury



City of Tracy: Public Trust Still Not Restored

Case #0323

Summary

The City of Tracy has been plagued with a city council that cannot form a civil, cohesive governing body willing to set aside differences and personal agendas for the benefit of City residents. The 2018-2019 Civil Grand Jury issued a report entitled “Restore the Public Trust”. That investigation highlighted the inability of the Tracy City Council to work together cohesively, manifested by unprofessional behavior towards each other during public meetings. In addition, a consistent 3/2 voting block existed leading to the termination or forced resignation of a City Manager, Assistant City Manager, and Police Chief. The unexplained departures of the City’s administrative leaders created an unstable working environment at City Hall.

The most significant recommendation in that report was for the Council to establish a Code of Conduct to guide them on how to work together more effectively and respectfully. To reduce the impact of a 3/2 voting bloc, a recommendation was made to require a supermajority council vote to approve the removal of the City Manager or the City Attorney. The supermajority vote requirement was approved as well as the adoption of a Code of Conduct. Although it has had numerous

revisions, the Code of Conduct has not led to improved relationships between Council members, nor has it had a positive impact on the effective leadership of the Council.

Unfortunately, the same problems noted in the 2018-2019 Grand Jury Report continue to exist today. The 2022-2023 Civil Grand Jury received a complaint regarding the continued personal animus between council members displayed openly and unprofessionally at council meetings. The source of many disagreements revolved around philosophical differences in Tracy's growth, leading to a lack of consistent vision of Tracy's future and distrust between council members and developers. History repeated itself as evidenced by the Council's actions that led to the May 2023 resignation of the City Manager. This resulted in a void in City management and leadership. As a consequence, there was a disruption in the efficient delivery of City services. The continuing vacant and temporary senior administrative positions have also led to inefficiency in serving and responding to the public.

Adding to this disruption was an effort by the City Attorney to revamp City agreements and the format of staff reports. The City Attorney's inability to retain staff has resulted in significant delays in the work product from that office. These delays have increased public frustration in working with the City, resulting in project delays, increased costs, and a negative impact on the City of Tracy's reputation in the business community. This has resulted in a loss of business opportunities.

Through its investigation, the 2023-2024 San Joaquin County Civil Grand Jury has identified opportunities for implementing changes that hopefully, this time, can ensure a more harmonious and productive City Council and improve the morale and efficiency of city staff.

Background

The City of Tracy has experienced significant growth of 8.38% since the 2020 census and is the second-largest city in San Joaquin County. Its proximity to the densely populated Bay Area has

created opportunities to provide more affordable housing options. The availability of land has enabled the development of housing as well as growth in warehouse distribution centers.

The City of Tracy operates under the Council-Manager form of government, as outlined in the Tracy Municipal Code section 2.08.060. It designates the five-member City Council as the governing body of the City, vested with the authority to establish policy, adopt new laws, levy taxes, award contracts, and appoint the City Manager and City Attorney. Council members are limited to serving two four-year terms; the office of Mayor is limited to two two-year terms. The Mayor is the fifth member of the Council and presides over meetings and acts as a figurehead at various city functions. Council members are responsible to the people for the actions of local government. In the Council-Manager form of municipal government, the Council appoints the City Manager who is responsible for the day-to-day operations of City business. The City Attorney is also appointed by the Council and serves as the primary legal advisor to the City.

Reason for Investigation

The 2023-2024 Civil Grand Jury received complaints claiming unprofessional conduct and animosity by Council members, unprofessional conduct by the City Attorney, and a return of “power politics” resulting in public discord, resignations of senior staff, and low morale of City employees.

Method of Investigation

Materials Reviewed

- San Joaquin County 2018-2019 Civil Grand Jury Report, Tracy City Council: Restore the Public Trust, Case 0418
- 2019-2020 Civil Grand Jury Report, Follow-Up Report, Tracy City Council: Restore the Public Trust

- City of Tracy Code of Conduct, October 15, 2019, revisions: July 21, 2020, February 10, 2021, October 19, 2021, and June 6, 2023
- City of Tracy: Council Meeting Protocols and Rules of Procedure
- City Council meeting videos and minutes
- City of Tracy Municipal Code
- Rosenberg’s Rules of Order
- Executive staff performance reviews
- Executive staff employment contracts
- Online Archives: Tracy Press, The Stockton Record
- California League of Cities: Counsel and Council
- California League of Cities: Western City Magazine
- Institute for Local Government: Ethics and Transparency (AB1234)

Interviews Conducted

- Former and current City of Tracy elected and appointed officials, commissioners, and employees
- Tracy Citizens
- Residential/Commercial Developers
- San Joaquin County employee

Discussions, Findings, and Recommendations

1.0 Discussion: City Council

Through their unprofessional behavior and inability to work cohesively, members of the Tracy City Council have been unable to govern effectively and have failed the citizens of the city they have pledged to serve.

The City Council violated the Brown Act by posting and discussing personnel performance issues on an open Council agenda. The 2018 San Joaquin County Civil Grand Jury recommended: “City

Manager and City Attorney should be shielded from power politics and shifting alliances by requiring a supermajority (4/1) vote for their termination”. This recommendation was accepted and implemented. In 2023, three members of the City Council attempted to change the ordinance requiring a supermajority vote to a simple majority vote to remove only the City Manager but were not successful. This resulted in another costly resignation.

Findings

- F1.1:** Through their unprofessional behavior and inability to work cohesively, members of the Tracy City Council have been unable to govern effectively.
- F1.2:** Tracy City Council has violated the Brown Act in multiple ways: discussing personnel issues in an open meeting and posting personnel issues on an open Council agenda.
- F1.3:** Some Tracy City Council members have created a toxic work environment within City Hall by spreading accusations of corruption and alleged illegal activities by upper management staff and other Council members.
- F1.4:** Tracy City Council's behavior has resulted in poor morale within City Hall.
- F1.5:** The City Council created a void in city administration and leadership through the resignation of another City Manager. It should be noted that there have been six city managers and four city attorneys in the past five years.
- F1.6:** The unprofessional Council behavior during Council meetings has negatively impacted the City's reputation, affecting new business development and recruitment of potential city employees.

F1.7: Members of the City Council attempted to undermine the ordinance requiring a supermajority vote to remove the City Manager to a simple majority vote.

F1.8: There are no established measurable performance goals and objectives for the City Manager and City Attorney; therefore the City Council cannot conduct effective annual evaluations.

F1.9: Serving as Parliamentarian for Council meetings puts the City Attorney in a conflicting situation. Each decision by the Parliamentarian can be seen as partial to one side or the other.

Recommendations

R1.1: By October 1, 2024, members of the City Council need in-depth and continuous training on the understanding and the effective utilization of the City of Tracy Code of Conduct, City of Tracy Council Meeting Protocols and Rules of Procedures, and Rosenberg's Rules. Members of the City Council and the City Attorney should refer to the League of California Cities: Counsel and Council: A Guide to Building a Productive City <http://www.calcities.org/>

R1.2-R1.6: By October 1, 2024, members of the City Council need in-depth and continuous training in understanding the requirements of the Brown Act.

R1.7: By October 1, 2024, City Council should approve an ordinance requiring a supermajority vote to modify any ordinance requiring a 4/1 vote. Additionally, a 90-day public notice to change this vote requirement ordinance should be mandatory.

R1.8: By October 1, 2024, the employment contracts for the City Manager and the City Attorney should require individual performance goals and objectives established within 90 days of hire. These goals and objectives should be evaluated annually.

R1.9: By October 1, 2024, if a Parliamentarian is deemed necessary at City Council meetings, the position should be held by an independent third party.

2.0 Discussion: City Attorney

The City Attorney determined it was necessary to correct past practices that did not, in her opinion, adequately provide legal protection to the city. These corrections would require a great deal of time. Compounding this problem are reports by city employees that the City Attorney mistrusts their ability to do their job. As a result, the City Attorney spends a significant amount of time reviewing and modifying work from various departments. It has been reported that the City Attorney has difficulty in delegating and prioritizing their department's workload. This has caused delays in the timely processing of city work product.

City employees reported that they were publicly berated, belittled, and humiliated by the City Attorney. The City Attorney's apparent lack of confidence in employees, and unsubstantiated accusations of illegal activities by employees have created an atmosphere of fear and low morale. This has resulted in the loss of numerous staff members which has impeded the provision of services for the citizens of Tracy.

Findings

F 2.1: Employees reported the work backlog created by updating past practices has negatively impacted the public because of delays in residential and/or commercial agreements with the City.

- F2.2:** The City Attorney’s difficulty in delegating and prioritizing the workload has caused a delay in the timely processing of City work products.
- F2.3:** Interviews with former employees indicated that the Tracy City Attorney’s office is understaffed compared to cities of similar population.
- F2.4:** The current Code of Conduct limits the hiring of outside legal counsel to only the City Attorney. This ties the hands of the City of Tracy when the City Attorney is not available to meet the duties of her office.
- F2.5:** Reported unprofessional behavior by the City Attorney in dealing with city staff has led to low morale and staff resignations.

Recommendations

- R2.1:** By October 1, 2024, an outside legal firm should be engaged to help expedite the current work backlog in the City Attorney’s office.
- R2.2:** By October 1, 2024, the office of the City Attorney should develop and utilize standardized agreements to streamline the review and approval processes.
- R2.3:** By October 1, 2024, the City of Tracy should budget for and hire additional City Attorney staff.
- R2.4:** By October 1, 2024, the Code of Conduct regarding the hiring of outside counsel should be amended to allow other city officials to hire outside counsel if the City Attorney is unable to perform their duties, or if the legal issue being addressed gives the appearance of a potential conflict of interest.

R2.5: By October 1, 2024, the City Attorney should be given training in personnel management.

The City Attorney's actions should be consistent with the League of California Cities:

Counsel and Council Guide: <https://www.calcities.org/docs/default-source/city-attorneys/cc-counsel-council-2022-ver4.pdf>

In particular Principal 5:

“The city attorney should conduct himself/herself at all times in a professional and dignified manner, interacting with all elected officials, city staff, members of the public, and the media with courtesy and respect.”

3.0 Discussion: Council Hired Staff

The City of Tracy's Human Resources Department (HR) has a grievance process for employees to file complaints. There is a potential conflict of interest in the process for employees who work for the City Attorney or the City Manager. If a grievance is filed against the City Attorney or the City Manager, HR does not have the authority to assist the employee because these positions are overseen by the City Council, not the HR department. If a complaint is filed against the City Attorney, the City Attorney has the sole authority to hire outside counsel for an investigation, if warranted. If this is not a conflict of interest, there is an appearance of one.

Findings

F3.1: The City of Tracy does not have a clear process for filing complaints against council-hired staff.

Recommendations

R3.1: By December 31, 2024, the City of Tracy shall establish a confidential process for employee complaints against council-hired staff. The process should include a third-party vendor to assure complete confidentiality.

Glossary

- **City Council, Council, Council members:** For this report, these terms are interchangeable and generally refer to the entire five-member Tracy City Council, including the Mayor.
- **Council-Manager form of Government:** A form of municipal government in which the city manager functions as the chief executive of the city, overseeing the day-to-day operations of the city, and serving as the chief advisor to the city council.
- **Ethics Policy, Code of Conduct, Code of Ethics and Conduct:** A set of principles used to guide conduct and decision making. For this report these terms are interchangeable.
- **League of California Cities:** An association of cities within the state of California that provides education, research, support, and advocacy to member cities.
- **Power politics:** Political action by a person or group which makes use or is intended to increase their power or influence.
- **Supermajority:** In the case of the Tracy City Council, at least four out of five members
- **Voting Bloc:** In the case of the Tracy City Council, a group of votes, three to two, for a common agenda which dominates their voting pattern.

Conclusion

The citizens of Tracy cannot fully enjoy the benefits of a well-run city government if basic standards of civil behavior are not adhered to. With the continued dysfunction amongst elected officials, the public is the ultimate victim. The City Council must abide by the Tracy City Council Code of Conduct if public trust can ever be restored.

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).

This report was issued by the Grand Jury except for two members of the jury. These jurors were excluded from all parts of the investigation including interviews, presentations, deliberations, and the development 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. The Tracy City Council shall respond to all findings and recommendations. Mail or hand deliver a hard copy of the response to:

Honorable Gus C. Barrera II, 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 Irving Jimenez, Staff Secretary to the Grand Jury, at civilgrandjury@sjcourts.org

SECTION 3:

SECOND LOOKS

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2018-2019 Micke Grove Zoo: Honoring the Past
Case # 0218

2018-2019 San Joaquin County Parks and
Recreation Budget Challenges and Matters of
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Case # 0118

Cold Cases in San Joaquin County: On the Back
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Case # 0318.....Page 50

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2023-2024 San Joaquin County Civil Grand Jury

Second Look



Introduction

The 2023-2024 San Joaquin Civil Grand Jury decided to take a “Second Look” at issues addressed in previous Civil Grand Jury Reports. This decision was based on concerns of the current Civil Grand Jury and citizen complaints.

The 2023-2024 San Joaquin Civil Grand Jury reviewed selected previous reports along with the appropriate agencies responses to ascertain whether or not the reports and/or any implemented recommendation made any significant impact, positive changes, created more efficiency in County operations, or simply made no difference at all.

County 2023 - 2024 San Joaquin Civil Grand Jury



Second Look:

2018-2019 San Joaquin County Parks and Recreation: Budget Challenges and Matters of Trust Case #0118

2018-2019 San Joaquin County Civil Grand Jury Report: Micke Grove Zoo: Honoring the Past, Securing the Future Case #0218

Summary/Reason for a Second Look

The 2018-2019 San Joaquin County Civil Grand Jury evaluated the state of the Micke Grove Zoo (MGZ) and produced two reports:

- San Joaquin County (SJC) Parks and Recreation: Budget Challenges and Matters of Trust Case #0118
- Micke Grove Zoo: Honoring the Past, Securing the Future Case #0218

Complete copies of the original reports, all follow up reports, and agency responses can be found on the San Joaquin County Website @ www.sjcourts.org/divisions/civil-grand-jury

The 2018-2019 Civil Grand Jury found the Zoo's decline was mainly due to inadequate staffing, funding, and lacking a clear direction for improving the zoo. The reports included the following recommendations:

- Develop a Policy and Procedures Manual for all Micke Grove Zoo operations
- Develop detailed and comprehensive budgets
- Develop a Preventative Maintenance Schedule and Repairs Record
- Developing a professionally designed Master Plan for the MGZ
- The SJC General Services is to present to the Joaquin Board of Supervisors (BOS) an analysis and viable options for the future direction of the MGZ including a vision for the next 5, 10, and 20 years
- Secure Zoo Accreditation
- Renegotiate Operating Agreement with Micke Grove Zoological Society
- Identify, pursue, and secure additional sustainable funding sources

The 2018-2019 Civil Grand Jury thought that these recommendations would not only immediately improve MGZ but establish a vision and blueprint for the Zoo in years to come.

In response to the 2018-2019 San Joaquin County Civil Grand Jury Report, the County Parks Division developed a 5-year Strategic Plan (Plan) for the Micke Grove Zoo. The Plan was presented to the County BOS on February 23, 2021. The Plan identified seven objectives along with strategies and tasks with a schedule for the completion of the tasks. The seven objectives were: Infrastructure, Exhibits, Guest Experience, Nonprofit Partner, Revenue, Accreditation, and a Volunteer Program.

Subsequent Grand Juries decided no further action was necessary knowing that the recommended actions would take 5 years to complete. The 2023-2024 San Joaquin County Civil Grand Jury received a citizen complaint regarding MGZ. After reviewing the 2018-2019 reports, the conclusion was that those reports were quite comprehensive and complete. Therefore, a new investigation was not necessary; however, a “**second look**” was initiated to gauge the County's commitment to completing the Strategic Plan tasks and their efforts of improving/restoring MGZ.

Brief History of Micke Grove Zoo

The five-acre Micke Grove Zoo was a gift from William G. Micke to the County of San Joaquin as a memorial to his wife. Mr. Micke also created a trust fund with his intent to utilize trust income to sustain both Micke Grove Park and the Micke Grove Zoo. The zoo opened in 1957 with original exhibits including an extensive collection of animals. Due to overall deterioration and the continued housing of animals in undersize cages, improvements were made to the MGZ in the 1980's which resulted in the zoo receiving accreditation from the Association of Zoos and Aquariums from 1990-2006. The animal collection evolved to the housing of much smaller animals to meet the accreditation requirements. The MGZ lost its accreditation due to economic recessions, management, and staffing issues, as well as a deteriorating infrastructure and lack of exhibit upgrades. In addition, substantial withdrawals from the Micke Grove Trust (Trust) by past San Joaquin Board of Supervisors also hampered required improvements to the Zoo.

Method of Investigation

Materials Reviewed

- 2018-2019 Civil Grand Jury Reports
- 2023-2024 San Joaquin Couty Budget for Parks and Recreation
- 2022-2023 San Joaquin Couty Budget for Parks and Recreation
- 2021-2026 Micke Grove Zoo Five-Year Strategic Plan
- 2008 Micke Grove Master Plan
- 2023-2024 San Joaquin County Capital Improvement Projects Budget
- San Joaquin Zoological Society Position Paper (October 19, 2023)
- David Tausig & Associates San Joaquin Parks and Recreation Benchmarking and Assessment Report (June 4, 2018)
- Wells Fargo Account Statements for William G. Micke Trust (April 1, 2023-June 30, 2023 and October 1, 2023-December 31, 2023)

Presentations

- San Joaquin Parks and Recreation Division Micke Grove Zoo Presentation (October 27, 2023)
- San Joaquin Zoological Society Executive Director Presentation (October 25, 2023)
- San Joaquin County Administrator (February 14, 2024)

Interviews Conducted

- Current San Joaquin County Parks Director (January 10, 2024)
- Member of the San Joaquin County Board of Supervisors

Sites Visited and Toured

- Micke Grove Zoo (November 27, 2023)

Discussion

The adopted 5-year MGZ Strategic Plan is behind schedule and continues to move slowly. County leadership has demonstrated no sense of urgency to complete the Plan. The Board of Supervisors and Parks Department have failed to provide adequate leadership, staffing, and funding to complete the 5-year MGZ Strategic Plan on the Board approved schedule.

The vacant Zoo Director position has led to the lack of leadership needed to ensure progress on completing the Strategic Plan elements.

The County has failed to develop a comprehensive 5-year budget for the completion of the tasks to meet the timelines laid out in the adopted Strategic Plan.

The annual 5% withdrawal from the Micke Trust for support of MGZ and Park often exceeds the annual Trust income, thus reducing the principal of the Trust. The issue of the previous Board of Supervisors' withdrawals from the Trust above the specified trust income has never been rectified.

