SAN BERNARDINO COUNTY

GRAND JURY

FINAL REPORT
2015-2016

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FINAL REPORT
2015-2016

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The Editorial Committee acknowledges and thanks the following individuals for their hard work and invaluable assistance in the preparation of the Final Report of the 2015-2016 San Bernardino County Grand Jury:

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GRAND JURY

COUNTY OF SAN BERNARDINO

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Honorable Raymond L. Haight III, Presiding Judge
Superior Court of California, San Bernardino County
247 West Third Street, Eleventh Floor
San Bernardino, CA 92415

Dear Judge Haight,

The 2015-2016 San Bernardino County Grand Jury is pleased to present this Final report to you, the San Bernardino County Board of Supervisors and the citizens of San Bernardino County.

Throughout the year, Grand Jury members interacted with numerous employees of county, city and special district operations. We were impressed with the knowledge and dedication of the vast majority of the employees we met. The Grand Jury thanks all county, city and special district personnel interviewed for their cooperation. The Final Report represents the Grand Jury's year-long effort looking into local government toward the goal of improving the function of government in service to county residents.

The success of the 2015-2016 Grand Jury would not be possible without the dedication of the 19 citizen volunteers who gave countless hours in an effort to improve the quality of life for all of its residents. Throughout their term they worked in harmony with each other and formed lasting relationships. It has been an honor to serve as the Foreperson of this jury. I wish also to thank Sarah Mayne, Grand Jury Assistant, and Michael Dauber, DDA, Legal Counsel for the Grand Jury. Their knowledge of what the Grand Jury was and is, their good common sense and their wise judgment guided all of us, and especially me, through some difficult times. I enthusiastically commend them for their advice, criticism, patience, and support.

To my fellow Grand Jurors, I can only say that serving with each of you has been a highlight of my Grand Jury years. Thank you for your wisdom, diligence and search for truth and for allowing me the privilege to serve with you and for giving me the opportunity to do our duty. I sincerely thank you.

Thank you, Judge Haight, for the opportunity to serve our great County of San Bernardino.

Sincerely,

Robert P. Deao, Foreperson
2015-2016 San Bernardino County Grand Jury

2015-2016 GRAND JURY
SAN BERNARDINO COUNTY

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2015-2016 GRAND JURY
SAN BERNARDINO COUNTY

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Honorable
Raymond L. Haight, III

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COMPLAINTS

COMPLAINTS

The Grand Jury receives numerous citizen complaints throughout the year. Every complaint is carefully reviewed by the Grand Jury and a determination is made regarding jurisdiction. If jurisdiction is confirmed and the complaint warrants investigation, it is assigned to the appropriate committee. The committee will investigate the complaint with the appropriate oversight by the Grand Jury. At times, an Ad Hoc committee is formed to investigate specific complaints. The complaint would then be investigated and the outcome reported to the full Grand Jury. A written report regarding a specific complaint may or may not be included in this year-end Grand Jury Final Report.

The process to submit a complaint is to obtain a Confidential Citizen Complaint Form from either the Grand Jury website (http:cms.sbcounty.gov.grandjury/Home.aspx) or by calling the Grand Jury Office at (909)387-9120. Once fully completed, the form is returned to the office. Although the Grand Jury normally does not investigate unsigned complaints, depending on the issue, it may conduct an investigation from an anonymous source.

The 2015-2016 Grand Jury received 35 new complaints. Of those, 13 complaints were assigned to committees for review. Of those investigated, three investigations are included in this 2015-2016 Final Report. Four complaints were not within the jurisdiction of the Grand Jury, three were anonymous, six were rejected by the Grand Jury for various reasons other than jurisdiction and one is being referred to the 2016-2017 Grand Jury.

REPORTS

GRAND JURY FINAL REPORTS

INTRODUCTION

The Grand Jury is tasked with conducting operational audits and reviewing various aspects in offices throughout San Bernardino County, which includes offices of the county, cities, special districts and school districts. The Grand Jury divided into three separate committees in order to optimize their time and resources. Those committees were: Cities/Special Districts, County and Ad Hoc Special Project.

Many of the agencies/departments that may be visited are:

Airport
Assessor/Recorder/County Clerk
Auditor/Controller-Treasurer/Tax Collector
Behavioral Health
Board of Supervisors
Children and Family Services
Cities/Municipalities
Community Services
County Administrator
County Clerk-Elections
County Counsel
County District Attorney
County Fire Department
County Probation Department
County Public Defender
County Sheriff/Coroner
County Superintendent of Schools
Department of Social Services
Detention Facilities
Economic Development Agency
General Services
Building-Grounds
Emergency Services
Fleet Management Department
Mail Services/Printing

Purchasing
Real Estate
Risk Management
Human Resources-Civil Service
Permit and Resource Management Department
Public Works
Hospital
Human Services
Juvenile Dependency Court-Probation
Mental Health Services
Municipal Fire Departments
Municipal Police Departments
Preschool Services
Public Guardian
Public Health
Public K-12 School and Community College Districts
Senior Services
Special Districts (Community Service Districts and others including Water, Fire Protection, Parks and Recreation, Street Lighting)

The 2015-2016 Grand Jury visited the following agencies/departments:

Board of Supervisors
Children and Family Services
City of Chino
City of Rialto
City of Redlands
County Counsel
County of San Bernardino Administrative Office
County of San Bernardino Assessor
County of San Bernardino Chief Executive Officer
County of San Bernardino Libraries
County of San Bernardino Facilities Management Department
County of San Bernardino Registrar of Voters
County of San Bernardino Special Districts Department
County Neighborhood Stabilization
County Jails and California State Prisons

- Trona Substation
- Baker Substation

- Barstow Sheriff's Station
- High Desert Detention Center
- Big Bear Sheriff's Station
- Colorado River Station (Needles)
- Twenty-Nine Palms Station (Morongo Basin)
- San Bernardino Justice Center Holding Cells
- California Institute for Men
- California Institute for Women

Department of Real Estate Services
Department of Public Works
Department of Social Services
Fontana Unified School District
Hesperia Unified School District
Local Area Formation Commission (LAFCO)
Rialto School District
Redlands School District
Sheriff/Coroner Department
Sheriff's Forensic Lab
Sheriff's Communications Centers

RESPONSIBILITIES AND POWERS

The grand jury's responsibilities and powers are expressed in the California Penal Code (PC), §3060(ff) of the California Government Code (GC) and §17006 of the California Welfare and Institutions Code (W&I).

REQUIRED JURISDICTIONS

The grand jury is required by statute to inquire into the following areas. These required responsibilities all begin with *"the grand jury **shall**. . ."*

> **1. PC §925:** *"... investigate and report on the operations, accounts and records of the officers, departments, or functions of the county including those operations, accounts and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts. The investigations may be conducted on some selective basis each year. "*

2015-2016 Grand Jury Final Reports included under PC §925:

- San Bernardino County Sheriff's Department- Forensic Labs/Coroner's Office
- Children and Family Services
- Valencia Grove Community Project

> **2. PC §919(b):** *"... inquire into the condition and management of the public prisons and jails within the county."*

PERMITTED AREAS OF JURISDICTION

Permitted areas of action all begin with the words *"the grand jury **may**…"*

1. PC §925(a): *"... examine books and records of any incorporated city or joint powers agency located in the county ... (and may) investigate and report upon the operations, accounts and records of the officers, departments, functions, and the method or system of performing the duties of any such city or joint powers agency and make such recommendations as it may deem proper and fit."*

2015-2016 Final Reports included under PC §925(a)

- City of Rialto- Code Enforcement
- City of Chino- Code Enforcement

2. PC §933.5: *"... examine the books and records of any special purpose assessing or taxing district located wholly or partly in the county or the local agency formation commission in the county, and ... may investigate and report upon the method or system of performing the duties of such district or commission."*

2015-2016 Final Reports included under PC §933.5

- Rialto and Redlands School Districts
- CAL-Cards
- Transgender Support in Schools

CAL-Cards

BACKGROUND

The Department of General Services, Procurement Division (DGS PD) oversees policies and procedures used by all state and local agencies in their purchasing and contracting activities. DGS PD serves as business manager for the State of California. It develops innovative procurement solutions, including statewide contracts and services, needed to serve the State of California. The DGS PD entered into a Participating Addendum (cooperative agreement) 7-14-99-22, with US Bank National Association to purchase card services in support of the State of California purchase CAL-Card program (Visa Purchase Card, US Bank). The agreement provides eligible participating state and local agencies with Visa card privileges to purchase goods and services.

School districts are eligible to participate in the program as a local agency and can use the CAL-Card. Policies and procedures exist to govern the use of these cards. US Bank issues a card that bears the name of the employee and their work location. The card functions just like a personal credit card and can be used to make purchases from all vendors accepting Visa. The cards were issued to establish a more cost effective and expedient method of making purchases. The CAL-Card name was derived from an agreement between US Bank, and the State of California General Services Department.

