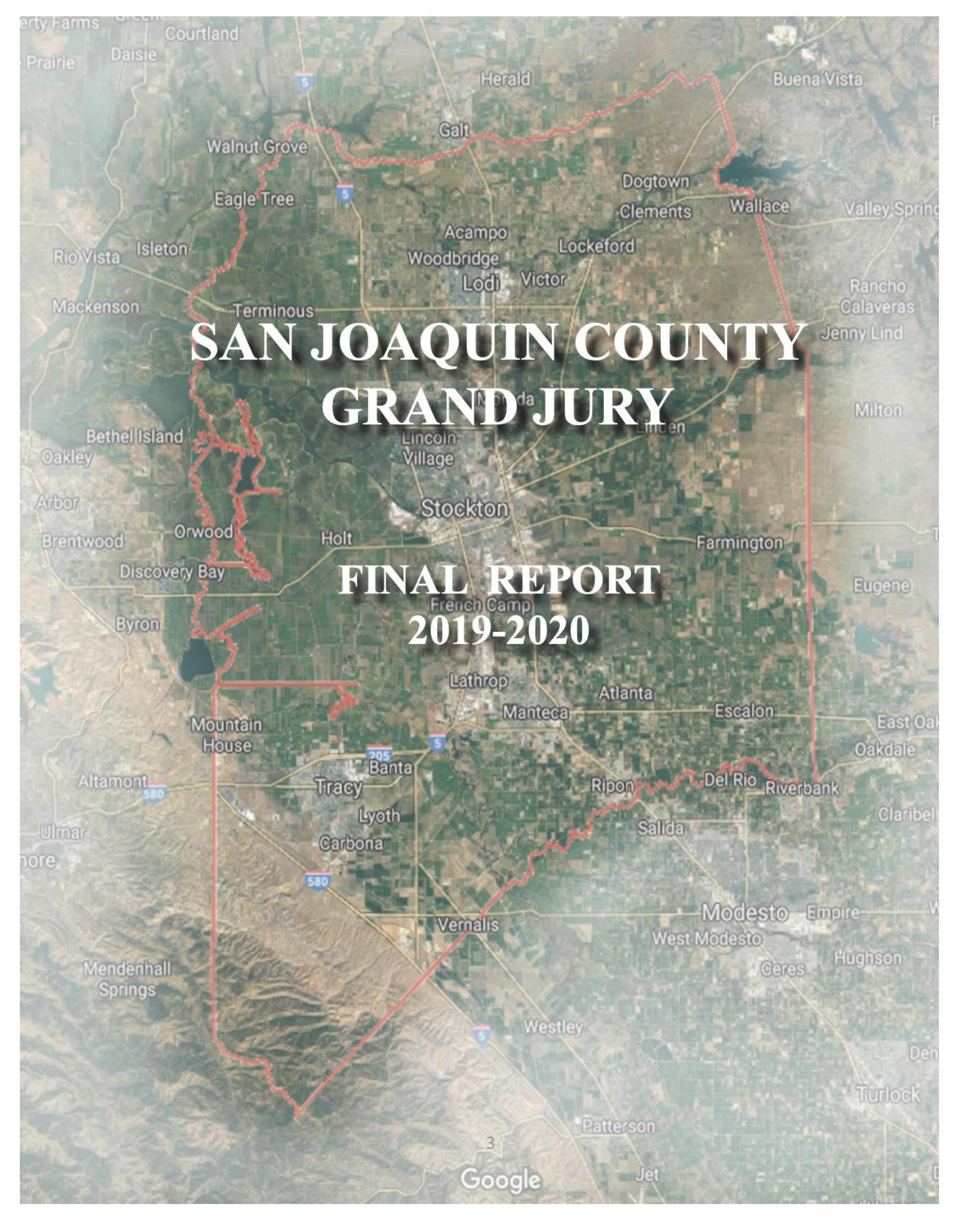


SAN JOAQUIN COUNTY
GRAND JURY
FINAL REPORT
2019-2020

Outside cover





SAN JOAQUIN COUNTY GRAND JURY

FINAL REPORT 2019-2020

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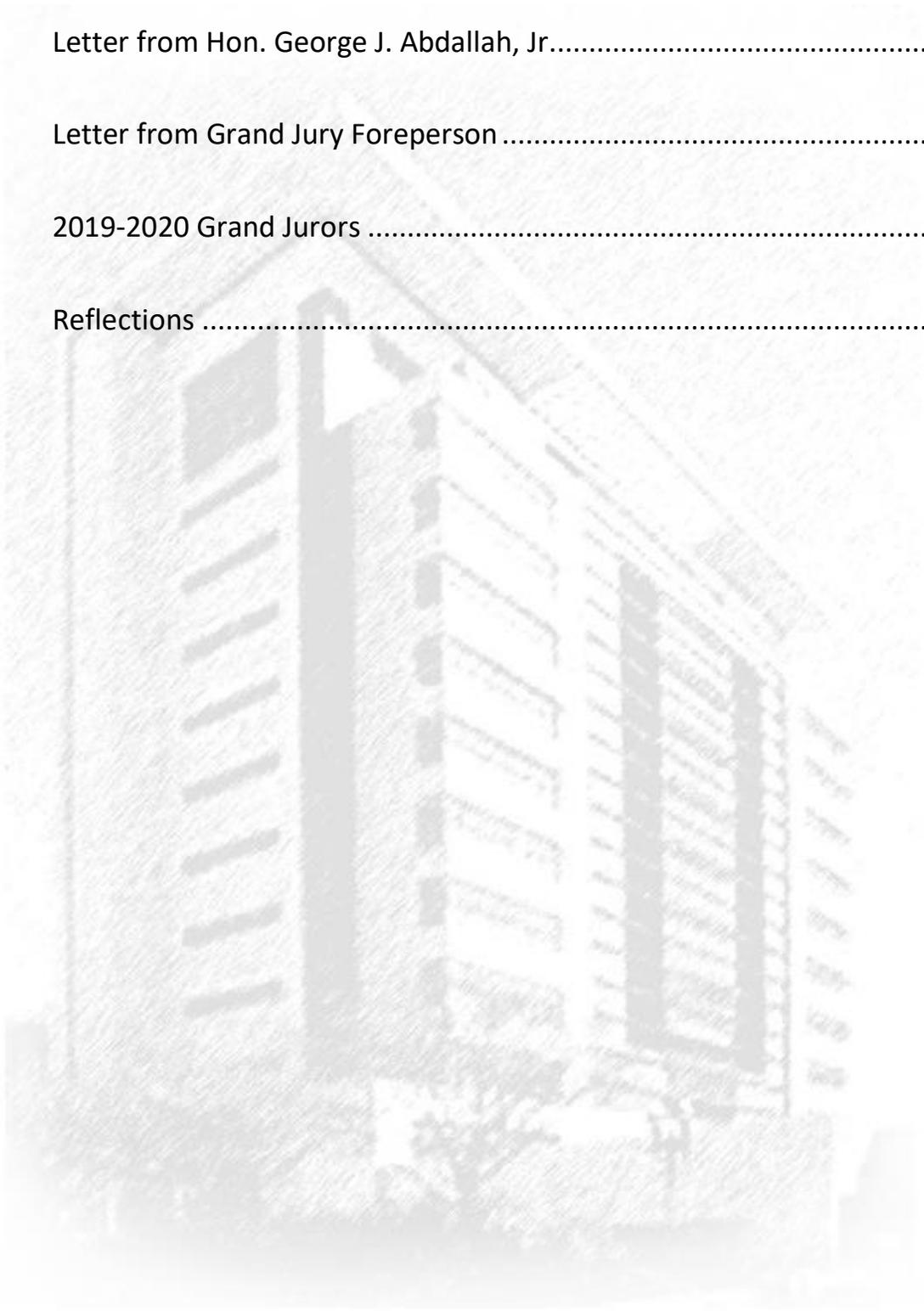
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INTRODUCTION



Superior Court of California, County of San Joaquin

180 E. Weber Avenue, Ste. 1306J

Stockton, CA 95202

Telephone: (209) 992-5695

August 17, 2020

The Superior Court of California, County of San Joaquin thanks and commends the 2019-2020 Grand Jurors for their conscientious efforts on behalf of all San Joaquin County citizens. The Grand Jurors undertook and completed their duties with great industry, intelligence and care.

The Grand Jury is composed of qualified individuals who applied for membership, those drawn from the community and individuals nominated by community leaders. The chosen citizens serve as an independent body under the court's authority. The 2019-2020 San Joaquin County Grand Jury now takes its place in a long history of citizen involvement in civic life which was born in the English Common Law of 1166, adopted during the American Colonial period and codified in California in the 1880's. The 2019-2020 Grand Jurors' thoughtful and constructive recommendations will help ensure the highest quality civic life to which all citizens are entitled. The 2019-2020 Grand Jurors deserve special thanks for their extended service through July and August 2020. The Grand Jurors showed resourcefulness and tenacity in fulfilling their duties in the face of increasing obstacles created by the current pandemic. The Grand Jury foreperson, Mr. Gary Cooper, demonstrated his outstanding leadership skills in guiding his fellow grand jurors through their many challenges.

As the Grand Jury Advisor and Supervisor, it has been my privilege to review the work of the 2019-2020 Grand Jury. The Grand Jurors also received well considered advice from their highly experienced Advisors, County Counsel Mr. Mark Myles, the Assistant District Attorney Mr. Scott Fichtner and the invaluable assistance of the Superior Court administrator, Ms. Trisa Martinez. Among their accomplishments, the Grand Jurors undertook consideration of the County's growing, needy and vulnerable homeless population and the legal representation provided to indigent defendants who appear before the courts. The Grand Jurors also made careful efforts to follow through on the work of their predecessors thereby assuring the community that the San Joaquin County Grand Jury as an institution sustains its role in the County's civic life. The Grand Jury Final Report educates the public through well written accounts of the work, findings and recommendations of these devoted citizens. The Grand Jurors' recommendations are deserving of careful consideration by government officials and the citizenry.

