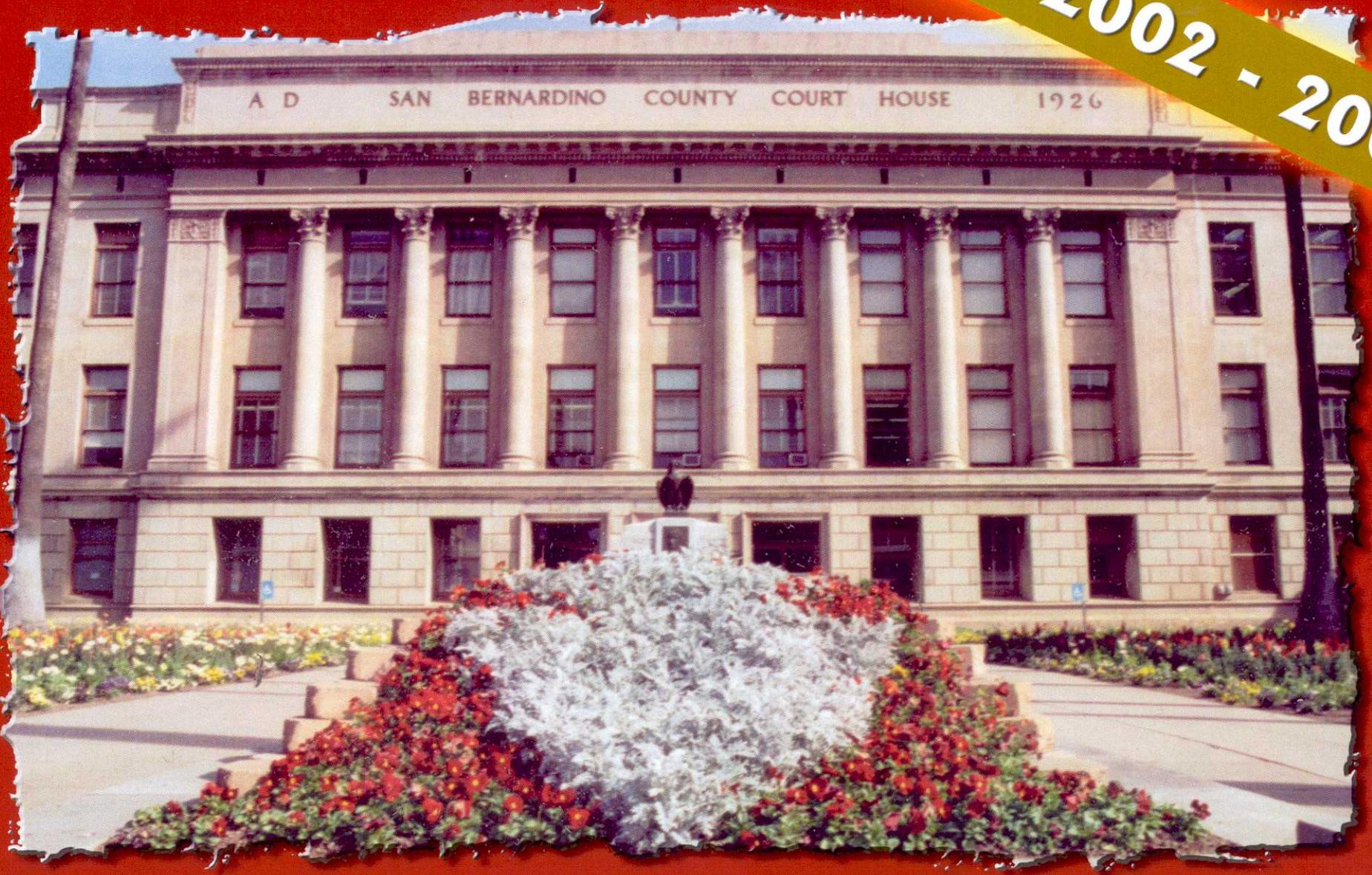


2002 - 2003



GRAND JURY

Final Report





Presiding Judge
J. MICHAEL WELCH



Foreman
BILL STEINER



CLARK A. HANSEN, JR.
GRAND JURY LEGAL ADVISOR

SUSAN L. SHUEY
GRAND JURY ASSISTANT

COUNTY OF SAN BERNARDINO

**GRAND JURY
FINAL REPORT**

2002-2003



351 North Arrowhead Avenue, Room 200, Courthouse
San Bernardino, CA 92415-0243 • (909) 387-3820
Fax (909) 387-3055

FOREMAN'S STATEMENT

In the beginning of our term, we realized that the County would face a serious lack of operating revenue in the foreseeable future. I, therefore, charged the 2002-2003 San Bernardino County Grand Jury to make only recommendations for improvements to County government that were revenue enhancing or revenue neutral in the effect on County government. This Grand Jury responded in admirable fashion, and I am extremely proud of their work.

Most people don't know this, but the Grand Jury is perhaps the cheapest consulting firm the County could hire. Its members work for \$25.00 a day, 36 cents a mile and \$9.00 for lunch. They work a 3.2-day week and produce a report on the effectiveness of County government each year.

We came together as a group of individuals, each with their own experiences and agendas. We soon became an organized team of investigative auditors, able to take on any challenges that came our way. The following report represents the combined efforts of your 2002-2003 San Bernardino County Grand Jury.

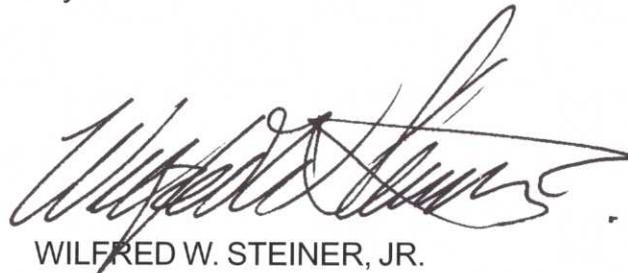
In the course of our investigations we have traveled to neighboring counties and interviewed their department heads in an effort to find new ideas and ways to perform County governmental functions. The results are incorporated in this report.

We have, in our recommendations, given the County what we believe are better ways of serving the County's citizens, who are its customers. We have just pointed the way; it is up to the employees to take these recommendations forward and implement them.

We knew that this County is the largest in landmass in the United States, but you have to travel it to appreciate the distances between some of the cities. We have been well received by the employees of not only this County, but also every county we have visited. Our questions have been answered fully. I wish, on behalf of this Grand Jury, to thank all of those employees and elected officials for the help they gave us in the course of our investigations.

It may be noted that the Grand Jury system is under attack in Sacramento again, and I know that the Court system will do all in its power to help defend the Grand Jury in its present form.

It is our sincere desire that those to whom they are directed consider the recommendations made in this report worthy of adoption. In this respect, this Grand Jury challenges each and every member of our County government to become a team, investigate their own departments and become more efficient and cost-effective, and give each of its citizens the services they deserve.

A handwritten signature in black ink, appearing to read 'Wilfred W. Steiner, Jr.', with a large, sweeping flourish extending to the right.

WILFRED W. STEINER, JR.
Foreman
2002-2003 County Grand Jury

EDITORIAL COMMITTEE



DAVID KOCOT, LEN SOPER, JOSE MARTINEZ,
JOYCE SYLVESTER, MARIANNE DELLAMARNA, BOB WALLACE (CHAIR)

THE EDITORIAL COMMITTEE WOULD LIKE TO ACKNOWLEDGE AND THANK THE FOLLOWING INDIVIDUALS FOR THEIR HARD WORK AND INVALUABLE ASSISTANCE IN THE PREPARATION OF THE FINAL REPORT OF THE 2002-2003 SAN BERNARDINO COUNTY GRAND JURY.

GRAPHIC ARTS
GRAPHIC ARTS & PHOTOGRAPHS
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SUSAN SHUEY, GRAND JURY ASSISTANT

SPECIAL THANKS TO JOSE MARTINEZ FOR THE DESIGN OF THIS REPORT

OFFICERS WELCOMING INCOMING CAO, WALLY HILL



DAVID KOCOT, BOB WALLACE, NATHANDRA JOSEPH, WALLY HILL (CAO),
BILL STEINER, CLYDE METZLER, NOEL PETERSON



GRAND JURY 2002-2003

2002-2003 SAN BERNARDINO COUNTY GRAND JURY

Wilfred W. Steiner, Jr.	◇	Foreman
Robert B. Wallace	◇	Foreman Pro Tem
Nathandra L. Joseph	◇	Secretary
David M. Kocot	◇	Assistant Secretary
Clyde Metzler	◇	Sergeant-at-Arms
Noel K. Peterson	◇	Assistant Sergeant-at-Arms
Joyce J. Sylvester	◇	Historian/Librarian

Nancy M. Amaral	◇	Chino
Hans T. Dahmen	◇	Victorville
Marianne DellaMarna	◇	Alta Loma
William J. Dineen	◇	Rancho Cucamonga
Nathandra L. Joseph	◇	Fontana
David M. Kocot	◇	Ontario
Melvin B. Kornblatt	◇	Victorville
Ronald H. Lawrence	◇	Colton
Jose M. Martinez	◇	Highland
Virginia Martinez	◇	Colton
Clyde Metzler	◇	Victorville
Noel K. Peterson	◇	Alta Loma
Frank Reille	◇	Arrowbear
Leonard T. Soper	◇	Big Bear Lake
Wilfred W. Steiner, Jr.	◇	Cedarpines Park
Joyce J. Sylvester	◇	Crestline
L. Dennis Zimmerman	◇	Chino Hills

RESIGNATION: Vickie Atiyeh (April 2003)

Presiding Judge	◇	J. Michael Welch
Legal Advisor	◇	Clark A. Hansen, Jr.
Grand Jury Assistant	◇	Susan L. Shuey

Ontario

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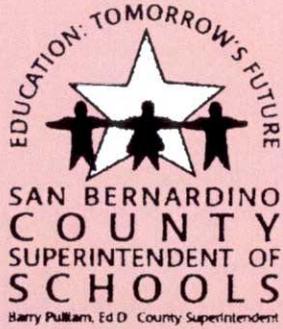
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BOARD OF SUPERVISORS

CLERK OF THE BOARD OF SUPERVISORS

COUNTY ADMINISTRATIVE OFFICE

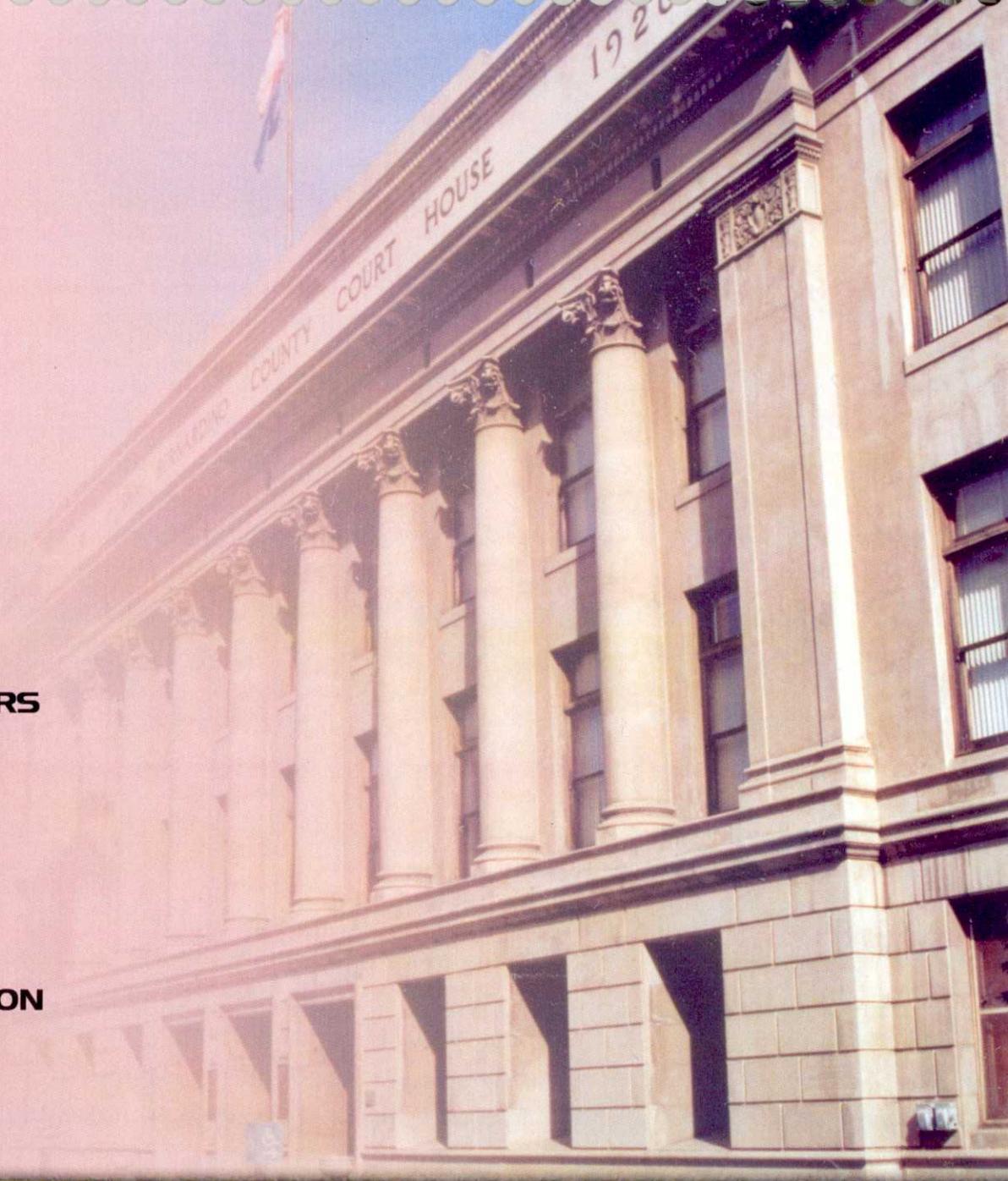
COUNTY COUNSEL

HUMAN RESOURCES DEPARTMENT

LOCAL AGENCY FORMATION COMMISSION

PUBLIC INFORMATION OFFICER

ADMINISTRATIVE COMMITTEE





ADMINISTRATIVE COMMITTEE

BOB WALLACE, DAVID KOCOT, NANCY AMARAL, NOEL PETERSON, MEL KORNBLATT,
VIRGINIA MARTINEZ, MARIANNE DELLAMARNA (CHAIR)

ADMINISTRATIVE COMMITTEE

The 2002-2003 Administrative Committee reviewed the following areas of County government:

- Board of Supervisors
- Clerk of the Board
- County Administrative Office
- County Counsel
- Human Resources Department
- Information Services Department
- Public Information Office
- Superintendent of Schools

Two representatives of this committee attended the weekly meetings of the Board of Supervisors and reported to the full Grand Jury on agenda issues and actions. These reports and the monthly status reports from the County Administrative Officer served as additional information for the Grand Jury.

Subcommittees were established to review the functions and operations of selected departments. Key staff members were interviewed and investigations were completed. Not all investigations resulted in recommendations.

The investigations completed by the Administrative Committee resulted in findings and, in some instances, recommendations, which follow.

HUMAN RESOURCES DEPARTMENT

BACKGROUND

Employee Relations Leave (commonly referred to as Administrative Leave) refers to the County's practice of paying salary and benefits to employees who have been relieved of their duties as a result of alleged misconduct pending investigation, pending termination or pending evaluation for fitness for duty. Placing individuals on Employee Relations Leave (ERL) has been a contentious problem for several years. This is a serious situation as it could lead to an employee's termination, and yet the cost of this program to the County has been enormous.

FINDINGS

During recent Safety Memorandum of Understanding (MOU) negotiations, Human Resources (HR) proposed language to provide for HR to place someone on unpaid Employee Relations Leave if an individual is charged with "egregious criminal misconduct", i.e., a felony. The Safety Employees' Benefit Association (SEBA) declined to have such language included, though they acknowledge that Human Resources may have the right to do so.

The question was asked, "Why can employees be carried on paid Employee Relations Leave for such a prolonged time?"

We were informed that employees could only be terminated by due process. This includes conducting a full and impartial investigation, including all relevant documents/evidence considered in determining what level of discipline to impose. An opportunity for the accused employee to respond to the charges being made is also afforded (a Skelly hearing).

The time it takes to conduct an investigation depends upon the complexity of the case. This time can be out of the hands of Human Resources when the investigation is referred to another entity.

The County is a large conglomerate with many different departments and a large employee population. While it has been mentioned in the past, reassignment is not considered during an investigation for serious misconduct.

In contrast, the Sheriff's Department has several avenues it can pursue. If a sworn officer is involved in an incident that requires investigation, the employee can be placed on ERL, and/or an assignment whereby his/her duties are limited in nature.

If a safety employee is involved in some type of misconduct, his/her department-issued gun and badge are removed from his/her possession and he/she is reassigned to another position pending the outcome of the investigation.

In the case of general employees accused of misconduct, every effort is made to transfer them to another area within the Sheriff's Department. This effort is successful in about 50 percent of cases.

In response to questions sent to Los Angeles, Riverside, San Diego and Orange counties, we found all have a policy identical to San Bernardino County's policy. However, it was learned that Orange County is reviewing its policy after learning that \$4.5 million was spent in the past five years on Administrative Leave (Employee Relations Leave).