US Bank establishes the general policies and procedures, and user instructions are provided by DGS PD. The DGS PD has established program requirements that state and local agencies must follow**.** Local agencies establish their own policies and procedures for use of the CAL-Card program. However, the agencies must assume all responsibility for use of the cards.

There are incentive rebates for using a CAL-Card for large ticket items, prompt payment, and volume incentives for participating agencies. Recently, a late charge was established by US Bank

for payments received after the due date. The Grand Jury requested and received a report of late charges.

The CAL-Card use, along with their policies and procedures, were selected as a subject of investigation by the Grand Jury. The focus was on how policies and procedures are being followed, with attention to card holders' awareness of items that can and cannot be charged, such as personal purchases, and what happens when the policy is not followed.

METHODOLOGY

The two Unified School Districts (USD) selected within San Bernardino County were Redlands and Rialto. The Grand Jury scheduled interviews with personnel responsible for managing the CAL-Card program.

FACTS

Some of the general information from the Redlands and Rialto School Districts policies indicate they hold a procurement card agreement with US Bank for employees who purchase goods on behalf of their district.

Use of the CAL-Card system expedites certain purchases when time is of the essence, when the item is not in the school warehouse, or when purchase orders are not accepted. Monthly, US Bank provides activity statements and balances for expense reimbursement.

School districts adhere to CAL-Card policies and procedures established by DGS PD. The districts provided the Grand Jury with examples of the statements, receipts, and other documents presented by cardholders for payment. The districts' authority to obtain goods is outlined in Education Code §38111 and Government Code §54201.

Travel and conference expenses require approval. Once the submitted charges are approved by the Districts' Fiscal Services, they are forwarded to the County's Auditor/Controller office for

final review and issuing of a warrant that allows the district to make final payment to US Bank. When presenting travel and conference receipts for payment, the cardholder must present the pre-approved authorization along with the receipts and statements.

US Bank and DGS PD developed a list of Restrictive Merchants Category Codes (items that cannot be charged on the cards). Districts are allowed to include additional prohibited items to their own list. If school districts process an expense which is prohibited the County will not issue a warrant for the purchase and the cardholder is responsible for the payment**.**

The User Guide was developed by US Bank and clearly explains in detail how the CAL-Card can and cannot be used. US Bank provides monthly statements of CAL-Card use. CAL-Card users are responsible for reconciling their CAL-Card purchases in a timely manner each month. The card holder is required to include itemized receipts and a completed district expense form. CAL-Card supervisors must review the expense form and bank statement, then sign and forward it to Fiscal Services for processing.

Fiscal Crisis and Management Assistance Team (FCMAT) is available to provide fiscal services and other management services to the School Districts having difficulty in meeting their CAL-Card obligations. Their mission is to help local educational agencies fulfill their financial and management responsibilities through training and other related business services.

Rialto Unified School District

The Department of Purchasing issues the CAL-Card to authorized employees and also has the authority to recall the card. A detailed and comprehensive Rialto CAL-Card Users Guide is issued to each person assigned to the CAL-Card program. The Guide outlines the policies and procedures for the use of a CAL-Card. It also contains the responsibilities of each CAL-Card user and those in charge of the administrative process of the program.

Fiscal Service employees are trained in the proper use and documentation of CAL-Card expenses. Any expense not conforming to the Guide Policies and Procedures is brought to the attention of an executive staff member. Once submitted charges are approved by District's Fiscal Service they are forwarded to the County's Auditor/Controller Office for final review and issuing of a warrant allowing the District to make final payment to US Bank.

The Grand Jury also reviewed various copies of CAL-Card expense reports. If a cardholder submitted their CAL-Card expense reports consistently late or with errors they are reported to the issuing authority who has the responsibility to take away their CAL-Card privileges. The signing dates on all the expense reports received by the Grand Jury were beyond the allowed eight day submission requirement.

Redlands Unified School District

The Grand Jury interviewed personnel having extensive experience, education and background in fiscal and purchasing matters.

The procedures for issuing the CAL-Card to employees are administered by the Purchasing Department. Card holders are restricted to administrators, office managers, department heads, principals and teachers. Training of the cardholders and the credit limits are established by the Purchasing Department. A bi-annual audit is conducted to ensure that the card holders are complying with the policies and procedures of the CAL-Card program.

Bank statements are issued by US Bank. Each card holder has eight days to attach receipts and present the statement for payment. The Purchasing Department monitors the time when statements are received and may revoke credit card authority for users being consistently late in presenting receipts for payments.

Procedures are in place to cancel the CAL-Card for employees leaving the district. CAL-Cards must be applied for and are issued based on the employee's credit rating. Misuse of the card may

result in its cancellation. If the cardholder should transfer to another district, an approved official must collect the card and return it to the Purchasing Department. Should there be a need to replace a card, the cardholder must initiate a request. A lost card must also be reported to US Bank Customer Service. The Purchasing Department must be notified immediately, and the card account number will be cancelled.

There are some exceptions to purchases, but only through previous approval. Disputed purchases/charges with a merchant are resolved between the card holder and the merchant. The cardholder will provide a detailed description of the dispute to a US Bank representative.

FINDINGS

1. There are adequate checks and balances for the use of CAL-Cards in both school districts.

2. School districts determine which staff members will be given authorization to use CAL-Cards.

3. Policies and procedures require the CAL-Card to bear the name of the user and their work address.

4. CAL-Cards are issued by US Bank and regulated by the purchasing department at each school district pursuant to both the US Bank and the district CAL-Card user guide.

5. Fiscal Crisis & Management Assistant Team may be used to assist school district purchasing departments in directing the use of each CAL-Card.

6. Prohibited uses of the CAL-Card are listed in Department of General Services Procurement Division CAL-Card User Guide. The individual district's list of prohibited items may differ.

7. Travel and conference expenses require a Conference Request Form which must be pre-approved.

8. Checks and balances include regular audits by an accounting technician.

9. When the cardholder leaves a school but remains in the district, the CAL-Card may be kept by the user. When the user leaves the district the CAL-Card must be returned and cancelled.

10. There are no line item reports for late charges or incentive rebates.

RECOMMENDATIONS

16-01 Make late charges a line item report so they can be identified monthly and year-to-date.

16-02 Make incentive rebates a line item report indicating how and where they are applied monthly and year-to-date.

Responding Agency	Recommendations	Due Date
Redlands Unified School District	16-01 through 16-02	10/01/2016
Rialto Unified School District	16-01 through 16-02	10/01/2016

CHILDREN AND FAMILY SERVICES

BACKGROUND

San Bernardino County Children and Family Services (CFS) has as its mission statement: "Children and Family Services (CFS) protects endangered children, preserves, and strengthens their families, and develops alternative family settings. Services mandated by law and regulations will be provided in the least intrusive manner with a family centered focus. This mission is accomplished in collaboration with the family, a wide variety of public and private agencies and members of the community."

The Goal of CFS is: "...to keep the child at home when it is safe. If it is determined that the child is at risk, the goal is then to develop an alternative plan as quickly as possible. CFS provides intervention and support services to families and children when allegations of child abuse, neglect, and exploitation are substantiated in San Bernardino County."

Provider services available to children who are at risk, or have been abused or neglected, are called Child Abuse Prevention and Treatment Services (CAPTS), a network of contracted agencies that provide child abuse prevention, intervention and treatment services to families involved with CFS. If abuse of a minor child(ren) is suspected, the child(ren) may be removed from the custody of the parent(s) or guardian(s) and placed within the foster care system.

The California Department of Social Services established CFS to provide leadership and oversight of county and community agencies in the implementation of child welfare service programs through regulations, training, technical assistance, incentives and program evaluations. On January 1, 2001 the California Legislature passed Assembly Bill (AB) 636, the Child Welfare System Improvement and Accountability Act. It "was designed to improve the outcomes for children in the child welfare system while holding county and state government agencies accountable."

METHODOLOGY

The Grand Jury:

- Visited three CFS offices
- Interviewed several management employees and was provided with documents outlining changes in CFS operations
- Interviewed three law enforcement officers who are assigned to investigate crimes involving children
- Interviewed members of the San Bernardino County Counsel's office with regard to an overview of CFS and training of CFS employees in the area of risk assessment
- Reviewed documents requested by the Grand Jury
- Reviewed Grand Jury Final Reports for the previous ten years and found four final reports (2005-2006, 2006-2007, 2010-2011, 2012-2013) that made recommendations concerning CFS

FACTS

During interviews with CFS management and visits to field offices the subject of recording interviews with clients was discussed. The question was raised by the Grand Jury whether the recording of client interviews would tend to eliminate conflicts of testimony in subsequent proceedings. While this idea was acknowledged, CFS management was uniformly opposed to the idea of tape recording client interviews. Their reasons stated for this opposition were confidentiality and possible intimidation of the client. No recording devices were observed in any of the interview rooms in the CFS field offices.