The efforts, commitment, collective wisdom and experience of these dedicated individuals will continue to better the civic life of all San Joaquin County residents. To each member of the 2019-2020 San Joaquin County Grand Jury, for your many accomplishments, the Superior Court extends its congratulations and gratitude.

Hon. George J. Abdallah, Jr.
Supervising Judge of the San Joaquin County Grand Juries



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

August 10, 2020

Honorable Xapuri B. Villapudua
Presiding Judge
Superior Court of California
County of San Joaquin
180 E. Weber Avenue, Suite 1306J
Stockton, CA 95202

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

Dear Judge Villapudua and Judge Abdallah,

On behalf of the 2019-2020 San Joaquin County Civil Grand Jury, I am honored to present to you the San Joaquin County Civil Grand Jury's Final Report.

This report reflects the collective work of citizens of San Joaquin County who spent countless hours focused on developing a report based on numerous complaints submitted to the Grand Jury. The Grand Jury also determined on its own there were other governmental agencies within the county that warranted an investigation. Our objective was to ensure these governmental entities are effective, efficient, transparent, and are operating in a manner that shows fiduciary responsibility. The investigations in this final report are based on information from numerous interviews, reviewing hundreds of pages of documents, and site visits. The Grand Jury was able to develop findings and recommendations based on information learned during these investigations.

The Grand Jury completed mandated site visits to facilities in the county. Members of the Grand Jury also spent time with many of our essential frontline service providers and first responders. These are selfless individuals that we are extremely fortunate to have in our county.

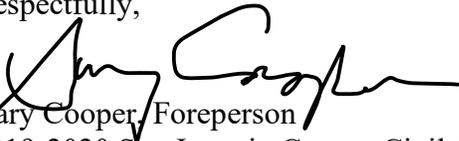
This year was especially challenging due to the coronavirus pandemic. Once COVID-19 began to impact our community, the Grand Jury, as well as almost every other public agency, could no longer conduct business as usual. Yet, even as we had to embrace new ways of conducting interviews and investigations, the Grand Jury members remained diligent in their collective efforts. I came to really appreciate the skills, talent, and commitment of each member of this year's Grand Jury. The jury worked as a team; even as virtual communication became the norm for conducting business. The 2019-2020 Civil Grand Jury has shown that determined people working together can overcome

almost any obstacle. I thank each Grand Jury member for all that you've done to contribute to this year's report.

We all offer our thanks for the support we received from Assistant District Attorney Scott Fichtner and County Counsel Mark Myles. Without their support, our efforts would have been nearly insurmountable. We also give a very special thanks to Trisa Martinez, Judicial Secretary/Grand Jury Staff Secretary. There are no words to fully explain how much we appreciate all that Trisa does to support the Grand Jury.

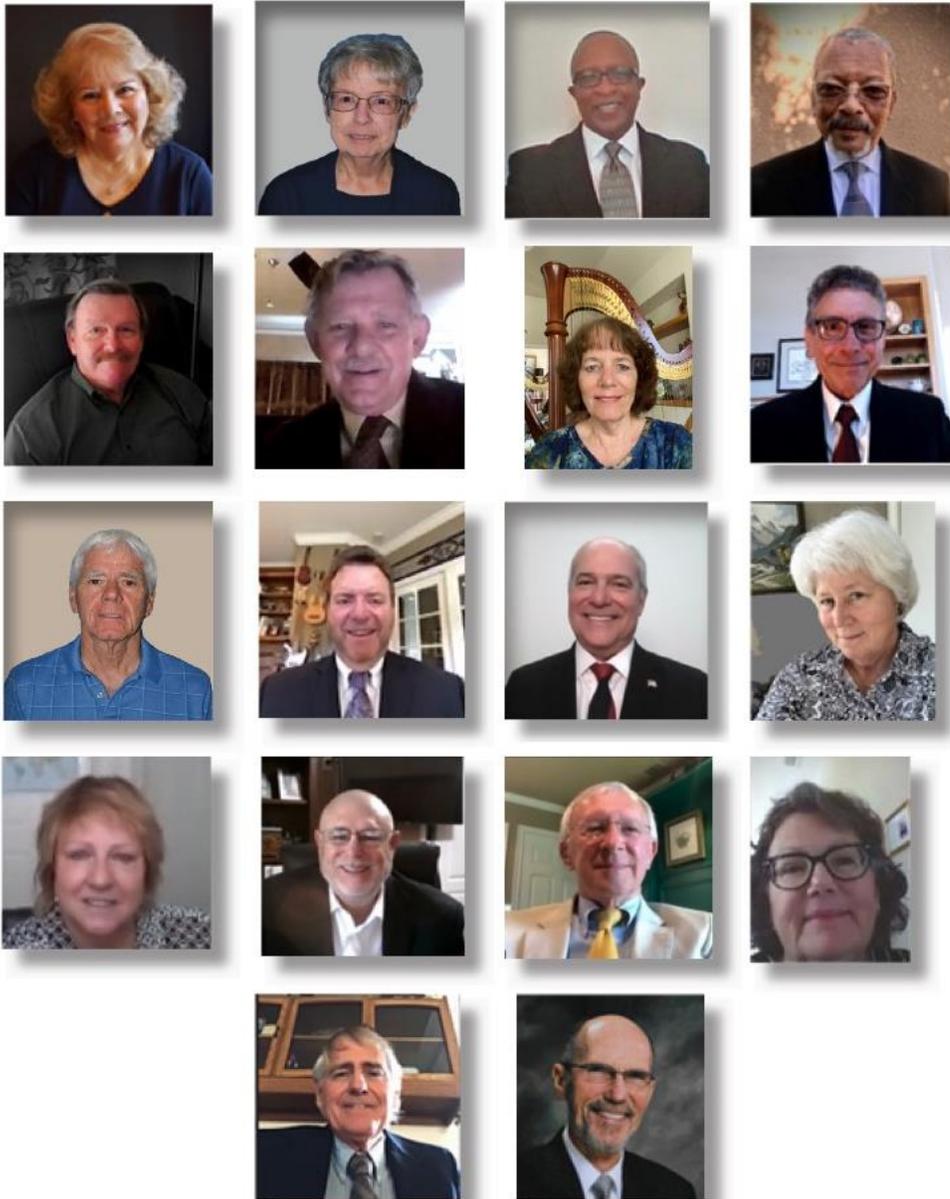
I thank the Honorable Judge George J. Abdallah, Jr. for allowing me the honor and privilege to serve on this year's Grand Jury. This experience has been extremely fulfilling.

Respectfully,

A handwritten signature in black ink, appearing to read "Gary Cooper". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gary Cooper, Foreperson
2019-2020 San Joaquin County Civil Grand Jury

2019-2020 San Joaquin County Civil Grand Jurors



Top Row: Genevieve Borsdorf, Sergeant-at-Arms Linda Bradshaw, Foreperson Gary Cooper, Stephen Davis

Second Row: Vice Foreperson Ward Downs, Roger Easterly, Cynthia Fauré, Tom Horsley

Third Row: Lynn King, Robert Kolber, Brent Lesovsky, Dottie Lofstrom

Fourth Row: Christiane McAuliffe, Dave Moreira, James Sepiol, Secretary Denise Snider,

Bottom Row: Harry Welte, Ralph Womack

Not Pictured: Yvon Varo

Reflections from Individual 2019/2020 Members of the Grand Jury

Serving on the 2019-2020 Grand Jury has been a lot of work. However, working alongside 18 dedicated citizens has been very rewarding as we worked hard, created bonds, and established life-long friendships. We worked together as a team while carrying out thorough and detailed investigations. The whole experience has been very rewarding. I sincerely appreciate the opportunity to serve.

Would you like to experience the inner workings of government and effectuate changes for the better? Would you like to be able to directly question the people who make the decisions that affect us all? Would you like to open the newspaper and read about someone in the headlines you just met on a confidential basis? If the answer to any of these questions is “yes,” the Grand Jury may be for you.

Serving on the Grand Jury meant learning about San Joaquin County departments, meeting top County leaders, and seeing firsthand what it means to be homeless, imprisoned, or racing to a crime scene in a cop car. It meant being on a team of committed citizens investigating topics I care about and producing a report designed to improve the quality of life for all San Joaquin residents. Exhausting, exhilarating, fulfilling, and frustrating, this was a unique experience like no other, and I am grateful.

The experience of a Grand juror is a “boulevard” designed and paved with elements of duty, perseverance, teamwork, rapport, knowledge, and compassion, with an occasional epiphany which leads to understanding and tolerance.

The year of sworn service on the San Joaquin County Grand Jury is a most memorable experience. Upon hearing the various issues that affect our cities and their populace, our mandated obligations and responsibilities are to continue in the pursuit of truth and justice for our citizens.

It has been my pleasure to serve on the Grand Jury this year. I applied to be on the Grand Jury in order to participate in, and better understand, how our local government works. My tenure serving on the Grand Jury was extended and my experience, both in person and on zoom meetings, was different than expected. I see the Grand Jury as an essential body to ensure oversight of County Agencies and service to the public. But I also felt frustration with the limited ability to make any noticeable changes. That said, I was lucky to work with an amazing group of people who volunteered countless hours to make our city better.

Serving as a Grand Juror exposed me to the concerns of the residents of the County, and the Grand Jury's ability to respond to those concerns. Working with the intelligent and motivated jurors of diverse interests and backgrounds was the highlight of the year. Truly an experience I will fondly remember.

Have a keen interest in the inner workings of city and county government and a genuine desire to promote efficient use of tax dollars? Have a sense of adventure and lots of time to spend on what could be akin to a magical mystery tour with unexpected turns and mazes to navigate in the endeavor to reach your ultimate goal? If the answer is "yes" then Grand Jury service should be right up your alley. The process of identifying an issue or addressing a perceived problem, collaborating with fellow jurors, and contributing to a final jury report product provided me with a great sense of accomplishment as well as the opportunity to develop new relationships that I hope to continue.