The figures compiled for San Bernardino County show an expenditure of \$758,242 for Employee Relations Leave over the past two years and ten months.

RECOMMENDATION

03-01 THE HUMAN RESOURCES DEPARTMENT REVISE ITS POLICY ON EMPLOYEE RELATIONS LEAVE TO ALLOW SOME EMPLOYEES TO BE TEMPORARILY TRANSFERRED TO OTHER DEPARTMENTS RATHER THAN BEING PLACED ON PAID LEAVE.

INTERIM REPORT “NO GIFT” POLICY (Released February 2003)

INTRODUCTION

In recent years a number of scandals have occurred within San Bernardino County government to cast doubts on the integrity of the County.

FINDINGS

In the late 1970s and early 1980s, the city manager of the City of Victorville, by administrative decision, initiated a no gift policy for outside contractors doing business with the City of Victorville in order to prevent various builders and contractors seeking preferences in obtaining approval of their own specific projects. A copy of their no gift policy is as follows: *“The acceptance of gifts, favors or any other form of compensation or gratuity **may** [emphasis added] be viewed as an attempt to influence or compromise the judgment of an employee. Therefore, the City or contract employees shall be prohibited from accepting gifts, favors, or any form of compensation or gratuity. Gifts that are delivered at the workplace and can be shared with all, such as candy, flowers and food, may be viewed as a contribution or a gift to the City. Gifts presented to the City may not be taken from city hall or the workplace for any reason. Gifts, which are inappropriate to the work place or which of a personal nature, shall not be accepted under any circumstances.”*

The current County Treasurer-Tax Collector, upon taking office, conducted a comprehensive review of the Treasurer division’s policies and procedures as well as a review of various trades made by the prior County Investment Officer. It was confirmed that the former Treasurer-Tax Collector and former County Investment Officer were greatly influenced by gifts and free meals from security brokers with whom they used to conduct business. Ultimately, the investigation led to a lawsuit against Salomon Smith Barney and the CDC NVEST Mutual Fund for alleged bribery and other improprieties. The suit was successfully settled, resulting in \$8.5 million to the County.

By banning all gifts from brokers to employees, the current Treasurer-Tax Collector was seeking to change the culture of the office. Just as importantly, a clear message was sent to the brokerage community that the office couldn't be influenced by gifts.

The County of Orange has a no gift policy: *"The Board of Supervisors finds that the receipt of gifts by public officials from persons who do business with the County erodes public confidence in the impartiality of decisions made by those officials"*. Section 1-3-23. "Prohibitions" reads:

- (a) *No person who is doing business with the County shall make any gift to any County officer.*
- (b) *No person who is doing business with the County shall make any gift to any designated employee who, by virtue of his County employment, could make a governmental decision, participate in making a governmental decision, or use his or her official position to influence a governmental decision regarding the pending business of the donor, or who has done any of the above during the twelve (12) months preceding the donation.*
- (c) *No County officer shall solicit or accept any gift from any person whom he knows, or has reason to know, is doing business with the County.*
- (d) *No designated employee shall solicit or accept any gift from any person whom he knows, or has reason to know, is doing business with the County, when such employee, by virtue of his County employment, could make a governmental decision, participate in making a governmental decision, or use his or her official position to influence a governmental decision regarding the pending business of the donor, or has done any of the above during the twelve (12) months preceding the donation.*
- (e) *No public official shall accept any gift when the identity of the donor is not known to the public official.*

In discussing a "no gift" policy with members of the County, opinion was divided. However, one of those individuals who seemed to be opposed did admit that such a policy would improve the public's perception of honesty and integrity within the County.

RECOMMENDATION

03-02 THE COUNTY ADOPT A NO GIFT POLICY REGARDING PEOPLE DOING BUSINESS WITH THE COUNTY OF SAN BERNARDINO.

USE OF VOLUNTEERS

BACKGROUND

Many public and private entities make use of volunteers to enhance the work of regular employees.

FINDINGS

A division of the Chief Administrative Office coordinates Los Angeles County's volunteer program. This division, employing a staff of nine, develops policies on the use of more than 50,000 volunteers who work over 3.9 million hours a year. Los Angeles County estimates its volunteer labor to be worth approximately \$16.50 per hour, or \$65 million annually. The county also conducts an annual Volunteer Recognition and Awards luncheon.

Los Angeles County provides for coordinators in each department to oversee that department's use of volunteers within the guidelines set by the Chief Administrative Office. The CAO provides for an "open door policy" for volunteers who have a need for conflict resolution between their actual treatment and the written policy provisions. In addition, L.A. County has set in place provisions to assure that the volunteers do not displace any full-time employee. Within the broad outlines set by the CAO each department may establish its own rules and procedures.

In contrast, San Bernardino County has no centralized volunteer coordinator. An unaudited survey of County departments revealed that at least 18 departments use volunteers. Three departments make extensive use of volunteers; however, many departments, due to the nature of their work, cannot use volunteers. Several of the respondents stated that they would be willing to use volunteers but do not have the resources to recruit them. A County policy adopted in 1991 requires departments to obtain permission from the Board of Supervisors to use volunteers, but leaves the recruiting and record keeping responsibilities to the departments. Each department employs its own standards and policies in recruiting, screening and placing volunteers.

RECOMMENDATION

03-03 THE COUNTY ADMINISTRATIVE OFFICER ESTABLISH A CENTRALIZED VOLUNTEER COORDINATOR OFFICE TO RECRUIT, QUALIFY, PLACE AND MAINTAIN SAN BERNARDINO COUNTY'S VOLUNTEER POOL.

PAPER USAGE

BACKGROUND

Copies of documents originated at about the time of the written word and progressed from monks laboriously making elaborate copies by hand through carbon paper, wet copying machines to the modern dry copier, computer printer and facsimile machines.

With the increasing ease with which copies are made, came an increased need for copies. Copies were required even though they were thrown away or filed without being read. Receiving a copy has become a status symbol.

It has been observed that some County departments, Purchasing among them, have instituted a program of posting routine reports, and even catalogs, on-line, making a paperless distribution

FINDINGS

The County of San Bernardino uses approximately 363,002 reams of copy paper per year, at an average cost of \$2.28 per ream, for a total cost of \$826,274.08 annually. The County consumes 18,646 toner cartridges per year, at an average cost of \$67.67 per cartridge, for a total of \$1,261,826.88 annually. The cost of electricity, wear and tear on the copy machines, repair and replacement costs, and employee hours expended in making copies has not been calculated, but are factors to be considered.

It has been observed that in many instances, more copies than are necessary have been produced and that many persons who have no need for copies either receive or request them. Further, many of the documents provided to this Grand Jury have not been copied on both sides of the page.

RECOMMENDATIONS

- 03-04 EACH DEPARTMENT EXPLORE WAYS TO LIMIT THE NUMBER OF COPIES MADE OF EACH DOCUMENT PRODUCED.

- 03-05 EACH DEPARTMENT LIMIT DISTRIBUTION OF COPIES OF DOCUMENTS TO ONLY THOSE WHO HAVE AN ACTUAL NEED FOR THEM.

- 03-06 WHEREVER PRACTICAL, ALL DEPARTMENTS PRINT MULTIPLE PAGE DOCUMENTS ON BOTH SIDES OF THE PAPER.

- 03-07 THE COUNTY ADMINISTRATIVE OFFICER ENCOURAGE ALL COUNTY DEPARTMENTS TO MAKE USE OF PAPERLESS DISTRIBUTION OF INFORMATION WHENEVER POSSIBLE.



ASSESSOR

TREASURER-TAX COLLECTOR

AUDIT/FISCAL COMMITTEE





AUDIT/FISCAL COMMITTEE

CLYDE METZLER (CHAIR), BOB WALLACE, BILL DINEEN, HANS DAHMEN, FRANK REILLE

AUDIT/FISCAL COMMITTEE

The 2002/2003 Audit/Fiscal Committee reviewed the following areas:

Assessor
Auditor/Controller
Treasurer/Tax Collector
Grand Jury Budget

The committee determined that a full audit of any department was not required since the 2001-2002 Grand Jury had performed one, and the County Administrative Office was conducting two audits.

Each department was visited and interviewed for conformity to previous years' Grand Jury recommendations.

The committee monitored the budget for the 2002-2003 Grand Jury, keeping all expenditures within the budget. In addition, recommendations were made to improve the budget for the 2003-2004 Grand Jury.

Supervisors Hansberger and Postmus raised the question of the payment of judicial benefits during a Board of Supervisors meeting. Therefore, a thorough investigation into the County making payments to Superior Court Judges was conducted. Our findings and recommendations are herewith included.

GRAND JURY BUDGET

BACKGROUND

The County Administrative Office has, with few exceptions, given little thought to the Grand Jury budget. It sets their budget at a figure that Grand Juries have spent in preceding years.

FINDINGS

Currently the County is facing a shortage of funds and has, therefore, decreed a four percent (4%) cut across-the-board for fiscal year 2002-2003 and a 30 percent cut for fiscal year 2003-2004 for all County departments. The Grand Jury is not a County department but is the investigative arm of the Superior Court of California, County of San Bernardino.

The current four percent (4%) budget for FY 2002-2003 was easily accommodated as this Grand Jury decided that, even though a management audit would have been beneficial for some departments, the expenditure of \$26,014 budgeted for audits would be returned to the General Fund in the interest of fiscal responsibility.

The Audit/Fiscal Committee of this Grand Jury has monitored the 2002-2003 budget. Contrary to a report by the CAO, a criminal Grand Jury was impaneled during the term of this Grand Jury and their remuneration and expenses were charged against the 2002-2003 Grand Jury budget.

It would be pure conjecture whether or not one or more criminal Grand Juries will have to be impaneled in fiscal year 2003-2004.

Under California Penal Code Section 926(a) the Grand Jury, in its own judgment, may employ one or more experts at compensation to be approved and agreed upon by the court, not to exceed \$30,000. The Board of Supervisors shall approve any expenditure in excess of this figure. In other words, by State law, a sum not to exceed \$30,000 must be given to the Grand Jury by the County if requested.

Grand Jury members currently receive \$25.00 per day per diem, lunch at \$9.00 per day, and mileage at the rate of 36 cents per mile. The average Grand Juror has meetings three days a week, and the total cost of these items is approximately \$10,940 per month. Historically, an average of 3.2 days per week are necessary for the Grand Jury to perform its function.

Each County department was requested by the CAO to submit plans to implement the 30 percent projected budget reduction. The Grand Jury was not consulted, and even though it is not a County department, certain elements of its budget are in the control of the County. The recommended reduction in juror stipends will reduce the workweek to 2.2 days.

The CAO has stated that if the 2003-2004 Grand Jury needs additional funds for stipends and audits, they can go to the Board of Supervisors for a mid-term increase in funding. Since audit funds up to \$30,000 must be provided to the Grand Jury and historically the workweek necessary to perform its function, 3.2 days, a mid-term increase is assured.

RECOMMENDATIONS

- 03-08 CONSULT WITH THE GRAND JURY REGARDING PROPOSED CUTS TO ITS BUDGET, AND OBTAIN THE GRAND JURY'S INPUT.

- 03-09 THE COUNTY ADMINISTRATIVE OFFICE ADDRESS, HONESTLY, THE QUESTION OF BUDGET REDUCTIONS WITHOUT USING THE ACROSS-THE-BOARD, ONE SIZE FITS ALL, CUTS.

- 03-10 THE COUNTY ADMINISTRATIVE OFFICE REVERT TO A SYSTEM WHEREBY REASONABLY ANTICIPATED EXPENDITURES ARE BUDGETED AND THE NEED FOR FUNDS IN MID-YEAR NEED NOT BE BROUGHT TO THE BOARD FOR APPROVAL.

JUDICIAL BENEFITS

BACKGROUND

In 1991 local Municipal and Justice Courts were merged, and following that consolidation all said judges heard the same types of County court cases, equally assigned. In recognition, the San Bernardino County Board of Supervisors equalized the benefits paid to the County's judges, effective July 1, 1994.

In 1997 a second consolidation took place when the State of California enacted the Trial Court Funding Act of 1997 (AB 233), which abolished Municipal Courts and declared that Municipal Court judges were, henceforth, Superior Court judges. Thus, all judges since 1997 are employees of the State of California and no longer San Bernardino County employees. AB 233 recognized that counties had been paying various benefits to Municipal Court judges prior to 1997 such as dental care and/or auto allowance and/or retirement contributions, etc. AB 233 provided that continuance, modification or abolition of such benefits was left to the discretion of the San Bernardino County Board of Supervisors.

FINDINGS

San Bernardino County, facing a fiscal crisis for the 2003-04 fiscal year, is planning to lay off 218 County employees, some having been employed by the County for years. Yet, the County Administrative Office finds it unnecessary to reduce or eliminate County provided benefits for Superior Court Judges who are State employees.

Superior Court judges are employees of the State of California. They receive compensation and benefits from the State of California, as do all State employees.

Superior Court judges have a starting salary of \$118,000 annually and receive regular pay raises every three (3) years. They also receive from the State of California a retirement package, educational benefits and medical plan.

Departments throughout the County are being forced to reduce their staff, operating costs and budgets, while San Bernardino County continues to pay State employees.

Superior Court judges are not employees of San Bernardino County.

There is no State regulation, law or requirement that counties in California must pay any amount of money or any benefits to Superior Court judges.

Each year on July 1 the San Bernardino County Board of Supervisors renews a policy of providing financial benefits to Superior Court judges.

San Bernardino County currently pays all 63 Superior Court judges the amount of \$745.06 biweekly, which amounts to \$19,371.56 annually, per judge. This is a total annual cost to San Bernardino County residents of \$1,220,408.20. The twice-monthly payments are broken down as follows:

- \$176.92 Automobile Allowance
- \$250.00 Membership & Educational Allowance
- \$153.52 Professional Development Allowance
- \$23.08 Personal Security Allowance
- \$4.54 Retirement Allowance (to offset their costs for participation in the State's retirement system)
- Premium for a \$50,000 life insurance policy
- Employer's share of Social Security Medicare contributions

Examples of what other counties in California pay to Superior Court judges' follows:

ALAMEDA: \$1,350 for a cafeteria benefit plan per judge, annually, for a total cost of \$150,500 for all judges (69 judges).

FRESNO: Pays \$1,121.42 per judge for health insurance and \$92.56 per judge for life insurance, annually. A total annual cost of \$26,707.56 (36 judges).

RIVERSIDE: Pays judges a car allowance, deferred compensation and life insurance policy, for a total annual cost of \$600,000 for all judges (49 judges).

SAN DIEGO: Superior Court judges are employees of the State of California; therefore, San Diego County pays nothing (128 judges).

SANTA BARBARA: Superior Court judges are not employees of the County and, therefore, the County pays them nothing (19 judges).

SANTA CLARA: Pays for a \$25,000 life insurance policy and nothing more (79 judges).

SAN JOAQUIN: Pays \$18,000 per year for all former Municipal Court judges only (health, dental, vision and life insurance). As these judges leave the bench, these annual costs are terminated (26 judges).

The payment of any money to Superior Court judges from the County Board of Supervisors raises some legal questions concerning recusal on the part of the judges should the County of San Bernardino ever be a party in some lawsuit. Should a Superior Court judge receiving \$19,371 annually be allowed to hear such a case?

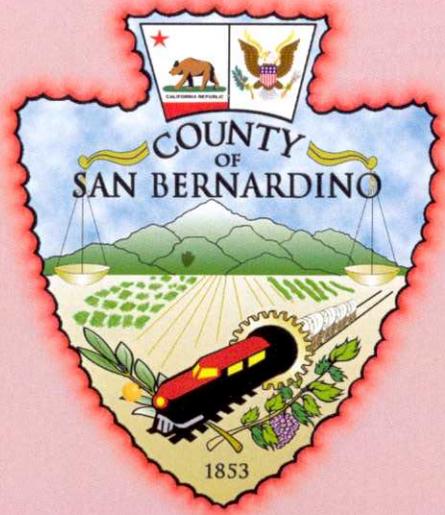
A California State Deputy Attorney General recently wrote in a brief filed with the Superior Court: "It is ... the responsibility of the public agency to provide the public with the information it needs to make its contribution". San Bernardino County Board of Supervisors needs to inform the public of its payments to Superior Court judges and not commingle the payment in a budgeted item classified as courthouse maintenance, but is actually a payment of County monies to State employees.

We have been advised that the caseload per judge in San Bernardino County is the highest in the State of California. However, it is the duty of the judges' employer, the State of California, not the County of San Bernardino, to address and rectify this inequity.

The law is clear that the County of San Bernardino has the authority to terminate judicial benefits at any time and at their discretion. The Board of Supervisors has been previously notified of this.

RECOMMENDATIONS

- 03-11 THE BOARD OF SUPERVISORS IMMEDIATELY REVIEW PAYMENTS MADE TO SUPERIOR COURT JUDGES.
- 03-12 THE BOARD OF SUPERVISORS TAKE A FIRM STANCE, SIMILAR TO MANY OTHER COUNTIES IN CALIFORNIA, AND TERMINATE OR REDUCE COUNTY BENEFITS TO JUDGES.
- 03-13 NO NEWLY ELECTED OR APPOINTED JUDGES BE OFFERED ANY COUNTY BENEFITS.