These monies have never been repaid to the Trust. The monies secured from a recent sale of Trust real estate should not be considered “repayment” of those past withdrawals.

Conclusion

The future of the Micke Grove Zoo is at a critical crossroads. If the San Joaquin Board of Supervisors value the Zoo as an asset to the ongoing development of our community’s well-being, they need to consider the following actions:

- Commit the required budget dollars to expedite the completion of the MGZ Strategic Plan
- Provide adequate staffing to operate the Zoo
- Stop the Micke Trust withdrawals above the annual Trust income
- Outsource the ongoing day-to-day management and operation of the Zoo

If the San Joaquin County Board of Supervisors cannot demonstrate their commitment to the revitalization of the Micke Grove Zoo, then closure should be considered.

Disclaimers

Civil Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Civil 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 Civil 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 Civil Grand Jury except for one member of the jury. This juror was recused and excluded from all parts of this investigation including interviews, presentations, tour, deliberations, and the development and acceptance of the report.

Response Requirements

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

The San Joaquin County Board of Supervisors shall respond to the conclusions of this report within 60 days of receipt.

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

Honorable Gus C. Barrera II, 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 Irving Jimenez, Staff Secretary to the Civil Grand Jury, at civilgrandjury@sjcourts.org

2023 - 2024 San Joaquin County Civil Grand Jury



Second Look:

2018-2019 San Joaquin County Civil Grand Jury Report

Cold Cases in San Joaquin County: On the Back Burner Case # 0318

Summary

Every year, the San Joaquin County Civil Grand Jury, Law and Justice Committee is charged with reporting the status of and/or investigating matters pertaining to law enforcement, including police, juvenile justice, public protection, probation issues, and inspecting detention facilities within the county. This year's Civil Grand Jury determined the status of cold cases was also warranted. The 2018-2019 San Joaquin County had produced a report San Joaquin County Civil Grand Jury Report: Cold Cases in San Joaquin County: On the Back Burner Case # 0318. The Law and Justice Committee determined this report gave a thorough and accurate assessment of the status of cold case investigations in San Joaquin County. However, the Civil Grand Jury decided to take a "Second Look" at the current status of cold cases. The report made ten recommendations that all the law enforcement agencies agreed to implement or least partially implement. Complete copies of the original report, all follow up reports, and the agencies responses can be found on the San Joaquin County Civil Grand Jury website at <https://www.sjcourts.org/divisions/civil-grand-jury> .

Background

The 2018-2019 San Joaquin County Civil Grand Jury investigated the status of cold case investigations. They concluded that the County lacked leadership, staff, desire, and funding: what were called cold case units were basically nonexistent units.

The Civil Grand Jury found 8 items/areas of concern for cold case investigation:

- Definition of cold cases
- Counting cold cases
- Clearance rates
- Staffing
- Funding
- Investigating
- Solving cold cases in San Joaquin County
- Maintaining contact with family of cold case victims

Their investigation led to the following ten recommendations:

- R1 Each law enforcement agency in San Joaquin County develop a plan to define, prioritize, and digitally track cold case investigations no later than December 31, 2019. Prioritization will emphasize available physical evidence and utilize emerging DNA testing techniques.
- R2 Each law enforcement agency in San Joaquin County expands their definition of “cold case” to include missing persons with suspicious circumstances, and sexual assault (forcible rape and attempted rape), in addition to homicide no later than December 31, 2019.
- R3 The San Joaquin County Sheriff utilize budget options and staffing reassignments as necessary to provide the equivalent of at least three full-time Sheriff’s Detectives dedicated solely to cold case investigations no later than December 31, 2019.

- R4 The San Joaquin County District Attorney utilize budget options and staffing reassignments as necessary to provide the equivalent of at least two full-time District Attorney Investigators dedicated solely to cold case investigations no later than December 31, 2019.
- R5 The City of Stockton utilizes budget options and staffing reassignments as necessary to provide the equivalent of at least three full-time Police Detectives dedicated solely to cold case investigations no later than December 31, 2019.
- R6 The San Joaquin County District Attorney's Office develop a plan for a Cold Case Task Force to facilitate collaboration in investigating and prosecuting cold cases for all law enforcement agencies in San Joaquin County no later than December 31, 2019.
- R7 The San Joaquin County District Attorney's Office establish a Cold Case Task Force for all law enforcement agencies in San Joaquin County no later than March 31, 2020.
- R8 Each law enforcement agency in San Joaquin County signs a Partnership and Cooperation Agreement with the newly formed Cold Case Task Force no later than March 31, 2020.
- R9 The newly formed Cold Case Task Force partner with the regional CA-DOJ crime laboratories to facilitate the timely and necessary testing of all DNA evidence for cold case investigations no later than March 31, 2020.
- R10 Each law enforcement agency in San Joaquin County develops a procedure and practice for maintaining periodic contact with family members of cold case victims no later than March 31, 2020.

Reason for Investigation

The 2023-2024 San Joaquin County Civil Grand Jury Law and Justice Committee wanted to determine the status of cold case investigations in San Joaquin County today and assess/determine the impact of the 2018-2019 Civil Grand Jury report. Departmental presentations included an update of cold case investigations revealed very little progress.

Method of Investigation

The current Law and Justice Committee sent cold case surveys to all law enforcement agencies in the County to gauge the status of cold case investigations. The response to the surveys was disappointing and the various agency presentations made it clear not much had changed with one notable exception, the San Joaquin County Sheriff's Office.

Materials Reviewed

- 2018-2019 San Joaquin County Civil Grand Jury Report. "Cold Cases in San Joaquin County: On the Back Burner #0318"
- 2019-2020 San Joaquin County Civil Grand Jury Follow-up Report. "Cold Cases in San Joaquin County: On the Back Burner #0318"
- 2023-2024 San Joaquin County Civil Grand Jury Cold Case Surveys

Presentations

- Tracy Police Department
- Manteca Police Department
- Lodi Police Department
- Ripon Police Department

- Lathrop Police Department
- Stockton Police Department
- San Joaquin County Sheriff's Office
- San Joaquin County District Attorney's Office
- Escalon Police Department

Interviews Conducted

A total of seven people from three agencies involved with cold case investigations were interviewed.

Sites Visited

- San Joaquin County Sheriff's Office
- Escalon Police Department

Discussions, Findings, and Recommendations

When the 2018-2019 San Joaquin County Civil Grand Jury began their investigation of cold cases in San Joaquin County, they found that only three agencies claimed to have a dedicated or semi-dedicated cold case unit. They were the San Joaquin County Sheriff's Office, the Stockton Police Department, and the District Attorney's Office.

The Sheriff's Office had a cold case unit that consisted of two deputies and a sergeant. Upon further investigation it was discovered that due to staff vacancies, the two deputies and the sergeant were assigned to other units, leaving virtually no one to work on cold cases.

The Stockton Police Department's cold case unit consisted of one retired annuitant. He had limitations due to the number of hours he could work in a year. He also had not been recertified as a police officer and was restricted from performing certain duties.

The District Attorney's Office had two assigned cold case investigators. At the time, one investigator was on loan to the Tracy Police Department and the other was assigned duties unrelated to cold cases.

No other law enforcement agencies had any dedicated cold case unit or staff. Most cold cases were assigned to the Sheriff's Office.

After the 2018-2019 Civil Grand Jury released their report, there was consensus that cold cases had not received the attention and consideration they deserved and should be given a higher priority. Those who responded to the report agreed to either implement or partially implement the report recommendations pending budget approval, departmental reorganization, and availability of staffing and other resources.

San Joaquin County Sheriff's Office

The Sheriff's Office has formed a Cold Case Unit, consisting of (1) Lieutenant, (1) Sargeant, and (4) Detectives who also investigate "in-house" crimes, jail incidents, and officer involved shootings. Their definition of cold cases includes unsolved homicides, long-term missing persons, and violent sexual assaults. The SJCSO cold case database, that includes only SJCSO cases, which could be expanded to include all other law enforcement agencies in the County. All assigned staff regularly attend outside cold case schools and training. They keep up with the latest innovations in investigative technology and techniques, especially those specific to cold case investigations.

The SJCSO are aware of the Stockton Police Department's and the San Joaquin County District Attorney's cold case investigators, but do not have any formal or regular working relationship with

them. The Stockton Police Department (SPD) was not aware of the County Cold Case Task Force and was not sure how a task force would work or if it would be beneficial.

The Sheriff's Office should be commended for their follow through on the 2018-2019 Civil Grand Jury recommendations.

Stockton Police Department

The only improvement related to Cold Cases since the 2018-2019 Civil Grand Jury report is that the retired annuitant has been recertified as a peace officer and can now perform all investigating functions without relying on another officer. None of the Civil Grand Jury recommendations were implemented.

San Joaquin County District Attorney's Office (DA)

There has been little to no change in the DA's "Cold Case Unit" including the number of cold case investigators, and their time is divided among other responsibilities. The Chief Deputy District Attorney heading up the cold case unit is also assigned to prosecute current homicide cases.

The DA's office has no internal cold case database. Because cold cases are a low priority, funding for DNA and lab testing is limited.

Cold Case Task Force (TF)

The 2018-2019 Civil Grand Jury had proposed a county-wide TF with the District Attorney's Office as the lead agency. There is no county-wide TF. The core membership would have been the three largest agencies, the SJCSO, SPD, and the District Attorney's Office. All other agencies were encouraged to join. Members would share resources, information, and training which would result in everyone investigating cold cases using the same investigative techniques. All agencies would be on the same page and could step in for one another should the need arise. It would improve

communication and cooperation among agencies. A TF could also leverage their status to obtain agreements with outside laboratories much the same as Tracy Police Department does. Cold cases could also be distributed to other agencies lessening the load of the three main agencies.

Santa Clara County appears to have a well-functioning cold case task force that could be used as a model for San Joaquin County law enforcement agencies.

1.0 FINDINGS

F. 1.0: Overall, county law enforcement agencies failed to implement the 2018-2019 Civil Grand Jury recommendations. All agencies seemed set on continuing as they were, and are protective of their processes, their cases, and their procedures. The failure to implement the 2018-2019 recommendations came down to three factors:

- Lack of leadership
- Lack of desire
- Pandemic disruptions

During the period just after the 2018-2019 Civil Grand Jury there was a disruption of leadership in the Stockton Police Department and a new District Attorney was elected.

The police chief retired and a new chief was hired and faced many challenges to make the department his. It is obvious cold cases were not a priority as there were many improvements that could have been made. For example, hiring more retired annuitants, setting up a new database, using volunteers for data entry of non-sensitive information even having a volunteer to answer phones. He has now been on the job since 2022 and it is time to prioritize cold cases.

A new District Attorney was elected, and has been reorganizing his Office but has not prioritized the cold case unit.

The Pandemic delayed the implementation of recommendations; however, improvements could have been made such as purchasing equipment, setting up databases, and Zoom trainings related to cold

cases. The Sheriff's Office did manage to implement many of the recommendations in spite of the Pandemic.

With over 500 cold cases, it's time to get back on track and recommit to implementing those recommendations.

RECOMMENDATIONS

R. 1.0: By October 1, 2024, all Law Enforcement Agencies review and implement the recommendations from the 2018-2019 Civil Grand Jury Report "Cold Cases in San Joaquin County: On the Back Burner" Case #0318. (These recommendations can be found in the original Civil Grand Jury report and on pages 2 and 3 of this report).

R. 1.1: By October 1, 2024, the task force should be formed and implemented with the San Joaquin County Sheriff's office as the lead agency.

Conclusion

All of the law enforcement agencies agreed with the 2018-2019 Civil Grand Jury's Findings and Recommendations but did not implement them. The one exception, the San Joaquin County Sheriff's Office followed through on most of the recommendations.

Disclaimers

Civil Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Civil 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 Civil Grand Jury is precluded by law from disclosing the identity of

witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Response Requirements

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

The San Joaquin County Board of Supervisors shall respond to all findings and recommendations of this report and the 2018-2019 Civil Grand Jury Report “Cold Cases in San Joaquin County: On the Back Burner” Case #0318.

The Stockton City Council shall respond to all Findings and Recommendations of this report R1 and R2 and the 2018-2019 Civil Grand Jury Report “Cold Cases in San Joaquin County: On the Back Burner” Case #0318, R1, R2, R5, R8, and R10.

The Escalon City Council shall respond to all Findings and Recommendations of this report R1 and R2 and the 2018-2019 Civil Grand Jury Report “Cold Cases in San Joaquin County: On the Back Burner” Case #0318, R1, R2, R8, and R10.

The Lodi City Council shall respond to all Findings and Recommendations of this report R1 and R2 and the 2018-2019 Civil Grand Jury Report “Cold Cases in San Joaquin County: On the Back Burner” Case #0318, R1, R2, R8, and R10.

The Manteca City Council shall respond to all Findings and Recommendations of this report R1 and R2 and the 2018-2019 Civil Grand Jury Report “Cold Cases in San Joaquin County: On the Back Burner” Case #0318, R1, R2, R8, and R10.

The Ripon City Council shall respond to all Findings and Recommendations of this report R1 and R2 and the 2018-2019 Civil Grand Jury Report “Cold Cases in San Joaquin County: On the Back Burner” Case #0318, R1, R2, R8, and R10.

The Tracy City Council shall respond to all Findings and Recommendations of this report R1 and R2 and the 2018-2019 Civil Grand Jury Report “Cold Cases in San Joaquin County: On the Back Burner” Case #0318, R1, R2, R8, and R10.

The San Joaquin County District Attorney shall respond to all Findings, where applicable and Recommendations of this report R1 and R2 and the 2018-2019 Civil Grand Jury Report “Cold Cases in San Joaquin County: On the Back Burner” Case #0318, R1, R2, R4, R6, R7, R8, R9 and R10, within 60 days of receipt of the report.

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

Honorable Gus C. Barrera II, 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 Civil Grand Jury, at civilgrandjury@sjcourts.org

2023 - 2024 San Joaquin County Civil Grand Jury



Second Look:

2019-2020 San Joaquin County Civil Grand Jury Report

Illegal Dumping: Talking Trash, Case #0519

Summary

The 2019-2020 Civil 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.

Subsequent Civil Grand Juries produced three follow-up reports:

The 2020-2021 Civil Grand Jury made multiple attempts to obtain verification of the Task Force formation and resolution of the recommendations. That Civil Grand Jury found that only a few of the recommendations were implemented. All other recommendations remained unsatisfied.

The 2021-2022 Civil Grand Jury verified the Task Force was created and several meetings were held to discuss the issue of illegal dumping. Other recommendations were also fulfilled, but several remained unresolved.

The 2022-2023 Civil Grand Jury determined that the remaining unresolved recommendations from 2021-2022 Civil Grand Jury follow-up report have been sufficiently implemented with the two recommendations of the implementation plan for monitoring cameras and codifying enforcement to being completed. The 2022-2023 Civil Grand Jury recommended no further action should be taken.

The 2023-2024 San Joaquin County Civil Grand Jury had observed “illegal dumping” in several areas of the county despite the implementation of recommendations of the 2019-2020 Civil Grand Jury report Illegal Dumping: Talking Trash Case #0519 and the subsequent follow-up reports to mitigate illegal dumping. The 2023-2024 Civil Grand Jury decided to take a **second look** at illegal dumping. The 2019-2020 Civil Grand Jury investigation was thorough and complete and a new full investigation was not needed. The focus of this second look was the two largest governmental entities in the county, the City of Stockton and San Joaquin County. Complete copies of the original report, all subsequent follow-up reports, and the agency’s responses are found on the San Joaquin County Civil Grand Jury website at: <https://www.sjcourts.org/civil-grand-jury/> .



Picture taken October 24, 2023

Method of 2nd Look Investigation

Materials Reviewed

- 2019-2020 San Joaquin County Civil Grand Jury Report Illegal Dumping: Talking Trash, Case #0519
- 2020-2021 San Joaquin County Civil Grand Jury Follow-up Report to the 2019-2020 Illegal Dumping: Talking Trash, Case #0519
- 2021-2022 San Joaquin County Civil Grand Jury Follow-up Report to the 2019-2020 Illegal Dumping: Talking Trash, Case #0519
- 2021-2022 San Joaquin County Civil Grand Jury Follow-up Report to the 2019-2020 Illegal Dumping: Talking Trash, Case #0519

Presentations:

- City of Stockton Public Works
- San Joaquin County Public Works

Interviews Conducted

- San Joaquin County Assistant Director of Public Works
- City of Stockton Public Works
- City of Stockton Code Enforcement
- San Joaquin County Sheriff

Sites Visited

Multiple “Hot Spots” in San Joaquin County were visited: Kyle Rd. in Thornton, West Jahant Rd. in Acampo, Thornton Rd. from Thornton to 8 Mile Road, and Pearson Road in Lodi.

Glossary

CHAPTER 8.104: proposed ordinance pending approval by Stockton City Council To The Stockton Municipal Code Regarding Illegal Dumping

GOREquest: San Joaquin County website to report service requests (discontinued 2023)

SJC app: My San Joaquin phone app.to report service requests GOGov, Inc.

Reason for Investigation

Members of the 2023-2024 San Joaquin County Civil Grand Jury had observed trash dumped in several areas around the county and the City of Stockton. Members attempted to report the dumpsite via the advertised Trash Hotline, GOREquest. It took the members several attempts to get a response and it was discovered the hotline had changed. The Civil Grand Jury members were finally able to get through and report the dump site using the new phone app: SJC app. This led to the Civil Grand Jury questioning whether or not the prior Civil Grand Jury Report had any impact or if the responsible agencies had reverted to inefficient past practices.

Discussions, Findings, and Recommendations

The GOREquest reporting app did not work when Civil Grand Jury members attempted to use it to report illegal dumping late in 2023. This was pointed out to both presenters from the City of Stockton Public Works and the San Joaquin County Public Works. The Civil Grand Jury was informed that GOREquest was discontinued in 2023 and that it had been replaced with the SJC phone app for reporting. Lack of notification with the GOREquest app left the public without a way to report illegal dumping. The new SJC phone app has seemed to work well in 2024. The Civil Grand Jury noted that reported dump sites have been picked up within 48 hours of reporting. Good job!

San Joaquin County

SJC Public Works employees assigned to picking up illegal dumping consist of four staff members and three vehicles. The Illegal Dumping Task Force began meeting in the fall of 2022. However, they no longer meet on a regular basis. The County purchased 14 cameras but there have been major issues with the batteries not remaining charged and only four of them were operational (at time of presentation).

Enforcement has been lacking and the effectiveness of their cameras system is questionable with only three citations having been issued in the past couple years.