This year was not my first time to serve, but it was one of the most enjoyable. My fellow jurors worked diligently to produce high quality reports. This was possible because there was a commitment not only to the work, but also to each other. As always, jurors are a curious bunch, eager to learn. What made this year special was the camaraderie that quickly developed and only intensified as the year progressed. Oh, and by the way, we laughed a lot.

I have really enjoyed my Grand Jury experience. The camaraderie and collaboration with intelligent adults from different careers have been one of the highlights. Robust discussions often occurred leading to an eventual consensus. The knowledge I gained throughout the investigations has led to an increased awareness and understanding about human nature, business, and local politics.

Serving on the 2019-2020 Grand Jury was a unique experience that I will always remember. Nineteen citizens collaborated on investigating different topics, working hard and, at the end, writing a detailed report to improve the quality of life for our fellow San Joaquin County residents. The camaraderie established between us as a team was awesome. These are life-long friendships that I will always treasure. I learned so much about my City and County during our scheduled tours and the voluntary Ride-A-Longs. I also genuinely enjoyed meeting the top County leaders and experiencing the inner workings of our government. I sincerely appreciated the opportunity to serve and I am grateful for the experience. I highly recommend others to serve as a Grand Juror if you have the opportunity.

It has been a year of adventure — learning new things, visiting new places, getting to know new people. There should be a college credit in civics for what we have learned about government. It certainly takes more time and commitment than was originally anticipated. Opinions in the jury are diverse and discussions sometimes animated. However, overall there are more ups than downs

and there is great satisfaction in the eventual production of the reports — each one is a victory to celebrate.

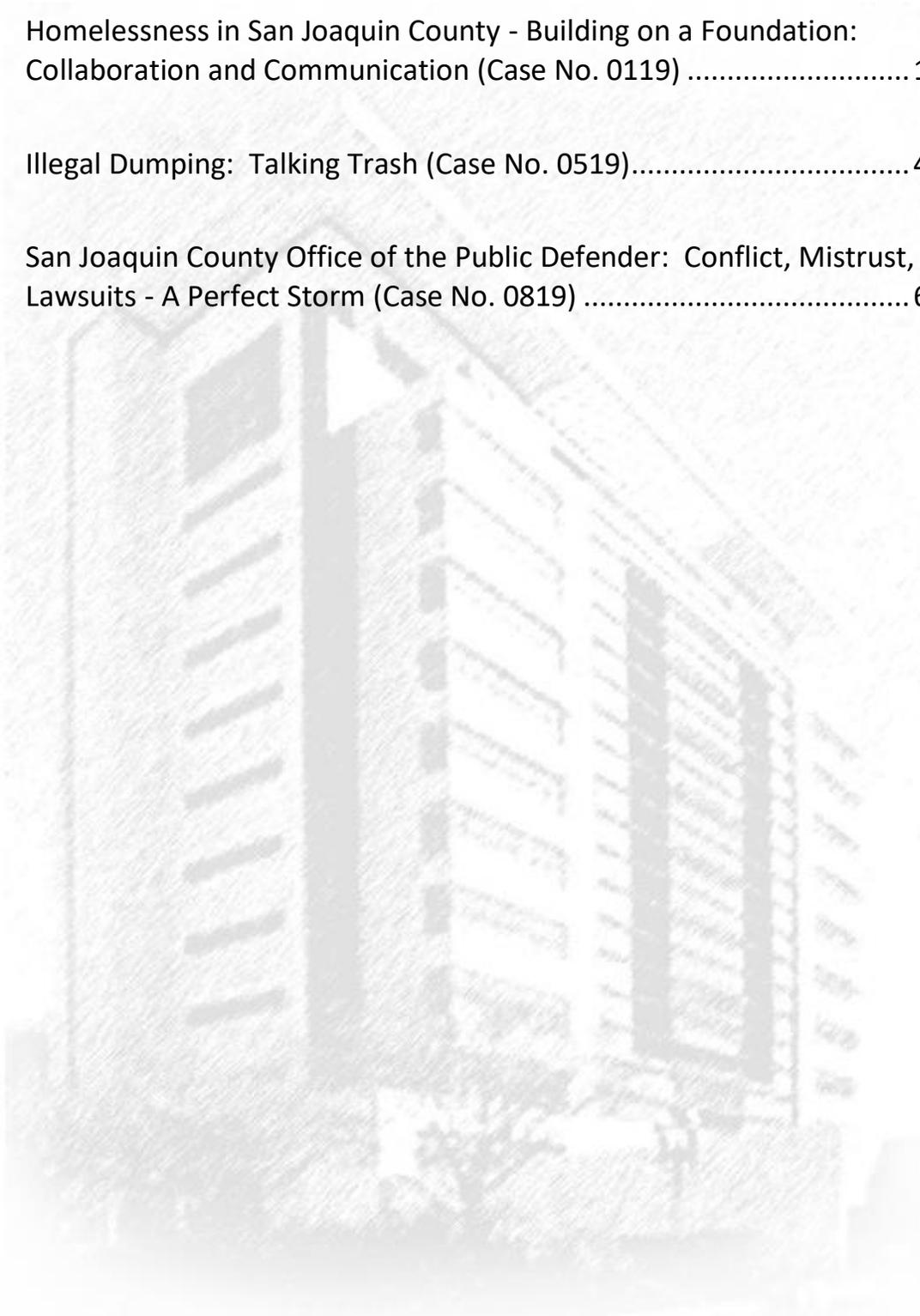
I found out about the Grand Jury completely by accident while at the courthouse for a different reason. Was intrigued, applied, and thought I would be happy to do my civic duty. It turned out to be one of the best learning experiences I have had about local civic government. I wish everybody knew about its availability, not just to serve on it but to use it as a catalyst for change in one's own community. I can honestly say I have become the Grand Jury ambassador for my friends and neighbors – “Something in town not right? Write the Grand Jury!” has become my mantra!

Section II: Investigations

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2019 - 2020 San Joaquin County Grand Jury



Homelessness in San Joaquin County

Building on a Foundation: Collaboration and Communication

Case #0119



Photo courtesy of The Record

Summary

San Joaquin County, under the current Board of Supervisors, is leading the way in pursuing solutions to homelessness in the County. The cities of Stockton and Lodi are active participants in addressing homelessness and have joined with the County in its pursuit of solutions. These efforts are not readily apparent.

In July 2019, the San Joaquin County Board of Supervisors adopted a policy titled *Quality of Life* that established homelessness as an operational priority for all County departments. The Grand Jury evaluated how four departments (Health Care Services, Community Development, Sheriff's Office, and District Attorney's office) implemented the policy. The Grand Jury determined that all four departments are successfully implementing the policy.

The Grand Jury also evaluated how the City of Stockton implements its *Guiding Principles* established in 2017. The Grand Jury determined that Stockton abides by its principles, particularly in the last two years.

Tracy and Manteca have homeless task forces but have not joined with the combined efforts of San Joaquin County, Stockton, and Lodi in supporting the County position of Program Administrator for Homeless Initiatives to provide local leadership for the region. All seven cities have homelessness policies

Communication and collaboration have improved between the County, Stockton, and Lodi since the 2015-2016 Grand Jury published their report on homelessness. These actions resulted in a strong foundation that is likely to lead to continued collaboration and completion of successful projects in the future.

Among the Grand Jury recommendations are an easy-to-read website which would lead to a more-informed public on this topic of interest. Additional recommendations include:

- Petitioning the court to extend Homeless Court;
- Sheriff add four more deputies to the Community Car Program; and
- Cities of Tracy, Manteca, Lathrop, Ripon, and Escalon adopt the Program Administrator for Homeless Initiatives as the homeless coordinator for San Joaquin County.

Glossary

- **CDD:** San Joaquin County Community Development Department; it serves as the fiscal agent for the administration of San Joaquin Continuum of Care ([SJCoC](#)) planning funds and project grants
- **HMIS:** Homeless Management Information System; a local information technology system used to collect client-level data and data on the provision of housing and services to homeless individuals and families and persons at risk of homelessness.
- **Housing First:** An evidence-based approach in which all people experiencing homelessness are believed to be housing ready and are provided with permanent housing immediately and with

few to no preconditions, behavioral contingencies, or barriers. Housing First, consistent with the US Housing and Urban Development Department, was signed into California law on September 29, 2016.

- **HUD:** U.S. Housing and Urban Development Department; a federal department that, as part of its mission, among other things administers homelessness grants.
- **LEAD:** Law Enforcement Assisted Diversion; a program that redirects individuals from criminal justice system involvement into community-based social, health, and behavioral services. The San Joaquin LEAD team consists of representatives from the Stockton Police Department, San Joaquin County District Attorney's Office, County Behavior Health Services, Community Medical Center, and the Public Defender's Office.
- **Plain Language:** Writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or intended audience (Plain Writing Act of 2020, October 13, 2010).
- **SJCoC:** San Joaquin Continuum of Care; a local program required by HUD to provide leadership and effective stewardship of resources, as well as to facilitate community planning, design, and implementation of programs critical to ending homelessness in San Joaquin County.
- **Stockton PD:** Stockton Police Department.

Background

The 2015-2016 San Joaquin County Grand Jury published *Homelessness in San Joaquin County: Time for Collaboration, Commitment, and Communication* (Case No. 1507) in June 2016.

Key findings of the 2015-2016 Grand Jury investigation report on homelessness cited above (#1507) include:

- San Joaquin County does not have a single, clearly defined strategic plan to address homelessness;
- collaboration and communication among Government and private agencies are virtually nonexistent;
- there are many governmental, private, and non-profit agencies that strive to serve the homeless, but there is no leadership to focus all the parties involved; and
- the lack of leadership, communication, and collaboration indicates that addressing homelessness in the County has not been a major priority.

The 2015-2016 Grand Jury Report #1507 recommended that:

- county officials take the leadership role in creating a single, focused, and coherent strategic plan to address homelessness;
- the strategic plan contains measurable long-and short-term goals and objectives with an established timeline and an annual evaluation process;
- one individual within County government be appointed to oversee all matters related to the homeless: and

- the appointed individual described above would report directly to the County Administrator and have the authority, resources, and respect to bring together the necessary entities to develop the County's Strategic Plan on Homelessness.