COMPLAINTS COMMITTEE



COMPLAINTS COMMITTEE

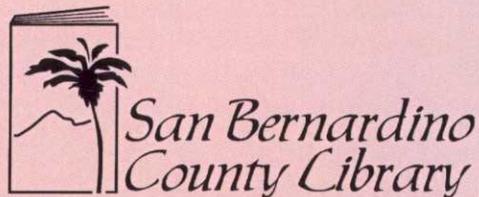
BOB WALLACE, LEN SOPER, NATHANDRA JOSEPH, DAVID KOCOT, NOEL PETERSON (CHAIR)

COMPLAINTS COMMITTEE

The Complaints Committee thoroughly examined all complaints received from County residents. All complaints were required to be on the standard complaint form. Complaints were handled in the strictest confidence and reviewed only by the Complaints Committee, unless it determined to forward a complaint to an action committee.

During the period July 1, 2002 to June 30, 2003 the Grand Jury received 28 complaints. Five were carried over from the 2001-2002 Grand Jury. Complaints that were within the jurisdiction of the Grand Jury went to the following committees:

Administrative	3
Audit/Fiscal	2
Economic Development/Public Services	1
Health & Human Services	1
Law and Justice	2



ECONOMIC AND COMMUNITY DEVELOPMENT

**ECONOMIC DEVELOPMENT/PUBLIC SERVICES GROUP
ADMINISTRATION**

JOBS AND EMPLOYMENT SERVICES

LAND USE SERVICES

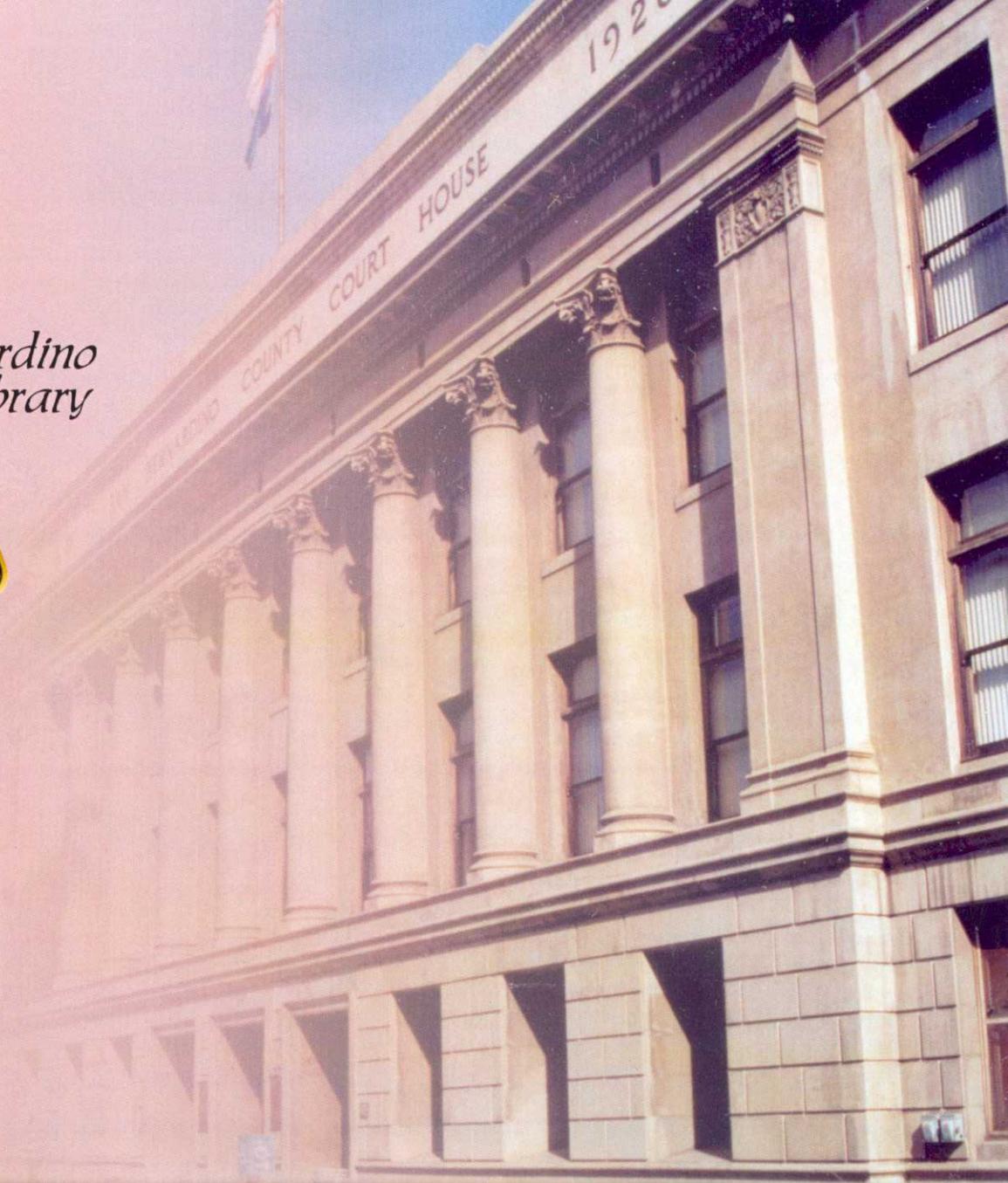
MUSEUM

PUBLIC WORKS

REDEVELOPMENT AGENCY

REGISTRAR OF VOTERS

SPECIAL DISTRICTS



ECONOMIC DEVELOPMENT/PUBLIC SERVICES COMMITTEE



ECONOMIC DEVELOPMENT/PUBLIC SERVICES COMMITTEE

JOSE MARTINEZ, HANS DAHMEN, FRANK REILLE, DENNIS ZIMMERMAN (CHAIR), MEL KORNBLATT,
BILL DINEEN, JOYCE SYLVESTER, DAVID KOCOT, RON LAWRENCE

ECONOMIC DEVELOPMENT/ PUBLIC SERVICES COMMITTEE

The Economic Development/Public Services Committee had responsibility for the functional oversight/evaluation of the following County departments:

- Economic Development/Public Services Administration
- Agriculture, Weights & Measures
- Airports
- County Fire
- Economic & Community Development
- Jobs and Employment Services
- Land Use Services
- Library and Museum
- Public Works/Redevelopment Agency/Special Districts
- Registrar of Voters

The committee carefully reviewed prior Grand Jury reports and Board responses back to 1993. We also studied departmental budgets, number of employees, etc.

The committee reviewed the departments listed below, and no recommendations are contained in this report.

- Agriculture, Weights & Measures
- Economic & Community Development
- Jobs and Employment Services
- Land Use Services
- Library and Museum
- Public Works/Redevelopment Agency/Special Districts

Subcommittees were formed and in-depth investigations were conducted of the following departments:

- Economic Development/Public Services Administration
- Airports
- County Fire
- Public Works – Hyundai Pavilion
- Registrar of Voters

Findings and recommendations from those investigations are detailed in this final report.

The “Needles Special Project” ad hoc committee was formed by this Grand Jury to look into County operations and services as they pertain to the City of Needles. As part of this inquiry, the ad hoc committee interviewed City officials and consulted with the County’s Economic and Community Development Department. Since that portion of the Needles Special Project Ad Hoc Committee report falls under the umbrella of the Economic Development/Public Services Committee, the findings and recommendations are also contained herein.

AIRPORTS DEPARTMENT

BACKGROUND

The San Bernardino County Airports Department is generally self-supporting and receives only \$50,000 per year from the County General Fund for all five airports. Turning one vehicle back to the County handled the department's four percent (4%) spending reduction, and the projected 30 percent budget cut will come out of the department's General Fund dollars. The Contingency Fund (from Airport operations) can help support operations during budget reductions.

FINDINGS

CHINO AIRPORT

Chino Airport is the largest of the County's airports and is not only a self-sustaining entity, but helps to support other County airports. The income is derived from rental of hangar facilities, tie-down fees and fuel pumping charges. As of February 1, 2003, the Chino Airport had landlord/tenant issues, as follows:

1. Klassic Co.: evicted December 16, 2002; doors padlocked
2. Kamp Industries: in default of \$16,000 per month rent; evicted February 1, 2003; doors padlocked
3. Executive Aviation Logistics: regularly struggles to pay rent
4. Bombardier Corp.: negotiations underway to lease one of four former Lockheed hangars to this Canadian corporation

BARSTOW-DAGGETT AIRPORT

The County leases space at Barstow-Daggett Airport to the Federal government for its fleet of helicopters. As a result, Federal funding is paying for a security system and perimeter fencing for the airport. This is an uncontrolled airport serving Army helicopters and general aviation. Income is derived from shade hangar rentals, tie down fees, fuel pumping charges and residential rentals.

BAKER AIRPORT

Baker is an unattended airport and is maintained by personnel from the Barstow-Daggett Airport. The airport receives \$10,000 annually in State funds. This airport offers no services and has four temporary tie-downs. The California Highway Patrol, the San Bernardino County Sheriff's Department and other emergency aircraft mainly use this airport. The land is leased from the Bureau of Land Management at a cost of \$100 per year, payable every five years.

The airports at Baker, Barstow/Daggett and Needles have no pilot controlled lights (PCL) installed. Hence, runway lights must be kept on all night. In a study done at the Baker Airport it was found that the electrical charges for Baker Airport averaged \$277 a month for the past 18 months, primarily for electricity used by runway lights and the rotating airport beacon. While the airport beacon must remain on all night, pilot controlled runway lights would significantly reduce electricity consumption. A pilot controlled switch can be purchased for less than \$2,500 and installed by airport maintenance personnel.

Projecting these savings at the other three airports, plus the Baker Airport, the cost of installing PCL would be paid for in one year. Thereafter, the savings for the next four years at all four airports would be about \$39,744, and these savings would continue for the foreseeable future. These calculations were based on an allocation of 75 percent of the \$277 for runway lights at a cost of \$208 per month.

APPLE VALLEY AIRPORT

This airport has a full variety of services. At the present time the Department of Airports is negotiating with the CHP and the Sheriff's Department to build a facility to house the two departments as a base of operation. This project appears close to fruition as the approval of Amendment No. 3 by the Board of Supervisors on March 11 added an additional \$94,800, bringing the total contract related to the construction of the law enforcement center at the Apple Valley Center to \$280,419.

NEEDLES and TWENTYNINE PALMS

Income at Needles Airport is from shade hangar rentals. Both airports receive income from airport tie down fees, as well as fuel pumping charges.

RECOMMENDATION

03-14 INSTALL PILOT CONTROLLED LIGHTING AT THE COUNTY AIRPORTS IN BAKER,
BARSTOW/DAGGETT, NEEDLES AND TWENTYNINE PALMS.

NEEDLES SPECIAL PROJECT

ECONOMIC DEVELOPMENT

FINDINGS

A Needles City Council member and the City Manager were visited. The San Bernardino County Economic Development and Business Resources Manager is working with the City of Needles on a four stage participatory strategic planning process to identify and understand the economic problems of the area.

The County hired a consultant to help identify problem areas and find solutions. They are desperately trying to attract new business but the prospects are slim, as they don't have much to give as incentives. There is plenty of water and cheap power, but their labor pool is shy of skilled workers and it is difficult to compete with the low wage scale of neighboring Arizona.

The City of Needles is looking into legislation to improve the area with supportive programs. The First District County Supervisor and the area State Assemblyman are also working closely with the city to try and improve economic conditions.

The County is improving the parks around Needles, Moabi Regional Park in particular, to attract more recreational income and travelers.

RECOMMENDATION

03-15 THE COUNTY ECONOMIC DEVELOPMENT DEPARTMENT AND THE FIRST DISTRICT COUNTY SUPERVISOR FOLLOW UP ON THE FIVE-YEAR STRATEGIC PLAN THAT HAS BEEN PUT IN MOTION, AND DETERMINE WHAT PROGRESS IS BEING MADE.

COUNTY FIRE DEPARTMENT

BACKGROUND

The mission of the San Bernardino County Fire Department is to provide a community-based all-risk emergency services organization dedicated to the health and well being of the citizens of San Bernardino County, through a balance of regionalized services delivery and accountability to the local communities.

All-risk emergency services are provided to 64 communities/cities as well as the sparsely populated areas within the department's 16,255 square miles of protection responsibility.

The term "all-risk" is used because the department is responsible for not only the traditional fire suppression duties, but also for emergency medical services, ambulance transportation, hazardous materials response/mitigation, specialized technical rescue, as well as disaster preparedness, fire prevention and code enforcement duties.

FINDINGS

On May 29, 2002 the County Fire Department (CFD) released a report on the status of the Baker Fire Station. In the past, additional personnel were available from the Baker Correctional Facility to satisfy OSHA safety requirements. While the correctional facility has recently been reopened, the Fire Department feels that the permanence of the facility's resources cannot be relied upon. In addition, there is no permanent facility to house fire and emergency vehicles and emergency personnel. Initially, fire suppression and protection, rescue, and emergency medical services relied heavily on support from the Harvard Fire Station, which is a distance of about 40 miles.

On December 10, 2002 the Board of Supervisors approved an allocation of \$122,650 from the County General Fund for the operation of Baker's fire and rescue services from January 1, 2003 through June 30, 2003. County Fire is staffing the operation with a paid-call captain (40 hours per week), a paid-call engineer, and fire fighter on a 24-hour 7-days a week basis, plus 3-4 prisoners from the correctional institution. The

allocation includes monies to pay for motel lodging in Baker for the department's personnel during this period. The fire engine is parked in the Baker Community Services District's trash truck facility, and the fire patrol unit remains with the crew at the motel.

The Sheriff's Aviation Division was visited and the Grand Jury was advised that this division would be willing and able to station a Sheriff's helicopter in the high desert to assist the County Fire Department in its rescue operations during high profile periods.

The CFD has submitted a request to the Board of Supervisors to increase their budget in order to build a permanent fire station in Baker at a cost of \$1.2 million, and to house a crew of four that would include a fire captain, an engineer and two fire fighters. However, due to the current status of the budget these funds are not available. County Fire has funded the site acquisition from the Bureau of Land Management, and the architectural engineering design, plan and specifications are in the final stages of completion. The difficulty in funding this project is that there is no tax-based revenue as the land in the area is owned by the Federal government and generates no income.

Baker is a very small town with a population of 600 people, according to the Automobile Club of Southern California. However, Interstate 15 (a Federally-owned highway) is a very heavily traveled route for all of Southern California; hence, the need for emergency services. In 2001 the Highway Patrol responded to 990 collisions, of which 44 were fatal, 407 collisions involving 892 injuries, and 552 property damage only collisions. In that same year the Fire Department responded to 962 calls in the same area. The situation in this area may continue to get worse. In the year 2010, semi-trucks with spent fuel rods will utilize this highway en route to the Yucca Mountain radioactive waste disposal site in Nevada.

RECOMMENDATIONS

- 03-16 THE BOARD OF SUPERVISORS, THROUGH LEGISLATIVE REPRESENTATIVES, URGE THE FEDERAL GOVERNMENT ACCEPT ITS RESPONSIBILITY TO ASSIST WITH THE FUNDING FOR A FULL-TIME STAFFED FIRE STATION IN THE BAKER AREA. IN ADDITION, EXPLORE ANY FURTHER SOURCES OF FUNDING.

03-17 COUNTY FIRE DEPARTMENT WORK WITH THE SHERIFF'S DEPARTMENT TO STATION A RESCUE HELICOPTER IN THE HIGH DESERT DURING HIGH PROFILE TIMES.

DEPARTMENT OF PUBLIC WORKS

REGIONAL PARKS DIVISION HYUNDAI PAVILION

BACKGROUND

In 1993 the County of San Bernardino entered into a 25-year lease agreement with Amphitheater Entertainment Corporation to operate an entertainment pavilion at Glen Helen Regional Park. Construction of the amphitheater and related infrastructure improvements was financed by floating three series of Certificates of Participation, totaling \$26 million. The lease for the amphitheater has been amended several times to reflect changes of lessees. The current lessee and operator of the amphitheater is Clear Channel Communications.

The amphitheater has been a topic of controversy in the County since its inception, and the 2002-2003 Grand Jury decided to revisit the issue.

FINDINGS

The Grand Jury's investigation into the Pavilion was hampered by the apparent lack of centralized management or oversight over the project by County staff. No one we interviewed had a clear and complete understanding of all aspects of the Pavilion project. We attribute this both to turnover among senior County staff and the multifaceted nature of the County's involvement. Additionally, many County employees seemed resigned to the fact that the County has and will continue to lose money on this project for the foreseeable future, and there is nothing that can be done about it.

The Board of Supervisors approved the lease agreement for the amphitheater in October of 1992. It grants the lessee use of the facility in return for payment of either a minimum annual rent (\$850,000 for the 2001-2002 season) or 7.75 percent of the net ticket sales for the year, whichever is greater. In addition, the operator must pay 25 percent of the gross of "other revenue" received from such things as concession sales and parking over and above an established threshold (\$3.66 million for the 2001-2002 season).

In the history of the Pavilion, however, the minimum annual rent payment has been exceeded in only two of its ten years of operation. Payments for "other revenue" exceeding the annual threshold have only been received in three years. Excepting two lump-sum payments for two million dollars received under the terms of the lease in 1993 and 1995, the County has suffered a loss from the project in nine of the last ten years (1994) after debt service payments are considered.

The County estimates that the Certificates of Participation (COP) used to finance the construction of the amphitheater will be paid off in 2024. Payments on these COPs will total more than \$40 million over the next 20 years. Estimated revenue over the next 20 years, however, will total only \$29 million. Barring significant increases in revenue, the County will continue to lose approximately one-half million dollars each year it retains ownership of the amphitheater.