During CFS field office visits the Grand Jury observed that available food items in the offices for children being transferred consisted of snacks with questionable nutritional value. It was reported that social workers are permitted to buy food for the children from outside sources and request reimbursement.

Interviews with CFS management revealed that social workers who had observed a parent under the influence did "not necessarily" notify law enforcement or remove the child from the home. In visits to field offices and interviews with management it was verified to the Grand Jury that CFS focuses on family unification. CFS social workers have been given training on identifying parents who are under the influence but the social workers are not furnished instant test kits that would assist in determining the extent a parent or guardian is under the influence.

The Grand Jury investigation found areas of concern about the relationship between CFS and law enforcement agencies. Interviews with law enforcement officers disclosed areas that potentially hindered investigations. Law enforcement officers disclosed, and CFS management confirmed, that CFS reports requested by law enforcement are first sent to County Counsel for review prior to being released. Law enforcement officers stated that CFS social workers are reluctant to remove abused and neglected children from their homes. In addition, CFS social workers frequently do not return phone calls from law enforcement. Officers further stated that CFS does not always inform investigating officers of the location of a child which causes delays in investigations.

In an effort to minimize the trauma children faced going through many interviews with multiple agencies involved in the investigations, the Child Protective Network Policy Council of San Bernardino County explored the possibility of creating "a quality comprehensive program" to provide forensic interviews and evidentiary medical exams in a child-friendly location for sexually abused children. The Children's Assessment Center (CAC) was established in 1992. This center met the goals of a child-friendly location to evaluate and examine sexually abused children. In 1994 the CAC opened in partnership between the County of San Bernardino and Loma Linda University Children's Hospital. In 1998 the services were extended to include services for child victims of physical abuse.

CFS does not always advise law enforcement of a scheduled interview at CAC. If law enforcement officers are not present, CAC cannot conduct the interviews. It was reported that CFS social workers sometimes close cases that are criminal in nature without contacting law enforcement investigators. Officers informed the Grand Jury that receiving redacted reports from

CFS hinders their investigations. It was reported that CFS "teletype or e-mail" does not always accurately and consistently describe the severity of the situation. CFS social workers do not always coordinate with investigators and would contact persons of interest before officers could initiate their on-site investigations. This reduces the effectiveness of a valuable law enforcement tool; pretext calls. A pretext call is widely used in cases of sexual abuse of minor children. In a pretext call, the law enforcement officer phones the person(s) of interest and invites him/her to comment on the allegations. Often the person of interest will furnish useful information to law enforcement officers. If the person of interest is first contacted by CFS concerning the allegations, the individual(s) will generally not be cooperative with law enforcement officers during a pretext call. Law enforcement officers are not normally included in Juvenile Dependency Court proceedings involving cases they have investigated.

On June 2, 2015, the 2014-2015 Grand Jury requested files germane to an inquiry. It was necessary to obtain Court approval for the release of these documents. In November and December of 2015 the Court approved the release of the files to the Grand Jury. The case documents were delivered to the Grand Jury on January 25, 2016, a period of seven months and 23 days from the date the request was submitted.

In interviews with County Counsel employees it was stated that CFS is focused on family unification, while County Counsel would prefer the safety of the child to supersede family unification. Additionally it was reported by law enforcement officers that CFS is interested in keeping families together while law enforcement seeks to arrest perpetrators of child abuse.

During interviews with CFS management it was cited that CFS employee turnover in 2013-2014 was 15.5% and in 2014-2015 it was 23.8%. This turnover resulted in approximately "50% of the staff having less than two years child welfare experience." In an interview with a law enforcement officer it was their opinion that CFS social workers are "overwhelmed" by heavy caseloads.

During visits to CFS field offices caseloads were reported as:

- First field office - caseloads were 30-45, but one case worker reported having 60 cases
- Second field office - caseloads were reported as 42-43
- Third field office - caseloads were 55-60, and there were 43 vacancies at the time of the visit, which was approximately 22% of the budgeted CFS work force in this office

The Child Welfare League of America recommends caseworkers handle no more than 12 cases involving investigation, 17 cases of family preservation and 12-15 foster care cases.

In a written report given by CFS management it was noted that the San Bernardino County Board of Supervisors, in September 2014, created the position of Senior Social Service Practitioners (Sr. SSP) to provide coaching, mentoring and training for "newer" social workers. It was planned to hire 65 of the Sr. SSP. At the time of the October 20, 2015 interview with CFS senior managers only two of the 65 authorized Sr. SSP had been hired. Later, in April 2016, it was reported by CFS management that CFS had "promoted 28 employees to Sr. SSP, and that there were 42 vacancies, with approximately 24 potential candidates for interviews."

In interviews with law enforcement and County Counsel it was stated that more training of social workers is needed, particularly in accurate documentation writing. A large number of new social workers require extensive training.

Risk assessment training is provided to CFS social workers by the County Counsel office. This training was "started in September 2014 and was implemented because problems in CFS that resulted in the death of children." Risk Assessment Training consists of a six point plan which is outlined in the Fundamental of Best Practices:

- Civil Liability training
- Regional staff training
- Critical thinking/assessment training
- Improve Risk Assessment Meetings (RAM)

- Referring all high risk referrals to a RAM
- Expand criteria for referrals to Children's Assessment Centers

A new program, Structured Decision Making (SDM), is being implemented in the spring of 2016. No other details on SDM were provided. It was disclosed in an interview with a County Counsel employee that no further action has ever been initiated by the trainers of CFS employees in order to assess the implementation and effectiveness of the training.

Management stated that CFS employees are evaluated for job performance annually.

In visits to CFS field offices it was learned that reports requested by law enforcement are routinely sent to County Counsel for review and redaction before being released. Law enforcement, during interviews, disclosed that redacted reports received from CFS obstruct criminal investigations. Management disclosed that all case reviews are conducted internally.

FINDINGS

1. Client confidentiality and the appearance of intimidation is used as a justification by CFS management for not audio and/or video recording interviews.

2. Law enforcement disclosed that working relations with CFS could be improved.

3. Law enforcement is not normally involved in Child Dependency Court proceedings.

4. Specific case files that were requested by the Grand Jury took over seven months to be received.

5. CFS focuses on family unification and working with families.

6. CFS workers in the field are not furnished instant drug testing kits that would assist them in determining if a parent is under the influence. CFS "best practices" in regard to parents observed to be under the influence "does not necessarily" result in children being removed from the home, or law enforcement being notified.

7. Social workers in the field have heavy caseloads and "tremendous turnover."

8. Efforts to increase the ranks of Senior Social Services Practitioners have not been on track with the goal of hiring new Senior Social Services Practitioners as of April 2016.

9. Field offices maintain food supplies consisting of non-nutritional snacks for children awaiting transfer.

10. Continuous field training and documentation writing is essential for social workers.

11. No follow up system is in place by the trainers to assess the effectiveness of the training of social workers.

12. CFS workers are evaluated for job performance once a year.

13. Confidentiality is used as justification by CFS to redact reports prior to distribution to authorized agencies, such as law enforcement.

14. There is no local independent review board that monitors CFS operations.

RECOMMENDATIONS

16-03 CFS begin a policy of audio and/or video tape recording interviews with adult clients.

16-04 Improve relations with law enforcement by expeditiously furnishing complete and un-redacted reports.

16-05 Require assigned law enforcement case officers to Child Dependency Court proceedings.

16-06 When requested, take steps to insure documents requested by a Grand Jury are furnished in the time specified.

16-07 When there is the slightest suspicion a child victim is in danger, family unification should not be a factor in any decision in the protection of the child(ren). These children should be referred to Child Assessment Center (CAC).

16-08 Furnish and train social workers on the use of instant drug kits to aid in determining if a parent is under the influence. When the parent is under the influence, and/or there is any danger to the child, immediately remove the child from the home.

16-09 Form a task force to determine the reasons for high social worker turnover. Review the entire personnel hiring process, including compensation, job requirements and working conditions to insure that CFS field offices are adequately staffed and caseloads are in line with the Child Welfare League of America recommendations. Work with higher education, public and private, to establish cooperative internships between CFS and the local Colleges/Universities.

16-10 Hire the remaining vacancies authorized by the Board of Supervisors for the Sr. SSP positions.

16-11 Stock nutritional food supplies in CFS field offices for children in transition.

16-12 Increase training of field workers with emphasis on accurate documentation writing.

16-13 Initiate a system of reviewing the effectiveness of training of CFS social workers.

16-14 Evaluate job performance of CFS social workers more frequently.

16-15 Review redaction policy on CFS reports given to law enforcement and authorized agencies.

16-16 A local independent Oversight Review Board (non CFS personnel) be established to monitor CFS operations.