Following the publication of the 2015-2016 Grand Jury report, the County Board of Supervisors in early 2017 adopted a policy known as the *Strategic Priorities on Homelessness for San Joaquin County*. Similar strategies were adopted by the City of Stockton in May of 2017 as the City's *Guiding Principles* ([Appendix A](#)). In 2018, the County Homeless Task Force transitioned to the San Joaquin Continuum of Care ([SJCoC](#)), a comprehensive coordinated homeless housing and services delivery system, as defined by the US Housing and Urban Development Department ([HUD](#)). In April 2018, the County selected a Program Administrator for Homeless Initiatives to act as the single point of contact for San Joaquin counties and cities. In early 2019, San Joaquin cities and county joined together under the leadership of the San Joaquin Continuum of Care to complete the most accurate Point in Time headcount of the unsheltered homeless to date for this region, with, after concerted effort, a 1000 percent increase in the number of volunteers. In June 2019, San Joaquin County adopted a new homelessness policy titled *Quality of Life - Addressing and Limiting the Impacts of Homelessness in San Joaquin County* ([Appendix B](#)).

The 2019-2020 Grand Jury investigated San Joaquin County and City of Stockton to determine what policy changes have been put in place after the 2015-2016 San Joaquin Grand Jury report, and whether the County and City of Stockton are implementing their policies (*Quality of Life Policy* and *Guiding Principles*, respectively). The 2019-2020 Grand Jury focused on Stockton because that is where the majority of the homeless population resides (San Joaquin Continuum of Care, Point in Time Count, 2019). The 2019-2020 Grand Jury also reviewed homelessness in the cities of Lodi, Tracy, Manteca, Lathrop, Ripon, and Escalon.

Reason for Investigation

This investigation was initiated by the 2019-2020 San Joaquin Civil Grand Jury in response to a citizen complaint. Even though San Joaquin County has made efforts to address homelessness more remains to be done. The Grand Jury focused on how San Joaquin County and the seven cities addressed homelessness.

Method of Investigation

The Grand Jury interviewed 11 key leaders involved in addressing homelessness in San Joaquin County. The interviewees represented governmental department heads as well as staff, appointed and elected officials, and non-profit volunteer groups. Tours included the Gospel Rescue Mission and Stockton Homeless Shelter.

The Grand Jury attended Board of Supervisors meetings (in person as well as streaming video) both current and past, as well as selected Stockton, Lodi, and Tracy City Council meetings. Additionally,

the Grand Jury reviewed a variety of websites including those associated with San Joaquin County, all seven cities, and various nonprofit groups.

The Grand Jury surveyed each Department listed in Sections 1 through 4 and City of Stockton.

Discussions, Findings, and Recommendations

San Joaquin County

In 2015, San Joaquin County Board of Supervisors established the Homelessness Task Force consisting of local government leaders and non-profit service providers. On November 16, 2016, the Homelessness Task Force presented the *Homelessness Task Force 2015-2016 Annual Report* to the San Joaquin County Board of Supervisors at the *Special Evening Study Session on the Topic of Homelessness*. The *2015-2016 Annual Report* provided direction for the County to increase communication, forge collaborations and partnerships, produce efficiencies, maximize funding, and breakdown silos. The Homelessness Task Force merged with the San Joaquin Continuum of Care in January 2019.

In July 2019, the San Joaquin County Board of Supervisors adopted a new policy on homelessness. This policy, titled *Quality of Life - Addressing and Limiting the Impacts of Homelessness in San Joaquin County* (Appendix B) set homelessness as an operational priority for all County departments and identified nine activities as priorities for these departments within existing resources. Four departments were designated to lead the effort, namely 1) Health Care Services, 2) Community Development, 3) Sheriff's Office, and 4) District Attorney's office. In October 2019, the 2019-2020 Grand Jury surveyed each of the four designated leadership departments (referred to collectively in this report as the four Designated Lead Departments) asking how they implemented three tasks contained within the policy, as described below:

- 1) developing metrics to measure the services delivered and associated outcomes;
- 2) developing community outreach to foster input and dialog with the public; and
- 3) developing educational materials to assist residents, businesses, and the homeless.

Each department prioritized homelessness and has implemented the Quality of Life Policy. At the June 9, 2020 Board of Supervisors meeting, 22 Departments reported statistics regarding the number of engagements and encounters with the homeless population, totaling approximately 35,000 during Fiscal Year 19/20. This included encounters with the same individual interacting with multiple programs and departments. The County estimated that services provided for the sheltered and unsheltered homeless population totaled approximately \$34 million in Fiscal Year 19/20.

Below are results of the 2019-2020 Grand Jury's investigation of each department surveyed, staff interviews, and a review of publicly available documents. The actions described below are helpful in addressing and limiting the impacts of homelessness, but this information is not readily available nor commonly known.

1.0 San Joaquin Health Care Services

The Health Care Services Agency provides leadership and oversight for seven divisions. These are:

- Behavioral Health Services;
- Mental Health;
- Public Guardian/Conservator;
- Substance Abuse;
- Emergency Medical Services;
- Public Health Services; and
- Veterans' Services.

These seven divisions regularly interact with patients or clients who are homeless or at risk of homelessness. The Health Care Services Agency's mission is to provide quality care and services to residents of San Joaquin County and advocate for the comprehensive physical and psychological health needs of the disadvantaged, for good public health, and for accessible services for all.

Metrics and Data Collection

The Health Care Services Agency collects metrics and data on the homeless population through its Whole Person Care Pilot program. Since its inception in November 2016, the San Joaquin Whole Person Care Pilot program has serviced approximately 1,200 individuals, of whom 1,125 individuals are homeless. San Joaquin is one of twenty-five counties that participate in this statewide program managed by the California Health Care Services. The statewide California Whole Person Care Pilot program is designed to improve the health outcomes of Medi-Cal beneficiaries who are high utilizers of the health care system but does not specify prioritization of the homeless population. Each County is allowed the flexibility to design its own program to address local needs and San Joaquin County elected to target Medi-Cal beneficiaries who are homeless or at risk of homelessness. People who are members of this population often have mental health or substance abuse disorders, and/or may have just been discharged from medical facilities or county jail. This population typically uses emergency rooms and inpatient hospital stays more frequently, and lacks the resources to maintain stable housing.

Health Care Services currently collects and tracks data such as basic demographics, housing status, substance abuse, veteran status, age, ethnicity, suicide risk assessment, recuperative care dates, and many others, as part of its Whole Person Care Pilot program. The Health Care Services staff are working to improve their data collection by integrating two databases that are currently independent of each other, the San Joaquin Community Health Information Exchange and the Homeless Management Information System ([HMIS](#)). The primary purpose of the Community Health Information Exchange database is to create a shared, continuous physician-established profile of each homeless individual seen by date, including medications and care provided. In contrast, the primary purpose of HMIS, which is required by HUD, is to collect unduplicated data on the extent of homelessness at the local level. Medical-related information such as clinic/office visits, diagnosis for mental health and substance abuse, laboratory information and medication information, all currently collected separately in the Community Health Information Exchange will be integrated with housing programs, shelter stays, veteran status, and additional outreach

engagement information, currently collected through HMIS. Having a single database will result in increased efficiencies and more comprehensive data management.

The overarching vision of the Health Care Services Whole Person Care Pilot program is to build and sustain partnerships across the various publicly funded health care delivery systems and to develop infrastructure to share data between these systems. The goal is to provide efficient care-management services in real time and to evaluate progress in improving the health of individuals as well as the overall homeless population. Accordingly, in the spring of 2019, Health Care Services implemented a cloud-based care management solution, which now manages all enrolled clients. The information (with the client's permission) can be accessed or amended by various county departments, health care entities, community-based organizations, and justice system partners working with these individuals.

In accordance with the *Quality of Life* Policy, Health Care Services was one of 22 county Departments that provided metrics collected on homeless individuals during Fiscal Year 19/20. This information was used to develop the 2020-2021 budget. Data compiled on engagements or encounters with homeless residents suggests that in many cases encounters are with the same homeless individuals, interacting with multiple programs and departments.

Fostering Input and Dialog with the Public Regarding Homelessness and Its Impacts

The Director of Health Care Services participated in the interim governance committee that developed the Continuum of Care bylaws and the initial slate of officers. The Assistant Director is currently serving on the San Joaquin Continuum of Care Board of Directors and is leading the Agency's efforts to develop affordable housing under California's No Place Like Home program. The No Place Like Home program, signed into legislation in July 2016, dedicated up to \$2 billion in bond proceeds across California to invest in the development of permanent supportive housing for persons who require mental health services and are experiencing homelessness, chronic homelessness, or who are at risk of chronic homelessness.

Several Health Care Services staff participated on the San Joaquin Homelessness Task Force (2015 to 2019) that merged with the San Joaquin Continuum of Care. Several staff currently participate on the Encampment Response Team where they engage with homeless individuals before, during, and after any encampment cleanup process. More information on the Encampment Response Team is found in Section 5.0 of this report.

Educational Materials

Health Care Services Agency provides information to the public through the Board of Supervisors in agenda items and presentations. The agency has also made presentations at San Joaquin Continuum of Care meetings and related subcommittees as well as at other community meetings but does not develop educational materials to assist residents and businesses in working with the homeless.

2.0 Community Development Department

The San Joaquin County Neighborhood Preservation division within the Community Development Department ([CDD](#)) administers the County's U.S. Department of Housing and Urban Development

(HUD) grant programs and other state and federal grant programs. The CDD serves as the fiscal agent for the administration of San Joaquin Continuum of Care ([SJCoC](#)) planning funds and project grants. The CDD can be thought of as a pass-through department in which funds and grant monies flow from HUD through the Community Development Department and into various groups involved with homelessness (known in government parlance as “subrecipients”).