The County relies entirely on the operator, Clear Channel Communications, to promote the amphitheater and book performances.

Ticket sales for the 2001-2002 season were almost one-half of that for the 2000-2001 season.

The County does not foresee improvements in revenue from this project.

According to the terms of the lease agreement, the County is entitled to 58 tickets to each and every performance. Twenty (20) of these tickets are given to members of the Board of Supervisors; the remainder are given to County employees on a first-come first-served basis. The 58 tickets per performance constitute a valuable County-owned asset considering that the average ticket price for the 2001-2002 concert season was \$39.20. We estimate the value of the County's tickets to be at least \$20-\$25,000 annually.

The lease agreement also permits the County's use of the Pavilion on any day in which the operator has not already scheduled an event. This means that the County is free to use the facility for a large variety of events for which it currently rents other venues; for instance, Sheriff's Academy graduations.

The Pavilion is currently used for a number of events such as high school graduations and Easter services. However, the number of these events held every year is relatively small.

RECOMMENDATIONS

- 03-18 THE COUNTY PAY NEW OWNERS TO TAKE OVER THE PAVILION AND THE ASSOCIATED DEBT, TO MINIMIZE THE ESTIMATED \$11 MILLION LOSS OVER THE NEXT 21 YEARS.

- 03-19 THE COUNTY IMPLEMENT AN INDEPENDENT ADVERTISING CAMPAIGN TO IMPROVE SALES AT THE HYUNDAI PAVILION.

- 03-20 THE COUNTY AUCTION THE 58 TICKETS FOR EACH PERFORMANCE TO HELP PAY THE DEBT SERVICE.

- 03-21 THE COUNTY MAKE USE OF THE PAVILION FOR EVENTS FOR WHICH IT CURRENTLY PAYS TO RENT OTHER VENUES.

- 03-22 THE COUNTY APPOINT ONE COUNTY DEPARTMENT OR EMPLOYEE TO OVERSEE THE COUNTY'S ROLE IN THE AMPHITHEATER PROJECT, TO INCLUDE: MAINTAINING ALL RECORDS, COMMUNICATIONS WITH THE OPERATOR, DISTRIBUTION OF THE 58 TICKETS, AND KEEPING INFORMED ABOUT SUCH ISSUES AS FINANCING.

REGISTRAR OF VOTERS

BACKGROUND

Conducting free, fair and open elections is a fundamental duty of government in a democracy. In San Bernardino County, the Registrar of Voters is tasked with conducting elections throughout the county. Aside from the primary and general elections conducted countywide in even-numbered years, the Registrar of Voters also conducts dozens of smaller local elections, as they are required. In addition, the Registrar of Voters maintains the list of the County's over 650,000 registered voters.

Throughout the history of elections, unethical people have always sought ways to undermine the will of the electorate. From stuffing ballot boxes and paying voters to vote for certain candidates to party bosses intimidating election officials, the art of fixing elections has a long and ugly history even in this country. In the public waiting area of the Registrar's office, a series of photographs of old voting machines are hung on the wall, most with a caption stating that due to the ease of fraudulent manipulation, the system's use was discontinued.

During the November 2001 election conducted by the Registrar of Voters, a "computer error" caused the publication of flawed election results on election night. Although the problem was noticed quickly and eventually resolved via a hand recount, the situation caused many people throughout the County to question the integrity of the electoral system in the County, particularly in the wake of several local corruption scandals and serious election problems elsewhere in the country during the 2000 presidential election.

In July of 2001, in reaction to numerous reports from around the country regarding problems with punch-card style voting machines during the 2000 elections, the California Secretary of State decertified all punch-card voting systems in the state, including the County's Pollstar system, which had been in use since 1991, effective January of 2006. A successful lawsuit by the ACLU changed the decertification deadline to March of 2004.

FINDINGS

In July of 2002, the Board of Supervisors approved the implementation of a Direct Recording Electronic (DRE) voting system (also known as a “touch screen” or “electronic” voting system). The Board had been delaying the decision for over a year, as the result of concerns that the electronic voting systems approved for use by the Secretary of State did not provide printouts of each voter’s vote. At the time, the Secretary of State had not certified any electronic voting systems that included an immediate and voter-verifiable paper ballot.

In August of 2002, the Board of Supervisors approved a Request for Proposal (RFP) concerning the eventual purchase of an electronic voting system. Among the seven requirements that a vendor would have to satisfy to be awarded the contract was the *“Ability to provide a printed ballot for voter verification”*.

Nine electronic voting system vendors replied to the County’s RFP. From these nine, six were eliminated as unsuitable and three were selected for further consideration and review. These three systems are substantially the same; none provide a voter-verifiable paper ballot feature at this time, as required by the RFP.

Before a local election authority can use a voting system, state and federal authorities must first certify it. These authorities are the Secretary of State and the Federal Elections Commission (FEC), respectively.

Many experts in the field of computer science point out that, although the use of electronic voting systems eliminates many traditional avenues of election fraud, it also creates many new ones. Unlike traditional election fraud involving the use of paper ballots, however, it is possible for someone with the knowledge, ability and opportunity to commit certain types of fraud in electronic voting systems to eliminate all evidence of the fraud if there is no separate audit trail.

Intentional fraud is not the only concern with unauditible electronic voting systems. Unintentional programming errors, hardware failures, user error, administrative inefficiency and inadequate training were all cited as causes of serious electronic voting system errors in the 2002 Florida primary election, according to a report by the California Secretary of State.

The use of voter-verifiable paper ballots has been championed by many people throughout the country as a means of mitigating, but not eliminating, the threat of fraud or unintentional error. Hundreds of experts in the field of computer science have signed the “Dill resolution on Electronic Voting” (verify.stanford.edu/evote.html), which states, in part, that, *“Computerized voting equipment is inherently subject to programming error, equipment malfunction and malicious tampering. It is therefore crucial that voting equipment provide a voter-verifiable audit trail, by which we mean a permanent record of each vote that can be checked for accuracy...”*

After it was discovered that the results from the November 7, 2001 election were inaccurate due to computer error, the County conducted a recount. If the County had employed an electronic voting system without a voter-verifiable ballot in that election, a recount would have been an impossibility; the true will of the electorate would have been lost.

It is absolutely crucial for any electronic voting system used in the County to include a voter-verifiable paper ballot for audit and security purposes.

RECOMMENDATIONS

- 03-23 THE COUNTY REQUIRE THE DIRECT RECORDING ELECTRONIC (DRE) SYSTEM VENDOR TO UPGRADE ITS SYSTEM TO INCLUDE A VOTER-VERIFIABLE PAPER RECORD OF EACH VOTE CAST AND OBTAIN THE RELEVANT REQUIRED CERTIFICATIONS FOR SUCH AN UPGRADE, AS REQUIRED BY THE RFP.

- 03-24 THE COUNTY WITHHOLD PAYMENT ON THE ELECTRONIC VOTING SYSTEM UNTIL THE VENDOR COMPLIES WITH ALL THE REQUIREMENTS OF THE REQUEST FOR PROPOSAL, SPECIFICALLY THE REQUIREMENT “TO PROVIDE A PRINTED BALLOT FOR VOTER VERIFICATION”.



BEHAVIORAL HEALTH

COMMUNITY SERVICES

PRESCHOOL SERVICES

PUBLIC HEALTH

TRANSITIONAL ASSISTANCE

VETERANS AFFAIRS

HEALTH & HUMAN SERVICES COMMITTEE





HEALTH & HUMAN SERVICES COMMITTEE

CLYDE METZLER, DENNIS ZIMMERMAN, NANCY AMARAL, JOYCE SYLVESTER, NOEL PETERSON,
VIRGINIA MARTINEZ, MEL KORNBLOTT (CHAIR), NATHANDRA JOSEPH, MARIANNE DELLAMARNA

HEALTH AND HUMAN SERVICES COMMITTEE

The Health and Human Services Committee's scope is one of the largest in San Bernardino County.

Written reports are included on the following departments:

- Department of Aging and Adult Services
- Department of Behavioral Health
- Department of Public Health
 - Animal Care and Control Program
 - Bio-Terrorism
- Veterans Affairs

The Transitional Assistance, Community Services and Children's Services departments were visited, however no findings and recommendations were made.

The "Needles Special Project" ad hoc committee was formed by this Grand Jury to look into County operations and services as they pertain to the City of Needles. As part of this inquiry, the Needles' offices of the Department of Aging and Adult Services, Behavioral Health and the Public Health departments were visited. Since these portions of the Needles Special Project Ad Hoc Committee report fall under the umbrella of the Health and Human Services Committee, the findings and recommendations are also contained herein.

We found all department heads cooperative and genuinely interested in improving the County's services to the public.

DEPARTMENT OF AGING AND ADULT SERVICES

BACKGROUND

The Department of Aging and Adult Services (DAAS) provides services to seniors and at-risk individuals that allow them to maintain an independent life style.

DAAS has 278 employees. It provides employment for 12,000 workers of independent service providers and proudly boasts 13,313 volunteer hours annually that translate to a dollar value of \$150,603. It also provides 422 hours of staff training a year.

The Ombudsman Program is also under the auspices of the Department of Aging and Adult Services. It is mandated by State and Federal law to receive, investigate and work to resolve problems and complaints on behalf of residents in nursing homes and residential care facilities. The program is supported by State and Federal funds and by private donations, and administered by DAAS.

DAAS staff is available to speak to community groups and organizations about the role of the ombudsman, as well as addressing current issues in long-term care and providing:

- ? Complaint resolution services, in confidence and without charge
- ? Regular unannounced visits to long-term care facilities by State trained volunteers
- ? Community education about residents' rights and entitlements
- ? Public information about long-term care facilities in San Bernardino County

The Ombudsman Program relies on the community to help by:

- Offering time and skills to ombudsman services
- Telling friends and neighbors about ombudsman services
- Supporting the Ombudsman Program with tax-deductible contributions

The Ombudsman Program is not well known but it is vitally necessary and is designed to monitor the quality of health care in nursing homes and residential care facilities where opportunities for abuse, neglect and fraud are great.

FINDINGS

The Department of Aging and Adult Services may be characterized as both supportive and advocacy in nature. It is legitimized by the Older Americans Act of 1965. DAAS' philosophy is to maintain, improve choice and oversee the quality of life and independence of their clients. It also believes that seniors and at-risk adults have the right to age in place, as opposed to being institutionalized.

DAAS has its major offices in the East Valley, which includes the mountain areas, Yucaipa, Redlands, Joshua Tree, Yucca Valley, Barstow, Needles, Trona, Crestline and San Bernardino. There are also offices in the West Valley that include Fontana, Ontario, Rancho Cucamonga and Rialto, and the desert area that includes Victorville.

In November 2001, DAAS established the Nutrition Efficiency Committee (NEC), at the request of the Board of Supervisors. The NEC is made up of the current providers of senior nutrition services currently contracted, along with members of the Senior Affairs Commission and staff from DAAS and the Board of Supervisors. Several recommendations were made by members of the NEC including investigating the possibility of converting to a frozen meal. DAAS staff studied programs in other areas of the State where such a conversion has taken place. Frozen meals delivered on a less frequent basis is a viable alternative that could eliminate waiting lists, as well as potentially expand current delivery areas. It would drastically reduce costs, including raw food, gasoline and vehicle maintenance.

This system has been tried in other areas and has dramatically reduced costs and allows the program to operate within the boundaries of the funding provided. It has, in fact, accumulated a surplus of funds that were used to develop and run a telephone assurance system that provides daily contact with residents.

To date, Needles has proven to be the most challenging for DAAS. The Department of Aging and Adult Services conducted a needs assessment study. It reported a number of unique service needs; among them is accessibility of medical services. Most local providers refuse to accept Medi-Cal patients. Effective July 1, 2003 home delivery of meals to homebound seniors in Needles will be available.

The State Independent Living Center's executive director convened a tri-state (Laughlin, Nevada, Needles, California and Bullhead City, Arizona) meeting based on the Needles assessment to find a way to address resident issues in the tri-state area. Additional groups were added to include the Fort Mojave Indian Tribe and Lake Havasu, Arizona. The initial meeting identified areas of service needs in each state's local region and the closest proximity of service providers.

Not many people know about the Ombudsman Program; it needs more visibility. The public needs to be informed of its existence and the services available to the community at no cost.

The 2001 Grand Jury recommended DAAS utilize radio public service announcement opportunities. The agency response was that there was not enough money in the budget to purchase tapes. However, an investigation with another County agency revealed that each County agency is allotted an amount for such expenditures. The County has a contract with Clear Channel Media Corp. to provide 100 minutes of radio commercials.

RECOMMENDATIONS

- 03-24A SUPPORT THE DEPARTMENT OF AGING AND ADULT SERVICES IN ACQUIRING MEDICAL SERVICES FOR DESERT COMMUNITIES, ALONG WITH NEVADA AND ARIZONA, TO ALLEVIATE THE LONG DRIVE FOR THESE SERVICES.
- 03-25 IMPLEMENT THE FROZEN MEALS PROGRAM TO INSURE ALL ELIGIBLE SENIORS ARE RECEIVING DAILY NUTRITIONAL MEALS, INCLUDING THOSE IN THE NEEDLES AREA OF SAN BERNARDINO COUNTY.

03-26 EXPLORE THE POSSIBILITY OF UTILIZING LOCAL COMMUNITY COLLEGE FACILITIES TO PREPARE TAPES FOR ADVERTISING THE OMBUDSMAN PROGRAM, AND UTILIZE THE CONTRACT WITH CLEAR CHANNEL MEDIA CORPORATION IN ORDER TO ADVERTISE THE PROGRAM.

DEPARTMENT OF BEHAVIORAL HEALTH

BACKGROUND

The Department of Behavioral Health (DBH) is committed to developing cultural and linguistically competent services in the following areas:

- Outpatient Services
- Children's Services
- Adult Services
- Day Treatment Services
- Residential Services
- Drug and Alcohol Services
- Employment Services

FINDINGS

There are 800 people on staff at Behavioral Health, and they serve approximately 30,000 people.

DBH receives funding from State, Federal and County governments, and a portion of one-half cent sales tax.

Most of the buildings at Behavioral Health are old, in bad condition, filthy, humid and moldy and rat infested. These portable buildings have been in service since 1960. They are antiquated, inadequate facilities. It was related that there were employees who had become ill due to the poor conditions in the buildings.

DBH has a three-year Master Plan to replace its existing facilities.

Currently, a replacement building consisting of 14,000 square feet is under construction. This will replace one of the current inadequate buildings.

The DBH Master Plan calls for construction of another 75-85,000 square foot building at the current site, which will replace the remaining inadequate buildings.

RECOMMENDATION

03-27 THE BOARD OF SUPERVISORS PROVIDE ALL NECESSARY ASSISTANCE AND FUNDING TO BRING THE DEPARTMENT OF BEHAVIORAL HEALTH'S MASTER PLAN TO FINAL COMPLETION BY JUNE 2005.

PUBLIC HEALTH DEPARTMENT

BACKGROUND

The Public Health Department appears to be well organized and well staffed and adheres to the required Health and Safety Codes, Title 22, and Federal regulations. Written policies and procedures are available, and patient privacy is protected. Patients have individual files, and continuing care is provided and monitored. A high degree of dedication and professionalism was noted in this department.

FINDINGS

Preventive Health Care Services uses public health techniques to control sexually transmitted diseases; however, accepted case follow-up techniques are not used for HIV control, due to political matters. Tuberculosis is diagnosed and treated in Public Health facilities.

Maternal Health has many educational programs ongoing: Black Infant Health; Perinatal Outreach and Education; Perinatal Care Guidance; Mother/Infant Support Teams; Prenatal Clinics; Proposition 10; Early Steps Collaborative. The goal is to have healthier pregnancies.

The Public Health Department has patient care clinics strategically located throughout the County. The rural clinics that the Grand Jury visited were located in Needles, Barstow and Fontana. The services that were offered were quite similar, and consisted of the following:

Family Planning – consisting of contraception (birth control pills, IUD insertions, barrier techniques, abstinence techniques, etc.), pregnancy testing and counseling, prenatal care and primary care.

Cervical Cancer Screening (primarily, taking of pap smears); Child and Adolescent Health consisting of immunizations and well baby care; Sexually Transmitted Disease diagnosis and treatment; HIV testing and results; Tuberculosis skin testing, plus medication refills.

Breast examinations (however mammograms were referred to other clinics).

The Special Nutrition Program for Women Infants Children (WIC) was available at all the rural clinics.

The Hesperia and Ontario Clinics, in addition to the above services, have the ability to perform colposcopies (examination of cervix under magnification) and various x-ray procedures, and also offer vasectomy clinics. Female sterilization procedures are referred to the Arrowhead Regional Medical Center (ARMC).

On a recent visit to the Public Health Clinic in Needles it was learned that 417 hours per year were spent in transporting patients. The personnel at the Needles Clinic felt that this time transporting would be significantly reduced by having the Nurse Practitioner visits increased from bi-weekly to weekly, and by adding colposcopies to the procedures available at the clinic.

The main clinic is the San Bernardino Clinical Services on Lena Road in San Bernardino. Nurse Practitioners are based here and sent to the other clinics to do the pap smears and prenatal visits, and at the Hesperia and Ontario clinics to perform colposcopies as well as teach breast self-examination.