The Civil Grand Jury recommends the County upgrade to a more reliable camera system. The County should consider contacting other cities/municipalities that have a higher success rate. A 29% rate of camera functionality is not an efficient use of taxpayer money. Additionally, the County needs to reestablish regular meetings of the Illegal Dumping Task Force. A total of four staff members and three vehicles appear to be stretched thin and the County should add staff and resources. The public awareness/education process, including billboards and public service announcements are laudable and should be continued.

City of Stockton

During the City of Stockton Public Works presentation to the Civil Grand Jury, we were informed that the Stockton Police Department had been working to develop an illegal dumping ordinance. The proposed ordinance: *CHAPTER 8.104 The Stockton Municipal Code Regarding Illegal Dumping*, was developed with the City Attorney's Office. The intent of the ordinance is to elicit assistance of citizens in reporting license plates of vehicles/trailers, hopefully with photos or videos, which could greatly improve enforcement and prosecution of illegal dumping. Funds have been allocated for a media campaign advertising a rewards program of up to \$250 for citizens who report illegal dumping. As of the date of this Civil Grand Jury report, the ordinance has not yet appeared as a City Council agenda item, and the progress towards implementation of the ordinance is in question.

In addition to the ordinance, the City has 16 cameras and has purchased an additional 125. However, the efficacy of the cameras is questionable; according to their reports, the number of arrests for illegal dumping is a grand total of four over the last seven years. The Civil Grand Jury recognizes

the difficulty in controlling illegal dumping and applauds the efforts to control the problem by the proposed ordinance to encourage public engagement. We commend the City on the new reporting app and the quick response times. Billboards and advertisements have attempted to raise public awareness.

The City/County Task Force recommended by the 2019-2020 Civil Grand Jury does not currently meet on a regular basis and may even have been discontinued. This Task Force would be a valuable resource for establishing best practices and coordinating efforts to control illegal dumping.



Picture taken September 13, 2023

Recommendations

R1.1: By November 1, 2024 the City/County Task Force should meet on a regular basis.

R1.2: The City of Stockton shall adopt the proposed ordinance by December 31, 2024.

Acknowledgments

Thanks to all who truly do a thankless job. You make the county cleaner and safer by taking away health and safety hazards that can harm our children and attract disease-carrying vermin.

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. The Tracy City Council shall respond to all findings and recommendations. Mail or hand deliver a hard copy of the response to:

Honorable Gus C. Barrera II, 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 Irving Jimenez, Staff Secretary to the Grand Jury, at civilgrandjury@sjcourts.org

SECTION 4: LAW AND JUSTICE

Law and Justice Report
with CARE Act Update.....Page 71



2023-2024 San Joaquin County Civil Grand Jury



Law and Justice Report

Introduction and Background

California Penal Code sections 919(a), and 919(b) authorize the Civil Grand Jury to inquire into the condition of jails and public prisons operated by the state, county, and cities within the jurisdiction of San Joaquin County. The Civil Grand Jury is charged with investigating matters pertaining to law enforcement, including police, juvenile justice, public protection, probation issues, and inspecting court detention facilities within the county. The Civil Grand Jury utilized surveys, information requests, and web-based presentations to fulfill its obligation.

This year's Civil Grand Jury focused on the state of the local criminal justice system focusing on:

- Cold Cases
- Recruiting & Retention

The 2023-2024 Civil Grand Jury sent out surveys to all local law enforcement agencies, toured the County's detention facilities, and listened to presentations by law enforcement entities within the County addressing the above items.

Law Enforcement Department Descriptions

The following are overviews of the various law enforcement agencies that the Civil 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 Civil 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 2023-2024 Civil 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.
- San Joaquin Delta College Police Academy
- San Joaquin County Jail
- Juvenile Detention Facility under the Juvenile Detention Service within the San Joaquin County Probation Department.
- The California Health Care Facility (CHCF).

The Civil Grand Jury had presentations from all of the agencies except the California Health Care Facility. Jury members toured the San Joaquin County Jail, the Juvenile Detention Facility, 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:

- Community Mental Health Response Program.
- Homeless issues.
- Cold Cases.
- Staffing demands and recruitment strategies.

The Civil 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 Civil

Grand Jury members who spent time with law enforcement officers during their ride-along sessions commented on the professionalism demonstrated by the officers.

Staff shortages is a common concern expressed by many of the law enforcement agencies. This results in longer response times to calls.

This report includes information obtained from the presentations, facility visits, independent research of agency websites, documents provided by the agencies, and individuals' ride-along observations.

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. All agencies viewed this collaboration as a long-term solution to crime in their areas.

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.

Homelessness Issues

Homelessness is a problem in San Joaquin County. The law enforcement community recognizes the concerns of the community related to the homeless population and is committed to assisting in dealing with the issue while ensuring the community's rights are upheld. Many agencies now have staff dedicated to working with members of the homeless community with the goal of assisting them to find the resources available.

Staffing Demands and Recruitment Strategies

Many 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. Due to staff shortages, many departments had to come up with creative solutions for making do with less.

Glossary

- **Academy:** POST-accredited training academy
- **AFIS:** Automated Fingerprint Identification System
- **BSCC:** Board of State and Community Corrections (California)
- **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
- **CHCF:** California Health Care Facility located in Stockton
- **ComCar:** Community Car Program in the San Joaquin County Sheriff’s Office in which deputies work in specific areas to gain greater connections and trust with the community. ComCar deputies work in specific areas known as “micro-beats.”
- **CRU:** Community Revitalization Unit in the San Joaquin County Sheriff’s Office enforces blight laws in the County
- **Delta College:** San Joaquin Delta College
- **EMP:** Electronic Monitoring Program. This is house arrest with a monitoring device
- **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
- **Measure A:** A Stockton three-quarter cent (0.75%) transaction and use tax (sales tax) effective April 1, 2014, extended by City Council December 2023. The proceeds will be used to pay for law enforcement, crime prevention services, and services to Stockton residents.
- **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
- **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
- **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
- **Resident:** Any person confined or detained in a juvenile facility or in a community confinement facility
- **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)
- **SJC:** San Joaquin County
- **SRO:** School Resource Officer
- **STARS:** Sheriff's Team of Active and Retired Seniors

Facilities Toured

- **Members of the 2023/2024 Civil Grand Jury toured the following facilities:**
- San Joaquin County Juvenile Detention Facilities
- San Joaquin County Jail
- California Health Care Facility (CHCF)

The following documents submitted by the San Joaquin County Juvenile Detention Facility were reviewed:

- San Joaquin County Juvenile Detention Facilities Youth Handbook
- San Joaquin County Juvenile Detention Facilities Information Packet

Escalon Police Department



The City of Escalon covers about two and a half square miles and has 7,448 (2022) residents. Of the seven cities in San Joaquin County, Escalon has the smallest police department with 11 sworn officers but is augmented by 12 reserve officers. The Escalon Police Department has contracted with the Ripon Police Department to provide full-time dispatch services and mutual aid.

Escalon has a limited residential growth initiative which limits tax revenue to the City. This results in police officer salaries being the lowest in the county. Despite this, the department has been able to recruit new officers wishing to take advantage of the small-town quality of life Escalon has to offer.

Lathrop Police Department



The City of Lathrop is one of Northern California's fastest-growing cities with a population of over 35,000. The Lathrop Police Department is the newest law enforcement agency in San Joaquin County completing its first year of operation on June 29, 2023. Police accountability, public trust, community outreach, and transparency were the top priorities for the Lathrop community. The Department has 42 sworn officers and 15 non-sworn staff. Dispatch services are provided by the Ripon Police Department. The Department provides Ripon Police Department funding for six dispatchers.

To meet its community outreach priority, the Department hosts regular events such as town halls and public events including a monthly "Coffee with a Cop". They employ a media relations coordinator who utilizes social media for community outreach.

The Lathrop Police Department's School Resource Officer (SRO) Unit consists of a Sergeant and four officers. The SROs maintain high visibility before and after classes to assist in the safe flow of vehicular and pedestrian traffic. The goal is "to ensure children make it safely into and out of school campuses on a daily basis."

Crime statistics from the city's crime mapping system showed from June 29, 2022, through June 28, 2023, 163 crimes against persons and 454 crimes against property.

The Department has worked with San Joaquin County Behavioral Health Services for training on mental health crisis intervention strategies.

The Lathrop Police Department has a single documented cold case which they inherited from the time when San Joaquin County Sheriff's Office was providing public safety services.

Being fully staffed, the Department is not currently facing a hiring or retention problem. The department's base salary is above average when compared with other departments in the county.

Because the Department is only entering its second year, sworn employees were hired by the Lathrop Police Department via lateral entry. This ensured the department started with sworn officers with prior law enforcement experience.

Lodi Police Department



The City of Lodi was founded as a township in August 1869. Lodi was incorporated on December 6, 1906. Lodi Police Department's formation in 1906, the Department has grown to include 75 sworn officer positions, 55 non-sworn employees, and roughly 50 volunteers serving approximately 70,000 citizens and approximately 14 square miles of jurisdiction. The department's mission is to ensure the safety and security of the community by reducing crime, creating strong partnerships, and investing in its employees to prepare for the future. The Lodi Police Department implemented ACE — Advance, Connect, and Evolve to measure their daily service.

Advance the Department

- Build Relationships
- Be Proactive
- Take Care of Each Other
- Strive to Improve each Other and the Department

Connect with the Community

- Coffee with a Cop
- Meet the Beat
- Citizen's Academy
- Open House
- National Night Out

- Get out of the Car and Talk with Citizens

Evolve with Policing

- Policing Smarter with Available Resources to Ensure Public Safety
- CIT Training
- Technology
- De-escalation Training
- Transparency

Manteca Police Department



The Manteca Police Department’s mission statement reads: “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 75 sworn positions and six non-sworn positions. The Department is staffed with one captain, two lieutenants, seven sergeants, 56 officers, four Community Service Officers, and two booking officers. The Department is divided into two divisions, Operations and Services totaling 114 full-time police employees. They are not currently facing a hiring or retention problem.

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 Operations Division consists of Patrol, Traffic, Community Resource Officers, School Resource Officers, SWAT, K-9, and an Unmanned Aerial Unit (drones). Other technology utilized by the Department includes Automated License Plate Readers and next-generation red light cameras.

The Services Division consists of Code Enforcement, the Communications Center, Detectives, Gang Suppression, Street Crimes Units, Property, Evidence, and Records. This Division also has 65 volunteers known as Seniors Helping Area Residents and Police (SHARP) who provide assistance and support to the city by patrolling school areas and commercial parking lots. They also provide clerical support in the Records Unit.

Ripon Police Department



The City of Ripon, known as the “Almond Capital of the World” and “The Jewel of the Valley” has a population of 16,500 with a total area of 5.5 square miles. Established in 1874, the city was incorporated in 1945.

The Ripon Police Department has 42 employees with 23 full-time sworn officers and 19 non-sworn personnel. In 2022 the department reported 21,955 incidents resulting in 818 total arrests, 680 misdemeanors, and 136 felonies. The department prides itself on its positive community relationship. For the entire year, there were only 4 use of force incidents and 1 formal citizen complaint. This method of policing is described as “Guardian vs. Warrior” mindset, which emphasizes communication over commands, cooperation over compliance, legitimacy over authority, patience over control, and stability over action.

The department’s mission statement and core values reflect their commitment to the community, emphasizing principles such as:

- Reverence for the Law
- Service to Our Community
- Integrity in Our Actions
- Respect for People

The overriding department philosophy is expressed as: “You have the ability to make a difference daily”. Ripon Police Department strives to practice Proactive Policing to prevent crimes from occurring in contrast to Reactive Policing to respond to a crime after it has been committed. The department believes they have the community’s partnership, trust, and respect and are committed to doing everything in their power to maintain that relationship.

Stockton Police Department



The City of Stockton is 65 square miles with a population estimate of 320,000 and is 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 districts are north of the Calaveras River and three are south. The number of calls for service is similar in both north and south Stockton. The Sheriff's Office (rather than the Stockton Police Department) has responsibility for several unincorporated 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 Civil Grand Jury, there were 228 professional staff and 345 sworn officers. A serious staffing shortage of more than 140 officers was reported in March 2023. 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 which will have an impact on programs that support the community. The 140 officer shortage creates difficulty for the Department and for the community. Due to staffing issues, calls for service may not receive a timely response. When high priority calls overwhelm the available officers, the department declares a Code Blue and only responds to calls that pose an immediate threat to life or property with lower priority calls receiving attention as time permits. The staffing shortage frequently necessitates

declaration of Code Blue. From January through March 2024, the SPD resorted to Code Blue approximately 24 times per month.

Collaborative Relationships Between Law Enforcement and Citizens

Violence Reduction Initiative

Before 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 change
- 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. Integrated Criminal Apprehension Program (ICAP) meetings help deploy available resources in hot-spot neighborhoods to prevent retaliatory shootings. ICAP 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.

Operation Peacekeeper

The program mentors youth and young adults with the highest risk of gang involvement, particularly serious gun-related violence, and provides positive alternatives for a healthier, non-violent lifestyle.

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.

Neighborhood Betterment Teams (NBT)

Funded as a part of Measure A, the NBT works to improve “quality of life” issues within specified neighborhoods through the realization of the following primary goals:

- Blight and crime reduction.
- Strengthening of economic viability within and surrounding NBT areas
- Fostering community pride and participation in community policing efforts
- Affecting and sustaining improvement to the physical characteristics of the area
- Decreasing the number of vacant homes

Community Health Response Program

In a partnership with Community Medical Centers, a pilot project has been started where a care team responds to non-emergency calls for mental health assistance. The “Care Team” includes a social worker, a case manager, a healthcare worker, and a medical assistant.

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.

Dispatching

Call Prioritization Rationale

- The Dispatch Center received 373,710 calls in 2022, of which 198,612 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

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 comprehensive and ongoing 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 improves 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

Available crime statistics through September of 2023 compared to the same time in 2022 showed that total crime was up 6.9%, property crime was up 11.3%, violent crime was down 3.7%, and homicides were down from 43 in 2022 to 39 in 2023.

Recruiting and Retention

Sworn Officer Hiring

- Authorized and budgeted: 485 Officers
- Current Staffing: 350 Officers as of November 2023
 - 9 Probationary Officers in a POST academy
 - 21 Probationary Officers supervised by Field Training Officers
 - 10 hired/24 separated
 - 6 sworn lateral transfers to other agencies

Recruiting

- Recruiting events: 323
- Current recruiters: 39
- Currently in the background check process:
 - 52 Officer candidates
 - 25 Professional staff candidates

Measure A

With the extension of Measure A approved by the City Council in December 2023, the police department hopes to see an improvement in the recruitment and retention of staff. The City will be allocating Measure A funding to pay for temporary programs to address critical recruitment and retention issues of police officers.

San Joaquin County Sheriff's Office



The San Joaquin County Sheriff's Office (SJSO) was established in 1853 and has over 800 employees. They serve 793,229 citizens of San Joaquin County and is the primary law enforcement provider for the unincorporated areas of the County. The Sheriff's Office is also responsible for patrolling over 500 miles of navigable Delta waterways.

General Areas of Responsibility

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

Animal Services

The Animal Service has taken 8,770 calls for service. They wrote 285 reports and returned 363 animals to their owners. They also sold 2,353 pet licenses.

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. Chaplains 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.

9-1-1 Dispatch Policies

Priority 1: Requires immediate dispatching of units (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, or 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: taking calls 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

Dispatch Statistics for 2022

| | |
|----------------------------|---------|
| Calls received by Dispatch | 197,141 |
| 911 Calls | 56,356 |
| Emergency Calls non-911 | 18,631 |
| Non-Emergency Calls | 122,154 |

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 court facilities in San Joaquin County. This includes the management of in-custody inmates brought to court from the county jail and juvenile facilities, and all temporary inmate holding cells. This division monitors the safety and security of 125 courtrooms and responds to security issues within and around 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, two sergeants, 19 full-time deputies, eight correctional officers, 29 part-time deputies, and correctional officers.

A private non-sworn security company is utilized for courthouse entry screening and after-hours security.

Court locations include Stockton, Manteca, and the Juvenile Detention Facility. The Lodi and Tracy courts are currently closed.

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 divide responsibilities consisting of, but not limited to, management of the John Zunino Jail Complex and Honor Farm Complex:

- Intake
- 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
- Food Services Liaison
- Inmate Population Management
- Training, Records Division
- Realignment/AB 109
- PREA Compliance.

Booking

- Live Scan
Local Automated Fingerprint Identification System (AFIS) search to verify the arrestee's identity
- Consular Notification
Completed during the intake process
Provides notification for foreign nationals to the nearest consulate Article 36(1)(b) of the Vienna Convention on Consular Relations
- Programs and Services
Identify the level of education and utilize 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 the inmate information board, available in English and Spanish

Inmate Housing

- Inmate 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

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

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

- 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 in their rated capacity – 35 beds
- Population as of November 8, 2023, 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

Tracy Police Department



The City of Tracy has a population of approximately 98,000. The department currently consists of 107 sworn officers and 61 professional staff members. Tracy Police Department has a long history of using force judiciously, lawfully, and minimally.

The department has a wide range of assets at its disposal. This includes drones for searches, Automatic License Plate Readers, and a canine unit.

The Tracy Police Department's Familiar Faces Homeless Outreach Team contributes to the city's Homeless Strategic Plan. The team identifies people experiencing or at risk of homelessness in vulnerable subpopulations. They have developed an effective protocol for initiating contact with unhoused people.

Prevention services include programs that teach teenage leadership skills, provide alternatives, and raise awareness about the effects of drugs and alcohol on our community. The Tracy Police Department holds many events, such as Town Hall Meetings and Coffee with the Cops. Programs such as the Public Safety Youth Advisory Board and Police Community Police Academy strive to create a safer and more vibrant community.

The Tracy Police Department places a high priority on training which includes a Field Training Program. Like many other police departments, they have implemented a wellness program through a partnership with Sigma Health. The City of Tracy offers tuition reimbursement of up to \$20,000 total maximum for employees to obtain degrees.

San Joaquin County District Attorneys' Office



The San Joaquin County District Attorneys' Office was established in 1850. In 2022, a new District Attorney (DA) was elected as the County's 42nd District Attorney. He has over 30 years of experience in the San Joaquin County District Attorney's office. He oversees just over 300 employees, (97 attorneys, 60 law enforcement investigators, and the balance being support staff). He stated that when he came into office the vacancy rate was 30% and it is now approximately 7%. He credits the Assistant District Attorney with a recruitment effort that resulted in 52 (25 attorneys) hires in less than a year.

The DA's Office prosecutes offenders in San Joaquin County courts in Manteca, Stockton, and French Camp. In the future, a South County court facility may be built in Tracy.