Responding Agency	**Recommendations**	**Due Date**
San Bernardino County Department Of Children and Family Services	16-03 through 16-16	10/01/2016

CITY OF CHINO CODE COMPLIANCE DIVISION

BACKGROUND

The Grand Jury investigated the safety of City of Chino Code Compliance Division officers. The inquiries of this investigation related to past and present job experience of field officers and their managerial staff. The scope of this investigation was to inquire about safety training and work procedures in place. Further investigation dealt with the availability of sufficient safety equipment and communication devices.

Recent attacks by violent people or animals on code enforcement officers have been reported in newspaper articles, radio, television, magazines, code enforcement trade publications, internet, and the U.S. Department of Justice Civil Rights Division. Some of these reports consisted of the following**:**

- Long Beach, CA - code officer injured by gunshot
- San Bernardino, CA - code officer injured by attack of multiple dogs
- City of Commerce, CA - fatal gunshot to code officer
- San Francisco, CA - had three code officer inspectors murdered in one incident
- Bakersfield, CA - code officer beaten unconscious and her family later murdered by the code violation suspect
- Colorado - fatal gunshot to code officer
- Memphis, TN - officer murdered in the performance of his duty
- Minnesota - code officer murdered
- Georgia - code officer murdered

All injuries listed above were sustained while the involved code officers were on duty.

METHODOLOGY

The Grand Jury scheduled individual interviews with field officers and management staff of Chino Code Compliance. Questions were asked about data documentation, timelines to investigate complaint violations, the use of penalties, and budget recommendations to the City of Chino. Additional questions were asked about the number of years of experience they had in this division or similar departments. Inquiries about related or non-related prior work experience were also made.

FACTS

Some in the Code Compliance Division (CCD) reported they had experience in building inspection field work. They applied that work history to the CCD when they joined the division. Various employees stated this building inspection work background was an asset in the transition to code work. There were several that took college courses before joining the CCD. Most related that during their initial code compliance training minimal classes were given in self-defense techniques and first aid. First aid certification is not a requirement of the job, however, basic first-aid training is available on a semi-annual basis.

Chino's Job Description of a Code Compliance Inspector is as follows: "works under general supervision, directs and coordinates activities related to the receipt and investigation of complaints regarding zoning and sign ordinance violations and public nuisances, initiates enforcement action; and performs related work as assigned." Additionally, "Code Compliance inspectors are responsible for conducting investigations and taking enforcement actions against violators of various City codes and ordinances."

The requirements of the job are to "possess a P.C. 832 Arrest, Search, and Seizure Certificate before being appointed to the job, and possess a CACEO [California Code Enforcement Officer] and/or Building Inspector Certificate. Inspectors and Code Officers must have a satisfactory driving record, pass a background investigation, a physical examination, a drug screening, and pass an administrative review."

In the investigation process, questions were asked about the reporting, investigation, documentation and the follow up procedures when a complaint is received by the division. All data and documentation is stored in the division data system. This data includes the prior inspection and complaint history regarding a house or property that is available for review by field officers prior to a new contact by officers. It also prepares the officer for any contingencies in the investigation or enforcement of the latest complaint. Data includes the parcel address, the name of the owner or entity, and any notes regarding any past history of problems at the location.

When a complaint is received, it is logged and a case is opened. The assignment of a case will depend on whether or not it is an immediate safety or health hazard. An on-site visit may be required to determine the priority of the case. Once a notice to comply is issued to the tenant or owner, a time frame for compliance may range from 24 hours to two weeks. The investigating officer has the discretion to determine the compliance time, depending on the circumstances.

Monitoring the history of repeat complaints and violations is done regularly so that a determination can be made about the safety or health aspect of the call for service to that location. This monitoring is done by checking the database that lists all past problems at a particular address. The information remains in the system forever, even with upgrades and updates of software. The Chino Police Department can also offer information from their database about past criminal activity related to an address or location. If a code officer inquires about the safety aspect of that visit, the Police Department will provide additional information.

When asked about problems relating to properties belonging to absentee landlords, management and field officers agreed most absentee landlords do the bare minimum to stay in compliance when given a notice to fix a problem. It was also expressed these landlords would not live under the same conditions they expect their tenants to live.

The Grand Jury inquired about the control of uninhabitable houses or buildings. The Building Department determines the seriousness of the situation. CCD will yellow tag the uninhabitable building and give a time frame for the correction of the problems. Non-compliance to fix

problems may lead to placing penalties on the property, with revenues from liens and eventual receivership going to the General Fund. Officer involved time, staff time, operating expenses are not directly compensated to CCD by any revenues from these penalties, liens and any receiverships of property.

Field officers indicated neighborhoods with gangs, vacant boarded up houses or buildings, squatters, unrestrained dogs and the growing number of homeless encampments present a potential danger. These problems have become more prevalent in recent years.

One CCD officer stated that another officer had been confronted by someone with a gun. Another stated that a threatening letter had been sent to CCD.

The majority of the officers stated that dogs were a problem but offered no information about having been attacked. Verbal abuse by some people contacted was normal in various cases. In these particular instances, the de-escalation training officers received included procedures to avoid a confrontation.

Field officers stated they use a friendly approach in the initial contact with the subject of the complaint. A complete awareness of their surroundings is necessary at all times for safety.

Explanations were given regarding safety, self-defense and communication equipment CCD makes available. Pepper spray, a smartphone, a camera and a police linked radio are issued to all officers. Officers have the ability to call either a fellow officer or the police for backup, depending on the severity of the problem. Management stated iPads will be issued to all officers for better communication and information accessibility in the next fiscal year.

The City of Chino's CCD uniform is very similar to the city's police department uniform. Complementing this uniform is a gold metal badge, a name badge, the CCD emblem and an American flag patch. A soft identification card is attached by either a lanyard or a belt. Personalized CCD business cards are also available. Uniforms are available with or without a tie.

CCD officers stated that expandable batons and animal bite sticks were not issued by the division. Some were unsure if hazardous materials suits or raid vest were available to all.

CONCLUSION

There was no hesitation in providing information as it related to their job. Without exception all expressed the friendly approach was better than using what some described as the confrontational approach when contacting the public. Cooperation and compliance was more assured by a friendly attitude. It was noted that some residents or owners needed what was described as "information education." Once informed of the ramifications of the violations, most agreed to comply quickly. The ongoing officer training by the city is beneficial to the performance of their duties. In this ongoing training information regarding new laws, ordinances, revised field/office procedures and recent events are made available. Both the division and the citizens need to work together to achieve fair and logical solutions to complaints. As a group, they expressed their satisfaction in the performance of their duties. All expressed that CCD has a good collaborative relationship with all other city departments.

FINDINGS

1. The City of Chino provides code officers the training necessary to be appointed to the CCD.

2. Certification in P.C. 832 for arrest and seizure is required by all field officers.

3. Training in de-escalation procedures has been an effective tool in the performance of their duties for all officers interviewed.

4. Information stored in the city's database for the CCD is helpful in determining if a cautious approach should be taken during the initiation of an inspection.

5. Field officers are issued reporting documentation devices and a smartphone.

6. While some first aid is given during the course of training, First Aid Certification is not a requirement for the job.

7. All interviewed expressed that they used their past educational and/or past private industry experience to assimilate to the work in CCD.

8. Expandable batons or bite sticks to fend off surprise attacks from violent animals or people are not provided by the division.

9. Under or over the shirt kevlar vests are not provided to field officers.

10. Field officers approach the potential code violators in a friendly and cautious manner.

RECOMMENDATIONS

16-17 Provide additional safety measures for personal self-defense. An expandable baton or a bite stick can protect an officer from being trapped and attacked by an animal or violent person.

16-18 Issue an identifiable raid vest for code officers. The vest should have the code division name identification on the back. This would be in the event of any necessary interactive investigations or actions with other agencies.

16-19 Provide full body hazardous materials suits and training to protect officers involved in contamination situation investigations.

16-20 Integrate first aid training as part of their annual training program.

16-21 All necessary communication devices issued to code compliance officers and the information documented in them should be accessible by the CCD management staff and the City of Chino officials if necessary.

Responding Agency	**Recommendations**	**Due Date**
City of Chino	16-17 through 16-21	10/01/2016

CITY OF RIALTO CODE ENFORCEMENT

BACKGROUND

At the beginning of the 2015-2016 Grand Jury calendar year, the City of Rialto Code Enforcement officers' safety was chosen as the topic of investigation. The Rialto Code Enforcement Department was previously managed by the Rialto Police Department (RPD). Code Enforcement became part of the Rialto Development Services Division (RDSD) several years ago.

When changes were made, code officers transferred from RPD reported that officer safety under RDSD was affected. Field officers reported working conditions, equipment, uniforms and the department attitude toward performance of duties were different. Officers confirmed that they all had similar training. Some had limited self-defense training, some did not. All were certified in P.C. 832 training, which is a requirement for field officers to issue citations for code violations. This certification is a requirement for the ability to write citations. Training is also provided in de-escalation tactics in the event of confrontational or hostile situations. When asked about how they dealt with these adversarial situations, all the field officers stated they have been trained and instructed to de-escalate if possible. If not possible, either walk away, leave or call for backup. Another code officer, a Development Services Division employee, or the police can be called for backup.