There are several physicians based at the Lena Road clinic who oversee the diagnosis of tuberculosis and HIV infection as well as the diagnosis of AIDS, and the instructing of the appropriate treatment. They are also responsible for initiating treatment for syphilis, gonorrhea, and chlamydia.

The laboratory at the Lena Road clinic is designated as a Level B bioterrorist laboratory. It is capable of diagnosing biological agents that could be used in a terrorist attack. In addition, this laboratory is equipped to perform the diagnostic tests to discover HIV and AIDS infection, tuberculosis sputum exam for diagnosing tuberculosis, dark field exams for diagnosing syphilis, and cultures for diagnosing gonorrhea and other conditions.

The San Bernardino Clinical Services facility on Lena Road is cramped for space. It seemed as though 100 percent of the counter space was in use with laboratory equipment and supplies. Plans are underway, however, to enlarge this space.

It was observed at the Hesperia and Barstow clinics that there were open spaces in the reception areas between the clinic workers and the patients. This could be a possible source of contamination by infected patients, potentially exposing the workers to various communicable diseases.

Treatment rooms and work areas are up to code re: sanitation, equipment, hazardous waste disposal and separation of the contagious versus the non-contagious. All areas appeared clean and ready.

It was noted that the Hesperia clinic has the greatest client-to-nurse ratio, and the STD rate (sexually transmitted diseases) is growing rapidly.

The Twin Peaks office is owned by the County, but only operated one day a month. There was a discussion of possibly using mobile units for the mountain and outlying areas.

Public Health has a good money flow for patient care, largely due to State and Federal grants. The department has excellent grant writers.

Literature is provided to the population in English, Spanish and other languages.

The Animal Control Licensing Program has a different fee for neutered and non-neutered animals. There is a voucher program to financially assist animal owners to have their pets neutered. A mobile spay/neuter unit is also available to cover the more remote County areas. Good interaction exists between the County and city-owned animal shelters. The County facility at Devore is being enlarged to add an additional 20 runs, bringing the total capacity to 60 runs. Rabies control program is very active and protective injections for pets are also available. The County contracts with local veterinarians to provide these services.

The Environmental Health Services Division performs in excess of 20,000 restaurant inspections per year. This is done with about 41 inspectors. In addition, DEHS inspects small food vendors, as well as soft ice cream establishments. The division monitors hotels, motels and other temporary living facilities, as well as prisons and public swimming pools.

Vector Control – Mosquitoes are best controlled by using mosquito fish, spraying oil on vector surface, and the use of insecticides. Mosquitoes are harvested in large pools and tested for disease en masse, rather than testing them individually. A program is in effect for monitoring dead birds and chickens to detect West Nile virus. Horses are also monitored. A program to eradicate fire ants and control African honeybees is also being overseen. Also monitored are all cases of encephalitis.

RECOMMENDATIONS

- 03-28 INCREASE THE NURSE PRACTITIONER TIME AT THE NEEDLES PUBLIC HEALTH CLINIC FROM BIWEEKLY TO WEEKLY.
- 03-29 ADD THE CAPABILITY FOR COLPOSCOPY EXAMINATIONS AT THE PUBLIC HEALTH CLINIC IN NEEDLES.
- 03-30 INSTALL SPLATTER SCREENS IN THOSE PUBLIC HEALTH CLINIC AREAS IN WHICH THERE IS UNPROTECTED SPACE BETWEEN PATIENTS AND THE PUBLIC HEALTH WORKERS.

ANIMAL CARE AND CONTROL PROGRAM

BACKGROUND

Animal Control is responsible for the care and control of animals in San Bernardino County. Several departments share accountability: California Fish and Game, County Department of Agriculture, Weights & Measures and private contractors. Agriculture/Weights and Measures has assumed the former responsibilities of the U.S. Department of Agriculture, which includes tracking coyotes and other wild animals.

There have been frequent reported problems of predatory animals in populated areas and a major increase of stray dogs and cats throughout the County. The Animal Control Division is governed by the California State Health & Safety Code and regulations under Title 16 and Title 17 (Public Health), Agricultural Code and Civil Code.

FINDINGS

The Animal Control Division has a reporting system through a common toll free telephone number. Any animal problem will be assessed and forwarded to the appropriate division through this centralized system. Coyote issues are generally given to contractors that handle these issues. Wild animals such as bear, cougars or any wild animal with human encounter are the responsibility of the Fish and Game Department. All reported animal bites must be referred to Animal Control. Dogs, cats, large domestic animals and small wild animals are the responsibility of Animal Control. There are 18 non-profit organizations in San Bernardino County working with Animal Control for the placement and neutering of dogs and cats.

The increase in population has brought an increase in the number of stray dogs and cats. This presents a serious problem for housing and neutering these strays.

The largest County kennel is in Devore and has 50 runs. This unit is designed to house 3,700 to 7,000 animals per year, but actually houses 11,000 animals per year. Dogs and cats are kept five days before being euthanized. Frequently, 5-6 dogs are kept in a single kennel causing problems such as fights. Occasionally animals are transferred to city kennels, for which there is a fee. However, this process still does not provide enough space.

Several cities throughout the County contract with County Animal Control for services, generating revenue of approximately \$500,000 annually. \$180,000 a year from the General Fund is dedicated to the very successful spay/neuter program. This is a free service for those who bring in strays or wish to have their pet neutered. The County has a spay mobile that travels throughout the County to offer these services. All animals must be licensed and neutered before being placed in a new home.

Animal Control offers to the public the use of traps, at the cost of \$1.00 a day, and will pick up the caged animals.

RECOMMENDATIONS

- 03-31 EXPAND THE SPAY/NEUTER PROGRAM IN THE ANIMAL CARE AND CONTROL PROGRAM TO MEET THE INCREASED POPULATION.
- 03-32 EXPAND CITY CONTRACT SERVICES FOR ANIMAL CARE AND CONTROL.
- 03-33 INCREASE KENNEL CAPACITY AT THE COUNTY ANIMAL SHELTER TO MEET GROWING NEEDS.

BIO-TERRORISM

BACKGROUND

Public Health departments are responsible for the management of any disease or organism that could cause epidemic episodes. This program is one of containment, not of prevention.

Since 9/11/01 there has been an increased emphasis on the locating and controlling of disease agents that could be considered for biological warfare, major chemical release included. These elements can be used in the form of bio-terror activity.

In 1999 the Terrorism Oversight Committee and the Terrorism Early Warning group were initiated by the County Sheriff and Fire departments for overall coordination and planning.

FINDINGS

Public Health departments throughout the United States have been in the process of creating plans to prepare against all forms of bio-terror activity. San Bernardino County has a comprehensive published plan that is being rapidly put in place by the Public Health Director and his team.

The majority of citizens of this County are not aware of the immense efforts being made to protect them should a crisis of biologic means occur.

The County has a Level B laboratory, which means it has the necessary equipment and personnel to quickly diagnose any potentially harmful organism.

The County has critical communication systems working 24 hours a day, seven days a week so that inter-exchange of pertinent information is constant. This would ensure secure electronic exchange of public health information in standard formats between computer systems of public health and emergency related systems.

The Public Health Department is adding a position, a "Bio-terrorism Public Health Program Coordinator", to assist the director in developing and implementing programs needed.

Levels of education have been raised for personnel that may be involved in bio-terror activity. There are also several preparedness conferences for public health professionals and health care providers. These conferences are offered through San Bernardino County and advisory agencies.

There are multiple emergency medical systems in place throughout the County (and State) that can be called upon and shared should a crisis occur. In place are systems that provide for each county to assist nearby counties when called upon. These specialty groups can be called upon to move throughout the nation.

If there are shortcomings, it appears the department is aware and working to bring them to a level at, or beyond, compliance. Results are obvious and progress is being made.

RECOMMENDATION

03-34 MAKE THE COUNTY POPULATION AWARE OF THE PUBLIC HEALTH DEPARTMENT'S RELENTLESS PREPARATION AGAINST BIO-TERRORIST ACTIVITY.

NEEDLES SPECIAL PROJECT HEALTH AND HUMAN SERVICES

FINDINGS

The City of Needles has a population of 4,830, of which 1,303 citizens are on disability (25 percent of the population). The median income for Needles is \$26,108. There is no available home health care. There are no hospice programs. There is no home-based food program. There is very limited affordable housing.

Meetings with the Department of Aging and Adult Services, Public Health and a private practice physician reflect the following:

The Department of Aging and Adult Services (DAAS) conducted a needs assessment in the year 2001. This department worked with the State Independent Living Center's executive director to convene a Tri-State meeting (Nevada, California, Arizona) to assess a way to address resident issues in the Tri-State area. One problem is the lack of access to medical services because only one physician in Needles accepts Medi-Cal as health insurance, creating the problem of having to transport clients needing medical services to the Arrowhead Regional Medical Center (ARMC) in San Bernardino.

The Needles hospital (Colorado River Medical Center) does accept Medi-Cal clients, however, the physicians do not. Therefore, Medi-Cal clients can receive emergency treatment only and those clients requiring non-emergency services are referred to ARMC.

At the second tri-state meeting, DAAS and the Department of Behavioral Health (DBH) volunteered to contact the various medical services providers in the Tri-State area to solicit their reasons for not accepting Medi-Cal and to inquire as to what changes were needed so that they would be willing to become Medi-Cal providers. The committee continues to work on this problem.

In the year 2002, DAAS social workers and Public Health registered nurses spent 417 hours transporting patients not given medical care in the Needles area. Public Health (PH) has since obtained a grant for a van and a driver, which partially alleviates the problem. This also returns the professionals to their primary function of caring for the patients' issues. However, the van is not available for the general population. Only clients linked specifically to PH programs are able to access transportation services to out-of-area doctors. DAAS is currently negotiating with PH to establish a Memorandum of Understanding (MOU) to share costs, thus enabling DAAS clients' access to this transportation service. Even with a DAAS and Public Health MOU in place, there will still remain a population underserved.

Behavioral Health described feelings of frustration due to: (1) large patient caseload; (2) difficulty in obtaining appropriate medications; and (3) delays in obtaining necessary equipment for the totally disabled. Behavioral Health does have a video link with psychiatrists in San Bernardino.

At the Public Health Clinic the personnel, one Registered Nurse (R.N.) and two clerks, are scheduled four 10-hour days per week. Patients are scheduled every 10-15 minutes, plus they take walk-ins. Every other week a Nurse Practitioner is available 1.5 days. The R.N. sees many older or needy patients at Big River once a month and tracks 80+ patients with health problems in aging programs. This R.N. is also on the Drug Court Team as well as providing Public Health programs for this area such as primary care, reproductive health, sexually transmitted diseases, HIV follow-up, TB follow-up, the Special Nutrition Program for Women, Infants and Children (WIC) program, pregnancy and pap smears. The capability of doing colposcopies (cervical exam under magnification) would alleviate travel to San Bernardino or Victorville and return results quickly. Public Health also has the school nurse contract.

The Public Health Department has video link equipment by which patients could be interviewed by an M.D., however this has not been connected. This would reduce travel time for patients.

Only recently has Needles acquired a dentist who will accept Medi-Cal. However, his practice is limited to adult Medi-Cal clients only. Children were referred out to the Victorville area. Recently a dentist in Bullhead City, Arizona area (within 20 miles) has agreed to accept children and Medi-Cal recipients.

A visit to a private physician's clinic that does accept Medi-Cal was made. This doctor stated that although the private hospital in the area does accept Medi-Cal, other physicians in the area do not. He explained that the very slow turnaround time for payment and low payment were the primary reasons. This

physician is taking a second physician into the clinic this summer; an internal medicine specialist who he hopes will relieve his time with the heavy Medi-Cal practice.

RECOMMENDATIONS

- 03-35 FORM A LIAISON BETWEEN COUNTY OFFICIALS AND HEALTH CARE PROFESSIONALS TO ADDRESS THE MEDICAL PROBLEMS IN THE CITY OF NEEDLES.
- 03-36 PROVIDE THE SERVICES OF A NURSE PRACTITIONER IN NEEDLES EVERY WEEK.
- 03-37 PROVIDE COLPOSCOPY EQUIPMENT AT THE NEEDLES PUBLIC HEALTH CLINIC SO THAT PATIENTS COULD BE DIAGNOSED AND TREATED WITHOUT LONG DISTANCE TRAVEL AND A PROLONGED WAIT FOR RESULTS.
- 03-38 EXTEND SOCIAL SERVICES, COMMUNITY SERVICES AND DEPARTMENT OF AGING AND ADULT SERVICES TO PROVIDE HOSPICE, HOME HEALTH AND HOME-BASED FOOD PROGRAMS IN NEEDLES.
- 03-39 CONNECT THE VIDEO LINK EQUIPMENT FOR THE PUBLIC HEALTH DEPARTMENT IN NEEDLES.

VETERANS' AFFAIRS DEPARTMENT

BACKGROUND

The County Veterans Affairs office plays a vital role in the National Veterans Advocacy Network. It functions as an advocate for veterans' rights, as well as addressing issues of access to services and benefits.

At the local level it works in conjunction with County agencies such as the departments of Behavioral Health (therapeutic counseling), Transitional Assistance (food stamps and general subsistence vouchers), and Aging and Adult Services. These services are heavily concentrated on claims, health counseling, review of claims and other information and referrals relevant to veterans needs.

Although the budget of this agency is \$1,108,218, less a State grant of \$264,000, the actual cost to the County is only \$884,218. The Federal benefits attributable to the Veterans Affairs office amounted to \$119,395,377, according to information included in a Veterans Affairs pamphlet.

There are full time offices located in San Bernardino, Victorville and Ontario and four part-time offices in Loma Linda (at the Jerry Pettis Memorial Veterans' Hospital), Yucca Valley, Twentynine Palms and Barstow.

FINDINGS

An aging veteran population will increase the demand for home care, home services, field visits, life insurance and death and survivor benefits.

Conversations with the director revealed a need to publicize their services. He believes that it would facilitate greater service if he had a staff of volunteers, which would then free his paid personnel for more significant tasks.

Greater Federal subsidies are necessary for State and local veterans' services (currently \$3.2 billion is expended annually by State and local governments to assist veterans and their families). This does not take into consideration recent veterans.

Veterans Administration Medical Center is the primary medical provider – greater numbers of veterans are now eligible for medical care.

There is a new category of claims entitled “Presumptive Condition”, brought about by herbicide exposure. A few are: non-Hodgkin’s lymphoma of the lung, bronchitis, larynx or trachea, soft tissue sarcoma, diabetes and spina bifida (for disabled children of Agent Orange exposed veterans).

The veteran population of San Bernardino County will continue to grow; mounting pressure for limited resources at all levels will increase due in part to the 1988 Veterans’ Judicial Review Act that allows judicial review of rejected claims. (There is currently a nationwide backlog of 500,000 cases waiting to be reviewed.)

The Veterans’ Eligibility Reform Act of 1996 (Public Law 104-262) paved the way for a medical benefits package now available to all enrolled veterans. This package emphasizes preventive and primary care and outpatient services. It also sets up priority groups numbered from 1 to 8.

Priority 1-6 includes veterans with service-connected disabilities rated from 10-50 percent more disabled and veterans who have been determined to be catastrophically disabled.

Priority 5-6 also includes compensable service-connected disorders associated with exposure to herbicides, radiation, disorders caused by the Gulf War or any illness associated with combat in a war after the Gulf War or during a period of hostility after November 11, 1998.

Priority 7-8 includes veterans with no service-connected disabilities who agree to pay specified co-payments in accord with the Veterans’ Administration means testing and income below the HUD geographic index. There is a possibility that many Priority 7-8 veterans will not be able to afford the higher co-payments or the annual enrollment fees since they characteristically have low incomes.

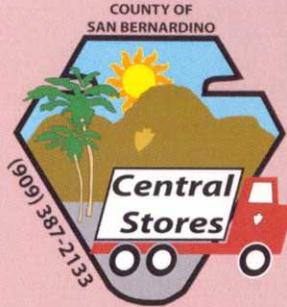
There is a backlog of 300,000 veterans’ claims being challenged by the government.

Enrollment in the Veterans Administration medical program has doubled from 2.9 million to 7 million in 2003, and funding has only increased by 60 percent.

RECOMMENDATIONS

- 03-40 UTILIZE MARKETING STRATEGIES TO CREATE GREATER VISIBILITY OF BENEFITS AVAILABLE TO VETERANS. ACTIVELY WORK WITH GROUPS SUCH AS THE DISABLED AMERICAN VETERANS, AMERICAN LEGION AND THE VETERANS OF FOREIGN WARS TO DISSEMINATE INFORMATION.

- 03-41 UTILIZE THE SAN BERNARDINO COUNTY HUMAN RESOURCES DEPARTMENT TO ACQUIRE VOLUNTEERS TO ASSIST IN OFFICE TASKS AND PUBLIC CONTACT POSITIONS THAT WOULD RELIEVE PAID STAFF TO FOCUS ON CORE DEMANDS OF THIS AGENCY.



ARCHITECTURE AND ENGINEERING

FACILITIES MANAGEMENT

FLEET MANAGEMENT

PURCHASING

REAL ESTATE SERVICES

INTERNAL SERVICES COMMITTEE





INTERNAL SERVICES COMMITTEE

JOSE MARTINEZ, LEN SOPER, BOB WALLACE, BILL DINEEN (CHAIR),
HANS DAHMEN, FRANK REILLE, JOYCE SYLVESTER, RON LAWRENCE

INTERNAL SERVICES COMMITTEE

The Internal Services Committee's areas of responsibility covered the following County departments:

- Architecture and Engineering
- Facilities Management
- Fleet Management
- Purchasing
- Real Estate Services

Subcommittees were selected to review the operations of each department, and department heads were interviewed. Departments were reviewed for operational procedures, with the exception of Architecture and Engineering.