Metrics and Data Collection

Metrics and data on services provided to homeless individuals and families is captured in the Homeless Management Information System ([HMIS](#)) database, including those services provided by the County, cities, and non-profit organizations. In keeping with HUD’s requirement for data entry, the Community Development Department requires all programs receiving HUD funds through the SJCoC to enter data into HMIS. This information is used within the County to measure services delivered and outcomes relating to people experiencing homelessness in the county. Any grant recipient entity that receives funds through the SJCoC program and HUD’s Emergency Solutions Grant is required to submit annual progress reports on their projects, including HMIS data, to San Joaquin County.

Input and Dialog with the Public Regarding Homelessness and Its Impacts

The Community Development Department administers grants for the Emergency Solutions Grant program and San Joaquin Continuum of Care, processes payments, maintains financial records, develops and executes subrecipient agreements, and monitors subrecipient’s program(s). In keeping with their role as fiscal agent, CDD conducts public outreach regarding each HUD Notice of Funding Availability to help programs that are providing eligible services to apply and receive HUD funds. The CDD does not interact directly with the public, only indirectly through the San Joaquin Continuum of Care.

Educational Materials

The CDD monitors subrecipients’ programs receiving funding, and these subrecipients provide educational materials to their clients through outreach and emergency services. The CDD has no additional materials on homelessness other than those provided by San Joaquin Continuum of Care on the SJCoC website.

3.0 San Joaquin Sheriff’s Office

The San Joaquin County Sheriff’s office is composed of six divisions including Custody, Investigation, Patrol, Professional Services, Unified Court Services, and Lathrop Police Services. The Sheriff’s Office website states that they are “driven by goals to enhance the quality of life, investigating problems as well as incidents, seeking solutions, and fostering a sense of security in communities and individuals.” The statement goes on to say that they “nurture public trust by holding ourselves to the highest standards of performance and ethics.” The Sheriff’s Office regularly comes in contact with members of the various homeless communities.

Metrics and Data Collection

Metrics and data are collected by the Sheriff's Office when delivering services to homeless individuals or families by noting whenever a call involves or potentially involves a homeless person. Training bulletin SJSO TB 013-2019, issued in September 2019, provides guidance to sworn staff on how to properly document such contacts while responding to or investigating calls for service. When Dispatch enters calls for service into the system and there are indicators there may be a homeless component, the descriptor "homeless" is entered into the narrative/body of the call history. The responding deputy also notates the term "homeless" into his or her report, prior to closing out the cases. Thus, both Dispatch entering calls for service and the responding deputy are



San Joaquin Sheriff's Lieutenant Joe Petrino stands amid trash strewn beneath the railroad bridge at a homeless encampment near the Mokelumne River when several deputies from the Sheriff's Office partnered with social services to offer help to the homeless.

responsible for noting if a call might have a homeless component, reducing the chance that the homeless element of the call might not be noted. Crime Analysts manage the data as it relates to homeless contacts throughout the county including tracking dates, times, and locations. The Sheriff's Office uses this system to provide the number of homeless residents engaged by staff on request and can tell exactly how many calls for service were related to homelessness for any given time period. The Sheriff's Office had 2,412 calls for service during Fiscal Year 19/20 related to

homeless individuals, which represents 2.6% of 93,715 total citizen-initiated calls for patrol services.

The Community Car Program consists of four Deputy Sheriffs permanently assigned in patrol cars to unincorporated areas of the county. These four deputies serve as the Sheriff's Office homeless outreach team. Their responsibilities include locating potential homeless individuals and populations, making contact, establishing trust, and interviewing the individuals. This outreach is done on a regular basis to identify needs and create referrals to outside resources. The Program was suspended August 2019 due to lack of staffing and remained suspended for approximately one year. The Community Car Program is fully funded for Fiscal Year 20/21 and four deputies have been recently assigned back to the Program. It is the understanding of the Grand Jury that the Sheriff's Office has committed to assigning four additional deputies for a total of eight in the near future.

Input and Dialog with the Public Regarding Homelessness and Its Impacts

The mission of the San Joaquin Sheriff's Office is to create and maintain partnerships with people in the communities they serve. The Sheriff's Office achieves this mission through contacts with the public while responding to calls for service and participating in various community events. Officers meet community members living in various homeless communities as well as neighboring residents when responding to calls for service. The Sheriff's Office receive numerous concerns from the public regarding issues associated with the homeless community. Additionally, the Sheriff's Office has opened and maintained communication with local area law enforcement. By doing so, they strive to create a collaborative approach and exchange effective techniques in maintaining a balance between the rights of the homeless and the rights of the residents in areas affected by actions of homeless individuals.

In addition to calls for service, representatives from the Sheriff's Office regularly attend Community Meetings, Multi-Agency Coordination group meetings, and Neighborhood Watch meetings throughout the county, where the topic of homelessness and associated blight is often discussed. The Sheriff's Office also responds to community requests to assist in conducting cleanups of encampments. The Sheriff's Office participates in coordinated responses from agencies located outside of the San Joaquin County Sheriff's jurisdiction.

The Custody Division of the Sheriff's Office provides programs to incarcerated persons with the goal of addressing underlying issues commonly associated with homelessness. The intent of these programs is to connect inmates who are eligible for release back into the community with resources that will increase their probability of success upon release, leading to a reduction in the number of released inmates who end up homeless.

Educational Materials

Deputies responding with the Encampment Response Team distribute brochures that list local resources available to assist homeless individuals.

4.0 San Joaquin District Attorney's Office

Homeless individuals are at disproportionate risk for crime victimization because they live outside the mainstream of services and supports. The San Joaquin District Attorney's office partners with the Family Justice Center to help victims of domestic violence, human trafficking, sexual assault, child abuse, and elder abuse. The Family Justice Center provides a range of support services for all crime victims, including a food pantry, clothing pantry, and linkages to emergency shelters, rapid re-housing, and specialty programs for women and children fleeing domestic violence. Recent data collection efforts include identifying homelessness and housing status of those individuals visiting and seeking services. The District Attorney's Office served 27 families through the Family Justice Center during the past 20 months.

The Neighborhood Deputy District Attorney program consists of three prosecutors dedicated to engaging partners within specific areas of San Joaquin County. They directly engage with citizens by participating at Business Watch meetings, Municipal Advisory Committee meetings and community events. They provide overall problem solving by connecting partners, such as the

Board of Supervisors, law enforcement agency representatives, and behavioral and mental health representatives.

The District Attorney's Office also partners with representatives from Stockton Police Department, County Behavioral Health Services, Community Medical Center, and the Public Defender's Office as part of a Law Enforcement Assisted Diversion team, or [LEAD](#). The LEAD program redirects individuals from criminal justice system involvement into community-based social, health, and behavioral services. The goal of LEAD is to improve public safety and reduce recidivism by increasing the availability and use of social service resources while reducing costs to law enforcement agencies and courts stemming from repeated incarceration. The San Joaquin LEAD team meets bi-weekly, interacting with homeless individuals and connecting them to needed services. The goal is to take individuals through programs and services and then have them graduate. During LEAD meetings, each individual in the program is discussed by the team who then decides whether a) further engagement is best for the individual, b) the individual should be referred to other services, or c) the individual should be removed from the program. The team manages a group of approximately 25 to 30 individuals per month.



San Joaquin District Attorney Tori Verber Salazar conducts outreach for coronavirus testing at a homeless encampment.

Metrics and Data Collection

The District Attorney's Office established metrics to measure interactions with homeless individuals. These include:

- Housing status of visitors to the Family Justice Center;
- Numbers of referrals to emergency shelters, transitional housing, or re-location support services;
- Housing status added to the Law Enforcement Assisted Diversion database;
- Homeless status or transient status added as a flag on the charging sheets for the District Attorney's Office internal database; and
- Homeless or transient status for both charged and uncharged cases (pending addition to new prosecutorial case management system).

Additionally, a new data and reporting system currently under development will include tracking interactions and communication with residents and businesses. The District Attorney's Office collects data to capture an update for each LEAD program individual and to track their connectivity

to services such as housing, behavioral and mental health, and any other service suited to the needs of the specific individual participants.

The District Attorney's Office reported that 95 homeless individuals had felony arraignments during the fourth quarter of Fiscal Year 19/20, and that 143 homeless individuals had misdemeanor arraignments during that same quarter.

Input and Dialog with the Public Regarding Homelessness and Its Impacts

The District Attorney's Office works with local elected officials, law enforcement, collaborative courts, public agencies, community and faith-based partners, business associations, municipal advisory groups, and the San Joaquin Continuum of Care to engage in public discourse associated with housing and homelessness. These efforts include talking with county residents, including those who are homeless, about solutions and strategies to address homelessness, and the negative impacts of homelessness on the quality of life in San Joaquin County. The District Attorney's Office perspective is that the best strategy for mitigating the negative consequences of homeless is using a Housing First approach ([see Glossary](#)). Accordingly, they:

- Actively participate in regular SJCoC general membership meetings, various committees, and other ad hoc discussions of its leadership group;
- Regularly participate in homeless encampment outreach and engagement;
- Provide a dedicated Deputy District Attorney to assist the Veterans' Court with case dismissal, clearance of fines and fees, and intensive engagement with veteran's services and programming to promote recovery and rehabilitation;
- Provide a dedicated Deputy District Attorney to work with substance abuse and/or repeat offenders through the Collaborative Court calendar process;
- Provide a range of diversion program pathways and alternatives to traditional prosecution with a focus on those who are homeless with mental/behavioral health concerns;
- Participate in events specifically focused on engaging residents and community members in a discussion of community concerns, which may range from services and programs for older adults to addressing school safety or homelessness; and
- Provide support to the Homeless Court to waive fines and fees for charges associated with homelessness to reduce barriers to housing support services.

Homeless Court was developed to assist the homeless community of San Joaquin County to clear up minor traffic and morals offenses. Bench warrants and failure-to-appear charges are also dealt with in Homeless Court. Individuals serve their sentences with volunteer work and attend programs set up by their shelter case workers. Homeless Court is held the last Friday of the month at St. Mary's Dining Room in Stockton, a familiar and safe environment to the local homeless community.