METHODOLOGY

Questions regarding the changes in field operations were a part of this Grand Jury investigation. Questions related to past and present job experience of field officers and managerial staff were also asked. Additionally, questions were asked about training, education, communication equipment, safety, defense procedures, computer procedures, documentation, reporting and response to complaints. A site tour of the Rialto Code Enforcement offices was made by the Grand Jury.

FACTS

Police type uniforms worn in the past provided a big difference in style and appearance to those worn now. RDSD provides a casual style uniform that consists of a polo shirt with a city code logo patch and dark gray/black slacks or cargo pants.

According to those interviewed, this different style of uniform is more comfortable to wear and less intimidating in appearance. Once code was transferred from RPD to RDSD, the casual uniform has been the type worn.

A gold metal badge, a soft identification badge, which may be attached to a lanyard or belt and RDSD business cards are provided for identification. Field officers are issued gloves, booties, decontamination spray, goggles, breathing masks, a cell phone, camera, police-linked radio and pepper spray. It was established only one field officer is issued a smartphone, all others have a standard cell phone issued.

In the event of contamination, a shower is available at one of the facility buildings for use by any of the employees if necessary. When asked about hazardous material suits, some interviewed were unsure if these were available to everyone in the department.

Code officers work alone in the field and most have extensive experience in field operations. Officers that worked in the RPD division of code in the past stated there was more concern for safety in the equipment provided. While under RPD they were provided bite sticks for diverting animal attacks, under the shirt kevlar vests, raid vests and an expandable baton. Once code was assigned to RDSD, expandable batons, vests, bite sticks and the formal police type uniforms were no longer issued. Officers stated first aid training is not required by the department.

Field officers have designated geographical areas assigned to them. Officers stated they prefer to use social skills and diplomacy to communicate the reason for the visit to the property or residence. This method is used to gain trust, cooperation and compliance of the people they

contact. Each contact is a separate situation in which choices must be made in resolving the problem.

Residents and business or property owners who do not comply with correction violation time frames may be given an extension. Depending on the circumstances the code officer has the discretion to provide more time. Administrative Civil Penalties (ACP) are levied once it is established there is no resolution or compliance to citations. Properties can be liened by the city after an ACP is imposed and the time allowed to correct violations has expired. Funds received from liens are deposited into the city's general fund.

Uninhabitable buildings will be yellow tagged. Once the time limit given to owners to correct the violation has expired, a red tag replaces the yellow tag. These buildings will be boarded up in cases of noncompliance to code citations. This also pertains to health or safety issues.

Vacant houses or buildings are extremely dangerous sites when investigating potential infractions or violations. During the investigation of vacant building sites, a second code officer or a police officer is requested to assure code officer safety. Homeless people, vagrants, vandals, squatters, drug addicts and gangs are most likely to present a danger and reportedly heighten stress levels. These factors have prompted management to advise officers to leave the field before dark.

During the tour of RDSD, Grand Jury members observed potential safety factors. These factors dealt with the vulnerability of the building and employees within it. There are large windows on the first floor across the front of the building. There is no protection to the facility from an open adjacent parking lot. During evening hours, when interior lighting is on, employees are highly visible from outside.

FINDINGS

1. Social skills are used to interact with the public.

2. All interviewed have used their educational background and past experience for their job in code enforcement.

3. Training and certification are necessary to provide the required services to the city and its residents.

4. The existence of large windows facing the parking lot is a safety risk to personnel.

5. Formal first aid training is not required by the department.

6. Expandable batons, bite sticks, or raid vests are not provided.

7. Full body hazardous material suits are not provided.

8. Smartphones or iPads are not available to all field officers.

RECOMMENDATIONS

16-22 Integrate a bi-annual training course on first aid procedures.

16-23 Provide an expandable baton or bite stick for self-defense.

16-24 Supply full body hazmat type suits in addition to goggles, shoe covers to use during dangerous, unsafe, drug related, or health hazard investigations and inspections.

16-25 Erect concrete posts or vehicle barriers between the parking lot and the RDSD building to provide protection.

16-26 Install bullet proof, one-way vision glass at the Code Enforcement Offices.

16-27 Provide Smartphones or iPads linked to the Code Enforcement computer system.

16-28 Issue bright color raid vests to easier identify Code officers during a police, fire, DEA, or Homeland Security interaction scene.

Responding Agency	**Recommendations**	**Due Date**
City of Rialto	16-22 through 16-28	10/01/2016

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT FORENSIC LAB AND CORONER'S OFFICE

BACKGROUND

Forensic Lab (FCL)

The 2015-2016 Grand Jury's decision to investigate the Sheriff's Department's Forensic Laboratory stemmed from the Grand Jury's reading of several published articles in the *Press Enterprise* and on the internet concerning the backlog of rape kits throughout the Inland Empire. The Grand Jury wanted to determine whether or not the San Bernardino County Sheriff's Department was experiencing a similar backlog of rape kits as revealed in the published articles, and if so, what were they implementing to reduce their backlog?

Coroner

The 2015-2016 Grand Jury made a determination to investigate the Sheriff's Department Coroner's office to ascertain how they operated in meeting the needs of the citizens of the county they serve and determine if the Grand Jury needed to offer any recommendations to the Coroner's Office based on the Grand Jury's findings.

METHODOLOGY

The Grand Jury utilized the following methodologies in their investigations of the Forensic Laboratory and Coroner's Office: interviews, facility tour observations, and perusal of department documents.

FACTS

Forensic Crime Laboratory

The Grand Jury toured the Forensic Crime Lab (FCL) and interviewed several key staff members on September 21, 2015. The Grand Jury was provided a copy of their Forensic Biology DNA Case Acceptance Policy, revised date of April 2014.

The FCL has no control over the number of rape kit requests that come in from all the agencies in the County, in addition to all the requests that are submitted by all the independent agencies in the Inland Empire. As of September 21, 2015, staff stated their backlog is not a cut and dry issue.

The Grand Jury was informed that the oldest rape kit is approximately five years old, and is currently being evaluated along with 25 other rape kits for processing. These particular rape kits may have had circumstances surrounding them that has made it necessary to give other kits more immediate priority for examination.

Further research found the "Combined DNA Index System (CODIS) contains DNA profiles of individuals convicted of certain crimes. The DNA profile of every adult convicted of a felony is added to the database. Each state sets its own laws governing who is entered into the database."[1]

The statute of limitations (SOL) on rape kits is ten years; however, there are two exceptions:

1. The rape kit is placed into the CODIS within the first two years of the offense date.
2. When a John Doe warrant is issued on the rape kit due to findings of an unknown suspect's DNA.

These two events are the only way that the SOL can be extended on rape kits.

[1] http://www.wow.com/wiki/CODIS

The Grand Jury was informed that a rape kit can be kept for years with no degradation of the content. In order to prosecute a sexual assault case that contains DNA evidence, the case must be tried within ten years of the offense to prevent losing the case on a SOL violation.

DNA cases are logged into a computer program called Property Evidence Tracking System (PETS). All independent agencies and San Bernardino County agencies are allowed to submit their rape kits to the FCL. However, some agencies in the County use their own protocols for handling rape kits and are not bound statutorily to submit their kits to the FCL

If DNA is collected and there are no crimes associated with the DNA, then the County is prohibited from submitting those rape kits into PETS. Any unauthorized PETS submission jeopardizes the user's access of the PETS system.

Rape kits are prioritized according to the County's case management protocols. These protocols place sexual kits that involve child molestations and stranger rapes as top priorities. The goal is to identify these types of assailants as soon as possible, and upload their data into the national data bank. When it has been determined the rape kits are not to be used for prosecution, they are kept in storage. The rape kits are prioritized according to the crime, the possibility of a case, and the SOL that may be in effect. Juvenile victims and stranger rapes are sent to the top of the list followed by homicides and burglaries.

The FCL is waiting for County approval for a special form that has been created to assist cooperating agencies in submitting, prioritizing, and finding paperwork in case the information in the rape kits is not needed for years. This will eliminate the need for analyst to go through boxes of files and evidence, instead of thumbing through a binder to find the log that has the needed information.

The Grand Jury was informed the procedures for handling rape kits are contained in the Case Acceptance Policy. The process could take up to three months with up to two weeks with each level of the chain of custody, and the review of each level to ensure correctness. The chain of

custody starts with the sexual assault exam, then it is sent to the lab criminologist to review the kits. After being booked into evidence, the kits are processed for forensic evidence to create a DNA profile and put into CODIS for a possible criminal match.