The DA believes that if you break the law, you should be held accountable, and his staff will spend more time in court prosecuting offenders. To accomplish those goals, he has increased employee training and streamlined the various units in his department (which is an ongoing process). He described a "mainline division" and a "vertical division". The mainline division handles both misdemeanors and felonies. They often utilize a team approach where many attorneys may work on a single case. The vertical division handles more complex cases requiring specialized knowledge/experience and refers to them as his "Special Forces". In these cases, one individual will be assigned, and that person sees the case through to sentencing.

The DA stated that prior to his arrival, the charging rate was at 50%. San Joaquin County's rate of filing charges is now at 80%. For comparison the state rate is 70%.

The DA stated that the number one problem and major cause of death in San Joaquin County is fentanyl. He said San Joaquin County is now considered the hub of fentanyl traffic in California. He stated his office supported a new bill that could add a 10-20 year sentencing enhancement depending on the amount of fentanyl possessed by the offender. His office filed the first fentanyl related murder charges in San Joaquin County. His office also started a fentanyl response team known as FIRST (Fentanyl Intervention Response and Safety Team) based on a successful program from another county.

The DA has renewed their association with law enforcement organizations and law advocacy groups that further public safety, defend the most vulnerable victims, and seek justice for all citizens. He supports education and programs aimed at keeping youths on the right path in life, such as the Youth Leadership Academy and the Discovery Academy. He uses asset seizure money to fund anti-gang programs and youth/gang advocacy groups.

The DA, along with county law enforcement partners, has targeted "sideshows" not only because it is illegal, but also dangerous. The Sheriff's Office recently broke up a sideshow making numerous arrests and confiscating approximately 80 vehicles.

The DA admitted he does not have the answer to the homeless problem and noted that nobody else does either. He views it as a complex issue and is evaluating the options, what has worked and what has not. He must act within the guidelines of the current laws as he tries to meet the needs of the homeless, the rights of businesses, and public safety.

The DA stated that “Cold Cases” is one of many priorities; in particular, restarting the Cold Case Task Force recommended in the 2018-2019 San Joaquin County Civil Grand Jury Report, Case #0318 “Cold Cases In San Joaquin County: On the Back Burner”. The new DA stated the ongoing reorganization of his office includes an Assistant DA, in charge of several cold case investigators, who will resume meetings with the other task force partners.

California Health Care Facility



The 2023-24 Civil Grand Jury toured the California Health Care Facility (CHCF) on December 7, 2023. The California Department of Corrections and Rehabilitation (CDCR) California Health Care Facility in Stockton is a licensed medical facility that provides medical, mental health, and dental care to approximately 1,200 inmates. It covers 1.4 million square feet, eight buildings, and sixteen small yards, employing over 1,000 correctional custody staff, 1,300 California Correctional Health Care Services (CCHCS) staff, 1,900 CDCR custody support, psychiatric, clinical, rehabilitation staff and, about 400 contracted employees.

CHCF has a campus-like look to provide a healing environment to the incarcerated population. In addition, CHCF offers:

- low-and high-acuity medical beds for inmate patients of all security levels
- palliative care
- memory care unit

- Psychiatric Inpatient Program: acute and intermediate-care mental health beds and treatment
- dental care
- hemodialysis treatment
- telemedicine clinic
- pharmacy, laboratory, x-ray, and other medical treatment and services
- career technical and academic education, substance abuse treatment, and religious services

In addition, San Joaquin General Hospital has a Medical Guarding Unit overseen by CHCF which provides more intensive care not available at CHCF. Security for CHCF is based on the direct supervision model of management which requires direct, personal interaction between staff and the incarcerated population, minimizing unnecessary physical barriers. With a total capacity of 29 beds, the renal dialysis unit is one of the largest facilities in the United States. It operates two shifts per day.

The majority of the inmates at the institution have medical or mental health problems. A smaller population of inmates, those without medical or mental health conditions, comprise the workforce that operates the warehouse, laundry, culinary, and plant operations (plumbers, electricians, carpenters, mechanics, and all maintenance). Some jobs include providing personal care to other inmates, such as assisting wheelchair-bound inmates by aiding them in daily functions such as showering, feeding, and moving them within the institution.

The CHCF complex includes a centralized utility plant, warehousing, support facilities, and visitor, and staff entry buildings. The kitchen/culinary facility where all inmates' meals are prepared is flexible enough to provide any special meals to meet any inmates' dietary requirements deemed necessary due to the inmates' medical condition. This can be a daunting task as on any given day they can make 100 or more different types of meals to meet the various dietary requirements of inmates.

The overall population is approximately 3,000 inmates housed in five facilities labeled A through E. Each facility is comprised of several housing units. Housing in A, B, C, and D are staffed with custody, medical, and/or psychiatric staff. Unit A is the Crisis Care facility where inmates in mental health crisis are temporarily housed until well enough to be returned to their primary institution. If their crisis is not resolved, they are transferred to facility B, the PIP for continued mental health treatment. Facilities C and D house inmates with a variety of medical conditions. One housing unit in facility D is designated as a palliative care unit for terminally ill patients. In the future, a housing unit will be dedicated to inmates with dementia. Another unit may be created specifically for elderly inmates. Facility E houses general population inmates with a section dedicated to the raising and training of puppies for *Canine Companions for Independence* (CCI). CCI is a nonprofit organization that provides service dogs to people with disabilities free of charge. Inmates train the dogs for up to 18 months and the dogs will then be turned over to a professional training center and eventually paired with a person with a disability.

Family visitation is a privilege inmates earn by meeting certain criteria while maintaining good behavior. There are four apartments for family visitation. Each apartment has a kitchen, living room, bathroom, and two bedrooms. Inmates are eligible for a maximum of six 48 hour-long visits a year.

San Joaquin County Juvenile Detention Center



The San Joaquin County Juvenile Detention Facility is a juvenile detention facility in French Camp. On March 21, 2024, the Civil Grand Jury toured the San Joaquin County Juvenile Detention Facility

accompanied by the Deputy Chief Probation Officer who provided an overview of the facility's operations.

The 229-bed facility, in operation since 1980, consists of the Juvenile Detention Hall and Camp Peterson. At the time of the visit, the juvenile resident population was at approximately 50 percent of capacity. With the Juvenile Justice Realignment Block SB 823 changes, 22 residents (over age 18) have remained in 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. Classification is ongoing as population changes are continuous.

There are six housing units in the facility. Currently, only three are in use. One unit was designated for younger or less sophisticated residents, and another unit was for higher-risk and older residents. Units include an open area with tables to work with staff, classrooms, and banks of bedrooms where residents are enclosed at night.

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 a living area. A basketball court and outdoor areas were available to residents. Placement is earned through good behavior and is considered a reward.

Services provided to residents include Evidenced-Based Programming, which helps to guide youths into improving decision-making skills. Additionally, educational and vocational pathways, mentoring, structured activities, counseling services, and family engagement are provided. 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 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 and support services
- Cognitive Behavioral Training Open Group Sessions
- Arts and crafts, table games, video games, television, and access to reading materials in the library
- The Dream Center is an incentive-based program providing residents with 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
- 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.

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 on reducing recidivism. All residents are encouraged to earn a high school diploma or post-secondary education. The facility has initiated a technology and business skills

training program. A new virtual reality simulator assists youths in gaining certification for Forklift and commercial big-rig operation. These programs could lead to potential employment opportunities upon release. Gardening and landscaping are used as a learning tool to teach math and science. An on-site kitchen will be used for a culinary training program.

The SJCOE also provides tutors to assist the students. Residents who are high school graduates are encouraged to enroll in online classes through San Joaquin Delta College.

Facility Physical Improvements

Improving the aesthetics of the facility was a major emphasis in the last few years and included new furniture and brightly colored walls. 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. 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. The outdoor courtyard gardens outside Camp Peterson were created through this program.

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.

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. The camera monitoring room is staffed at all times.

Medical Services

A nurse is on-site seven days a week from 6:00 a.m. to 9:30 p.m. 9-1-1 is called in an emergency. If needed, an ambulance or a staff member takes residents to the San Joaquin County Hospital.

Staffing

The Civil Grand Jury met a very dedicated, hardworking on-site staff. They worked well together. However, the facility is understaffed and has not been able to maintain 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 works long and double shifts. Despite these issues, the staff promoted a positive and nurturing environment.

Delta College Basic Peace Officer Academy



The Civil Grand Jury received a presentation from the Director of the San Joaquin Delta College POST Academy. The POST Academy is certified by the Commission on Peace Officer Standards and Training (POST) to present a basic course to peace officers and pre-service students who qualify for program admission. The POST Basic Training Course prepares students to enter a field training program at a police department or sheriff's department.

The POST Basic Training program is offered in two formats: Intensive (40 hours per week) and Extended (geared toward students who cannot attend a full-time academy). The academy is divided into three modules for a total of 907 hours of training. Graduates of the academy receive an Associate of Science degree in Police Science and the POST certificate required to enter a field training program with a police department in California.

The academy teaches students how to work as a team to accomplish difficult tasks and prepare them for a career in law enforcement. They emphasize a progressive outlook, teaching the latest principled policing, officer wellness, and force avoidance/de-escalation methods.

In 2022, the academy graduated 87 students with a graduation rate of 80%. Many of these students were sponsored by various police agencies in San Joaquin County and neighboring counties in Northern California.

2023 - 2024 San Joaquin County Civil Grand Jury



San Joaquin County Behavioral Health Services Care Act Overview

Summary

The 2023-2024 Civil Grand Jury invited the Director of San Joaquin County Behavioral Health Services (SJCBS) to provide information on the Community Assistance, Recovery, and Empowerment Act (CARE) and how it will be implemented in San Joaquin County and the state of behavioral health services.

Background

On September 14, 2022, California Governor Gavin Newsom approved SB 1338, which enacted the CARE Act. The CARE Act creates a process, called the CARE Process in California's Civil Courts to provide earlier action, support, and accountability for both individuals with untreated mental health disorders, and identifies local government responsibility for providing behavioral health services to these individuals.

The CARE Act creates a new pathway to deliver mental health and substance use disorder services to the most severely impaired Californians who too often suffer from homelessness or incarceration without treatment. The CARE Act moves care and support upstream, providing the most vulnerable Californians with access to critical behavioral health services, housing, and support. San Joaquin County (SJC) is planning to implement CARE Court in December 2024. Currently, SJC has been holding CARE Court workgroups that have included Health Care Services, Behavioral Health Services, the Superior Court, the District Attorney and Public Defenders Offices, and the Sheriff's Department. The CARE Court workgroup participants have been reviewing the legislation, discussing required processes and forms, discussing clinical treatment requirements and court reporting, as well as monitoring the success and challenges that Cohort 1 counties have been experiencing.

SJCBHS has identified the treatment team that will support Care Court participants. This team includes one Full Time Equivalent (FTE) Mental Health Clinician, two FTE Mental Health Specialists, and three FTE Mental Health Outreach Workers/Peer Support. SJCBHS has also submitted a request for two new positions to add to the current team – a Mental Health Clinician III and a Mental Health Clinician II. This will enable the team to meet SJCBHS' responsibility to provide clinical evaluations to determine eligibility and to provide treatment and on-going court reporting as required by the CARE Act.

SJCBHS plans to take a preventative approach modeled after San Francisco County. SJCBHS intends to develop a dedicated phone line that the community and petitioners can call to discuss any possible referrals, to discuss available services and alternatives to CARE Act proceedings, and for guidance on the required forms petitioners must complete. SJCBHS hopes a preventative approach will increase the number of individuals that voluntarily connect to behavioral health services without the need for formal CARE Act proceedings, as well as diminish referrals that do not meet the specific CARE Act criteria, thus maximizing the efficiency of the referral and petition process. Over the next few months, SJCBHS will continue to participate in the CARE Act workgroups and schedule meetings with the identified judicial officer who will oversee CARE Court to finalize court expectations, processes, and treatment referrals. SJCBHS, in collaboration with their partners, plans

to hold CARE Act townhall meetings in various areas of San Joaquin County to inform the community of the CARE Act, to discuss the petitioner process and alternative services available, and to create a venue for the community to ask questions about the CARE Act and accessing care.

SJCBHS operates four community response teams. One team is based in Lodi, one in Tracy, and two in Stockton. Additionally, one mobile crisis team member co-located with Manteca PD multiple times a week. SJCBHS is planning to expand by 3 more teams and bring in a contract provider who can cover nights, weekends, and holidays. SJCBHS currently has a total of 1,037 positions. As of March 1, 2024, they currently have 293 vacancies (206 full-time, 87 part-time). It takes about 90 to 125 days to onboard new employees.

SJCBHS is working on reducing no-shows for treatment, barriers to treatment, and how they are being addressed. Transportation is one of the biggest barriers to treatment. The state doesn't reimburse for transportation costs in Specialty Mental Health, so client transportation is limited. Due to this, clients must rely on bus passes, Uber, or getting their own transportation to appointments. Clients often cite a lack of transportation for appointment no-shows.

In August 2023, the San Joaquin County Board of Supervisors approved a plan that calls for the development of an addiction and mental health treatment facility dubbed "San Joaquin Be Well Campus". The new facility will be built on about 23 acres located east of the Interstate 5 freeway across from San Joaquin General Hospital. The county's goal is to have this project completed by the 2025-2026 fiscal year.

Conclusion

The San Joaquin County Behavioral Health Services organization has a great deal of work ahead of them over the next few years in response to the CARE Act and planned housing projects. The San Joaquin County Behavioral Health Services should be commended for the hard work they do with the barriers and challenges they face in hiring and retaining qualified workers.

SECTION 5:

FOLLOW-UP REPORTS

San Joaquin County Custodial Facilities:
Failing to Comply with the Prison Rape
Elimination Act of 2003
Case # 0222.....Page 111

School Safety in San Joaquin County:
Developing a Culture of Safety
Case # 0322..... page 131

Good Intentions Are Failing
San Joaquin County's At-Risk Children
Case # 0422Page 167

Eastern San Joaquin Groundwater Authority:
A Rubik's Cube of Water Management
Case # 0622.....Page 179



Follow-up Report to the 2022-2023 San Joaquin County Civil Grand Jury



Case #0222

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

Preface

This report contains the responses to the 2022-2023 San Joaquin County Civil Grand Jury report regarding the San Joaquin County jail and the San Joaquin County Juvenile Detention Facility.

The 2023-2024 Grand Jury follow-up determinations are presented after the agency's responses to each recommendation.

Discussions, findings, and recommendations from the 2023-2024 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: <http://www.sjcourts.org/civil-grand-jury/>.

Summary

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 were then established by the U.S. Department of Justice and published in the Code of Federal Regulations,(CFR), 28 CFR part 115, in 2012. There are two sets of standards, one for adult detention facilities and one for juvenile detention facilities. In San Joaquin County these federal requirements apply only to the County Jail, Juvenile Detention Facility and Lodi City Police Department jail.

The 2022-2023 Grand Jury report cited numerous incidents of sexual abuse and harassment that had occurred in San Joaquin County (page 16)

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

Method of Investigation

The Grand Jury reviewed Federal documentation for PREA, media reports, San Joaquin County custodial facility websites, and detainee/resident complaints including lawsuits and disciplinary actions. The Grand Jury toured the jail and Juvenile Detention Facility and met officers and staff.

Presentations were given by the County Sheriff's Office and the County Probation Office. Five interviews were conducted. Additionally, websites were visited and hundreds of pages regarding policies and procedures, booking detention procedures, required records and reports maintained by the facilities were reviewed.

Summary of Responses and Grand Jury Conclusions

| |
|--------------------------------|
| Table Legend |
| Implemented |
| Follow-up |
| Not Implement |
| SJC: San Joaquin County |

| Respondents | Rec. # | Responses | Grand Jury Conclusion |
|-----------------------------|---------------|---------------------------------|--|
| SJC Sheriff | R1.1 | Pending Posting of Audit | 2024-2025 Civil Grand Jury will follow-up |
| SJC Sheriff | R1.2 | Implemented | No Further Action Taken |
| SJC Sheriff | R1.3 | Implemented | No Further Action Taken |
| SJC Sheriff | R1.4 | Implemented | No Further Action Taken |
| SJC Probation | R2.1 | Not Implemented | |
| SJC Probation | R2.2 | Not Implemented | |
| SJC Probation | R2.3 | Not Implemented | |
| SJC Probation | R2.4 | Not Implemented | |
| SJC Probation | R2.5 | Not Implemented | |
| SJC Probation | R2.6 | Not Implemented | |
| City of Lodi PD Jail | R3.1 | Implemented | No Further Action Taken |

2022-2023 Primary Findings

The 2022-2023 Civil Grand Jury found many required actions of PREA were not being met in the three facilities. PREA requires an audit be done by a certified auditor under the Department of

Justice and no such audits had been done by the two San Joaquin facilities and only a minor infraction involving the Lodi Jail which comes under a holding unit rule. The required audits ensure compliance and failure to follow their recommendations can lead to inability to receive certain grants and be subject to legal actions involving failure to meet the required standards when an incident occurs.

RESPONSES RECEIVED TO FINDINGS AND RECOMMENDATIONS

1.0 San Joaquin County Sheriff

The Sheriff's office was able to fund the costly audit required by the U.S. Department of Justice. The physical on-site audit began on October 6, 2023, and concluded on October 8, 2023. It was conducted by a federally certified auditor, Timothy M. Evinger. On November 6, 2023, he signed the interim report:

PREA Facility Audit Report: Interim

Facility: John Zunino Jail Complex and Honor Farm Complex

The interim report included the many issues the Civil Grand Jury had found in their statement of Facts. The Code of Federal Regulations sets out the legal requirements to meet the standards of PREA.

Standards not met, referencing the number of mandated requirements in CFR:115.13 Supervision and monitoring`

- 115.15 Limits to cross-gender viewing and searches
- 115.16 Inmates with disabilities and inmates who are limited English proficient
- 115.17 Hiring and promotion decisions
- 115.22 Policies to ensure referrals of allegations for investigations
- 115.32 Volunteer and contractor training
- 115.33 Inmate education
- 115.34 Specialized training
- 115.41 Screening for risk of victimization and abusiveness
- 115.42 Use of screening information
- 115.43 Protective Custody
- 115.54 Third-party reporting
- 115.61 Staff and agency reporting duties
- 115.71 Criminal and administrative agency investigations
- 115.86 Sexual abuse incident reviews

Not being met does not mean not doing, but not fully being implemented as required by the Code of Federal Regulations.

Findings

2023-2024 Civil Grand Jury Finding F1.1: The report remains interim as the Sheriff has been given six months to comply with correcting the listed violations. Sheriff Withrow has commented to have all corrections completed by May 6, 2024. These corrections will satisfy the recommendations of the 2022-2023 Civil Grand Jury report.