The Real Estate Services and Facilities Management departments were reviewed and/or investigated by this committee, with no resulting recommendations.

The reports that follow are the result of the interviews and investigations by the respective subcommittees.

The Grand Jury Foreman appointed the members of the Internal Services Committee to serve as an ad hoc committee known as the "Needles Special Project". That ad hoc committee report is contained separately within this final report.

FLEET MANAGEMENT DEPARTMENT

BACKGROUND

Fleet Management, an Internal Services Fund department, manages, operates and maintains the County's Motor Pool and Garage. It maintains a fleet of about 5,000 vehicles and pieces of equipment assigned to and/or available to various departments and special districts. Sheriff's vehicles are maintained elsewhere.

Portions of this report contain information that was detailed in the May 2001 Black & Veatch Vehicle Services Rate Study Report, and the August 6, 2002 Fleet Management safety inspection performed by the County Fire Hazardous Materials Division.

FINDINGS

As recommended by the 2001-2002 Grand Jury, the County Fire Department's Hazardous Materials Division conducted an inspection at the request of Fleet Management.

Fourteen (14) work areas or locations were inspected, resulting in 90 discrepancies noted in the Fleet Management Safety Inspection performed on August 6, 2002. Many were minor, but some require immediate attention. It is also noted that some of these discrepancies were identified by the previous Grand Jury.

A Safety Officer (SO) is on site at Fleet Management and is a "shared resource" with the Department of Public Works (DPW). Quarterly, the SO attends Fleet Management staff meetings to discuss issues and concerns and present safety topics for shop meetings. The SO also performs complete annual checks of Fleet Management's main facility and service centers, along with a DPW superintendent and a member of the Fleet Management team. The shop/service center supervisors hold, at a minimum, monthly safety meetings with employees and perform a brief inspection of work areas.

The County owns and uses vehicles that operate on Compressed Natural Gas (CNG), 17 of which are maintained by Fleet Management. However, they are unable to work on the fuel systems of these vehicles in existing work bays. They do not now have the correct facilities for such maintenance. With the trend toward clean air vehicles, the need for a work bay to handle CNG vehicles becomes necessary.

The construction cost for a new work bay was initially set at \$500,000. However, after inquiry by the Grand Jury for a cost analysis, Fleet Management found a legitimate alternative that would cost less than \$5,000 and allow the use of an existing work bay. This is a very cost-effective alternative to contracting out repairs or building a new work bay.

Fleet Management is using and maintaining 84 electric carts on loan to the County from Pathway Research as a test, at no cost to the County. These carts can be used by any County agency and are "street ready". However, they can only travel 25 MPH, thus restricting their use to streets with a 25 MPH speed limit. Thirty-six (36) carts went to Regional Parks, ten (10) to the Sheriff's Department, four (4) to County Airports, the remainder to other County agencies. Fleet Management has asked for feedback from using customers to determine need and effective use of the carts. The purchase price of the carts was to be \$5,200, but a General Motors public relations representative later told Fleet Management he fully expects a much lower price. GM expects so many "returned" carts that they will have little market value, and perhaps GM may even donate the carts to the County.

Fleet Management underwent a rate study by Black & Veatch (B&V) in May of 2002. This study covered all areas of Fleet Management costs, rate charges to customers and vehicle purchases. This very comprehensive study produced recommendations for cost increases and decreases. Since the last rate study was in 1992, there was real need for rate adjustments.

On June 25, 2002 the Director of Fleet Management recommended that the Board of Supervisors accept the recommendations of the B&V study, but with adoption on a time schedule that the director felt would be least disruptive relative to finalization of the 2002-2003 budget process.

Major recommendations by the B&V study include replacement of Motor Pool sedans after the sixth year of service and pickups and other vehicles after the seventh year (an exception may be approved by the Director of Fleet Management on a case-by-case basis). The study also recommended new labor rates in the garages and service centers of \$63 per hour for light duty work and \$69 for heavy-duty work.

B&V recommended a decrease in Motor Pool costs, ranging from \$64 to \$103, and mileage rate increases ranging from \$.02 to \$.29. Other recommended increases are:

- A "markup" of \$.39 per gallon of fuel, from \$.25 per gallon.
- A "markup" of 47 percent for all "parts/supplies" under \$25,000.
- A new "security services" rate of \$51 per hour.
- A new rate on "administrative costs of vehicle registration" - \$10 per transaction.

Fleet Management recommended all rate changes be effective immediately but retroactive to July 1, 2001 for the Motor Pool only. Sufficient reserves are available in the Motor Pool's fund to implement the Garage's retroactive rate increase (approximately \$450,000). Fleet Management also recommended rate increases should be suspended to all current Fleet Management customers (except Motor Pool) until fiscal year 2003-2004 but effective immediately to any "new users".

The Motor Pool budget currently includes an allocation to purchase 300 vehicles to help bring in line the policy of replacing County vehicles every six to seven years.

RECOMMENDATIONS

- 03-42 TAKE IMMEDIATE CORRECTIVE ACTIONS ON ALL DISCREPANCIES NOTED BY THE AUGUST 6, 2002 SAFETY INSPECTION BY THE COUNTY FIRE DEPARTMENT'S HAZARDOUS MATERIALS DIVISION.
- 03-43 ASSIGN ONE PERSON IN EACH AREA THE TASK OF "SAFETY MONITOR" TO PERFORM DOCUMENTED WEEKLY INSPECTIONS AND FOLLOW-UP TO CORRECT ANY DISCREPANCIES NOTED.
- 03-44 ALLOCATE FUNDS NECESSARY TO MODIFY EXISTING WORK BAY WITH EQUIPMENT TO PERFORM ALL MAINTENANCE ON COMPRESSED NATURAL GAS (CNG) VEHICLES, IN LIEU OF BUILDING A NEW WORK BAY.

- 03-45 ANALYZE FEEDBACK FROM USING CUSTOMERS TO DETERMINE A REAL NEED FOR THE USE OF THE ELECTRIC CARTS THAT ARE ON LOAN FOR A TEST.

- 03-46 RECOMMEND PURCHASE OF ELECTRIC CARTS ONLY FOR COUNTY ORGANIZATIONS THAT HAVE THE MOST NEED AND ECONOMICAL USE, (E.G. REGIONAL PARKS, COUNTY AIRPORTS, AND THE SHERIFF'S AVIATION DIVISION).

- 03-47 COMPLETE IMPLEMENTATION OF THE 2002 BLACK & VEATCH RATE STUDY IN THE MANNER RECOMMENDED TO THE BOARD OF SUPERVISORS BY THE FLEET MANAGEMENT DIRECTOR.

PURCHASING DEPARTMENT

BACKGROUND

Purchasing, an Internal Services department, is responsible for four separate divisions within its organization in managing and operating Printing Services, Mail Services and Central Stores, to include the surplus warehouse. Purchasing has the responsibility of procurement policies for all of the County's agencies, and recently a new role in working with the Sheriff's Department in buying used cars for undercover officers.

Printing Services has well-trained personnel and is capable of producing millions of impressions in documents, brochures and forms for the County.

Central Mail Services is a centralized mailing service for all County departments and provides automated services such as folding, insertions, labeling and tabulating, and bulk mail processing of incoming and outgoing mail.

FINDINGS

Printing Services is crowded and congested with pallets of paper and supplies often blocking aisles. In the press area there is a distinct odor of the solvents used to wash the presses, chemicals that could affect breathing and cause nose burning.

The Mail Services area is also overcrowded with printed matter ready for bulk mailing process. The mail courier pickup and distribution center is in much need of space and is overcrowded with clerks and couriers.

In the Surplus warehouse the turnover of office equipment and furniture, including copiers and computer systems, is extremely slow and poorly documented. The committee observed useless items of furniture in need of repair, non-operative copiers, and incomplete computer systems also not in working order.

RECOMMENDATIONS

- 03-48 PROVIDE ADDITIONAL SPACE AT PRINTING SERVICES FOR ALL CARTS AND PALLETS OF PAPER READY FOR PRESS PRODUCTION.

- 03-49 RISK MANAGEMENT CONDUCT AN ENVIRONMENTAL CHECK (CLEAN AIR SYSTEM) IN THE PRESS AREAS.

- 03-50 ALLOT ADDITIONAL SPACE TO MAIL SERVICES FOR THE PROCESSING OF BULK MAIL.

- 03-51 RELOCATE MAIL SERVICES INTO THE REGISTRAR OF VOTERS AREA TO PROVIDE THE SPACE NEEDED BY PRINTING AND MAIL SERVICES AND TO PROVIDE EFFICIENCY.

- 03-52 PREPARE A WRITTEN PROTOCOL TO DISPOSE OF ALL SURPLUS EQUIPMENT, SEPARATING USEABLE AND NON-USEABLE SURPLUS FURNITURE AND OFFICE EQUIPMENT.

Challenged to Excellence
PROBATION
COUNTY OF SAN BERNARDINO



PUBLIC DEFENDER



LAW AND JUSTICE COMMITTEE



LAW AND JUSTICE COMMITTEE

DAVID KOCOT, VIRGINIA MARTINEZ, JOSE MARTINEZ, NATHANDRA JOSEPH (CHAIR), LEN SOPER,
RON LAWRENCE, DENNIS ZIMMERMAN, NANCY AMARAL, CLYDE METZLER

LAW AND JUSTICE COMMITTEE

The Law and Justice Committee had responsibility for oversight of the following County departments:

- District Attorney
- Probation
- Public Administrator/Coroner/Public Guardian
- Public Defender / Indigent Defense
- Sheriff

The committee reviewed each department's current activities and looked at the Grand Jury reports of the previous five years to help determine the areas in which inquiries should be directed. The committee determined the District Attorney's department did not warrant an investigation at this time.

Subcommittees were formed to make inquiry into the operations of each department to ensure adherence to the applicable laws, ordinances and procedures. In light of the current budgetary situation, we paid particular attention to ways the costs of these departments could be reduced without affecting public services.

The following reports offer a brief background, address findings and offer recommendations that, if accepted, would allow these departments to operate more efficiently and effectively.

PROBATION DEPARTMENT

PRE-TRIAL DETENTION REVIEW UNIT

BACKGROUND

In the course of investigating the County's Office of the Public Defender, this Grand Jury was led to believe that no investigation was made on the financial status of defendants to whom the Public Defender is appointed. We discovered that in other counties various means are employed to ascertain defendants' financial situation. Additionally, in years past many municipal courts, including municipal courts in San Bernardino County, employed "Own Recognizance" (OR) officers who provided this and a number of other valuable services. However, these "OR Officers" apparently fell victim to Proposition 220, which consolidated the State's Municipal and Superior Courts in 1998.

In the course of this investigation, we discovered the Probation Department's Pre-Trial Detention Review Unit has been providing some of the services of an "OR Officer" for over a decade.

FINDINGS

The County's Probation Department maintains a "Pre-Trial Detention Review Unit" (PTDRU). This unit investigates and interviews persons who have been arrested. Its primary purpose is to recommend to the court whether or not the accused ought to be released on their own recognizance pending trial and, in some cases, recommends that the bail amount be raised or lowered. In 2002, this unit screened 35,990 arrestees – almost 100 per day. Of those, the unit interviewed 349 and the court released 266 people on their own recognizance based on this unit's recommendations. The PTDRU also investigated and reviewed 720 court-referred cases.

This unit's seven budgeted positions are filled. Two of the seven Detention Review Officers are currently on military leave; it is not known when they will return, which creates a serious strain on the remaining staff. According to the Chief Probation Officer, the unit's unique employee classification prevents the County from

transferring other County employees into temporarily vacant positions. The unit's workload increased dramatically, from 4,253 pre-arraignment reports in 2001 to 5,426 reports in 2002.

Staff of the Pre-Trial Detention Review Unit believe they would be able to make more OR recommendations with more employees since they would be able to conduct more thorough investigations and not be forced to err on the side of caution in making their recommendations. The current staffing level and workload indicators suggest that the unit is in need of more employees to permit more thorough investigations. PTDRU staff feel that more thorough investigations would permit more OR recommendations, since OR recommendations are made only after considering the seriousness of the alleged offense, the arrestee's flight risk and the arrestee's threat to the public.

Examination of flight risk generally entails an investigation into the arrestee's employment status (including income in many cases), ties to the community and living situation. This information is not shared with the Public Defender, which could use it to determine if the arrestee is indigent and therefore qualified for the Public Defender's services.

Releasing a low flight risk arrestee who does not present a danger to the community on his or her own recognizance saves the County money in a variety of ways. It reduces the Sheriff's housing and transportation costs. Additionally, OR releases are able to maintain their employment where ordinarily they would be terminated for failure to appear at work for a number of days. The accused may then be able to retain a private attorney instead of relying on the County to provide legal representation. It also keeps the dependents of the accused from going on the public assistance rolls.

The Probation Department of Los Angeles County maintains a "Pretrial Services Division" that performs the same functions as the PTDRU in San Bernardino County. The Pretrial Services Division performs a number of additional and very valuable tasks, such as screening people who request a civil name change for criminal backgrounds and sex offender registrations, supervising drug court participants and Proposition 36 drug treatment program enrollees and screening probationers for eligibility in the Electronic Monitoring Program.

The Pretrial Services Division also maintains an Early Disposition Program in which defendants are investigated and a recommendation made to the court concerning their sentence should they choose to plead guilty to the charges. This is referred to as a "pre-trial plea report". This program accelerates the trial process

since negotiating a plea agreement takes time, during which a defendant must sit in jail, sometimes for a longer period of time than they can be sentenced for the crimes for which they have been accused. In serious cases involving sentences to state prison, this also saves the County money by expediting transfers to state prisons, reducing county jail stays.

There is no equivalent of the Early Disposition Program in San Bernardino County.

Discussions with various law enforcement officials in the County revealed a consensus that the PTDRU serves a valuable function for the Sheriff and saves money for the County of San Bernardino.

RECOMMENDATIONS

- 03-53 EXPAND THE DUTIES OF THE PRE-TRIAL DETENTION REVIEW UNIT TO INCLUDE PROVIDING PRE-TRIAL PLEA REPORTS TO THE COURT.

- 03-54 THE PRE-TRIAL DETENTION REVIEW UNIT SHARE INFORMATION WITH THE PUBLIC DEFENDER CONCERNING THE FINANCIAL SITUATION OF POTENTIAL PUBLIC DEFENDER CLIENTS.

- 03-55 FILL TEMPORARILY VACANT DETENTION REVIEW OFFICER POSITIONS IN THE PRE-TRIAL DETENTION REVIEW UNIT.

- 03-56 REVIEW THE POSSIBILITY OF EXPANDING THE PRE-TRIAL DETENTION REVIEW UNIT.

PUBLIC ADMINISTRATOR/CORONER/ PUBLIC GUARDIAN

BACKGROUND

The office of Public Administrator/Coroner/Public Guardian is comprised of three separate agencies that serve different public needs. The current Public Administrator/Coroner was elected in 1982 and is now serving his sixth elected term. The Public Guardian acts as conservator for persons unable to manage their own affairs, and is appointed by the Superior Court.

The Coroner oversees the Medical Examiners who perform the autopsies. Deputy Coroner investigators are responsible for all investigations pertaining to causes and manner of death. They are responsible for the identification of deceased and notification of the next of kin and safeguarding personal property of decedents.

The Public Administrator is required by law to take responsibility for property belonging to persons who have died and assigned no executor or administrator. This office manages the estates of the deceased until their families assume responsibility. If not claimed by family, the estate will be disposed of at public auction.

The Public Guardian is appointed by the Superior Court and acts as conservator for individuals not able to care for themselves, and arranges for custodial care of ill and elderly persons in nursing homes. The Public Guardian administers the estates of disabled or incompetent persons and coordinates legal and social services on their behalf.

FINDINGS

There are deputy coroners in each major city. All bodies are transported to the Coroner's office in San Bernardino for autopsy or storage.

The main Coroner facility is inadequate. The microscope room and specimen pick-up facility double as one. Boxes with ashes of deceased were stacked 3-4 high on a desk.

The autopsy room is permeated with an offensive smell. A mixture of odors of body fluids, tissue and other unknown sources are overwhelming. The ventilation system is poor and inadequate as compared to the Riverside County Coroner's facility, which was visited by this Grand Jury.

A tour of the refrigeration room where bodies are kept revealed numerous problems. A terrible odor existed. The area was highly congested: 68 bodies were stacked 2 to 3 bodies to a table with no separation by shelving or "racks" as was observed at Riverside County. Freezer space is inadequate and the area needs ventilation.

The Grand Jury reviewed 21 sections of the Coroner's manual and observed that 16 had not been updated since the 1980's.

Personal estate items are poorly stacked and only separated by cardboard dividers, which are inadequate as boxes may become intermingled over time. Property is stacked 6-8 feet high, rising above the dividers. Individual items are not tagged, making it impossible to identify commingled items. Visits to other counties facilities found every item tagged with adhesive labels and individual "lots" kept together.

Valuable property such as jewelry and firearms are collected and logged by investigators and taken to the Coroner's office for safekeeping.

The warehouse staff collects all other personal property in bulk and maintains a separate inventory log in the warehouse.