Rape kits are handled by a criminologist and then read and reviewed by other analysts to ensure the findings and conclusions are supported by the data. The final data is submitted to an administrative reviewer. Potentially six criminologists could be involved in handling a rape kit during processing. The total processing can take up to three months to get a case through the system.

There are certain levels of qualifications that are necessary to work on certain rape kits. Most analysts either have a bachelor's or master's degree to work in the lab. Each criminologist analyst must go through the County's training and instructions on how the County's rape kits are analyzed. This training is important as there are several different rape kits used in labs around the state.

Criminologists are provided in-house training by the County of San Bernardino. They must have the educational background and some experience, e.g., internships, and work history in the field as a minimum qualification for the position. Even with experience from another agency, the criminologists still need training in DNA analysis according to the standards set forth by San Bernardino County.

Assembly Bill (AB) 1517, the Sexual Assault Victims' Bill of Rights, provides law enforcement agencies and crime labs a time frame to report and process forensic evidence from sexual assault cases. The Grand Jury was informed that AB 1517, which took effect on January 1, 2016, has no mandatory provisions, subsequently the County will not be adhering to AB 1517.

Coroner

An executive staff member informed the Grand Jury that the last time new construction of the Coroner's office was undertaken was after it had been recommended by a former Grand Jury. Staff stated that a previous Grand Jury submitted their recommendation for construction of the new facility which commenced in 1987 and completed in 1992. The Coroner's office is currently expanding to include additional doctor offices and a training facility.

In 2005 the Coroner's Office merged with the Sheriff's Department and is now known as Sheriff/Coroner. The merger took place as a cost savings measure to reduce redundancy in overlapping work assignments and staffing.

The Coroner's office has 19 investigators positions with two current openings. There are also eight staff members that perform autopsies. Included in the positions is an estate administrator who can usually locate the family members of the deceased within 24 hours.

Training for these investigators require on-going certification. There are qualified board certified forensic pathologists, anthropologists, odontologists, deputy coroners, investigators, autopsy assistants, sheriff's service specialists, indigent burial specialists, clerical and dedicated volunteers that assist where needed.

The Coroner's staff stated their concern is focused on how an individual died, the cause and manner of death, and the identification of the decedent, not who committed the crime.

When a body is found, the Coroner's staff will notify the family members of the deceased when possible and will secure the individual's personal belongings. The locations of where dead bodies are found are flagged on a map in the Coroner's Office. This helps to determine if a pattern exists of where bodies are being found, or to speculate if a serial killer is on the loose disposing bodies within a geographical area.

According to Coroner staff there are approximately 13,000 deaths a year in San Bernardino County. The Grand Jury observed bodies that were located in large refrigerated rooms. Each body was draped in a yellow bag on a separate metal slate and tagged. When property is found on these individuals, the property is placed in a property storage locker; and once items have been placed in storage, the key to the storage locker is tossed into locker "16" which can only be retrieved by one staff member who controls the chain of evidence.

FINDINGS

Forensic Crime Lab (FCL)

1. The FCL has a backlog of rape kits.

2. The FCL has no control over the number of requests that comes in from various agencies within the county and therefore cannot forecast when they will be inundated with requests from county agencies and independent agencies within their jurisdiction.

3. No rape kits were found to have exceeded the SOL. The oldest rape kit was five years old while the SOL is ten years.

4. Rape kits can exceed the SOL if they meet the following criteria:
   a. The rape kit must be placed into CODIS within the first two years of the date of the offense.
   b. The issuance of a John Doe warrant due to the fact of an unidentifiable suspect's DNA.

5. Rape kits of child molestations and stranger rapes are given top priority.

6. The County will not be adhering to AB 1517 since the Bill lacked mandatory enforcement provisions.

Coroner

7. The Sheriff/Coroner's office focuses on how an individual died and the cause and manner of death. They do not focus on "who done it."

8. The Sheriff/Coroner investigators are required to attend continuing educational classes.

RECOMMENDATIONS

Forensic Crime Lab (FCL)

16-29 The Grand Jury is recommending that the FCL investigate public and private labs in the county to determine which agency conducts similar testing protocol as the county. The backlog rape kit cases can then be contracted out to those agencies.

16-30 The Grand Jury is recommending that the FCL adhere to the spirit contained in AB 1517 even though the bill lacks mandatory provisions.

Coroner

16-31 The Grand Jury is recommending that the Sheriff/Coroner's office fill vacant positions and offer incentives to make it more attractive for potential prospects to work in San Bernardino as opposed to other counties in the surrounding areas.

Responding Agency	Recommendations	Due Date
San Bernardino County Sheriff's Department	16-29 through 16-31	10/01/2016

TRANSGENDER SUPPORT IN SCHOOLS

BACKGROUND

Due to the increasing number of lawsuits, national in scope, the Grand Jury selected to review the policies and procedures for the safety of lesbian, gay, bisexual and transgender (LGBT) students, with an emphasis on transgender students, in San Bernardino County School Districts. The lawsuits resulted in large money damages being paid to transgender students and their parents by school districts for not complying with federal or state laws, or state and county policies and procedures regarding transgender student safety afforded to them. The Grand Jury wanted to determine how San Bernardino County Schools were complying with the various laws, policies, procedures and regulations relating to transgender students; in addition, how school districts were addressing potential construction cost (expenses) to comply with California Assembly Bill 1266. This Bill gives transgender students the right of access to restrooms and locker rooms based on the gender they identify with and not their sex at the time of birth.

The School Safety Coalition**,** a national public/private non-profit partnership, helps schools become safe places where every child can learn, regardless of gender, gender identity or sexual orientation. Coalition research shows transgender students often face unsafe school environments to an even greater extent than their lesbian, gay, and bisexual peers.

National Academic Advising Association (NACADA) is a non-profit association of professional advisors, counselors, faculty, administrators and students working to enhance the educational development of all students. NACADA publishes the “Clearinghouse” which features member written articles addressing more than 250 topics applicable to academic counseling of student issues. The Clearinghouse also includes over 100 resource linked pages organized by topic. These pages are made up of member suggested web links that connect readers to more than 30,000 relevant resources.

Matthew J. Lindenberg, Graduate Student, Higher Education and Student Affairs, University of South Carolina, wrote an article published by the Clearinghouse titled "Transgender Students: Seven Recommendations for Academic Advisors." In the article Mr. Lindenberg defines transgender to mean "People whose gender identity, expression or behavior is different from those typically associated with their assigned sex at birth. The difference between a heterosexual individual and a transgender is that a heterosexual person is born with the same sex identity externally as they feel internally, while a transgender person is born feeling like the opposite sex from what they were assigned externally at birth. As such, young transgender children who are about to begin their educational journey starting school, may get off to an uneasy start if they have to question whether they are male, or female." [2]

Transgender awareness has become more prevalent today than ever before with media growth in films and television. Wikipedia has published a list of films and television programs, whose primary character(s) or subject matter theme is transgendered.

Court cases have found school districts liable for not protecting transgender students' rights including the use of restrooms and locker rooms, this is a subject of debate. For example, one side includes transgender students, their parents, local and national transgender organizations and coalitions, e.g., The School Safety Coalition, and the American Civil Liberty Union (ACLU). Non transgender students, their parents, and religious groups represent another side believing that student privacy rights are being violated by having to share restrooms with others who are physically the opposite sex.

Laws and Regulations Related to Transgender Rights Include:

- Title IX of the Federal Education Amendments of 1972, (Education Codes 32280 - 32289): "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under education programs or activities receiving federal financial assistance. Schools may not

[2] Lindenberg, M. (2012). Transgender Students: Seven Recommendations for Academic Advisors. Retrieved from the NACADA Clearinghouse of *Academic Advising Resources* Web site: http://www.nacada.ksu.edu/Resources/Clearinghouse/View-Articles/Advising-issues-for-transgender-students.aspx

treat individuals differently on the basis of sex with regard to any aspect of services, benefits or opportunities it provides or subject students to separate or different rules of behavior, sanctions, or other treatment."

- California Education Code 200: "It's the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, equal rights and opportunities in the educational institutions of the state. Harassment on school grounds directed at an individual on the basis of personal characteristics or status creates a hostile environment and jeopardizes equal education opportunity as guaranteed by the California Constitution and the United States Constitution."

- California Assembly Bill (AB) 1266: Amends Section 221.5 of the California Education Code. AB 1266 is the most controversial of all the laws or regulations because it gives transgenders the right in California to use restrooms and locker rooms based on the student's gender identity and not on the sex at the time of birth. AB 1266 is currently being challenged in the courts.

- California Assembly Bill (AB) 827: AB 827 was enacted in October 2015. It codified the policy of the state that elementary and secondary school classes and courses, including non-academic and elective classes and courses, be conducted without regard to the sex of the pupil enrolled in these classes and courses. School districts may not prohibit a pupil from enrolling in any class or course on the basis of the sex of the pupil except classes under the California Healthy Youth Act (AB 329).