Agency response: *Agree. The Sheriff agrees with the Grand Jury's Finding.*

2022-2023 Civil Grand Jury Finding F1.2: The San Joaquin County Sheriff's Office is not in compliance with CFR 115.33 (f), which requires them to provide written materials and visible posters explaining inmate rights and the Sheriff's zero-tolerance policy regarding sexual abuse or sexual harassment, which could result in delays in reporting, investigating, and exposes the office to potential lawsuits, financial liability, and reduction in Federal grant funding.

Agency response: *Agree. The Sheriff agrees with the Grand Jury's Finding.*

2022-2023 Civil Grand Jury Finding F1.3: The San Joaquin County Sheriff's Office does not provide accessibility to confidentially report sexual abuse or harassment to an independent public or private entity as required under CFR 115.51 which is a violation of PREA standards and could result in a reduction of Federal grant funding.

Agency response: *Agree. The Sheriff agrees with the Grand Jury's Finding.*

2022-2023 Civil Grand Jury Finding F1.4: There was no video or audio recording in interrogation rooms. There should be no area in the jail, absent issues of mandated privacy, where an inmate could be with officers in 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.

Agency response: *Agree. The Sheriff agrees with the Grand Jury's Finding.*

Recommendations

R1.1: Upon completion of the AUDIT and its certification by the Department of Justice, publish said AUDIT for the public on your website and provide completion of the required "not in compliance" sections of the Code of Federal Regulations no later than June 1, 2024, to the Civil Grand Jury.

Agency response: *Agree. The Sheriff agrees to implement the Grand Jury's*

Recommendation.

Although the San Joaquin County Sheriff has yet to post the Audit, it has been completed and the Sheriff will post the audit when he receives it.

The 2023-2024 Civil Grand Jury recommends the 2024-2025 Civil Grand Jury follow-up to ensure full compliance.

2022-2023 Civil Grand Jury Recommendation R1.2: By October 1, 2023, the San Joaquin County Sheriff develop and provide adequate written materials and visible poster that explain inmate's rights and the Sheriff's zero-tolerance policy meeting the requirements of PREA.

Agency response: Agree. The Sheriff agrees to implement the Grand Jury's Recommendation.

The 2023-2024 Civil Grand Jury determined to take no action.

2022-2023 Civil Grand Jury Recommendation 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 11.54.

Agency response: Agree. The Sheriff agrees to implement the Grand Jury's Recommendation

The 2023-2024 Civil Grand Jury determined to take no action.

2022-2023 Civil Grand Jury Recommendation R1.4: By October 1, 2023, the 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.

Agency response: Agree. The Sheriff agrees to implement the Grand Jury's

Recommendation

The 2023-2024 Civil Grand Jury determined to take no action.

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

2022-2023 Civil Grand Jury Finding 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.

Agency response: Agree. *The Probation Department disagrees with the Grand Jury's*

Findings claiming PREA does not apply to juveniles.

2022-2023 Civil Grand Jury Finding 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.

Agency response: Agree. *The Probation Department disagrees with the Grand Jury's*

Findings claiming PREA does not apply to juveniles.

2022-2023 Civil Grand Jury Finding 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.

Agency response: Agree. *The Probation Department disagrees with the Grand Jury's*

Findings claiming PREA does not apply to juveniles

2022-2023 Civil Grand Jury Finding 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.

Agency response: Agree. *The Probation Department disagrees with the Grand Jury's*

Findings claiming PREA does not apply to juveniles

2022-2023 Civil Grand Jury Finding 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.

Agency response: Agree. *The Probation Department disagrees with the Grand Jury's*

Findings claiming PREA does not apply to juveniles

2022-2023 Civil Grand Jury Finding 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.

Agency response: Agree. *The Probation Department disagrees with the Grand Jury's*

Findings claiming PREA does not apply to juveniles.

F2022-2023 Civil Grand Jury Finding 2.7: 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.

Agency response: Agree. *The Sheriff agrees with the Grand Jury's Finding.*

Recommendations

2022-2023 Civil Grand Jury Recommendation 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.

Agency response: Agree. *The Probation Department disagrees with the Grand Jury's*

Recommendations claiming PREA does not apply to juveniles.

2022-2023 Civil Grand Jury Recommendation 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).

Agency response: *Agree. The Probation Department disagrees with the Grand Jury's*

Recommendations claiming PREA does not apply to juveniles.

R2022-2023 Civil Grand Jury Recommendation 2.3: 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.

2022-2023 Civil Grand Jury Recommendation 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.

Agency response: *Agree. The Probation Department disagrees with the Grand Jury's*

Recommendations claiming PREA does not apply to juveniles.

2022-2023 Civil Grand Jury Recommendation 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.

Agency response: *Agree. The Probation Department disagrees with the Grand Jury's*

Recommendations claiming PREA does not apply to juveniles.

2022-2023 Civil Grand Jury Recommendation 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.

Agency response: Agree. *The Probation Department disagrees with the Grand Jury's*

Recommendations claiming PREA does not apply to juveniles.

Discussion, Finding and Recommendation

The Probation Department believes the juvenile facility under their supervision is not bound by the Federally mandated Prison Rape Elimination Act. They cite changes in California's Welfare and Institution Code and Title 15 as proof that they do not fall under PREA. They also claim they do adhere to some of the tenets of PREA and that the Board of State and Community Corrections does inspections that includes an inspection of those PREA tenets. They further claim that there has never been a PREA Audit in any juvenile facility in California. The 2023-2024 Grand Jury sought clarification as to whether or not juvenile facilities are subject to Federal law, only to receive conflicting answers, therefore this matter cannot be resolved until the General of California weighs in.

2023-2024 Civil Grand Jury Finding F1.0: It is necessary to get a definitive answer as to whether or not juvenile facilities are subject to PREA to avoid possible lawsuits to the county.

2023-2024 Civil Grand Jury Recommendation R1.0: By October 1, 2024, The County Board of Supervisors must contact the California Attorney General to ascertain whether California juvenile facilities are subject to the Federal PREA law.

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 Civil Grand Jury tour of Lodi jail and Lodi Police Department ride along by Civil

Grand Jury members, it was noted that the jail does not have any posted PREA required materials in a visible location.

2022-2023 Civil Grand Jury Finding 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.

***Agency Response:** Agree. The City Council of the City of Lodi Agrees with the Grand Jury's Finding.*

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.

***Agency Response:** Has been Implemented. Written materials are available and visible posters explaining inmate rights and the Department's zero-tolerance policy regarding sexual abuse or sexual harassment at the jail.*

| |
|---|
| <p>The 2023-2024 Civil Grand Jury determined to take no further action</p> |
|---|

Disclaimer

Civil Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Civil 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 Civil Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Response Requirements

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

The San Joaquin County Board of Supervisors shall respond to all findings and recommendations.

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

Honorable Gus C. Barrera II, 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 Civil Grand Jury, at civilgrandjury@sjcourts.org.

Follow-up Report to the 2022-2023 San Joaquin County Civil Grand Jury



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

Preface

This report contains the responses to the 2022-2023 San Joaquin County Civil Grand Jury report regarding School Safety in San Joaquin County: Developing a Culture of Safety. This follow-up report focuses on the 2023-2024 Grand Jury findings and recommendations and the responses presented verbatim in this report.

The 2023-2024 Grand Jury follow-up determinations are presented after the agency's responses to each recommendation.

Discussions, findings, and recommendations from the 2023-2024 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/civil-grand-jury/>

Summary

The 2023-2024 Grand Jury reviewed the original 2022-2023 Case #0322, School Safety in San Joaquin County: Developing a Culture of Safety. The 2023-2024 Grand Jury compared the responses received from each school district against the best practices of SB 187 Comprehensive School Safety Plan (CSSP). A plan to identify and address potential risks on campus, prepare for emergencies, and ensure a safe and secure learning environment for students, staff, and visitors. The 2022-2023 San Joaquin Civil Grand Jury focused on:

- CSSP
- Observation during school site visits
- Safety training

Some agencies disagreed with the grand jury's findings and recommendations, but in spite of that, they implemented the 2022-2023 Grand Jury's recommendations and/or updated their current policies to be in compliance with California's CSSP. The 2023-2024 Grand Jury noted that many agencies have agreed to follow the Civil Grand Jury's recommendations for school safety but have not met the deadline dates to comply.

Method of Follow-up Investigation

Reviewed all responses from:

- San Joaquin County Office of Education
- Banta Unified School District
- Escalon Unified School District
- Jefferson School District
- Lammersville Unified School District
- Lincoln Unified School District

- Linden Unified School District
- Lodi Unified School District
- Manteca Unified School District
- New Hope Elementary School District
- New Jerusalem School District
- Oak View Elementary School District
- Ripon Unified School District
- Stockton Unified School District
- Tracy Unified School District
- Escalon Police Department
- Lathrop Police Department
- Lodi Police Department
- Manteca Police Department
- Ripon Police Department
- Stockton Police Department
- Tracy Police Department
- San Joaquin County Sheriff

Meetings Attended

- San Joaquin County Office of Education Second Annual Safe School Summit

Summary of Responses to the 2022-2023 Grand Jury Recommendations

2.0 Comprehensive School Safety Plan (CSSP)

| |
|------------------------|
| 2.0 CSSP Legend |
|------------------------|

| | |
|-------------------------------|----------------------------------|
| I: Implemented | NFR: Needs Further Review |
| HNR: Has Not Responded | WBI: Will Be Implemented |

| 2.0 Comprehensive School Safety Plan (CSSP) Recommendations | | | | | | | | | | |
|--|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|--------------|
| Agency or District | R2.1 | R2.2 | R2.3 | R2.5 | R2.6 | R2.7 | R2.8 | R2.9 | R2.10 | R2.11 |
| SJCOE Superintendent | I | I | I | I | I | I | I | I | WBI | WNI/NFR |
| Banta Unified School District | I | I | I | I | I | I | WBI | I | I | I |
| Escalon Unified School District | I | I | I | I | WBI | I | I | I | I | I |
| Jefferson School District | WBI | I | I | I | WBI | I | I | I | I | WBI |
| Lammersville Unified School District | WBI | WBI | I | I | WBI | I | I | I | I | I |
| Lincoln Unified School District | I | I | I | I | I | I | WBI | I | I | I |
| Linden Unified School District | WBI | WBI | I | I | WBI | WBI | I | I | I | I |
| Lodi Unified School District | I | I | I | WBI | I | I | I | I | WBI | I |
| Manteca Unified School District | I | I | I | NFR | I | WBI | I | WBI | I | I |
| New Hope Elementary School District | I | I | I | WBI | WBI | I | I | I | I | I |
| New Jerusalem School District | WBI | WBI | WBI | WBI | WBI | WBI | WBI | WBI | WBI | WBI |
| Oak View Elementary School District | I | I | I | WBI | I | I | I | I | I | WBI |
| Ripon Unified School District | I | I | I | I | I | I | I | I | I | I |
| Stockton Unified School District | WBI | I | I | I | I | I | I | I | I | I |
| Tracy Unified School District | I | WBI | WBI | WBI | I | I | I | I | I | I |

| 2.0 CSSP Police Departments Recommendation 2.4 | |
|---|-----|
| Lathrop Police Department | WBI |
| Lodi Police Department | WBI |
| Ripon Police Department | I |
| Stockton Police Department | HNR |
| Escalon Police Department | I |
| Manteca Police Department | HNR |
| Tracy Police Department | HNR |
| San Joaquin County Sheriff | I |

3.0 Training

| 3.0 Training Legend | |
|----------------------------------|--------------------------------------|
| I: Implemented | PI: Partially Implemented |
| NFR: Needs Further Review | WBI: Will Be Implemented |
| N/A: Not Applicable | WNBI: Will Not Be Implemented |

| 3.0 Training Recommendations | | | | | | | | | |
|---|------|------|--------------|------|----------|------|------|------|------|
| Agency or District | R3.1 | R3.2 | R3.3 | R3.4 | R3.5 | R3.6 | R3.7 | R3.8 | R3.9 |
| SJCOE Superintendent | I | I | N/A | WBI | I | I | I | I | WBI |
| Banta Unified School District | N/A | I | I | I | WBI | WBI | I | I | I |
| Escalon Unified School District | N/A | I | WNBI/ NFR | I | WBI | WBI | I | I | WBI |
| Jefferson School District | N/A | I | WNBI | I | WBI | WBI | I | I | WBI |
| Lammersville Unified School District | N/A | WBI | WBI | WBI | WBI | WBI | I | I | WBI |
| Lincoln Unified School District | N/A | I | WNBI | I | WBI | WNBI | I | I | WBI |
| Linden Unified School District | WBI | WBI | WBI | WBI | WBI | WBI | I | WBI | I |
| Lodi Unified School District | N/A | WBI | I | WBI | I | I | I | I | I |
| Manteca Unified School District | NFR | I | NFR | I | WNB I | PI | I | I | WBI |
| New Hope Elementary School | N/A | WBI | WBI | I | WBI | NFR | I | WBI | I |
| New Jerusalem School District | N/A | WBI | WBI | I | WBI | WBI | WBI | WBI | WBI |
| Oak View Elementary School District | N/A | I | I | WBI | WBI | WBI | I | I | I |
| Ripon Unified School District | N/A | I | I | I | I | I | I | I | I |

| | | | | | | | | | |
|---|-----|---|---|---|-----|------|---|---|-----|
| Stockton Unified School District | N/A | I | I | I | I | WNBI | I | I | WBI |
| Tracy Unified School District | N/A | I | I | I | WBI | WBI | I | I | WBI |

4.0 School Sites Visits

| 4.0 School Site Visits Legend | |
|----------------------------------|----------------------------------|
| I: Implemented | PI: Partially Implemented |
| NFR: Needs Further Review | WBI: Will Be Implemented |
| N/A: Not Applicable | WNBI: Will Not Implement |

| 4.0 School Sites Visits Recommendations | | | | | | | | | |
|---|----------|------|------|------|------|----------|------|------|------|
| | R4.1 | R4.2 | R4.3 | R4.4 | R4.5 | R4.6 | R4.7 | R4.8 | R4.9 |
| SJCOE Superintendent | WNBI/NFR | I | WBI | I | WBI | WNBI/NFR | WNBI | N/A | N/A |
| Banta Unified School District | I | I | I | I | I | I | WBI | N/A | N/A |
| Escalon Unified School District | I | I | WBI | I | WBI | WBI | WBI | N/A | N/A |
| Jefferson School District | I | I | WBI | I | WBI | I | WBI | N/A | N/A |
| Lammersville Unified School District | I | I | WBI | I | I | I | WBI | N/A | N/A |
| Lincoln Unified School District | I | I | WBI | I | I | I | NFR | N/A | N/A |
| Linden Unified School District | I | I | WBI | I | WBI | I | NFR | N/A | N/A |
| Lodi Unified School District | I | I | PI | I | I | NFR | WBI | N/A | N/A |
| Manteca Unified School District | NFR | I | WBI | I | I | NFR | NFR | N/A | N/A |
| New Hope Elementary School | I | I | WBI | I | WBI | WNBI | WBI | N/A | N/A |
| New Jerusalem School District | I | WBI | WBI | WBI | WBI | WBI | WBI | N/A | N/A |

| | | | | | | | | | |
|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Oak View Elementary School District | I | I | WBI | I | WBI | I | WBI | N/A | N/A |
| Ripon Unified School District | I | I | WBI | I | I | I | WBI | N/A | N/A |
| Stockton Unified School District | WBI | WBI | WBI | WBI | WBI | WBI | NFR | N/A | N/A |
| Tracy Unified School District | I | I | I | WBI | I | WBI | WBI | N/A | N/A |

Findings, Recommendations, Agency Responses, and Grand Jury Results

Note: for the sake of brevity, findings, and associated Agency Responses are not listed here. They can be found online at <https://www.sjcourts.org/divisions/civil-grand-jury/>.

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:

2.0 Comprehensive School Safety Plan (CSSP)

2022-2023 Civil Grand Jury Recommendation R2.1: By March 1, 2024, the annual updates for each school site's CSSP address safety issues unique to the site.

The following agencies response: Agreed to and implemented the Civil Grand Jury's Recommendation

- *SJCOE Superintendent*
- *Banta Unified School District*
- *Escalon Unified School District*
- *Lincoln Unified School District*
- *Lodi Unified School District*
- *Manteca Unified School District*

- *New Hope Elementary Unified School District*
- *Oak View Elementary Unified School District*
- *Ripon Unified School District*
- *Tracy Unified School District*

The 2023-2024 Civil Grand Jury determined to take no further action for these above agencies regarding R2.1.

The following agencies' response: Agreed to and will implemented the Civil Grand Jury's Recommendation

- *Jefferson School District*
- *Lammersville Unified School District*
- *Linden Unified School District*
- *New Jerusalem School District*
- *Stockton Unified School District*

The 2023-2024 Civil Grand Jury could not confirm the implementation of R2.1, for the above five agencies and suggests confirmation of compliance by the 2024-2025 Civil Grand Jury.

2022-2023 Civil Grand Jury Recommendation R2.2: By December 15, 2023, while updating the school's CSSP, each school site collaborates and receives input from representatives of teachers, support staff, students, and parents/guardians.

The following agencies' response: Agreed to and implemented the Civil Grand Jury's Recommendation

- *SJCOE Superintendent*
- *Banta Unified School District*
- *Escalon Unified School District*
- *Jefferson School District*
- *Lincoln Unified School District*
- *Lodi Unified School District*
- *Manteca Unified School District*

- *New Hope Elementary Unified School District*
- *Oak View Elementary Unified School District*
- *Ripon Unified School District*
- *Stockton Unified School District*

The 2023-2024 Civil Grand Jury determined to take no further action for these agencies regarding R2.2.

The following agencies' response: Agreed to and will implement the Civil Grand Jury's Recommendation

- *Lammersville Unified School District*
- *Linden Unified School District*
- *New Jerusalem School District*
- *Tracy Unified School District*

The 2023-2024 Civil Grand Jury could not confirm the implementation of R2.2, for the above agencies and suggests confirmation of compliance by the 2024-2025 Civil Grand Jury.

2022-2023 Civil Grand Jury Recommendation R2.3: By December 15, 2023, while updating the school's CSSP, each school site collaborates and receives input from the appropriate emergency response agencies.

The following agencies' response: Agreed to and implemented the Civil Grand Jury's Recommendation

- *SJCOE Superintendent*
- *Banta Unified School District*
- *Escalon Unified School District*
- *Jefferson School District*
- *Lammersville Unified School District*
- *Lincoln Unified School District*
- *Linden Unified School District*
- *Lodi Unified School District*
- *Manteca Unified School District*

- *New Hope Elementary Unified School District*
- *Oak View Elementary Unified School District*
- *Ripon Unified School District*
- *Stockton Unified School District*

The 2023-2024 Civil Grand Jury determined to take no further action for these agencies regarding R2.3.