The Public Administrator has no itemized estate property inventory list showing all assets removed from the residence.

The Riverside County Coroner/Public Administrator has an estate property inventory log, which lists all items individually and is distributed to the file of the deceased, the warehouse, accounting and witness. San Bernardino County has an inadequate tracking system to safeguard distribution of collected personal property.

Personal property is kept 3-4 years. Only the Courts can authorize the disposal of property.

Despite prior Grand Jury recommendations, it was observed that no corrective action has been taken. This has resulted in a deterioration of the overall operation of all departments of the Coroner/Public Administrator/Public Guardian's office.

RECOMMENDATIONS

- 03-57 CONDUCT A STUDY REGARDING ADDITIONAL SPACE NEEDS IN THE CORONER'S OFFICE.
- 03-58 TAKE IMMEDIATE STEPS TO GREATLY IMPROVE CLEANLINESS OF THE MORGUE FACILITY.
- 03-59 CONDUCT AN ENVIRONMENTAL TEST OF THE AIR IN THE AUTOPSY AND FREEZER UNITS.
- 03-60 UPDATE POLICIES AND PROCEDURES MANUAL BY REVIEWING EVERY YEAR AND UPDATE AS NECESSARY, AS RECOMMENDED BY PREVIOUS GRAND JURIES.
- 03-61 CREATE A MORE ACCURATE SYSTEM FOR RECORD KEEPING OF PERSONAL PROPERTY IN THE WAREHOUSE.
- 03-62 SEPARATE THE PROPERTY OF DECEASED INDIVIDUALS FROM PROPERTY BELONGING TO THE PUBLIC GUARDIAN BY THE USE OF ADHESIVE LABELS OR PALLET RACKS. KEEP AN ITEMIZED PROPERTY INVENTORY LOG WITH EACH PROPERTY LOT, AS RECOMMENDED BY THE 2001-2002 GRAND JURY.
- 03-63 LOG ALL PROPERTY AT THE TIME OF COLLECTION, PRIOR TO TRANSFER TO THE CORONER'S OFFICE. A COPY OF THE INVENTORY SHOULD BE KEPT AT THE PUBLIC ADMINISTRATOR'S OFFICE, IN ADDITION TO THE CORONER'S RECORD SO A "BACK-UP" IS CREATED.

03-64 PROVIDE AN ANNUAL INVENTORY OF STORED ITEMS TO THE COURT FOR AUTHORIZATION AND DISPOSAL.

LAW OFFICES OF THE PUBLIC DEFENDER

BACKGROUND

The Law Offices of the Public Defender of San Bernardino County provide reduced or no cost legal representation to persons charged with a crime who claim they cannot afford to retain their own attorney. The department budget for 2002-2003 was \$17.7 million. Legal Assistance will be provided for an estimated 13,000 felony, 31,500 misdemeanor and 4,200 juvenile cases. The department has a staff of approximately 280 employees, including just over 100 attorneys. Members of the Grand Jury toured several County Public Defender branch offices, and interviewed representatives from Public Defender's offices in nearby counties.

FINDINGS

Financial Investigation of Potential Clients of the Public Defender

The Public Defender is usually appointed to represent a defendant during arraignment, when the defendant claims that they cannot afford to retain private counsel. The defendant then pays a \$25 fee, fills out a short form with name, address, social security number and phone number. At the end of the trial, defendants are supposed to attend a hearing to determine if they could have afforded a private attorney; however, in the vast majority of cases, judges simply waive the hearing and levy a small assessment, which often goes unpaid. The Public Defender conducts no investigation of any kind into its clients to determine if they are indigent and qualify for the Public Defender's services.

The Public Defender can, in some instances, be appointed to represent defendants who are able to retain their own attorneys.

Other counties take steps to assure Public Defenders are appointed only to represent defendants who are truly indigent. Los Angeles County defendants are required to fill out a one-page financial disclosure form to determine if they are genuinely indigent. Employees of the Public Defender in Orange County interview

defendants prior to arraignment and appointment to ascertain, among other things, their financial situation. In San Diego County, the courts require defendants to fill out a financial screening questionnaire.

While the Grand Jury has recommended in prior years that the Public Defender attempt to ascertain the financial situations of their clients, the Board of Supervisors response has been that it is illegal for the Public Defender to investigate its own clients. However, prior to having a Public Defender appointed, a County agency can investigate the defendant's financial status.

The Probation Department's Pre-Trial Detention Review Unit investigates all persons charged with a crime in the County. This investigation often includes examining the defendant's financial status in an effort to determine his or her flight risk - specifically, whether or not the accused is currently employed. This information could easily be used to determine whether or not a person could afford to retain their own private attorney to represent them. However, there is no apparent communication between the Pre-Trial Detention Review Unit and the Public Defender.

Facilities

Members of this Grand Jury made the following observations during tours:

- The Barstow office space is insufficient for the Public Defender's needs. One attorney has an "office" in a hallway next to the records storage area, which makes it impossible to have confidential meetings with clients. Two clerks and a receptionist currently share office space designed for one person. In addition to creating a difficult working environment, the space conditions represent a serious safety hazard.
- The Needles office of the Public Defender is inadequate. The attorney's office is the size of a small closet, and the part-time investigator has no office space.
- The former law library space at the Rancho Cucamonga courthouse (known as the Foothill Communities Law and Justice Center) has been vacant for the last two years. The Public Defender staff stated that the space would be ideal for use by the Public Defender's West Valley Juvenile Division. The Board of Supervisors response to the 2001-2002 Grand Jury recommendation stated that the County would find a use for the space; to date it remains empty.

- The West Valley Public Defender's Juvenile Division is inefficiently located one block away from the courthouse in a privately owned, leased facility.
- The Juvenile Division's San Bernardino office is insecure. In all other offices we visited, the public waiting area consisted of a separate room, with receptionists in an adjacent room separated by glass; members of the public had to be "buzzed in" to the rest of the office.

Indigent Defense Fund

The Indigent Defense Fund pays for attorneys appointed by the court to represent indigent criminal defendants when the Public Defender cannot provide representation. The court administers the fund, which was budgeted for \$9.6 million this year, and negotiates the contracts with private attorneys. As a result, the County has no control over how the money is spent and the court has no incentive to assure that the money is being spent wisely and economically.

The Effect of Budget Cuts on the Public Defender and the County's Overall Indigent Defense Cost

Given the current financial situation of the County as a result of proposed State budget cuts, the Board of Supervisors has required most departments to reduce their budget targets by 30 percent for next year. While this might seem at first glance to significantly reduce the County's expenses, in the case of the Public Defender such a substantial cut would, in all likelihood, actually increase the County's overall indigent defense cost. The County is legally mandated to provide adequate legal representation to all indigent persons charged with a crime. While the Public Defender represents most of the County's indigent criminal defendants, there are some instances in which the Public Defender is unable to provide representation. In this case, the defendant is represented by a court-appointed private attorney at a substantially greater cost to the County. (For a more detailed study of the difference in costs between the Public Defender and County-paid private attorneys, see the included report on the Alternate Public Defender).

A 30 percent cut in the Public Defender's budget would require a reduction in staffing, which would reduce the number of cases the Public Defender could handle by providing an adequate and reasonable

defense. In such a situation, legal ethics require the Public Defender to decline to represent the defendant, requiring the court to appoint a private attorney at the County's expense. If the Public Defender accepted appointments at the same rate, the reduced staffing level would make it impossible to provide an adequate and reasonable defense, which would also increase the County's future costs as cases are appealed and/or retried due to an inadequate defense.

RECOMMENDATIONS

- 03-65 THE PRE-TRIAL DETENTION REVIEW UNIT OF THE PROBATION DEPARTMENT SHARE INFORMATION WITH THE PUBLIC DEFENDER CONCERNING THE FINANCIAL SITUATION OF POTENTIAL PUBLIC DEFENDER CLIENTS.
- 03-66 THE PUBLIC DEFENDER DECLINE TO REPRESENT CLIENTS WHO CAN AFFORD TO RETAIN THEIR OWN ATTORNEY.
- 03-67 EXPAND OR RELOCATE OVERCROWDED PUBLIC DEFENDER OFFICES.
- 03-68 MAKE USE OF THE VACANT FORMER LAW LIBRARY SPACE AT THE FOOTHILL COMMUNITIES LAW AND JUSTICE CENTER (RANCHO CUCAMONGA COURTHOUSE).
- 03-69 IMPROVE SECURITY BETWEEN THE PUBLIC AND EMPLOYEES' AREAS AT THE JUVENILE DIVISION'S CENTRAL OFFICE.
- 03-70 THE COUNTY ASSUME CONTROL OF THE ADMINISTRATION OF THE INDIGENT DEFENSE FUND.
- 03-71 REFRAIN FROM REDUCTIONS IN THE PUBLIC DEFENDER'S BUDGET WHEN SUCH BUDGET REDUCTIONS INCREASE COUNTY EXPENSES ELSEWHERE.

ALTERNATE PUBLIC DEFENDER OFFICE

BACKGROUND

The County of San Bernardino is constitutionally mandated to provide legal counsel to persons charged with a crime who cannot afford to retain a private attorney. In the majority of cases, the county's Public Defender represents these indigent defendants. In some cases, however, the Public Defender cannot represent a particular defendant due to a conflict of interest. In most instances, conflicts of interest arise in cases involving multiple defendants or where a defendant is a witness in another case. When the Public Defender declares a conflict, the court appoints a private attorney at the County's expense. These court-appointed private attorneys constitute what is generally known as the Conflicts Panel.

Under the direction of the 1995-1996 San Bernardino County Grand Jury, the Harvey M. Rose Accountancy Corporation conducted an audit of the County's indigent defense costs. This audit found that the Conflicts Panel was substantially more expensive, on a cost-per-case basis, than the Public Defender. The primary recommendation of the audit was that the County study the feasibility of establishing an Alternate Public Defender's office (APD). The APD would function the same as the regular Public Defender's office, but would be able to take cases on which the Public Defender had declared a conflict. The APD would be an entirely separate law firm with its own offices and records, physically separated from the Public Defender's office. Ideally, the APD's expenses and overhead costs would be roughly comparable to the Public Defenders, so their costs per case would also be about the same. This would be much less expensive than continuing to pay private attorneys on the Conflicts Panel. To date, however, the County has not conducted any studies on the feasibility of creating an Alternate Public Defender as a way of reducing indigent legal defense costs.

FINDINGS

In the 2000-2001 fiscal year, the County Public Defender represented indigent defendants charged with a total of 11,547 felonies, 26,893 misdemeanors, and 5,111 juvenile delinquency charges. These 56,433 cases were handled at a cost of \$14.8 million. The Conflicts Panel represented defendants charged with

approximately 4,800 felonies, 2,800 misdemeanors, and 2,600 juvenile delinquency charges. These 10,200 cases were handled at a cost of \$9.4 million.

On a cost-per-case basis, the Conflicts Panel is far more expensive than the Public Defender. Although the contract attorneys handled only 18 percent of all criminal defendants in the 2000-2001 fiscal year, they represented 39 percent of the County's total indigent defense cost. The average cost per case in that year for felonies was \$615 for the Public Defender and \$1,047 for the Conflicts Panel; for misdemeanors, it was \$174 and \$343, respectively. This cost differential represents a substantial drain on the County's financial resources.

This problem is not unique to San Bernardino County. During the 1990's, a number of counties throughout the state created Alternate Public Defenders to reduce indigent defense costs. The first county to do so was San Diego in 1990. In its first year of operation, the Alternate Public Defender saved the taxpayers of San Diego County an estimated \$1.7 million.

Los Angeles County spent \$56.6 million on indigent legal defense in Fiscal Year 1989-90. Although that county's equivalent of the Conflicts Panel represented only ten percent (10%) of the criminal defenses that year, it accounted for \$26.6 million (47 percent) of the indigent legal defense costs. Los Angeles County followed San Diego County's lead in creating an Alternate Public Defender in 1993, on the recommendation of the Los Angeles County Grand Jury.

Los Angeles County, concerned that judges might not appoint the Alternate Public Defender and instead continue appointing private attorneys at the county's expense, succeeded in lobbying the State Assembly to amend Penal Code Section 987.2 to require judges to appoint the Alternate Public Defender in cases where the Public Defender had declared a conflict of interest, in 1993 (AB 1170 – Epple).

In 1994 Orange County's equivalent of the Conflicts Panel was costing nearly six times as much as the Public Defender on a cost-per-case basis. Faced with a serious financial scandal that sent the county into bankruptcy, the Orange County Board of Supervisors ordered the creation of an Alternate Public Defender to save money on indigent legal defense costs. In its first year of operation, the Alternate Public Defender of Orange County saved approximately \$6.3 million, and was up and running within ten (10) days of its establishment.

Additional cost savings in these counties have also been realized by pooling resources between the Public Defender and Alternate Public Defender where legally permissible. For example, combined training programs, sharing the costs of expert witness testimony and technical support.

RECOMMENDATION

03-72 COUNTY OF SAN BERNARDINO CREATE AN ALTERNATE PUBLIC DEFENDER OFFICE TO HANDLE THE LEGAL DEFENSE OF INDIGENT DEFENDANTS IN CASES WHERE THE PUBLIC DEFENDER HAS DECLARED A CONFLICT OF INTEREST AND BEEN REMOVED AS LEGAL COUNSEL.

SHERIFF INCLUDING NEEDLES OFFICES OF THE SHERIFF AND PUBLIC DEFENDER

BACKGROUND

The following areas of the Sheriff's Department were reviewed or investigated:

- The 2002-03 approved final budget as it pertained to the Sheriff
- SB 90 compliance (SB 90 claims are monies spent by the County on programs mandated by the State and reimbursable to the County)
- Vehicle purchasing policies
- Aviation Division, including aircraft maintenance records
- Megan's Law application as it pertains to public access
- Operation of Sheriff's substations
- Tour of detention facilities

During this Grand Jury's tenure, several policy and procedure changes were made (i.e.: vehicle purchasing policy and Megan's Law application), which satisfied any concerns that may have been addressed.

An ad hoc committee, entitled "Needles Special Project", was formed by this Grand Jury to look into County operations/services as they pertain to the City of Needles. As part of this inquiry the Sheriff's Department and Public Defender's office in Needles were looked at. Since these portions of the Needles Special Project Ad Hoc Committee report fall under the umbrella of the Law and Justice Committee, findings and recommendations are repeated herein.

FINDINGS

The Public Defender's office in the City of Needles is very small and cramped. The clerk's office area is also very small and, with increased filings for the past three years, the workload and limited workspace are detrimental to an efficiently run Public Defender's office. In the year 2000 there were 81 felony and 359 misdemeanor cases filed in Needles; 2001 showed 106 felony and 375 misdemeanor cases, and 2002 had 132 felony and 450 misdemeanor cases filed. In the first two and one-half months of 2003, there have been 36 felony and 69 misdemeanor cases filed.

In the Needles City/County complex, the County owns three buildings and the City owns the fourth. The County is leasing 4,800 square feet of the city-owned building as part of a booking fee settlement agreement wherein the County received use of the space for seven years. The County currently occupies only 525 square feet of that building. Plans for expanding the County's use of the city-owned building are being developed.

Within the Sheriff's station at Needles there is no client/attorney confidentiality in the interview room. A glass partition separating the client and attorney requires the raising of one's voice, which can be heard in the adjoining interview booth.

There is currently no "video arraignment" or "video conferencing" system operating between the West Valley Detention Center (WVDC) and Needles. The installation of these video systems would reduce transportation costs by allowing the use of a van instead of a bus and potentially one less trip per week to transport inmates. The average annual cost to transport inmates from WVDC to Needles, at the current rate of three round trips per week, is \$403,470.

The County Board of Supervisors approved a request for a grant from the South Coast Air Quality Management District for \$301,284 to install a “video conference” system at WVDC and at branches of the Public Defender’s office.

The County Information Services Department has the infrastructure and capabilities in place to handle a video arraignment and video conferencing system in Needles.

RECOMMENDATIONS

- 03-73 MOVE THE PUBLIC DEFENDER’S OPERATION IN NEEDLES INTO A PORTION OF THE 4,275 SQUARE FEET OF UNUSED SPACE.

- 03-74 INSTALL A PHONE SYSTEM IN THE ATTORNEY/CLIENT INTERVIEW ROOM AT THE SHERIFF’S COLORADO RIVER STATION IN NEEDLES.

- 03-75 INSTALL VIDEO ARRAIGNMENT EQUIPMENT IN NEEDLES TO REDUCE THE COST OF TRANSPORTING INMATES FROM THE WEST VALLEY DETENTION CENTER TO NEEDLES.

- 03-76 USE THE GRANT MONEY REQUESTED FROM THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT TO INSTALL A VIDEO CONFERENCE SYSTEM IN THE NEEDLES BRANCH OF THE PUBLIC DEFENDER’S OFFICE.

INSPECTION OF PUBLIC PRISONS BY COUNTY GRAND JURY

BACKGROUND

All of the Grand Juries of San Bernardino County have, in the past, visited the State prisons within the County during their term of office.

This Grand Jury will inspect one or more of the State prisons during its term.

FINDINGS

Penal Code Section 919(b) states:

“(b) The Grand Jury shall inquire into the condition and management of the public prisons within the county.”

The word shall in Section 919(b) makes the investigation mandatory; therefore the Grand Jury must inspect the prisons within the County.