- San Bernardino Department of Behavioral Health: AB 1802 adopted in 2006 is a supplemental program to school counseling programs under the Early Intervention Mental Health Programs. This program is administered under the Student Assistance

Program (SAP). Grants are made available to third party mental health and counseling services. These agencies may submit a request or proposal to the Department of Behavioral Health and, if funded, can provide counseling service to California schools. If an issue does arise, the staff can contact off-site counseling services to handle any issue including bullying, perceived race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation and harassment.

METHODOLOGY

The Grand Jury conducted interviews within the Redlands and the Colton Unified School Districts, the Department of the County Superintendent of Schools and the San Bernardino County Department of Behavioral Health. The interviews in school districts included District Administrative Staff. In addition, the Grand Jury reviewed the various laws, policies and regulations referred to in the Background section above.

FACTS

Colton Joint Unified School District (CJUSD)

All those interviewed had extensive experience in education and were responsive to all questions asked. The district's guidelines on harassment and discrimination, appear to be in compliance with County and State Education Codes. Schools within CJUSD are located in Colton, Bloomington, Fontana, Grand Terrace and San Bernardino. There are no charter schools within the District.

The primary focus for the school district is academics, however, student safety and compliance within the education codes are top priorities. District and site staff stated they are well aware of issues relating to transgender students. There have not been any transgender issues that have risen to the district level for assistance or resolution. No transgender issues at school sites were brought to the attention of the district but were resolved or accommodated at the school site.

Due to staff turnover within the district, none of the interviewees had direct knowledge of any transgender issues, but only what they heard from other people. CJUSD does not have a District Student Handbook but rather allows each school to develop their own. The district staff conveyed they are working on a uniform handbook for individual school sites to adopt. The target date for implementation is the beginning of the 2016-2017 school year.

Those interviewed believe the general student population is accepting of transgender students. Staff stated today's students are better able and willing to show respect for those who have different lifestyles and orientations. They also expressed that students today live in a different era than their parents. Continued education of parents and staff was specifically mentioned as a way to improve the knowledge and communication regarding transgender issues.

There have not been any studies, focus groups, or planning for the potential financial impact to districts if they were required to make building modifications if AB 1266 legislation is upheld.

All students and their parents are made aware of how to use the Uniform Complaint Procedure (UCP) which is posted in every classroom, in all school site handbooks, and in district and school site websites.

Redlands Unified School District (RUSD)

The school district has not studied the financial impact of AB 1266 in making modifications to their restrooms and locker rooms. The district has not had transgender issues that have risen to the district level for resolution. A witness recalled hearing about a few transgender issues in the past which were resolved at the school site.

The district has a handbook that is given to all students and parents at the beginning of the year containing school policies on discrimination, harassment and bullying. The district and school staff indicate students are accepting of transgender classmates and are willing to show respect for different lifestyles and orientations.

There are no specific facilities (restrooms or locker rooms) set aside for transgender students. Requests are handled at the school sites on a case-by-case basis. Student, faculty and nurse's office restrooms are available to transgender students if accommodations are required. No written policies or guidelines are in place for accommodating a request by transgender students. All requests for transgender accommodations are taken seriously and the student would be interviewed by a senior administrator who would evaluate whether the student was serious about being transgender.

The district is well aware of the federal and state laws and policies pertaining to transgender students and is committed to implementing and enforcing the laws. The district believes continuing education and training are necessary on all transgender matters.

The district's insurance carrier provides various training throughout the year which includes *How to Make Schools Safe for Gay, Lesbian and Transgender Students*. The American Civil Liberties Union (ACLU) also provides training called *Schools in Transition*. The county and school district personnel state that training opportunities are being taken advantage of and staff is encouraged to attend. If counseling or intervention is needed the district has third party resources for assistance.

San Bernardino County Superintendent of Schools (SBCSS)

The following publications do not use the term transgender, rather, the terms gender or gender/identity are used. The SBCSS indicates the school districts may use the term transgender if desired.

- School Board Policy #0410 "Nondiscrimination in District and Program Activities" was adopted on February 20, 2002.
- SBCSS Handbooks

The SBCSS has not conducted any financial impact analysis on the cost of facilities modification to accommodate transgender students if AB 1266 is upheld. Funding would be the responsibility of the individual school districts.

On the issue of potential lawsuits over transgender matters, the SBCSS is confident that the Joint Powers Authority and the Risk Management Department would adequately defend the District.

There are 38 independent charter schools within the entire County. Charter schools must follow state and federal law but are not subject to direct control or monitoring by SBCSS.

The California Interscholastic Federation (CIF) is the governing body for public high school sports in the state of California. Guidelines for handling a variety of sports related policies and procedures are controlled by CIF. All high schools in the district abide by CIF policies. They have specific policies for handling transgender students in sports. If a sports related transgender issue were to develop CIF regional representatives would assist coaches and site administrators.

A variety of student counseling services are handled at the school district level. They include Student Assistance Program (SAP), San Bernardino Department of Behavioral Health and on-site school counselors.

At the school site level a guideline was being developed to handle requests by transgender students, or their parents, to change the student's first name to their gender identity name. On January 4, 2016, the SBCSS distributed these new guidelines to each of the school districts.

FINDINGS

All findings were essentially the same between the two school districts and SBCSS. All findings are reported under this heading and not listed individually.

1. The school representatives interviewed are knowledgeable regarding student safety and transgender issues within their districts and school sites and are in compliance with laws and regulations regarding the safety of transgender students.

2. AB 1266 requires transgender students have access to restrooms and locker rooms based on their gender identity. The schools and district offices visited do not have unisex restrooms or locker rooms allowing any student, including transgender student, to use without being labeled.

3. Transgender issues regarding restrooms continue to be a national topic.

4. None of the representatives interviewed had direct knowledge of any transgender or gender identity issues in any school they have worked at. Some had second-hand knowledge of a few incidents over the past three to five years.

5. Representatives interviewed believe transgender understanding has not reached the elementary and middle school level. Interviewees felt students are too young to fully understand the topic.

6. The elementary schools have training programs teaching students the impact of negative words, bad conduct and knowing right from wrong. Programs including “Just Kidding” and “Peacemakers” are designed to encourage students to be helpful and respectful to one another.

7. Middle schools and high schools have “Synergy Day” designed to assist students in recognizing inappropriate behavior. The program de-emphasizes transgender or gender identity by teaching that students come in all colors, shapes, beliefs and cultures. Not isolating any individual group teaches no one should be treated differently.

8. In the event that any student feels threatened, harassed, bullied or intimidated there are procedures and processes in place where students and their parents can approach any trained administrative staff member for help.

9. Students and parents receive a “Student Handbook” and/or access to the school's website that includes information on school rules and regulations.

10. Transgender students are not provided separate restrooms. If needed, they would be given access to the nurse's office or faculty restrooms.

11. No planning or analysis has been done on the cost impact to modify or convert existing restrooms and locker rooms into unisex facilities if AB 1266 is upheld.

12. No planning or analysis has been done on the cost impact to modify building plans for new construction that would require restrooms and locker rooms be unisex facilities if AB 1266 is upheld.

13. There is no manual in place for teachers and administrative staff at school sites to address transgender issues.

14. School sites and districts do not specifically identify transgender or gender identity as a protected class in their harassment and discrimination policies. Federal law, state law and County Department of Education includes the terms transgender or gender identity in laws and policies.

15. There are no instructions to guide teachers and administrators in determining if a transgender student asking for an accommodation is, in fact, transgender.

16. Staff development training for the protection of all student rights are offered. However, it was suggested by those interviewed more training would be helpful in supporting teachers and administrative staff.

17. Colton Unified School District is in the process of developing a District Student Handbook to be implemented by the 2016-2017 school year.

RECOMMENDATIONS

16-32 SBCSS create a task force to develop a unified manual to be used by administration and staff to protect the rights of students.

16-33 SBCSS create a task force to determine construction required and fiscal impact if county schools were required to redesign restrooms and locker rooms.

16-34 SBCSS create a task force to develop a unified student/parent handbook to ensure school site handbooks are consistent on topics important and common to all schools (discrimination, harassment, dress code etc.), while allowing school sites to customize for topics unique to individual schools.

16-35 Prior to the beginning of the 2016-2017 school year, convert as many restrooms as possible to unisex restrooms.

16-36 Include specific language acknowledging transgender or gender identity in all policies, procedures and documents relating to discrimination, harassment and bullying.

16-37 Staff development training in protecting the rights of <u>all</u> students be offered. Survey teachers and administrators in elementary, middle and high schools on training needs which they believe would increase their knowledge and ability to properly handle transgender situations.

16-38 Develop guidelines for determining if a student meets the definition of transgender in considering requests for accommodations.

16-39 Colton Joint Unified School District to complete their goal of developing and implementing a district student handbook by the beginning of the 2016-2017 school year.