The following agencies' response: Agreed to and will implement the Civil Grand Jury's Recommendation

- *New Jerusalem School District*
- *Tracy Unified School District*

The 2023-2024 Civil Grand Jury could not confirm the implementation of R2.3, for the above agencies and suggests confirmation of compliance by the 2024-2025 Civil Grand Jury.

2022-2023 Civil Grand Jury Recommendation R2.4: By December 15, 2023, each law enforcement agency in San Joaquin County meaningfully collaborates and approve the updated CSSP for school sites within that agency's jurisdiction.

The following agencies' response: Agreed to and implemented the Civil Grand Jury's Recommendation

- *Escalon Police Department*
- *Lathrop Police Department*
- *Lodi Police Department*
- *Ripon Police Department*
- *San Joaquin County Sheriff*

The 2023-2024 Civil Grand Jury determined to take no further action for these agencies regarding R2.4.

The following agencies' response: Have not responded to the Civil Grand Jury's Recommendation

- *Manteca Police Department*

- *Stockton Police Department*
- *Tracy Police Department*

These three agencies have not responded. The 2023-2024 Civil Grand Jury determined to refer this to the 2024-2025 Civil Grand Jury.

2022-2023 Civil Grand Jury Recommendation 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).

The following agencies' response: *Agreed to and implemented the Civil Grand Jury's Recommendation*

- *SJCOE Superintendent*
- *Banta Unified School District*
- *Escalon Unified School District*
- *Jefferson School District*
- *Lammersville Unified School District*
- *Lincoln Unified School District*
- *Linden Unified School District*
- *Ripon Unified School District*
- *Stockton Unified School District*

The 2023-2024 Civil Grand Jury determined to take no further action for these agencies regarding R2.5.

The following agencies' response: *Agrees to and implemented the Civil Grand Jury's Recommendation*

- *Lodi Unified School District*
- *New Hope Elementary Unified School District*
- *New Jerusalem*
- *Oak View Elementary Unified School District*
- *Tracy Unified School District*
- *Manteca Unified School District*

The 2023-2024 Civil Grand Jury could not confirm the implementation of R2.5, for the above four agencies and suggests confirmation of compliance by the 2024-2025 Civil Grand Jury.

2022-2023 Civil Grand Jury Recommendation 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.

The following agencies' response: Agree to and implemented the Civil Grand Jury's Recommendation

- *SJCOE Superintendent*
- *Banta Unified School District*
- *Lincoln Unified School District*
- *Lodi Unified School District*
- *Manteca Unified School District*
- *Oak View Unified School District*
- *Ripon Unified School District*
- *Stockton Unified School District*
- *Tracy Unified School District*

The 2023-2024 Civil Grand Jury determined to take no further action for these agencies regarding R2.6.

- *Escalon Unified School District*
- *Jefferson School District*
- *Lammersville Unified School District*
- *Linden Unified School District*
- *New Hope Elementary Unified School District*
- *New Jerusalem School District*

The 2023-2024 Civil Grand Jury could not confirm the implementation of R2.6 for the above five agencies and suggests confirmation of compliance by the 2024-2025 Civil Grand Jury.

2022-2023 Civil Grand Jury Recommendation R2.7: By March 1, 2024, each school site consults with the appropriate professionals to address the unique needs of students with disabilities when updating the CSSP.

The following agencies' response: *Agreed to and implemented the Civil Grand Jury's Recommendation*

- *SJCOE Superintendent*
- *Banta Unified School District*
- *Escalon Unified School District*
- *Jefferson School District*
- *Lammersville Unified School District*
- *Lincoln Unified School District*
- *Lodi Unified School District*
- *New Hope Elementary School District*
- *Oak View Unified School District*
- *Ripon Unified School District*
- *Stockton Unified School District*
- *Tracy Unified School District*

The 2023-2024 Civil Grand Jury determined to take no further action for these agencies regarding R2.7.

The following agencies' response: *Agrees to and will implement the Civil Grand Jury's Recommendation*

- *Linden Unified School District*
- *Manteca Unified School District*
- *New Jerusalem School District*

The 2023-2024 Civil Grand Jury could not confirm the implementation of R2.7 for the above agencies and suggests confirmation of compliance by the 2024-2025 Civil Grand Jury.

2022-2023 Civil Grand Jury Recommendation 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.

The following agencies' response: Agreed to and implemented the Civil Grand Jury's Recommendation

- *SJCOE Superintendent*
- *Escalon Unified School District*
- *Jefferson School District*
- *Lammersville Unified School District*
- *Linden Unified School District*
- *Lodi Unified School District*
- *Manteca Unified School District*
- *New Hope Elementary School District*
- *Oak View Unified School District*
- *Ripon Unified School District*
- *Stockton Unified School District*
- *Tracy Unified School District*

The 2023-2024 Civil Grand Jury determined to take no further action for these agencies regarding R2.8.

The following agencies' response: Agrees to and will implement the Civil Grand Jury's Recommendation

- *Banta Unified School District*
- *Lincoln Unified School District*
- *New Jerusalem School District*

The 2023-2024 Civil Grand Jury could not confirm the implementation of R2.8 for the above agencies and recommends confirming compliance by the 2024-2025 Civil Grand Jury.

Agency response: Disagree. Lincoln Unified School District disagrees with the Civil Grand Jury's Recommendation but will implement.

The district believes that making their CSSP available to the public even with the exception confidential information, will put students and staff in harm's way. Since they are willing to answer questions about their CSSP the 2023-2024 Civil Grand Jury determined to take no further action.

2022-2023 Civil Grand Jury Recommendation R2.9: By March 1, 2024, each school site's CSSP identifies the incident command roles and the individuals who are to perform those roles and their alternate in cases of an emergency.

The following agencies' response: *Agreed to and will implement the Civil Grand Jury's Recommendation*

- *SJCOE Superintendent*
- *Banta Unified School District*
- *Escalon Unified School District*
- *Jefferson School District*
- *Lammersville Unified School District*
- *Lincoln Unified School District*
- *Linden Unified School District*
- *Lodi Unified School District*
- *New Hope Elementary School District*
- *Oak View Unified School District*
- *Ripon Unified School District*
- *Stockton Unified School District*
- *Tracy Unified School District*

The 2023-2024 Civil Grand Jury determined to take no further action for these agencies regarding R2 9.

The following agencies' response: *Agrees to and will implement the Civil Grand Jury's Recommendation*

- *Manteca Unified School District*
- *New Jerusalem School District*

The 2023-2024 Civil Grand Jury could not confirm the implementation of R2.9 for the above agencies and suggests confirmation of compliance by the 2024-2025 Civil Grand Jury.

2022-2023 Civil Grand Jury Recommendation 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.

The following agencies' response: Agreed to and will implement the Civil Grand Jury's Recommendation

- *Banta Unified School District*
- *Escalon Unified School District*
- *Jefferson School District*
- *Lammersville Unified School District*
- *Lincoln Unified School District*
- *Linden Unified School District*
- *Manteca Unified School District*
- *New Hope Elementary School District*
- *Oak View Unified School District*
- *Ripon Unified School District*
- *Stockton Unified School District*
- *Tracy Unified School District*

The 2023-2024 Civil Grand Jury determined to take no further action for these agencies regarding R2.10.

The following agencies' response: Agrees to and will implement the Civil Grand Jury's Recommendation

- *SJCOE Superintendent*
- *Lodi Unified School District*
- *New Jerusalem School District*

The 2023-2024 Civil Grand Jury could not confirm the implementation of R2.10 for the above agencies and suggests confirmation of compliance by the 2024-2025 Civil Grand Jury.

2022-2023 Civil Grand Jury Recommendation 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, and freeways)

The following agencies' response: Agreed to and implement the Civil Grand Jury's Recommendation

- ***Banta Unified School District***
- ***Escalon Unified School District***
- ***Lammersville Unified School District***
- ***Lincoln Unified School District***
- ***Linden Unified School District***
- ***Lodi Unified School District***
- ***Manteca Unified School District***
- ***New Hope Elementary School District***
- ***Ripon Unified School District***
- ***Stockton Unified School District***
- ***Tracy Unified School District***

The 2023-2024 Civil Grand Jury determined to take no further action for these agencies regarding R2.11.

The following agencies' response: Agrees to and will implement the Civil Grand Jury's Recommendation

- ***Jefferson School District***
- ***New Jerusalem School District***
- ***Oak View Elementary School District***

The 2023-2024 Civil Grand Jury could not confirm the implementation of R2.11 for the above agencies and suggests confirmation of compliance by the 2024-2025 Civil Grand Jury.

Agency response: Disagree. SJCOE Superintendent disagrees with the Civil Grand Jury's Recommendation and will not implement.

The SJCOE is not responsible for each school to assess their unique dangers, they do however review those assessments bi-annually and will incorporate those assessments and recommendation into the CSSP if appropriate. The 2023-2024 Civil Grand Jury determined to take no further actions.

3.0 Training

2022-2023 Civil Grand Jury Recommendation 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.

Agency response: Agree. *SJCOE Superintendent agrees to and implemented the Civil Grand Jury's Recommendation*

The 2023-2024 Civil Grand Jury determined to take no further action.

The following agencies' response: *Agrees to and will implemented the Civil Grand Jury's Recommendation*

- ***SJCOE Superintendent***

The 2023-2024 Civil Grand Jury could not confirm the implementation of R3.1 for the above agencies and suggests confirmation of compliance by the 2024-2025 Civil Grand Jury.

2022-2023 Civil Grand Jury Recommendation 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.

The following agencies' response: *Agreed to and will implemented the Civil Grand Jury's Recommendation*

- ***SJCOE Superintendent***
- ***Banta Unified School District***
- ***Escalon Unified School District***
- ***Jefferson School District***
- ***Lincoln Unified School District***
- ***Jefferson School District***
- ***Lincoln Unified School District***

- *Manteca Unified School District*
- *Oak View Unified School District*
- *Ripon Unified School District*
- *Stockton Unified School District*
- *Tracy Unified School District*

The 2023-2024 Civil Grand Jury determined to take no further action for these agencies regarding R3.2.

The following agencies' response: Agrees to and will implement the Civil Grand Jury's Recommendation

- *Lammersville Unified School District*
- *Linden Unified School District*
- *Lodi Unified School District*
- *New Hope Elementary School District*
- *New Jerusalem School District*

The 2023-2024 Civil Grand Jury could not confirm the implementation of R3.2 for the above agencies and suggests confirmation of compliance by the 2024-2025 Civil Grand Jury.

2022-2023 Civil Grand Jury Recommendation 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.

The following agencies' response: Agreed to and will implement the Civil Grand Jury's Recommendation

- *Banta Unified School District*
- *Lodi Unified School District*
- *Oak View Unified School District*
- *Ripon Unified School District*
- *Stockton Unified School District*
- *Tracy Unified School District*

The 2023-2024 Civil Grand Jury determined to take no further action for these agencies regarding R3.3.

The following agencies' response: Agreed to and will implement the Civil Grand Jury's Recommendation

- *Lammersville Unified School District*
- *Linden Unified School District*
- *New Hope Elementary Unified School District*
- *New Jerusalem School District*

The 2023-2024 Civil Grand Jury could not confirm the implementation of R3.3 for the above agencies and suggests confirmation of compliance by the 2024-2025 Civil Grand Jury.

The following agencies' response: Disagrees with the Civil Grand Jury's Recommendation and will not implement it

- *SJCOE Superintendent*
- *Escalon Unified School District*
- *Jefferson School District*
- *Lincoln Unified School District*
- *Manteca Unified School District*

These agencies reject having “safety topics on the agenda for all school site staff meetings with teachers and support staff throughout the school year” as not warranted and not reasonable. They currently hold safety meetings with staff periodically throughout the year and believe that is sufficient.

2022-2023 Civil Grand Jury Recommendation 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.

The following agencies' response: Agreed to and implemented the Civil Grand Jury's Recommendation

- *Banta Unified School District*
- *Escalon Unified School District*
- *Jefferson School District*

- *Lincoln Unified School District*
- *Manteca Unified School District*
- *New Hope Elementary School District*
- *New Jerusalem School District*
- *Ripon Unified School District*
- *Stockton Unified School District*
- *Tracy Unified School District*

The 2023-2024 Civil Grand Jury determined to take no further action for these agencies regarding R3.4.

The following agencies' response: Agreed to and will implement the Civil Grand Jury's Recommendation

- *SJCOE Superintendent*
- *Lammersville Unified School District*
- *Linden Unified School District*
- *Lodi Unified School District*
- *Oak View Elementary School District*

The 2023-2024 Civil Grand Jury could not confirm the implementation of R3.4 for the above four agencies and suggests confirmation of compliance by the 2024-2025 Civil Grand Jury.

2022-2023 Civil Grand Jury Recommendation R3.5: By October 1, 2023, personnel identified in the school CSSP for incident command roles be trained and certified in ICS-100 protocols.

The following agencies' response: Agreed to and implemented the Civil Grand Jury's Recommendation

- *SJCOE Superintendent*
- *Lodi Unified School District*
- *Ripon Unified School District*
- *Stockton Unified School District*

The 2023-2024 Civil Grand Jury determined to take no further action for these agencies regarding R3.5.

The following agencies' response: Agreed to and will implement the Civil Grand Jury's Recommendation

- ***Banta Unified School District***
- ***Escalon Unified School District***
- ***Jefferson School District***
- ***Lammersville Unified School District***
- ***Lincoln Unified School District***
- ***Linden Unified School District***
- ***New Hope Elementary School***
- ***Tracy Unified School District***
- ***Manteca Unified School District: Will Not Be Implemented***

The 2023-2024 Civil Grand Jury determined to take no further action for these agencies regarding R3.5.

2022-2023 Civil Grand Jury Recommendation R3.6: By October 1, 2023, ICS-402 training be completed for all district-level executive leadership.

The following agencies' response: Agreed to and will implement the Civil Grand Jury's Recommendation

- ***SJCOE Superintendent***
- ***Lodi Unified School District***
- ***Ripon Unified School District***

The 2023-2024 Civil Grand Jury determined to take no further action for these agencies regarding R3.6.

The following agencies' response: Agreed to and will implement the Civil Grand Jury's Recommendation

- ***Banta Unified School District***

- *Escalon Unified School District*
- *Jefferson School District*
- *Lammersville Unified School District*
- *Linden Unified School District*
- *New Jerusalem School District*
- *Oak View Elementary School District*
- *Tracy Unified School District*

Agency response: Agree. *Manteca Unified School District* agreed to and has partially implemented the Civil Grand Jury's Recommendation. Not all executive leadership have been trained.

Agency response: Agree. *New Jerusalem School District* agrees and has partially implemented the Civil Grand Jury's Recommendation. Only the Superintendent/Principal has received training.

Agency response: Agree *Oak View Elementary School District* agreed to and will implement the Civil Grand Jury's Recommendation as soon as they finish evaluating the training programs

Agency response: Agree *Stockton Unified School District* agreed to and will implement the Civil Grand Jury's Recommendation

Agency response: Disagree *Lincoln Unified School District* will not implement the Civil Grand Jury's Recommendation

Agency response: Disagree. *New Hope Elementary School District* disagrees and will not implement the Civil Grand Jury's Recommendation because they only have one Superintendent/Principal

2022-2023 Civil Grand Jury Recommendation 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.

The following agencies' response: *Agreed to and will implement the Civil Grand Jury's Recommendation*

- *SJCOE Superintendent*

- *Banta Unified School District*
- *Escalon Unified School District*
- *Jefferson School District*
- *Lammersville Unified School District*
- *Linden Unified School District*
- *Lincoln Unified School District*
- *Lodi Unified School District*
- *Manteca Unified School District*
- *New Hope Elementary School District*
- *Oak View Unified School District*
- *Ripon Unified School District*
- *Stockton School District*
- *Tracy Unified School District*

The 2023-2024 Civil Grand Jury determined to take no further action for these agencies regarding R3.7.

Agency response: Agree. *New Jerusalem School District agreed to and will implement the Civil Grand Jury's Recommendation.*

The 2023-2024 Civil Grand Jury could not confirm the implementation of R3.7 for the above agency and suggests confirmation of compliance by the 2024-2025 Civil Grand Jury.

2022-2023 Civil Grand Jury Recommendation.R3.8: By October 1, 2023, scheduled safety drills include support staff (classified) in probable emergency roles during the year and document their participation.

The following agencies' response: *Agreed to and implemented the Civil Grand Jury's Recommendation*

- *SJCOE Superintendent*
- *Banta Unified School District*
- *Escalon Unified School District*

- *Jefferson School District*
- *Lammersville Unified School District*
- *Lincoln Unified School District*
- *Lodi Unified School District*
- *Manteca Unified School District*
- *Oak View Unified School District*
- *Ripon Unified School District*
- *Stockton Unified School District*
- *Tracy Unified School District*

The 2023-2024 Civil Grand Jury determined to take no further action for these agencies regarding R3.8.

The following agencies' response: Agreed to and will implement the Civil Grand Jury's Recommendation

- *Linden Unified School District*
- *New Hope Elementary School District*
- *New Jerusalem School District*

The 2023-202 and suggests confirmation of compliance by the 2024-2025 Civil Grand Jury. 4 Civil Grand Jury could not confirm the implementation of R3.8 for the above three agencies.

2022-2023 Civil Grand Jury Recommendation R3.9: By October 1, 2023, administrators create a post-incident report after all safety drills.

The following agencies' response: Agreed to and implemented the Civil Grand Jury's Recommendation

- *Banta Unified School District*
- *Linden Unified School District*
- *Lodi Unified School District*
- *New Hope Elementary School District*
- *Oak View Elementary School District*
- *Ripon Unified School District*

The 2023-2024 Civil Grand Jury determined to take no further action for these agencies regarding R3.9.

The following agencies' response: Agreed to and will implement the Civil Grand Jury's Recommendation

- ***SJCOE***
- ***Escalon Unified School***
- ***Jefferson School District***
- ***Lammersville Unified School District***
- ***Lincoln Unified School District***
- ***Manteca Unified School District***
- ***New Jerusalem School District***
- ***Stockton Unified School District***
- ***Tracy Unified School District***

The 2023-2024 Civil Grand Jury could not confirm the implementation of R3.9 for the above nine agencies and suggests confirmation of compliance by the 2024-2025 Civil Grand Jury.

4.0 School Site Visits

2022-2023 Civil Grand Jury Recommendation 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.

The following agencies' response: Agreed to and implement the Civil Grand Jury's Recommendation

- ***Banta Unified School District***
- ***Escalon Unified School District***
- ***Jefferson School District***
- ***Lammersville Unified School District***
- ***Lincoln Unified School District***
- ***Linden Unified School District***
- ***Lodi Unified School District***

- *New Hope Elementary School District*
- *New Jerusalem School District*
- *Oak View Unified School District*
- *Ripon Unified School District*
- *Stockton Unified School District*

The 2023-2024 Civil Grand Jury determined to take no further action for these agencies regarding R4.1.