Homeless Court is important because homeless individuals often struggle with having transportation access and cannot make it to their court appearance. As a result, many end up with minor offences and warrants on their record. These in turn make it more difficult for the individuals to find employment. Homeless Court is offered only in Stockton. Homeless Court is not

offered in the outlying courts, despite being a primary policy recommendation included in the *Homelessness Task Force 2015-2016 Annual Report* (November 16, 2016).

The Neighborhood Deputy District Attorneys team attends between 12 to 15 regular standing meetings of local Business Watch groups and municipal advisory committees. The Neighborhood Deputy District Attorney prosecutors also handle the criminal cases arising from low-level offenses and crimes. This enables prosecutors to help homeless individuals get services.

Educational Materials

The District Attorney's Office has various brochures and information available regarding services and interventions associated with the Family Justice Center, Victim's Services, and Domestic Violence. The Office reportedly plans to introduce a variety of different brochures and video engagement platforms for other subject matters in 2020.

Resource brochures and materials directly targeting services for homeless individuals are vetted and distributed by other county partners, including the Encampment Response Team and 211 San Joaquin County (a 24/7 county-wide information and referral service system).

Findings for Sections 1 through 4

F1.1 None of the four Designated Lead Departments has provided a [plain language](#) website that describes their efforts in addressing and limiting the impact of homelessness, leaving many San Joaquin residents with the false impression that the County and is doing little or nothing to address homelessness.

F1.2 The Community Car Program adds value to the community by reducing response times for calls for service, supporting the Encampment Response Team, and limiting the impacts of homelessness in San Joaquin County.

F1.3 Holding Homelessness Court only in Stockton denies access to many individuals and is inconsistent with the intent of the Quality of Life Policy, which is to address and limit the impacts of homelessness in San Joaquin County.

F1.4 The four Designated Lead Departments are successfully prioritizing homelessness and implementing the Quality of Life Policy to address and limit the impacts of homelessness in San Joaquin County.

Recommendations for Sections 1 through 4

R1.1 By March 1, 2021, the San Joaquin Board of Supervisors develop and publish an easy-to-find, plain language website that includes a description of efforts made to address and limit the impacts of homelessness in San Joaquin County.

R1.2 By October 1, 2020, the Sheriff's Office assign four additional deputies to the Community Car Program, for a total of eight deputies.

R1.3 By March 1, 2021, County Board of Supervisors petition the court to expand the Homelessness Court to the Branch Courts, as recommended in the *Homelessness Task Force 2015-2016 Annual Report* (November 16, 2016).

5.0 Joint Efforts of the Designated Lead Departments

The four Designated Lead Departments for the Quality of Life Policy (Health Care Services, Community Development, Sheriff's Office, and District Attorney's Office) primarily work independently of each other with a few notable exceptions where their missions overlap. These include working with the Program Administrator for Homeless Initiatives, working with the San Joaquin Continuum of Care, working together on the Encampment Response Team, and using Homeless Management Information System ([HMIS](#)).

Program Administrator for Homeless Initiatives

One of the primary recommendations of the 2015-2016 Grand Jury 1507 report was for San Joaquin County to appoint a single individual within County government to oversee all matters related to the homeless. As stated in the 1507 Report, a designated leader is critical for homelessness strategies to succeed. The 2015-2016 Grand Jury envisioned that the leader's primary purpose would be to ensure effective coordination, cooperation, and communication among the County, cities, and all public and non-profit agencies that serve the County's homeless population. Accordingly, San Joaquin County established and filled the position of Program Administrator for Homeless Initiatives in April 2018 to serve as a liaison between the County, local jurisdictions, funding sources and various public and private agencies. Additional objectives and priorities regarding the Administrator include:

- Developing a County-wide strategy for reducing the impact of homelessness;
- Fostering collaboration between private and public agencies;
- Ensuring information regarding the number and demographic makeup of the homeless population is shared among agencies engaged in homelessness prevention; and
- Fostering public/private partnerships for the development of new strategies and enhancing existing programs to prevent homelessness before it occurs.

The Administrator has become the go-to County individual for homelessness, communicating with all levels of government and with non-profit organizations. For many, this is the first individual they turn to for needed information. The City of Stockton and the City of Lodi have both pledged financial support for the Administrator position (although it is currently funded through a grant). The Administrator reports directly to the County Administrator but there is no Department of Homeless Initiatives, no assigned administrative support, and no assigned staff.

San Joaquin Continuum of Care

“Continuum of Care” is a national program developed by HUD in 1994 to promote community-wide commitment to the goal of ending homelessness. Almost every county in the United States has a Continuum of Care. According to HUD, the Continuum of Care Program is designed to:

- Promote community-wide planning and strategic use of resources to address homelessness;
- Improve coordination and integration with mainstream resources to address homelessness;
- Improve data collection and performance measurement; and
- Allow each community to tailor its programs to the particular strengths and challenges in assisting homeless individuals and families within that community.

As defined by HUD, a Continuum of Care is a regional or local planning body that coordinates housing and services funding for homeless families and individuals. HUD does not provide funding directly to the Continuum of Care but instead designates a “collaborative applicant.” For the San Joaquin Continuum of Care ([SJCoC](#)), the collaborative applicant is the San Joaquin County Community Development Department, which means that the County is the entity that applies for funds on behalf of the SJCoC. These funds, both federal and state, include HUD planning funds, the HUD Continuum of Care program, State Homelessness Emergency Aid Program, and the California Emergency Solutions and Housing Program.

The San Joaquin Continuum of Care is governed by a Board of Directors made up of participants from diverse backgrounds and geographic regions, including at least one member of the Board who is homeless or formerly homeless, and at least one member who represents an Emergency Solutions Grant recipient or subrecipient. Representatives from various non-profit agencies include:

- Ready to Work;
- Lodi Committee on Homelessness;
- Community Medical Centers;
- Central Valley Low Income Housing Authority Corporation;
- St. Mary’s Dining Room;
- Lutheran Social Services of Northern California;
- Gospel Center Rescue Mission; and
- Tracy Community Connections.

Representatives from local government include:

- City of Stockton;
- San Joaquin County Administrator’s Office;
- Housing Authority of the County of San Joaquin;
- San Joaquin County Health Care Services; and
- Manteca Police Department.

At the time of the 2015-2016 Grand Jury investigation, the San Joaquin Continuum of Care was located within the Community Development Department but did not have a significant leadership

role in the County and its stakeholder meetings were sparsely attended. In 2018, the SJCoC was redefined and reestablished as a volunteer-based organization. It was officially designated by the Board of Supervisors as the county lead organization in early 2019. In May and October of 2019, it was formally adopted by the cities of Stockton and Lodi, respectively, as the primary organization through which the County and cities work to develop solutions to homelessness. The five non-entitlement cities of Tracy, Manteca, Lathrop, Ripon and Escalon have not adopted the SJCoC as the homelessness leader.

The full membership of the San Joaquin Continuum of Care meets every other month and, in order to accommodate the large number of attendees, recently moved their meetings to the Civic Memorial Auditorium in downtown Stockton. Additional meetings of the SJCoC include Board of Director's meetings (bimonthly) and standing committee meetings, which vary, with each committee setting its own schedule from every two weeks to monthly, as needed. The SJCoC has several standing committees that work on various responsibilities and aspects of the organization. Volunteers interested in helping SJCoC are encouraged to apply.

As recommended in the Grand Jury 2015-2016 report, the San Joaquin Continuum of Care successfully completed the *2020 San Joaquin Strategic Plan: Community Response to Homelessness* (hereafter referred to as the *Strategic Plan*). The *Strategic Plan* includes the following priorities:

- Establish a coordinated and engaged regional system;
- Increase access and reduce barriers to homeless crisis response services; and
- Ensure households experiencing homelessness have access to affordable and sustainable permanent housing.

The *Strategic Plan* will inform city and county decisions and result in a shared vision across the entire county with common goals and strategies. The *Strategic Plan* emphasizes the need for a collaborative approach to develop a formal coordinated system that functions throughout the San Joaquin community. The *Strategic Plan* also stresses the need to coordinate key resources across all sectors of the County, with an emphasis on creating meaningful solutions rather than simply addressing symptoms.

Encampment Response Team

The Encampment Response Team (ERT) is a multi-agency effort that was formed in April of 2019 as part of the County's strategy to address homelessness in the unincorporated part of the County. The intent is to divert homeless individuals from the criminal justice system and help them back on their feet while protecting human health and the environment. Three of the four designated Lead Departments for the Quality of Life Policy participate in the ERT, along with several other departments including Environmental Health, Public Works, County Administrator's Office, General Services, Parks and Recreation, Animal Services, and County Counsel.

The CDD maintains a master list of homeless encampments within the County derived from citizen complaints and reports from County staff. Health Care Services staff visit homeless encampments before ERT notifies the homeless individuals that there is an impending clean-up/closure. Additionally, Health Care Services staff return to the encampment site to further engage with occupants after the notice of an impending clean-up/closure has been posted, and again at the

time of closure. Sheriff's Office staff provide security during outreach and closure/cleanup efforts with other County Departments, making sure team members are safe and providing law enforcement if necessary.

Health Care Services, Community Development Department, and Sheriff's Office staff attend weekly ERT meetings to review encampments and determine the best course of action to protect public health, safety and welfare. After the determination to close and/or clean the encampment is made, social service members of the ERT mobilize an outreach team to identify and engage the occupants of the encampment, with a goal to connect the occupants with services tailored to their unique needs. The ERT developed a pamphlet identifying community resources and provides the address and phone numbers including quick references such as hotlines, family services, healthcare providers, mental wellness providers, community centers, veteran's assistance programs, shelters, food banks, and hot meals. ERT Team participants provide this pamphlet to occupants of any encampment subject to clean-up or closure by the ERT in the days before any actions are being undertaken. Behavioral Health Services and Public Health Services staff are expected to return to the encampment site to further engage with occupants both after the Encampment Response Team has posted notice of an impending clean-up/closure, and also at the time of closure.