Responding Agency	Recommendations	Due Date
San Bernardino County Superintendent of Schools	16-32 through 16-34	10/01/2016
Colton Joint Unified School District	16-35 through 16-39	10/01/2016
Redlands Unified School District	16-35 through 16-38	10/01/2016

VALENCIA GROVE COMMUNITY PROJECT

BACKGROUND

In August 2012, the Housing Authority of the County of San Bernardino (HACSB) and Housing Partners I, Inc. (HPI), a non-profit affiliate entity, broke ground for the project. Redlands Valencia Grove Community Project, Phase I consisted of 85 units, a recreation center, a pool, and three playgrounds.

On September 1, 2015, the 2015-2016 Grand Jury attended the San Bernardino County Board of Supervisors meeting. During the meeting a senior management member of the HACSB submitted a request to obtain approval for an additional loan of 3.2 million dollars be granted to Redlands Valencia Grove Community Project.

The original loan from HACSB to Redlands Valencia Grove Community Project in February 2013 was for 2.0 million dollars. With the approval of additional requested loan for 3.2 million dollars, the cost for the project now totaled 5.2 million dollars.

On September 8, 2015, the Grand Jury elected to investigate the reason for the additional funds.

METHODOLOGY

The Grand Jury interviewed a senior management member of the HACSB. An informal interview was conducted with a staff member during a tour of the construction site to gather information necessary to institute preventive measures to minimize large future project overrun costs.

FACTS

In February 2013, the HACSB loaned Redlands Valencia Grove Community Project 2.0 million dollars for the first phase of the project, which included the widening of the northeast corner of Lugonia Avenue and Orange Street.

Redlands Valencia Grove Community Project is an 85 family unit modular designed new construction multi-family complex. It is replacing a 73 year old low income United States Department of Housing and Urban Development (HUD) assisted public housing built in 1942 (the first in the county). The project is funded with four percent tax credits, tax exempt loans (Chase Bank), tax exempt bonds and residual receipts loans from HPI, Inc., HACSB, and a grant from Federal Home Loan Bank.

The HACSB is one of the nation's most progressive and proactive housing authorities and the largest provider of affordable housing in the County. HACSB owns 2,514 affordable housing units located throughout the County of San Bernardino. HACSB serves in excess of 30,000 people, most of whom are seniors, disabled individuals, and children. HACSB works in partnership with the HUD-Veterans Affairs Supportive Housing program to provide funding for homeless veterans.

HACSB works to provide families with resources, skills and motivation to transition out of government assisted programs into economic independence by increasing resident services. This is coupled with new initiatives such as five-year term limits, work requirements, rent reform, and gradual minimum rent increases for residents.

The new units will target and prioritize current resident households with incomes ranging from zero to 60 percent of the Annual Median Income. The project includes 13 two-story buildings complete with garages on the first floor. The completed project will consist of four one-bedroom/one-bath units with 812 square feet, 11 two-bedroom/one bath units with 878 square feet, 16 two-bedrooms/one and one half bath units with 1,089 square feet, 32 three bedroom/two

bath units with 1,163 square feet, and 21 four-bedrooms/two bath units with 1,358 square feet.

A setback occurred when the contractor, who specializes in construction using factory built modulars, withdrew from the project midway during construction. That contract comprised approximately 25 percent of the overall construction cost. This brought the project to a standstill for approximately six months and the delay resulted in the cost overruns exceeding the original construction loan.

The City of Redlands delayed approval of the gas line connections, because of handicapped access issues and the holidays that occurred in the month of December 2015. This resulted in HACSB having to pay approximately $185,000 to investors in fines for failure to meet the December 31, 2015 deadline.

A senior management member of the HACSB informed the Board of Supervisors that HPI, Inc., the nonprofit entity of HACSB for the project, instituted legal litigation against the contractor for breach of contract. With the approval of additional funds, the deadline was extended for the residents to begin moving into the new 85 units from December 31, 2015 to January 31, 2016.

FINDINGS

1. The widening of Lugonia Avenue and Orange Street was required before construction of the first phase could begin.

2. The project also received additional funds with a four percent tax credit, tax-exempt bonds, and loans from the public and private sectors, including banks.

3. HACSB and HPI Inc. allocated 25 percent of the original overall construction cost to the modular supply contractor who ultimately failed to perform.

RECOMMENDATIONS

16-40 Research history of firms that submit bids for similar projects.

16-41 Require weekly progress reports be submitted from selected contractors.

Responding Agency	Recommendations	Due Date
Housing Authority Of San Bernardino County	16-40 through 16-41	10/01/2016

RESPONSE ACCOUNTABILITY

RESPONSE ACCOUNTABILITY
INTRODUCTION

Each year the Grand Jury is required by California Penal Code §933(c) to submit a Final Report to the Presiding Judge of the Superior Court with appropriate recommendations and results from investigations conducted by the Grand Jury.

The Grand Jury chose to include a section of the Final Report this year to investigations which reviewed prior Grand Jury reports, recommendations and responses. A Response Accountability Report contains follow-up interviews and information gathered to determine if the agencies and/or departments are complying with the recommendations and responses given to these prior reports.

This section of the Final Report contains an update on the Public Administrator/Public Guardian investigation that was contained in the 2011-2012 Grand Jury Final Report, as well as Prehospital Emergency Medical Services and San Bernardino County Sheriff's Department Compliance for Handling Citizen Complaints investigations that were contained in the 2012-2013 Grand Jury Final Report.

PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN

FINAL REPORT YEAR 2011-2012

Recommendation Number: 12-39

Stated: The Public Administrator and Public Guardian implement a barcode system to better track estate property.

The County acknowledged the recommendation, stating:
The Public Guardian is securing cost estimates for implementing a barcode system and will proceed accordingly once cost estimates have been evaluated.

Question: Has the recommendation been implemented?

Answer: Yes.

The Property Division updated the Property Evidence Tracking System (PETS) to allow the Coroner's Division/Public Administrator's Office to use the barcode system. The system was updated shortly after the Grand Jury recommendation was made and it was implemented at the Coroner's Division, but not at the Public Administrator's Office.

The Public Administrator's Office has not implemented the barcode system to track estate property. Once PETS was implemented at the Property Division, the Public Administrator's Office attempted to implement the system, but felt it could not be utilized to the level necessary for the Public Administrator's Office needs. They continue to explore the market for a software program that will be able to track the stored property, the release of a portion of the property, or when property is being appraised.

The Coroner's Division will continue to work with the Sheriff's Department Property Division management team and the Public Administrator's Office to implement a barcode system by the end of fiscal year 2016-2017.

PREHOSPITAL EMERGENCY MEDICAL SERVICES

FINAL REPORT YEAR 2012-2013

Recommendation Number: 13-1

Stated: Continue to work toward achieving a standard response time measurement through adoption of the software package.

The County agreed to the recommendation, stating:

The County will implement this recommendation, which will create no additional cost to the County. The County is working with the Consolidated Fire Agencies (ConFire) of the East Valley Joint Powers Authority Communications Center to implement a pilot project for the City of Rialto, which is expected to begin in the fall of 2013.

Question: Has the recommendation been implemented?

Answer: Yes.

The County reported to the Grand Jury that the goal of achieving standardize response time measurement has largely been achieved by ConFire's adoption of one computer aided dispatch program that populates response data fields on the Inland Counties Emergency Medical Agency electronic patient care report system. This results in the ability to independently monitor and measure response times and other relevant patient information.

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT COMPLIANCE FOR HANDLING CITIZEN COMPLAINTS

FINAL REPORT YEAR 2012-2013

Recommendation Number: 13-15

Stated: The Grand Jury recommends the department institute periodic in-service refresher training on departmental policies and procedures for handling citizen complaints.

Recommendation Number: 13-15

Stated: The Grand Jury recommends the department establish an annual internal audit process of division/substation handling of citizen complaints including a review of logs, written documentation and other information documenting procedural and policy compliance.

The County acknowledged the recommendations, stating:
The Sheriff's Department currently conducts periodic refresher training on policies and procedures for handling citizen complaints during bi-monthly department staff meetings and during the command staff management seminars.

The Sheriff's Department's Internal Affairs Division (IAD) currently conducts an annual audit of all division/substation citizen complaint logs. IAD also functions as the internal audit process for all citizen complaint investigations handled by divisions/substations. All of these investigations are routed through internal affairs for review to ensure compliance with existing policies and procedures.

Question: Has the recommendation been implemented?

Answer: Yes.

As noted in the response, the Sheriff's Department continues to conduct periodic refresher training on policies and procedures for handling citizen complaints during department staff meetings and command staff management seminars.

As noted in the response, the IAD currently conducts an annual audit of all division/substation citizen complaint logs. IAD also functions as the internal audit process from all citizen complaint investigations are handled by divisions and stations. All of these investigations are routed through IAD for review to ensure compliance with existing policies and procedures.