Agency response: Disagree. *The SJCOE Superintendent disagreed and will not implement the Civil Grand Jury's Recommendation.*

The SJCOE believes that this recommendation is “not warranted or is unreasonable” because every SJCOE school site is equipped with an access control system.

The 2024-2025 Civil Grand Jury should consider follow up on the exact level of accountability the SJCOE school sites have.

Agency response: Uncertain *Manteca Unified School District agreed that visitor accountability is important and they do have a system in place, however they failed to mention if there is a visitor check out process.*

The 2024-2025 Civil Grand Jury should consider a request to Manteca Unified School District's visitor access control procedure to determine the procedure meets the standards of this R4.1.

2022-2023 Civil Grand Jury Recommendation R4.2: By March 1, 2024, districts develop, adopt, and implement a plan for effective perimeter control of access at all school sites.

The following agencies' response: *Agreed to and implemented the Civil Grand Jury's Recommendation*

- *SJCOE Superintendent*
- *Banta Unified School District*

- *Escalon Unified School District*
- *Jefferson School District*
- *Lammersville Unified School District*
- *Lincoln Unified School District*
- *Linden Unified School District*
- *Lodi Unified School District*
- *Manteca Unified School District*
- *New Hope Elementary School District*
- *Oak View Unified School District*
- *Ripon Unified School District*
- *Tracy Unified School District*

The 2023-2024 Civil Grand Jury determined that no action be taken for these agencies regarding R4.2.

The following agencies' response: Agrees to and will implement the Civil Grand Jury's Recommendation

- *New Jerusalem School District*
- *Stockton Unified School District*

The 2023-2024 Civil Grand Jury could not confirm the implementation of R4.2 for the above two agency and suggests confirmation of compliance by the 2024-2025 Civil Grand Jury.

2022-2023 Civil Grand Jury Recommendation 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.

The following agencies' response: Agreed to and implemented the Civil Grand Jury's Recommendation

- *Banta Unified School District*
- *Tracy Unified School District*

The 2023-2024 Civil Grand Jury determined to take no further action for these agencies regarding R4.3.

The following agencies' response: Agrees to and will implement the Civil Grand Jury's Recommendation

- ***SJCOE Superintendent***
- ***Escalon Unified School District***
- ***Jefferson School District***
- ***Lammersville Unified School District***
- ***Lincoln Unified School District***
- ***Linden Unified School District***
- ***Manteca Unified School District***
- ***New Hope Elementary School District***
- ***New Jerusalem School District***
- ***Oak View Unified School***
- ***Ripon Unified School District***
- ***Stockton Unified School District***

The 2023-2024 Civil Grand Jury could not confirm the implementation of R4.3 for the above eleven agencies and suggests confirmation of compliance by the 2024-2025 Civil Grand Jury.

Agency response: Agree. ***Manteca Unified School District*** agreed to and implemented the Civil Grand Jury's Recommendation, but the signs lacked the words "you are here"

The words "you are here" were not on the signs posted but new signs are being made to include the words. The 2023-2024 Civil Grand Jury determined to take no further action.

2022-2023 Civil Grand Jury Recommendation R4.4: By March 1, 2024, districts develop, adopt, and implement a plan for door-locking policies to secure classroom and common area doors.

The following agencies' response: Agreed to and implemented the Civil Grand Jury's Recommendation

- ***SJCOE Superintendent***

- *Banta Unified School District*
- *Escalon Unified School District*
- *Jefferson School District*
- *Lammersville Unified School District*
- *Lincoln Unified School District*
- *Linden Unified School District*
- *Lodi Unified School District*
- *Manteca Unified School District*
- *New Hope Elementary School District*
- *Oak View Unified School*
- *Ripon Unified School District*

The 2023-2024 Civil Grand Jury determined to take no further action for these agencies regarding R4.4.

The following agencies' response: Agrees to and will implement the Civil Grand Jury's Recommendation

- *New Jerusalem School District*
- *Stockton Unified School District*
- *Tracy Unified School District*

The 2023-2024 Civil Grand Jury could not confirm the implementation of R4.4 for the above three agencies and suggests confirmation of compliance by the 2024-2025 Civil Grand Jury.

2022-2023 Civil Grand Jury Recommendation 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.

The following agencies' response: Agreed to and implemented the Civil Grand Jury's Recommendation

- *Banta Unified School*
- *Lammersville Unified School District*

- *Lincoln Unified School District*
- *Lodi Unified School District*
- *Manteca Unified School District*
- *Ripon Unified School District*
- *Tracy Unified School District*

The 2023-2024 Civil Grand Jury determined to take no further action for these agencies regarding R4.5.

The following agencies' response: Agreed to and will implement the Civil Grand Jury's Recommendation

- *SJCOE Superintendent*
- *Escalon Unified School District*
- *Jefferson School District*
- *Linden Unified School District*
- *New Hope Elementary School District*
- *Oak View Elementary School District*
- *Stockton Unified School District*

The 2023-2024 Civil Grand Jury could not confirm the implementation of R4.5 for the above seven agencies and suggests confirmation of compliance by the 2024-2025 Civil Grand Jury.

Agency response: Agree. *New Jerusalem School District Agrees to and will implement the Civil Grand Jury's Recommendation but first they need more time to evaluate the system*

The New Jerusalem School District had not finished their evaluation of the system for R4.5. The 2024-2025 Civil Grand Jury should confirm the evaluation is complete and implemented.

2022-2023 Civil Grand Jury Recommendation 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.

The following agencies' response: Agreed to and implemented the Civil Grand Jury's Recommendation

- ***Banta Unified School***
- ***Jefferson School District***
- ***Lammersville Unified School District***
- ***Lincoln Unified School District***
- ***Linden Unified School District***
- ***Oak View Elementary School District***
- ***Ripon Unified School District***

The 2023-2024 Civil Grand Jury determined to take no further action for these agencies regarding R4.6.

The following agencies' response: Agrees to and will implement the Civil Grand Jury's Recommendation

- ***Escalon Unified School District***
- ***New Jerusalem School District***
- ***Stockton Unified School District***
- ***Tracy Unified School District***

The 2023-2024 Civil Grand Jury could not confirm the implementation of R4.6 for the above four agencies and suggests confirmation of compliance by the 2024-2025 Civil Grand Jury.

The following agencies' response: Agrees with idea of obstructing the line of sight into classrooms and window covering is vague more time is required to evaluate the options and will not implement the Civil Grand Jury's Recommendation

- ***SJCOE Superintendent***
- ***Lodi Unified School District***
- ***Manteca Unified School District***
- ***New Hope Elementary School District***

These agencies request more time to evaluate their options. The 2023-2024 Civil Grand Jury determined to take no further action on R4.6.

2022-2023 Civil Grand Jury Recommendation 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*.

The following agencies' response: Agrees to and will implement the Civil Grand Jury's Recommendation

- ***Banta Unified School District***
- ***Escalon Unified School District***
- ***Jefferson School District***
- ***Lammersville Unified School District***
- ***Lincoln Unified School District***
- ***Linden Unified School District***
- ***Lodi Unified School District***
- ***Manteca Unified School District***
- ***New Hope Elementary School District***
- ***New Jerusalem School District***
- ***Oak View Unified School***
- ***Ripon Unified School District***
- ***Stockton Unified School District***
- ***Tracy Unified School District***

The 2023-2024 Civil Grand Jury could not confirm the implementation of R4.7 for the above 13 agencies and suggests confirmation of compliance by the 2024-2025 Civil Grand Jury

Agency response: Disagree. *SJCOE Superintendent claims that as an elected official and not an employee of the County Board of Education and the San Joaquin County Board of Education is not a party to the Grand Jury report.*

The 2023-2024 Civil Grand Jury determined to take no further action for this agency regarding R4.7.

Conclusion

The Civil Grand Jury appreciates the cooperation of all public school districts in San Joaquin County, along with the San Joaquin County Office of Education, and thanks them for taking the time to consider the Civil Grand Jury recommendations.

School districts in San Joaquin County have taken important steps to make schools safer. More should and can 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.

Follow-up to the 2022-2023 San Joaquin County Civil Grand Jury 0422 Report



Good Intentions Are Failing San Joaquin County's At-Risk Children Case #0422

Preface

This report contains the responses to the 2022-2023 San Joaquin County Civil Grand Jury report regarding [*Good Intentions Are Failing San Joaquin County's At-Risk Children*]. This follow-up report focuses on the 2022-2023 Grand Jury findings and recommendations, and the appropriate agencies' responses are presented verbatim in this report.

The 2023-2024 Grand Jury follow-up determinations are presented after the agencies' responses to each recommendation.

Discussions, findings, and recommendations from the 2023-2024 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/civil-grand-jury/>

Summary

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.

Summary of Responses to the 2022-2023 Grand Jury Recommendations

| Legend |
|-----------------------------------|
| BoS: Board of Supervisors |
| HSA: Human Services Agency |
| SJC: San Joaquin County |

| Agency | Recommendation | Response | Action Taken | Grand Jury Action |
|----------------------|----------------|-----------------|--------------------------------|--------------------------|
| SJC BoS/HSA | R1.1 | Agreed | Implemented | No further action |
| SJC Probation | | Agreed | Implemented | No further action |
| SJC BoS/HSA | R1.2 | Agree | Implemented | No further action |
| SJC Probation | | Agree | Implemented | No further action |
| SJC BoS/HSA | R1.3 | Agree | Will not be Implemented | No further action |
| SJC Probation | | Agree | Implemented | No further action |
| SJC BoS | R1.4 | Agree | Will be Implemented | No further action |
| SJC Probation | | Agree | Will be Implemented | No further action |
| SJC HSA | R2.1 | Disagree | Will not be Implemented | No further action |
| SJC HSA/MGCS | R2.2 | Agree | Implemented | No further action |
| SJC HSA | R2.3 | Agree | Implemented | No further action |

| | | | | |
|----------------------|-------------|-----------------|--------------------------------|--------------------------|
| SJC HSA | R3.1 | Disagree | Will not be Implemented | No further action |
| SJC HSA | R3.2 | Agree | Implemented | No further action |
| SJC Sheriff's | R3.3 | Agree | Implemented | No further action |

The County should immediately enhance recruitment efforts using 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.

Method of Follow-Up Investigation

The current Grand Jury reviewed the original 2022-2023 report #0422, *Good Intentions Are Failing San Joaquin County's At-Risk Children* to determine if the agency's responses to recommendations were complete and comprehensible.

2022-2023 Grand Jury Recommendations

Note: For the sake of brevity, Findings and associate agency responses are not listed here. They can be found online at <https://www.sjcourts.org/civil-grand-jury/>.

1.0 Increase in the Population of At-Risk Youth

2022-2023 Grand Jury Recommendation 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).

Agency Response: *The Board of Supervisors/HSA agrees and has implemented this recommendation. The Human Services Agency (HSA) has developed new placement options and*

will continue to do so within the licensing framework designated by the California Department of Social Services Community Care Licensing Division. HSA is working in collaboration with Aspiranet, Stanislaus County Community Services Agency, and Merced County Human Services Agency to develop new placement options for youth with complex care needs. Additionally, on April 21, 2023, HSA initiated programs with two local community-based organizations, Victor Community Support Services and Alternative Family Services, to identify short-term placements in resource homes that are certified at the Intensive Services Foster Care level.

Agency Response: *The Board of Supervisors and Probation Department agree and have implemented this recommendation. The Grand Jury infers that San Joaquin County did not have a plan or protocol in place to deal with youth under the age of 12 as described in SB 439. On December 18, 2019, a robust protocol was signed by all law and justice partners in San Joaquin County, which also included San Joaquin County's Behavioral Health Services (BHS) and Human Services Agency. The protocol is titled, "The San Joaquin County Juvenile Justice Alternatives Plan." This plan articulates how to treat a youth aged 12 or younger who comes in contact with local law enforcement.*

Additionally, Probation Officers collaborate with community-based organizations and different programs in the community to assist with the needs of our at-risk youth and their families. These programs and services provide support, guidance, encouragement, and a safe place for our youth and their families.

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| The 2023-2024 Civil Grand Jury determined to take no further action on R1.1 |
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2022-2023 Grand Jury Recommendation 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.

Agency Responses: *The Board of Supervisors and HSA agree and have implemented. The Human Services Agency (HSA) will continue to pursue additional resources to better serve*

the County's youth who are under the jurisdiction of the Juvenile Dependency Court. This effort will continue beyond December 31, 2023, and includes a partnership with Aspiranet, San Joaquin County Human Services Agency, Stanislaus County Community Services Agency, and Merced County Human Services Agency to develop new placement options for youth with complex care needs. Mary Graham Children's Shelter is not a placement option for youth on probation, as defined in Section 602 of the Welfare and Institutions Code. On April 21, 2023, HSA initiated programs with two local community-based organizations, Victor Community Support Services and Alternative Family Services, to identify short-term placements in resource homes that are certified at the Intensive Services Foster Care level.

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| The 2023-2024 Civil Grand Jury determined to take no further action on R1.2 |
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Agency Responses: *The Probation Department agrees and has implemented. San Joaquin County Probation is always looking for ways to improve the work that we do and capitalize on resources in the community. We are currently working with the Human Services Agency to assist with recruiting Resource Families to provide a home-like environment for the youth with placement orders. We are also looking to explore collaboration with local foster agencies to see if any of their families would be interested in becoming a Resource Family for our youth. We will continue to collaborate with HSA, Child Protective Services (CPS), and BHS to utilize alternative placement options for the youth in our custody recommendation.*

2022-2023 Grand Jury Recommendation 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.*

Agency Responses: *The Board of Supervisors and HSA will not implement. The youth system of care is challenged Statewide with a shortage of appropriate placement options for youth*

with the most complex care needs. Although the Discovery ChalleNGe Academy is a valuable program, it does not offer the support and services offered by a licensed Short-Term Residential Therapeutic Program (STRTP). The Human Services Agency will continue to present Discovery ChalleNGe Academy as a voluntary option to youth in care when appropriate. The youth will individually decide on participation levels.

Agency Responses: *The Probation Department agrees and has implemented this recommendation. The Juvenile Justice Coordinating Council (JJCC) focuses on oversight of the Probation Department's prevention and early intervention programs that are funded through the Juvenile Justice Crime Prevention Act (JJCPA). The JJCC reviews and approves the programs funded through the Juvenile Justice Crime Prevention Act monthly and reviews the overall plan annually.*

The San Joaquin County Probation Department utilizes programs designed around prevention and early intervention. Our goal is to intervene and provide services to the youth before they become justice involved. Our Community Accountability Prevention Services (CAPS) Unit is comprised of three Social Workers who provide counseling to the youth on a voluntary basis. Our referrals come from different avenues:

- *School Districts*
 - *Law Enforcement Citations (closed at intake)*
 - *Community*
 - *Family Members*
- *We are always open to new programs within the community. We are developing relationships with new organizations to provide quality services and programs to the youth we serve. Currently, we rely on our partner agencies and our community-based organizations to provide opportunities for our youth to participate in programs to improve themselves, their surroundings and inflict positive change within them. Youth must be willing to accept the opportunity for change offered to them, and legislatively, cannot be forced to accept assistance with certain programs.*

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| The 2023-2024 Civil Grand Jury determined to take no further action on R1.3. |
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2022-2023 Grand Jury Recommendation 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.

***Agency Responses:** The Board of Supervisors agrees and the recommendation will be implemented. As the child welfare system was significantly changed by the State of California, with very little notice to prepare and no additional system created, the ability of a County to meet the needs of youth was diminished. Placement types are limited to those licensed by the California Department of Social Services Community Care Licensing Division and any alternative placement would be required to fit within the licensing criteria set forth by the State. As such, the ability of any County to create new types of alternative placements is limited to those that fit within the licensing criteria. The available alternative placement referenced above is the Mary Graham Children's Shelter (MGCS). The Human Services Agency (HSA) has engaged with the California Department of Social Services through the Plan of Correction process to review and enhance the Plan of Operation for MGCS. This targeted engagement began in November 2022, was finalized in December 2022, and will continue through November 2024.*

HSA has developed new placement options and will continue to do so within the licensing framework designated by the California Department of Social Services Community Care Licensing Division. HSA is working in collaboration with Aspiranet, Stanislaus County Community Services Agency, and Merced County Human Services Agency to develop new placement options for youth with complex care needs. Additionally, on April 21, 2023, HSA initiated programs with two local community-based organizations, Victor Community Support Services and Alternative Family Services, to identify short-term placements in resource homes that are certified at the Intensive Services Foster Care level.

Agency Responses: *The Probation Department agrees and the recommendation will be implemented. The recommendation will be implemented but not by December 31, 2023. The State of California's Continuum of Care (CCR) and Assembly Bill 403 focused on policy changes to improve the outcomes of youth in foster care. One of those changes restricted placement in congregate care settings. In San Joaquin County, group homes were required to meet new licensing standards and convert to a short-term residential therapeutic program (STRTP). If they were unable to meet the licensing requirements, group homes were ultimately forced to close, drastically decreasing the number of placement options available for our youth. The San Joaquin County Probation Department has worked collaboratively with the Human Services Agency to assist and support group home providers in our County and neighboring counties transition to an STRTP. Collaboratively, we put on a CCR training to educate all providers and wrote letters showing our support of their transition to an STRTP to include with their application to the Department of Social Services Community Care Licensing Division. Despite all our efforts, the CCR policy changes reduced the number of placement options for our youth. In December 2020, the State eliminated out-of-state placement of youth, again, restricting the ability to meet youth placement needs.*

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| The 2023-2024 Civil Grand Jury determined to take no further action on R1.4 |
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2.0 Training and Staffing Issues

2022-2023 Grand Jury Recommendation R2.1: By December 31, 2023, Human Services Agency implement an ongoing recruitment plan utilizing the services of a third-party recruiter.

Agency Responses: *Board of Supervisors disagrees and will not implemented. The County Board of Supervisors has approved an additional 28 full-time positions for Mary Graham Children's Shelter since July 2022; this is an increase of 58% for full-time positions. These additional positions have been and will continue to be recruited for. Mary Graham Children's Shelter has 42 allocated full-time Shelter Counselor positions and 35 incumbents. The shelter has made seven conditional offers to fill the remaining vacancies, and those applicants are undergoing background checks. The enhanced full-time staffing levels, coupled with part-time staffing, has provided for supervision of youth at a ratio of two youth*

per one direct care staff member (2:1 ratio) in accordance with the Plan of Correction dated December 22, 2022, which exceeds the Temporary Shelter Care Facility regulations staffing ratio of 4:1.