Homeless Management Information System

The San Joaquin Continuum of Care designated the Central Valley Low Income Housing Corporation as the Administrator of the Homeless Management Information System ([HMIS](#)). HMIS is a database designed to collect information regarding housing and services to homeless individuals and families and persons at risk of homelessness. HUD requires HMIS to comply with HUD's data collection, management, and reporting standards. The SJCoC receives an annual grant from HUD to operate the HMIS. Every individual that works with the homeless, both local government staff and non-profit workers, are expected to upload data into HMIS following their encounter to ensure accurate tracking. However, due to the inherent difficulty of tracking the ever-shifting homeless population, data may be uploaded incompletely. Thus, accurate data entry is paramount as underreporting of homeless numbers could negatively impact the County's ability to apply for and receive funds.

The nexus between HMIS and San Joaquin County government is that the Community Development Department requires all programs receiving HUD funds through the SJCoC to enter data into HMIS. Additionally, Health Care Services relies on HMIS for metrics and data collection. Finally, the ERT (which includes Health Care Services, Community Development Department, and Sheriff's Office) reviews HMIS data prior to reaching a decision to close an encampment.

Findings

F2.1 One staff person is not sufficient to ensure all needs within the county are met.

F2.2 The revised San Joaquin Continuum of Care has increased collaboration between the County, the cities, and non-profit organizations, helping to improve services for the homeless.

Recommendations

R2.1 By December 30, 2020, the County Board of Supervisors complete an analysis to determine if additional staff is needed for the Program Administrator for Homeless Initiatives.

Cities of San Joaquin County

The 2019-2020 Grand Jury reviewed the activities of the seven incorporated cities of San Joaquin County with respect to their approach to homelessness. The cities of Stockton and Lodi, unlike the other five cities in the county, are entitlement cities that work closely with the San Joaquin Community Development Department in procuring grants to assist the Homeless. Entitlement cities receive their own funding from HUD annually to combat homelessness or potential homelessness. HUD provides annual grants to entitlement cities on a formula basis, with the intent of developing viable urban communities by providing a) decent housing, b) a suitable living environment, and c) expanding economic opportunities for low- and moderate-income persons. The Cities Tracy, Manteca, Lathrop, Ripon and Escalon are not entitlement cities. These cities, along with the unincorporated portions of San Joaquin County, are collectively considered the San Joaquin Urban County, and receive funds as one entity from the Federal government for housing, economic development, and community development activities.

6.0 Entitlement Cities

Stockton

The City of Stockton has both the largest population in the County and the largest number of homeless individuals. Stockton's population was 312,697 as of 7/1/19 (US Census) and is the 13th



Hygiene Stations installed by City of Stockton during COVID-19

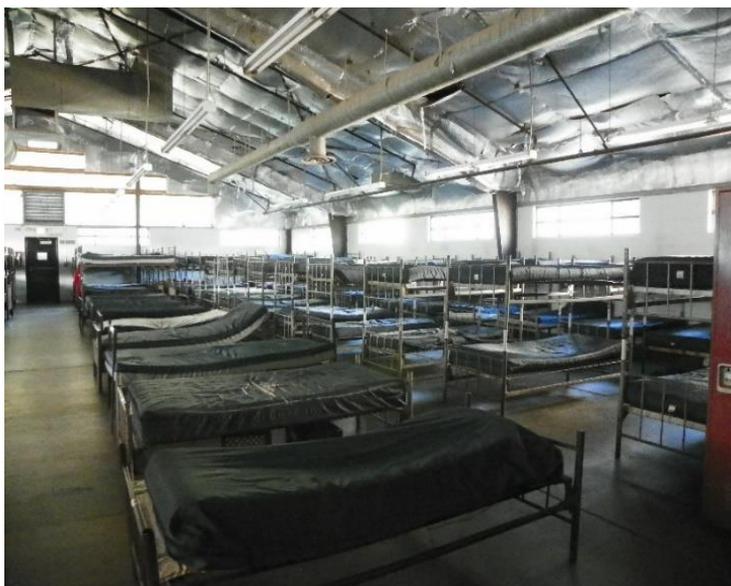
largest city in the State. According to the SJCoC, there were 921 unsheltered homeless persons counted during the Point in Time Count.

Historically, the City of Stockton operated somewhat independently from the County in its approach to homelessness. In 2016, Stockton established the Mayor's Task Force on Homelessness. In May of 2017, Stockton developed its own set of principles similar to the principles adopted by San Joaquin County. However, in more recent years, the City of Stockton is showing

commitment to a collaborative approach by working collectively with the County in pursuing grants and opportunities. For example, in May of 2019, the City of Stockton formally adopted the SJCoC as the primary organization through which the County and cities work to develop solutions to

homelessness. Later, in September of 2019, the Stockton City Council approved a contract with Homebase, a nationally recognized expert on homelessness in the amount of \$90,365. The purpose of the contract was for Homebase to assist Stockton in applying for State Homeless, Assistance and Prevention program Funds as well as preparation of the 2020 San Joaquin *Strategic Plan* on behalf of the San Joaquin Continuum of Care. This action represents a new approach of the City and County working together to access HUD and State funds rather than separately. The City, in collaboration with the San Joaquin Continuum of Care and San Joaquin County hosted a neighborhood summit on December 4, 2019, designed to gather community input.

In a similar manner, the Stockton Police Department ([Stockton PD](#)) coordinates with other departments and agencies to address public health and safety concerns. Stockton PD works with public works and the Sheriff's office to coordinate encampment cleanups. Stockton PD also provides the California Department of Transportation (CalTrans) with assistance to address safety of roadway issues relating to homelessness. The Stockton PD has a Strategic Community Officers Unit composed of two sergeants and twelve officers who remove unsafe and unhealthy living conditions, and work with homeless individuals daily.



Beds at Stockton Homeless Shelter for Men

In 2019, the Stockton City Council allocated money for a mobile shower and wash station for unsheltered homeless. In April 2020, the City installed hygiene stations in five locations to help the homeless during the COVID-19 outbreak.

Additionally, Stockton used HUD funds, including Community Development Block Grant funds, to provide loans and grants for various public and private entities focused on ensuring decent, affordable housing and suitable living environments. These funds, amounting to approximately \$9.8 million during the last three years provided various organizations including:

- Stockton Shelter for the Homeless;
- St. Mary's Dining Hall;
- Habitat for Humanity; and
- Sierra Vista Project (a project which converted 67 barrack style units into 115 new, energy-efficient units, and ultimately, 215 new units).

Most recently, the City of Stockton and San Joaquin County contributed funds to assist the Gospel Rescue Mission to establish a COVID-19 positive quarantine home that opened June 3, 2020. Additionally, the City is working with the Stockton Shelter for the Homeless to address solutions for permanent/longer-term arrangements.

Although the City of Stockton has conducted work and activities regarding homelessness as described above, this information is not readily available. The City of Stockton website contains information about the Stockton homelessness policy but otherwise does not refer to homelessness.

Lodi

Lodi's population was 67,586 as of 7/1/19 (US Census Bureau). According to the SJCoC, there were 139 unsheltered homeless counted during the Point in Time Count held during the last ten days of January 2019.

The City of Lodi has long been a local leader in addressing homelessness. In an article titled "How to Deal With Homeless" (3/7/19) the *Manteca Bulletin* called Lodi a role model for cities across the country and stated that members of Congress and the US Department of Housing and Urban Development are pointing to Lodi as an example of success. Lodi began addressing homelessness in the autumn of 2014 when the Lodi Police Department, Salvation Army, and the Lodi Community Foundation began initial discussions around the negative impact on public health and safety that was associated with the regular occurrence of noon-time meals being offered to homeless individuals in Lawrence Park. These representatives reached out to various religious organizations and formed the Committee on Homelessness in 2014. The Lodi City Council authorized the group to continue their informal investigation and to report back to the Council. This report, titled the *Homeless Solutions Report*, was adopted by the City Council in September 2015. The *Homeless Solutions Report* was based on four public meetings regarding homelessness including one specifically held to hear from homeless individuals, as well as research and field trips to other cities to see how they managed their homelessness problem. The *Homeless Solutions Report* resulted in several long-term and short-term strategies that continue to guide Lodi at present. The 2015-2016 Grand Jury acknowledged in their report the work done by Lodi and included the *Homeless Solutions Report* as an appendix.

In subsequent years, an extensive number of actions have been completed by the City of Lodi. A subset of these actions is included below:

- Funded various non-profit groups including the Salvation Army Emergency Shelter, Hope Harbor Family Homeless Shelter, and Lodi House acquisition and improvements;
- Added one full-time Transient Liaison Officer and one part-time Transient Liaison Officer;
- Created Transient Outreach teams to focus on quality of life issues;
- Involved City Attorney's Office, who dedicates 50 to 60 hours per month to homeless citations and prosecutions;
- Assisted the Committee on Homelessness in funding two work training programs to get homeless youth trained for a trade; and
- Helped lead the effort to improve the accuracy of the Point in Time Count in 2019, allowing the City of Lodi to better understand the demand for homeless services and to apply for funding.

These are only some of the actions the City of Lodi has undertaken. A more complete list of actions is available on the City of Lodi website under "What Has Lodi Done."

Demonstrating collaboration with San Joaquin County, the City of Lodi formally adopted the SJCoC as the primary organization through which the County and cities work to develop solutions to homelessness. Lodi also agreed to help fund the San Joaquin County Program Administrator for Homeless Initiatives. The City of Lodi is represented on the SJCoC by a member from the community-based organization Committee on Homelessness. Most recently, the City of Lodi successfully applied for Homeless Emergency Assistance Program funds to fund six small homes designed to provide transitional/permanent housing. This project is a collaborative project between the City of Lodi and the Housing Authority of San Joaquin County. Six pre-manufactured, unattached homes will be built with standard amenities such as refrigerator, stove, oven, kitchen sink, and bathroom with shower. Residents will be individuals and families who are homeless or at risk of being homeless.