The Grand Jury is the investigative arm of the Superior Court with jurisdiction to make recommendations as to the operation of County government.

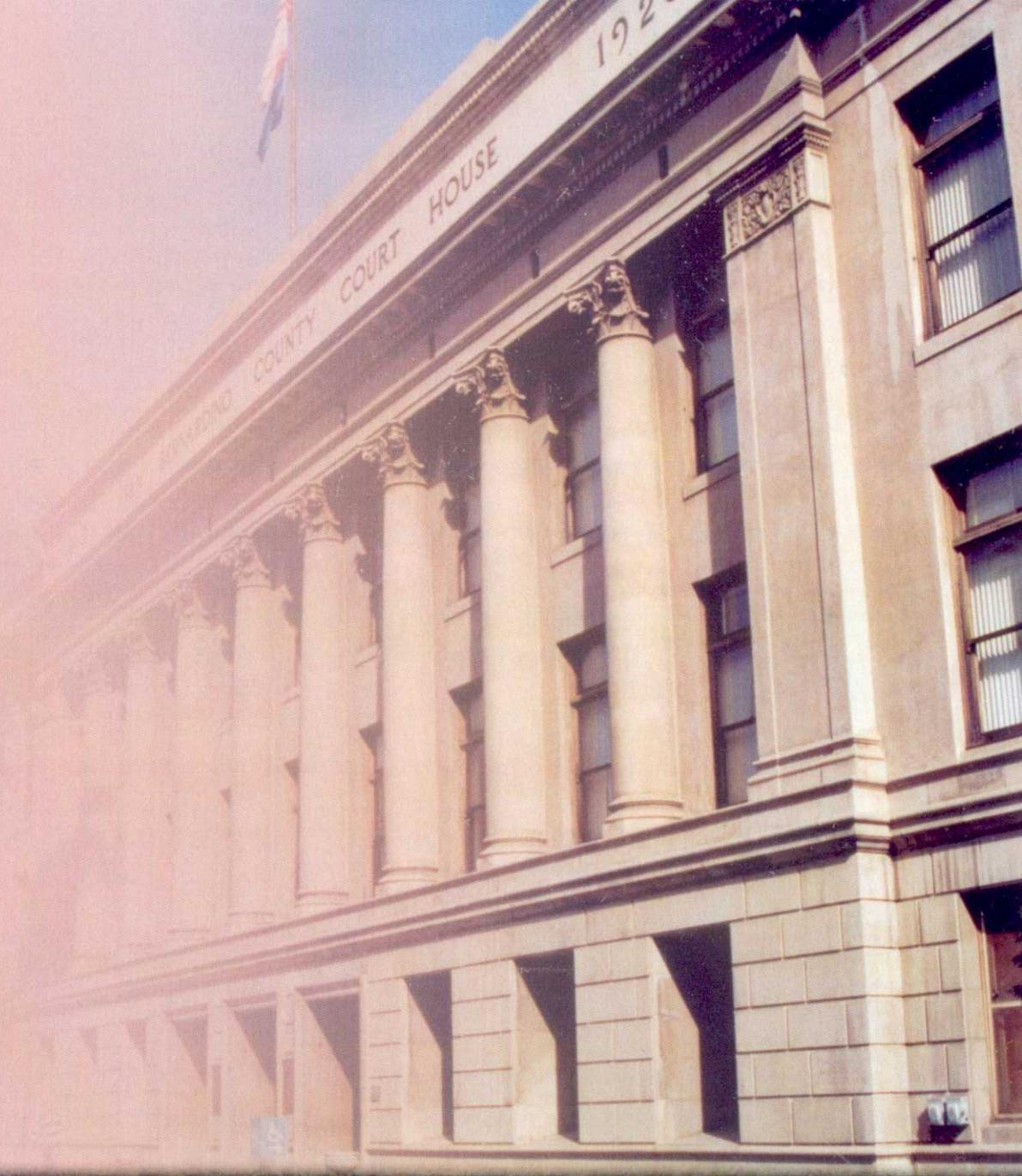
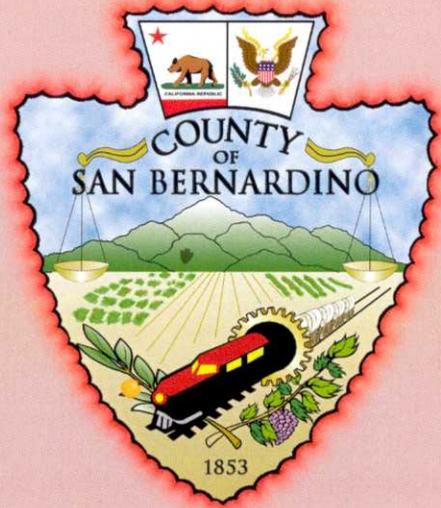
The Department of Corrections, which operates the State prisons, is an agency of the State government and the Grand Jury has no jurisdiction over a State department.

There are many persons who see a necessity for a Statewide Grand Jury.

Law requires that the Grand Jury is to inspect the State prisons but cannot recommend any changes or improvements as to their operation even though the County pays for the Grand Jury's inspection. The State Legislature can, by amending the Penal Code, give Grand Juries the authority to investigate and make recommendations to the Board of Corrections to which they would have to respond.

RECOMMENDATION

03-77 THE BOARD OF SUPERVISORS SEEK LEGISLATIVE CHANGES TO PENAL CODE SECTION 919(b) TO GIVE COUNTY GRAND JURIES JURISDICTION TO MAKE RECOMMENDATIONS REGARDING STATE PRISONS WITHIN THEIR COUNTY, AND REQUIRE THE STATE DEPARTMENT OF CORRECTIONS TO RESPOND TO THOSE RECOMMENDATIONS.



AD HOC COMMITTEE ON DISASTER PREPAREDNESS



AD HOC COMMITTEE ON DISASTER PREPAREDNESS

BOB WALLACE, NATHANDRA JOSEPH, BILL DINEEN, JOYCE SYLVESTER,
JOSE MARTINEZ, LEN SOPER, MEL KORNBLATT, FRANK REILLE (CHAIR)

AD HOC COMMITTEE ON DISASTER PREPAREDNESS

The Ad Hoc Committee on Disaster Preparedness was established to assess how well the County was prepared to handle disasters.

County Risk Management was reviewed, as was their manual. The manual was comprehensive in outlining how to handle all types of emergencies and how to train people to react. It was determined that no further action was required.

The Central Courthouse was reviewed with the Sheriff, who has jurisdiction over emergency procedures. There are periodic drills conducted to maintain a high level of alertness and, based on the interview, it was determined no further action was required.

The Office of Emergency Services, and its Emergency Operations Center were visited and reviewed. The total operation appears to be maintained at a very high level. There is one condition that is addressed in the report that follows.

OFFICE OF EMERGENCY SERVICES

BACKGROUND

“The mission of the San Bernardino County Fire Department/Office of Emergency Services (OES) is to help prepare the communities and citizens of San Bernardino County Operational Area for the impacts of emergencies and disasters both natural and man-made. Emphasis at OES is placed on education of the public, coordination and communication of essential information, proactive customer service, and effective planning measures for response, recovery and mitigation from disasters.”

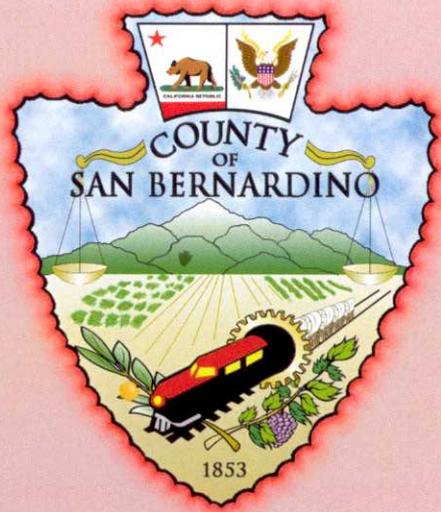
FINDINGS

The Office of Emergency Services (OES) has what is called a “unified command”, wherein each agency involved in an incident manages itself, but works through the coordinator if there are needs for assets elsewhere.

Assigned personnel from County departments staff the Emergency Operations Center (EOC) when an incident occurs. The personnel are notified by phone or pager, depending on the time of day, to staff the EOC. The EOC may provide logistical support to an incident depending on the needs of agencies such as County Fire, Sheriff, the Road Department, etc., working an incident.

RECOMMENDATION

03-78 ESTABLISH A CENTRAL COMMANDER/MANAGER TO ENSURE THAT ALL AGENCIES INVOLVED IN A DISASTER/EMERGENCY RECEIVE DIRECTION FROM ONE SOURCE.



NEEDLES SPECIAL PROJECT



NEEDLES SPECIAL PROJECT

BILL DINEEN (CHAIR), BOB WALLACE, LEN SOPER, JOYCE SYLVESTER, VIRGINIA MARTINEZ,
RON LAWRENCE. NOT PICTURED: HANS DAHMEN, JOSE MARTINEZ AND FRANK REILLE

NEEDLES SPECIAL PROJECT

BACKGROUND

The Needles Project evolved from the Grand Jury's tour of Needles County facilities in October 2002. It was evident that there were areas that should be looked into. A special projects committee was appointed and divided into three subcommittees:

- (1) Economic Development to look at economic concerns
- (2) Health and Human Services to inquire about the availability of medical services, including transportation services for the ill.
- (3) Law and Justice to examine the Public Defender's office and Sheriff's Department to see if any improvements could be initiated or transportation costs reduced.

FINDINGS - ECONOMIC DEVELOPMENT

A Needles City Council member and the City Manager were visited. The San Bernardino County Economic Development and Business Resources Manager is working with the City of Needles on a four stage participatory strategic planning process to identify and understand the economic problems of the area.

The County hired a consultant to help identify problem areas and find solutions. They are desperately trying to attract new business but the prospects are slim, as they don't have much to give as incentives. There is plenty of water and cheap power, but their labor pool is shy of skilled workers and it is difficult to compete with the low wage scale of neighboring Arizona.

The City of Needles is looking into legislation to improve the area with supportive programs. The First District County Supervisor and the area State Assemblyman are also working closely with the city to try and improve economic conditions.

The County is improving the parks around Needles, Moabi Regional Park in particular, to attract more recreational income and travelers.

RECOMMENDATION

03-15 THE COUNTY ECONOMIC DEVELOPMENT DEPARTMENT AND THE FIRST DISTRICT COUNTY SUPERVISOR FOLLOW UP ON THE FIVE-YEAR STRATEGIC PLAN THAT HAS BEEN PUT IN MOTION AND DETERMINE WHAT PROGRESS IS BEING MADE.

FINDINGS – HEALTH AND HUMAN SERVICES

The City of Needles has a population of 4,830, of which 1,303 citizens are on disability (25 percent of the population). The median income for Needles is \$26,108. There is no available home health care. There are no hospice programs. There is no home-based food program. There is very limited affordable housing.

Meetings with the Department of Aging and Adult Services, Public Health and a private practice physician reflect the following:

The Department of Aging and Adult Services (DAAS) conducted a needs assessment in the year 2001. This department worked with the State Independent Living Center's executive director to convene a Tri-State meeting (Nevada, California, Arizona) to assess a way to address resident issues in the Tri-State area. One problem is the lack of access to medical services because only one physician in Needles accepts Medi-Cal as health insurance, creating the problem of having to transport clients needing medical services to the Arrowhead Regional Medical Center (ARMC) in San Bernardino.

The Needles hospital (Colorado River Medical Center) does accept Medi-Cal clients, however, the physicians do not. Therefore, Medi-Cal clients can receive emergency treatment only and those clients requiring non-emergency services are referred to ARMC.

At the second tri-state meeting, DAAS and the Department of Behavioral Health (DBH) volunteered to contact the various medical services providers in the Tri-State area to solicit their reasons for not accepting Medi-Cal and to inquire as to what changes were needed so that they would be willing to become Medi-Cal providers. The committee continues to work on this problem.

In the year 2002, DAAS social workers and Public Health registered nurses spent 417 hours transporting patients not given medical care in the Needles area. Public Health (PH) has since obtained a grant for a van and a driver, which partially alleviates the problem. This also returns the professionals to their primary function of caring for the patients' issues. However, the van is not available for the general population. Only clients linked specifically to PH programs are able to access transportation services to out-of-area doctors. DAAS is currently negotiating with PH to establish a Memorandum of Understanding (MOU) to share costs, thus enabling DAAS clients' access to this transportation service. However, even with a DAAS and Public Health MOU in place there will still remain a population underserved.

Behavioral Health described feelings of frustration due to: (1) large patient caseload; (2) difficulty in obtaining appropriate medications; and (3) delays in obtaining necessary equipment for the totally disabled. Behavioral Health does have a video link with psychiatrists in San Bernardino.

At the Public Health Clinic the personnel, one Registered Nurse (R.N.) and one clerk, are scheduled four 10-hour days per week. Patients are scheduled every 10-15 minutes, plus they take walk-ins. Every other week a Nurse Practitioner is available 1.5 days. The R.N. sees many older or needy patients at Big River once a month and tracks 80+ patients with health problems in aging programs. This R.N. is also on the Drug Court Team as well as providing Public Health programs for this area such as primary care, reproductive health, sexually transmitted diseases, HIV follow-up, TB follow-up, the Special Nutrition Program for Women, Infants and Children (WIC) program, pregnancy and pap smears. The capability of doing colposcopies (cervical exam under magnification) would alleviate travel to San Bernardino or Victorville and return results quickly. Public Health also has the school nurse contract.

The Public Health Department has video link equipment by which patients could be interviewed by an M.D., however this has not been connected. This would reduce travel time for patients.

Only recently has Needles acquired a dentist who will accept Medi-Cal. However, his practice is limited to adult Medi-Cal clients only. Children were referred out to the Victorville area. Recently a dentist in Bullhead City, Arizona area (within 20 miles) has agreed to accept children and Medi-Cal recipients.

A visit to a private physician's clinic that does accept Medi-Cal was made. This doctor stated that although the private hospital in the area does accept Medi-Cal, other physicians in the area do not. He explained that the very slow turnaround time for payment and low payment were the primary reasons. This physician is taking a second physician into the clinic this summer; an internal medicine specialist who he hopes will relieve his time with the heavy Medi-Cal practice.

RECOMMENDATIONS

- 03-35 FORM A LIAISON BETWEEN COUNTY OFFICIALS AND HEALTH CARE PROFESSIONALS TO ADDRESS THE MEDICAL PROBLEMS IN THE CITY OF NEEDLES.
- 03-36 PROVIDE THE SERVICES OF A NURSE PRACTITIONER IN NEEDLES EVERY WEEK.
- 03-37 PROVIDE COLPOSCOPY EQUIPMENT AT THE NEEDLES PUBLIC HEALTH CLINIC SO THAT PATIENTS COULD BE DIAGNOSED AND TREATED WITHOUT LONG DISTANCE TRAVEL AND A PROLONGED WAIT FOR RESULTS.
- 03-38 EXTEND SOCIAL SERVICES, COMMUNITY SERVICES AND DEPARTMENT OF AGING AND ADULT SERVICES TO PROVIDE HOSPICE, HOME HEALTH AND HOME-BASED FOOD PROGRAMS IN NEEDLES.
- 03-39 CONNECT THE VIDEO LINK EQUIPMENT FOR THE PUBLIC HEALTH DEPARTMENT IN NEEDLES.

FINDINGS - LAW AND JUSTICE

The Public Defender's office in the City of Needles is very small and cramped. The clerk's office area is also very small and, with increased filings for the past three years, the workload and limited workspace are detrimental to an efficiently run Public Defender's office. In the year 2000 there were 81 felony and 359 misdemeanor cases filed in Needles, 2001 showed 106 felony and 375 misdemeanor cases, and 2002 had 132 felony and 450 misdemeanor cases filed. In the first two and one-half months of 2003, there were 36 felony and 69 misdemeanor cases filed.

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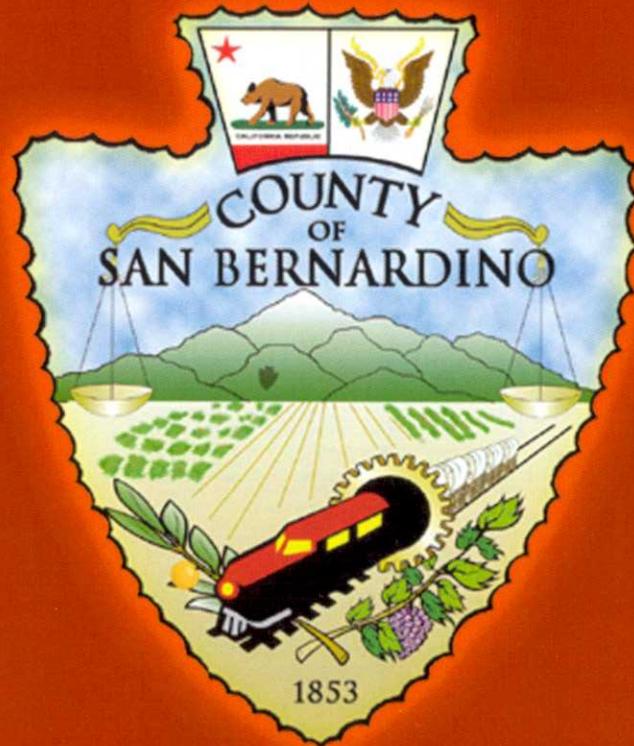


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GRAND JURY



Final Report

2002 - 2003