The 2023-2024 Civil Grand Jury determined to take no further action on R2.1

2022-2023 Grand Jury Recommendation 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.

Agency Responses: *HSA and MGCS agree and recommendation is implemented. Upon review with the California Department of Social Services Community Care Licensing Division, the Human Services Agency Leadership team has ensured that appropriate trainings are completed and refresher trainings are appropriately scheduled to avoid any lapses. Per the Plan of Correction dated December 22, 2022, all Mary Graham Children's Shelter staff were required to participate in the following trainings: Practical Skills for Supporting Youth with Intellectual/Development Disabilities, Therapeutic Crisis Intervention (TCI), Services Currently Available to Children and Youth, Trauma-Informed Care Training, Regional Center Training, Dual Diagnosis Training, Youth Mental Health First Aid, Hyper-sexualized Behaviors, Emergency Intervention Plan Training, Commercially Sexually Exploited Children (CSEC), Substance Abuse and Adverse Childhood Experiences Assessments. All trainings were completed by staff as of March 2023, with a few make-up sessions that were held in April 2023. All newly hired staff will complete onboarding training during their first 2½ weeks. All training records are tracked and retained, along with copies of sign-in sheets.*

The 2023-2024 Civil Grand Jury determined to take no further action on R2.2

2022-2023 Grand Jury Recommendation 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.

Agency Responses: *HSA agrees and this has been implemented. The Human Services Agency (HSA) has been engaged with the California Department of Social Services (CDSS) since November 2022. As each situation with youth is unique, HSA has been discussing scenarios with CDSS and the appropriate methods to preserve all the health and safety of all parties. HSA has received significant support from the CDSS and will continue to seek guidance from the Community Care Licensing Division of CDSS. Per the Plan of Correction dated December 22, 2022, Mary Graham Children's Shelter (MGCS) staff have completed multiple trainings related to youth behaviors. MGCS staff conducts an evaluation on each youth's behaviors, risk, and strengths every 24 hours until the youth is discharged. This helps to provide appropriate services to the youth. There are more structured indoor and outdoor activities for youth to participate in during their stay at MGCS. In addition, there has been an increased staffing ratio of 2:1, which exceeds the Temporary Shelter Care Facility regulations staffing ratio of 4:1.*

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| The 2023-2024 Civil Grand Jury determined to take no further action on R2.3 |
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2022-2023 Grand Jury Recommendation 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.

Agency Responses: *HSA disagrees and this will not be implemented. The San Joaquin County Human Services Agency (HSA) and the Sheriff's Office will continue to engage and collaborate in service to youth residing at the Mary Graham Children's Shelter. This engagement includes open communication between the Sheriff and the HSA Director. Also, staff from HSA, Mary Graham Children's Shelter, and the Sheriff's Office meet to determine how to serve the youth. HSA will further seek the collaboration of other law enforcement*

agencies in San Joaquin County who are interested in serving youth under the jurisdiction of the Juvenile Dependency Court.

The 2023-2024 Civil Grand Jury determined to take no further action on R3.1

2022-2023 Grand Jury Recommendation R3.2: By December 31, 2023, San Joaquin County Human Services Agency (HSA) establish and utilize a multiagency task force to focus on managing the care for capitol At-Risk Youth in the County.

Agency Responses: *HSA agrees and this has been implemented. There has been substantial collaboration centered around At-Risk Youth in the County. These partners include the Human Services Agency (HSA), Probation, Behavioral Health Services, Sheriff's Office, County Administrator's Office, and the Board of Supervisors. HSA will continue to engage with partners to focus on the care for At-Risk Youth in the County.*

The Children's Services Coordinating Commission was established by the San Joaquin County Board of Supervisors in 1986, in compliance with the Welfare and Institutions Code Section 18982 – 18982.4, whose primary purpose is to coordinate community efforts to prevent and respond to child abuse. The Children's Services Coordinating Commission consists of representatives from multiple agencies and partners in San Joaquin County, including HSA, Probation, Behavioral Health Services, District Attorney's Office, County Office of Education, Office of the Medical Examiner, Licensing Agency, Medical Services, five supervisory district representatives, Religious Community, Community Volunteers/Consumer, and community based organizations.

The 2023-2024 Civil Grand Jury determined to take no further action on R3.2

2022-2023 Grand Jury Recommendation 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.

Agency Responses: *The Sheriff's Office agrees with and has implemented this recommendation. The Sheriff's Office has assigned liaison duties to a Lieutenant in Operations with management authority. The lieutenant collaborates with other agencies charged with the care of At-Risk Youth. The practice has been in place for decades.*

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| The 2023-2024 Civil Grand Jury determined to take no further action on R3.3 |
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Conclusion

Most of the recommendations were implemented. The County agencies responsible for At-Risk youth need to continue to collaborate and coordinate efforts to ensure the well-being of At-Risk youth. The 2023-2024 Civil Grand Jury appreciates the efforts of the Board of Supervisors, HSA, Probation, and Sheriff's Departments.

Response Requirements

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

The San Joaquin County Board of Supervisors shall respond to all findings and recommendations.

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

Honorable Presiding Judge Gus C. Barrera II
San Joaquin County Superior Court
180 E Weber Ave, Suite 1306J
Stockton, California 95202

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

2023–2024 San Joaquin County Civil Grand Jury



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

Preface

This report contains the responses to the 2022-2023 San Joaquin County Civil Grand Jury report regarding Eastern San Joaquin Groundwater Authority. This follow-up report focuses on the 2023-2024 Civil Grand Jury findings and recommendations and the responses, which are presented verbatim in this report. The 2023-2024 Civil Grand Jury follow-up determinations are presented after the agency’s responses to each recommendation.

Discussions, findings, and recommendations from 2023-2024 Civil 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 Civil Grand Jury website at: <https://www.sjcourts.org/divisions/civil-grand-jury/>

Summary

The 2023-2024 Civil Grand Jury reviewed the original 2022-2023 case #0622, Eastern San Joaquin Groundwater Authority (ESJGWA). The 2023-2024 Civil Grand Jury compared the responses received from 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 Groundwater Sustainability Plan (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

Method of Follow-up Investigation

Reviewed all responses from:

- ESJGWA Board of Directors
- County Board of Supervisors
- Auditor-Controller's Office

Recommendations and Agency Responses to the 2022-2023 Civil Grand Jury

| Legend | |
|---|--------------------------------------|
| I: Implemented | PA: Partially Agree |
| FRA: Requires Further Analysis | WNBI: Will Not Be Implemented |
| SJC: San Joaquin County | DA: Disagree but will clarify |
| ESJGA: Eastern San Joaquin Groundwater Authority | |

| Respondent | Rec # | Response | Civil Grand Jury Conclusion |
|---------------------------------|---------------|--------------------|---|
| ESJGA | R1.2.1 | RFA | R1.0 Adopted & Implement the C&E |
| | R1.2.2 | RFA | No further action |
| | R1.3.1 | RFA | No further action |
| | R1.3.2 | RFA | No further action |
| | R2.2.1 | Implemented | No further action |
| | R3.1.1 | Implemented | No further action |
| | R3.1.2 | Implemented | No further action |
| | R3.1.3 | Implemented | No further action |
| | R3.1.4 | Implemented | No further action |
| | R3.1.5 | Implemented | No further action |
| | R3.2.1 | Implemented | No further action |
| | R3.2.2 | WNBI | No further action |
| | R3.2.3 | WNBI | No further action |
| | R3.2.4 | Implemented | No further action |
| | R3.2.5 | Implemented | No further action |
| | R3.3.1 | Implemented | No further action |
| | R4.2 | WNBI | No further action |
| SJC Board of Supervisors | R2.2.2 | DA | No further action |
| | R4.1 | PA | No further action |
| SJC Auditor-Controller | R2.2.3 | Implemented | No further action |
| | R2.2.4 | Implemented | No further action |

Eastern San Joaquin Groundwater Authority

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.

Agency response: *This recommendation requires further analysis. GWA decisions regarding outreach strategy will be made following the release of the Communications and Engagement Plan (C&E Plan) recommendations, which is anticipated to be presented to the GWA within the next six months. Based on the final C&E Plan recommendations, the GWA and GSAs will develop specific plans and schedules for the 2025 GSP Update which would include activities such as public events and communications at the GSA or GWA level, or both.*

During the August 9, 2023, ESJCGWA Meeting there was an update of the C&E Plan. This is challenging because 5 of 12 meetings were cancelled. Further plan development is in the Budget, so the 2024-2025 Civil Grand Jury needs to confirm the plan has been adopted and implemented. **R1.0:** By November 1, 2024, the Eastern San Joaquin Groundwater Authority Board of Directors shall adopted and implemented the C&E Plan.

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.

Agency response: *This recommendation requires further analysis. The consultant's recommendations will be reviewed by the GWA and the GSAs in developing and considering adoption of their final C&E Plans. These recommendations will be considered in the context of the statutory and regulatory requirements, along with GSP and GWA objectives, priorities, and available resources. The GWA's adopted C&E Plan will be posted to the GWA website within 10 days after its adoption.*

The 2023-2024 Civil Grand Jury determined to take no further action for R1.2.2

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.

Agency response: *This recommendation requires additional analysis. Methods to potentially improve disadvantaged community outreach and engagement will be considered in conjunction with C&E Plan development.*

The 2023-2024 Civil Grand Jury determined to take no further action for R1.3.1

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.

Agency response: *This recommendation requires further analysis. Given the large number of languages utilized within San Joaquin County, it is impractical to translate every communication into all utilized languages. However, communications could potentially be translated to a specific language upon request. Additionally, communications made available via the GWA website potentially could be translated into virtually any desired language using computer-based translators. These issues will be addressed in the pending C&E Plan.*

The 2023-2024 Civil Grand Jury determined to take no further action for R1.3.2

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.

Agency response: *This recommendation has been implemented. Links to detailed budget information have been added to the GWA website.*

The 2023-2024 Civil Grand Jury determined to take no further action for R2.2.1

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.

Agency response: *This recommendation has been implemented. However, note that SB 929 applies to independent special districts and is inapplicable to the GWA.*

The 2023-2024 Civil Grand Jury determined to take no further action for R3.1.1

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.

Agency response: *This recommendation has been implemented. Although the GWA does not compensate Board members for their services and SB 929 is inapplicable to the GWA, a link to the State Controller's website has been added to the GWA website.*

The 2023-2024 Civil Grand Jury determined to take no further action for R3.1.2

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.

Agency response: *This recommendation has been implemented.*

The 2023-2024 Civil Grand Jury determined to take no further action for R3.2.3

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.

Agency response: *This recommendation has been implemented to enhance public accessibility. However, note that the website accessibility provisions prescribed by Government Code Section 7405 apply only to state agencies and are inapplicable to the GWA.*

The 2023-2024 Civil Grand Jury determined to take no further action for R3.1.4

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.

Agency response: *This recommendation will not be implemented. The County's Information Systems Division is not involved in managing GWA website content. Additionally, meeting notices/ agendas are posted timely in accordance with Brown Act requirements, and it is unclear from the Grand Jury Report what other content is required or desired to be posted or updated in a timelier manner.*

The 2023-2024 Civil Grand Jury determined to take no further action for R3.1.5

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.

Agency response: *This recommendation will not be implemented. The GWA Board adopts a schedule of regular meetings near the beginning of each calendar year. The by-laws provide the GWA Board and Secretary flexibility to schedule meetings at different times than the indicated regular meeting times in the by-laws. ESJ Board meeting frequency has varied and will continue to vary depending on the amount and*

time sensitivity of matters to be considered by the Board.

The 2023-2024 Civil Grand Jury determined to take no further action for R3.2.1

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.

Agency response: *This recommendation will be implemented but not by November 1, 2023. At its September 13, 2023, meeting, the GWA Board referred this matter to the Steering Committee to develop recommendations for Board consideration. It is anticipated that the Steering Committee will take this up at its October 11, 2023, meeting and that its recommendations will be presented for consideration at a GWA Board meeting after November 1, 2023.*

The 2023-2024 Civil Grand Jury determined to take no further action for R3.2.2

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.

Agency response: *This recommendation will not be implemented. The GWA does not have a standing Technical Advisory Committee. Over the years, the GWA has created numerous ad hoc committees and staff-only working groups to address limited matters prior to bringing them before the Board. Each ad hoc committee has had a limited purpose, a limited duration, and has been dissolved once its tasks have been completed. These various ad hoc committees have been served by different board members and staff members, depending upon the needs of that specific committee. Each of these committees has had a limited purpose, a limited duration, are dissolved upon the completion of their task, and are therefore not subject to the Brown Act.*

The 2023-2024 Civil Grand Jury determined to take no further action for R3.2.3

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.

Agency response: *This recommendation has been implemented. GWA Board member and GSA contact information has been posted on the GWA website and will be kept current.*

The 2023-2024 Civil Grand Jury determined to take no further action for R3.2.4

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.

Agency response: *This recommendation has been implemented.*

The 2023-2024 Civil Grand Jury determined to take no further action for R3.2.5

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.

Agency response: *This recommendation will be implemented. except that minutes will not be posted within the suggested 10-business day timeframe. Meeting minutes for past meetings are now available via a separate link next to the associated meeting agenda link rather than as part of the subsequent agenda package. Subsequent meeting minutes will be posted to the website once approved by the Board or Steering Committee, as appropriate, which will invariably be beyond the requested 10-business day timeframe. Once approved, meeting minutes will be posted to the website within 10 business days. Draft minutes are not required to be posted to the website.*

The 2023-2024 Civil Grand Jury determined to take no further action for R3.3.1

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.

Agency response: *This recommendation will not be implemented. It is unclear at this time that full staffing of currently allocated WRD positions would result in insufficient staff support for the GWA. Other options besides additional County staff include increased use of consultants, use of GSA staff, and/or other in-kind assistance from GSAs. If the GWA Board determines that additional staffing/ consultant resources are needed to support GWA activities, a strategy will be developed at that time.*

The 2023-2024 Civil Grand Jury determined to take no further action for R4.2

San Joaquin County Board of Supervisors

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.

Agency response: *Disagree. Detailed budget narratives describing planned Zone 2 funding allocations and expenditures have been available on the County's website for many years (County Proposed Budget document and Board package for the annual Special District Budget Hearing). However, it is noted that having more detailed financial information available through the Flood Control and Water Conservation website will facilitate access to this information.*

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| The 2023-2024 Civil Grand Jury determined to take no further action for R2.2.2 |
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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.

Agency response: *Partially Disagree.*

The County and Cal Water entered into a Memorandum of Agreement (MOA) in May 2017. The MOA provides in pertinent part that Cal Water is a representative of County of San Joaquin GSA - Eastern San Joaquin 2 (Cal Water-County GSA) and has limited voting rights on the Board of Directors of the Eastern San Joaquin Groundwater Authority (ESJGWA), a joint powers authority. In addition, Cal Water assumed certain financial obligations under the MOA, including payment of the Cal Water-County GSA's proportional share of administrative costs incurred by ESJGWA. The terms of the original MOA provide that the agreement will automatically end when the ESJGWA adopts its Groundwater Sustainability Plan (GSP) unless the parties agree to an extension of up to a two-year period. In addition, the MOA provides that the parties may enter into a subsequent agreement for the implementation and/or amendment of the GSP.

Upon initial adoption of the GSP on December 17, 2019, the parties agreed to extend the MOA for an additional two years. After that two-year period concluded on or about December 17, 2021, the parties continued to exercise their obligations under the MOA, including payment of expenses and participation in ESJGWA board meetings, wherein revisions to the COUNTYGSP and GSP implementation were discussed. Accordingly, the parties have mutually agreed that the terms and conditions of the original MOA

remain in force and effect by way of the Agreement denoted as A-22-484, entered on or about November 29, 2022. However, due to an administrative oversight, the parties did not memorialize their agreement in a punctual manner. The County notes that it would be inappropriate for Public Works staff members to opine on the legal effect of these facts. With that said, the factual history with respect to A-22-484 and the parties' intentions could be stated more clearly in A-22-484. Accordingly, within the next six months, the County will seek to amend A-22-484 for the purpose of avoiding any confusion to third parties and/or members of the public.

The 2023-2024 Civil Grand Jury determined to take no further action for R4.1.

San Joaquin County Auditor-Controller's Office

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.

Agency response: *The Auditor-Controller's Office (ACO) offers the following explanation for the differences indicated in the recommendation. The fund reports for fund #21451 that are produced monthly by the ACO are presented on the cash basis of accounting, in accordance with budgetary accounting principles. Amounts presented in annual audited financial statements are presented on a modified-accrual basis of accounting, in accordance with Governmental Accounting Standards issued by the Governmental Accounting Standards Board (GASB). The cash basis of accounting records revenues and expenses when actual cash is received or disbursed, whereas the modified-accrual basis of accounting recognizes revenues when earned and expenses when incurred, regardless of whether or not the actual cash has been received or disbursed.*

The ACO will provide a disclaimer/statement on their public report portal to identify the monthly reports as being prepared on the cash basis of accounting.

F2.2.3. In our opinion, the finding could have been satisfactorily addressed before appearing in the final report.

The 2023-2024 Civil Grand Jury determined to take no further action for R2.2.3

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.

Agency response: *The ACO concurs with the recommendation. The word "Banking" was incorrectly included in the column header for amounts presented for the Eastern San Joaquin Groundwater Authority and will be removed from future independent audited statements.*

The ACO would like to commend the members of the San Joaquin County Civil Grand Jury for their ongoing efforts toward ensuring transparency and accountability of governmental entities in our County. We are, however, disappointed that a simple request for explanation was not made directly of our office with regard to finding

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| The 2023-2024 Civil Grand Jury determined to take no further action for R2.2.4 |
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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

Conclusion

The 2023-2024 Civil Grand Jury believes the ESJGWA is improving the public's knowledge, understanding, and confidence in its operations through the Communications and Engagement Plan (C&E Plan). While the ESJGWA has begun to address these concerns by continuing to incorporate the Civil Grand Jury recommendations, the ESJGWA will raise awareness of their efforts and better serve the interests of San Joaquin County's groundwater users. The 2024-2025 Civil Grand Jury should review the progress of the implementation of changes.

Disclaimers

Civil Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Civil 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 Civil Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Response Requirements

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

The Eastern San Joaquin Ground Water Authority Board of Directors shall adopt and implement the Communications and Engagement Plan.

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

Honorable Gus C. Barrera II, 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. Jimenez, Staff Secretary to the Civil Grand Jury, at civilgrandjury@sjcourts.org.

SECTION 6:

GRAND JURY PROCESS

About the Civil Grand Jury.....Page 197



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 impanels 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 reports 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>