7.0 Non-Entitlement Cities

Tracy, Manteca, Lathrop, Ripon, and Escalon are all non-entitlement cities. All five have a homelessness policy, but they vary in degree. None of the five cities offered to contribute toward funding of the Program Administrator for Homeless Initiatives, nor have they adopted San Joaquin Continuum of Care as the primary organization through which San Joaquin County and the various cities work together to develop solutions to homelessness.

Tracy's population was 94,740 as of 7/1/19 (US Census Bureau). According to the SJCoC, there were 155 unsheltered homeless counted during the January 2019 Point in Time Count.

Tracy has a Homelessness Task Force made up of religious and nonprofit agencies. In April 2020, the City Council approved a Homeless Strategic Plan as a step toward creating a homeless shelter that will give people a place to go other than city streets and parks.

Manteca's population was 83,028 as of 7/1/19 (US Census Bureau). According to the SJCoC there were 218 unsheltered homeless counted during the 2019 Point in Time Count.

In December 2019, the City of Manteca built a temporary warming center for the homeless individuals in the city, consisting of tents and showers. Manteca has a Homeless Task Force and has made efforts to educate businesses on current Manteca municipal codes related to homelessness. The City provides information as to what efforts are being made to combat homelessness with a brochure to advise citizens on what to do if they encounter homeless individuals. Manteca Police Department has two police officer positions interacting directly with the homeless daily, and has a representative serving on the San Joaquin Continuum of Care Board of Directors.

Lathrop, Ripon, and Escalon

According to the US Census Bureau, on July 1, 2019, Lathrop's population was 24,483, Ripon's population was 16,386, and Escalon's population was 7,574. According to the SJCoC, there were 14 unsheltered homeless individuals in Lathrop, seven unsheltered homeless individuals in Ripon, and four unsheltered homeless individuals in Escalon during the January 2019 Point in Time Count.

Findings

F3.1 Although many residents are interested in how homelessness is being managed, only the City of Lodi has published accomplishments in [plain language](#) on its website. This lack of readily available information makes it difficult for residents to understand what is being done to address homelessness.

F3.2 There is a need for community-wide planning and strategic use of resources for homelessness involving all cities within the County.

F3.3 It is important to establish a coordinated and regional system of care for the homeless community to improve services while addressing and limiting the impact of homelessness.

F3.4 Publishing a plain-language website titled *What Lodi Has Done* for has made it easier for the public to readily understand the actions the city has taken to address homelessness.

F3.5 The leadership shown recently by the City of Stockton in working with San Joaquin County towards a shared goal of obtaining funds will streamline processes and result in improved efficiency.

F3.6 Stockton's leadership efforts in securing a regional strategic plan speaks to the current spirit of collaboration and communication between Stockton, San Joaquin County, and the San Joaquin Continuum of Care.

Recommendations

R3.1 By December 30, 2020, the Cities of Stockton, Tracy, Manteca, Lathrop, Ripon, and Escalon post plain language information on their website that outlines the actions each city has taken to address homelessness.

R3.2 By December 30, 2020, the Cities of Tracy, Manteca, Lathrop, Ripon and Escalon adopt the San Joaquin Continuum of Care as the primary organization through which the County and cities work together to develop solutions to homelessness.

R3.3 By December 30, 2020, the Cities of Tracy, Manteca, Lathrop, Ripon and Escalon in open forum officially acknowledge and support the Program Administrator for Homeless Initiatives position as the homeless coordinator for San Joaquin County.

Conclusion

Collaboration and communication in addressing homelessness in San Joaquin County have improved considerably in the County since the Grand Jury 2015-2016 report. Greater effort must

be made to ensure that all residents with questions as to what their city or county is doing about homelessness can find the information laid out on easily understood city and county websites.

San Joaquin County, under the current Board of Supervisors, is leading the way in pursuing solutions to homelessness in the region. The Cities of Stockton and Lodi are active participants in addressing homelessness and have joined with the County in its pursuit of solutions. Manteca, Tracy, Lathrop, Ripon, and Escalon have an opportunity to contribute towards a successful regional solution to homelessness. Working collaboratively with the San Joaquin Continuum of Care and the Program Administrator for Homeless Initiatives provides the best chance of success in developing solutions for homelessness.

In the four years since the 2015-2016 Grand Jury report, local government and non-profit service providers worked together to build a foundation by creating a strategic plan, by establishing a county wide inclusive Program Administrator for Homeless Initiatives, and by collectively applying for grants and funding. The post-COVID-19 future is uncertain with its impact on homelessness. However, a strong foundation was built with the work begun in October 2015 by creating the Homelessness Task Force and continuing to present day. Now is the time for San Joaquin County and its resident cities to work together with a coordinated and shared vision, to build on the foundation, and implement solutions to ending homelessness.

Response Requirements

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

The San Joaquin County Board of Supervisors shall respond to all Findings and Recommendations, where applicable.

The San Joaquin District Attorney's Office shall respond to all Findings and Recommendations F1.1, F1.3, F1.4, and R1.1.

The San Joaquin Sheriff's Office shall respond to all Findings and Recommendations F1.1, F1.2, F1.4, and R1.2.

The Stockton City Council shall respond to all Findings and Recommendations F3.1, F3.5, F3.6, R3.1, R3.2, and R3.3.

The Lodi City Council shall respond to all Findings and Recommendations F3.1, F3.4, R3.1, R3.2, and R3.3.

The Tracy City Council shall respond to all Findings and Recommendations F3.1, R3.1, R3.2, and R3.3.

The Manteca City Council shall respond to all Findings and Recommendations F3.1, R3.1, R3.2, and R3.3.

The Lathrop City Council shall respond to all Findings and Recommendations F3.1, R3.1, R3.2, and R3.3.

The Ripon City Council shall respond to all Findings and Recommendations F3.1, R3.1, R3.2, and R3.3.

The Escalon City Council shall respond to all Findings and Recommendations F3.1, R3.1, R3.2, and R3.3.

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

Honorable Xapuri B. Villapudua, Presiding
San Joaquin County Superior Court
180 E Weber Ave, Suite 1306J
Stockton, California 95202

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

Sources

1. City of Lodi Website “What Lodi Has Done.” <https://bit.ly/2ZLIOWg>
2. City of Stockton. 2017. *Guiding Principles Adopted May 9, 2017 Addressing Homelessness. May 9*(www.stocktongov.com)
3. *Homeless Law Enforcement Assisted Diversion (LEAD) External Evaluation*. 2020. Report to the California State Legislature, January 1.
4. Manteca City Council meeting, 2018, August 21 (https://manteca-ca.granicus.com/player/clip/491?view_id=2)
5. Sacramento 2018-2019 Grand Jury Final Report. 2019, *Addressing Homelessness in Sacramento County; An Extraordinary Community Challenge*. June 28.
6. San Joaquin County Board of Supervisors. 2016., Special Meeting on Homelessness, November 16,
7. San Joaquin County Board of Supervisors. 2019. Policy Statement, *Quality of Life – Addressing and Limiting the Impact of Homelessness in San Joaquin County*, July 16 (www.sjgov.org)
8. San Joaquin County Board of Supervisors. 2019. Board Meeting, *Proposed Budget 2020-2021* presentation. June 9.
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10. San Joaquin County Continuum of Care. 2019., *Report on the Point in Time Count of the Sheltered and Unsheltered Homeless*. April 22 (Dashboard only)(<http://bit.ly/2T4qNOg>)
11. San Joaquin County Continuum of Care, undated,) *Shelter that Succeeds*. (www.sanjoaquincoc.org)
12. San Joaquin County Grand Jury Final Report. 2016. *Homelessness in San Joaquin County: Time for Collaboration, Commitment and Communication*. June 1. (<https://bit.ly/38EL8QL>)

13. The Record. 2020, *Gospel center Rescue Mission Providing Shelter for Homeless Men Who Test Positive for COVID-19*. June 3. <https://bit.ly/3hlhAuA>
14. The Record. , 2020. *More Homeless in San Joaquin Getting COVID-19 Testing*. May 24. <https://bit.ly/2CRpcWI>
15. Superior Court of California, County of San Joaquin, Homeless Court pamphlet (<https://www.sjcourts.org/wp-content/uploads/HOMELESS-COURT-HANDOUT.pdf>)
16. U.S. Department of Housing and Urban Development (www.hud.gov)

Appendix A: City of Stockton Guiding Principles

Homelessness

San Joaquin County Board of Supervisors established a county-wide Homelessness Task Force. The Task Force includes members from state and local government, homeless service providers, and various service organizations. Five Strategic Priorities for Homelessness were developed and adopted by the San Joaquin County Board of Supervisors, and the Board asked cities within the County to adopt a similar set of strategies.

On May 9, 2017, the Stockton City Council adopted the following Guiding Principles and action items that will provide the framework for making decisions related to homelessness:

Guiding Principle 1

Foster collaboration between private and public agencies to ensure that collection of data regarding the number and demographic makeup of the homeless population is accurate and shared among agencies engaged in homelessness prevention activities.

- Provide appropriate access to agencies working with the homeless population.
- Employ Department of Housing and Urban Development ([HUD](#)) best practices for accurate collection of homeless census and demographic information for input to the Homeless Management Information System ([HMIS](#)).
- All emergency homeless shelters, regardless of funding source, should actively participate in the HMIS and Coordinated Entry (CE) process operated by the San Joaquin County Continuum of Care.
- Point-in-Time (PIT) and HMIS data should be used to inform all County strategies and actions to address homelessness.
- The San Joaquin County Continuum of Care governance structure will be refined to promote greater collaboration and representation by agencies and organizations in the region that serve the homeless population and follow both best practices and HUD guidelines.
- The San Joaquin County Board of Supervisors will play an active role in the convening and functioning of the Continuum of Care by assigning a Supervisor each year.

Guiding Principle 2

Work collaboratively to reduce or eliminate upfront barriers to housing.

- Focus on assisting individuals and families to access and sustain permanent housing as quickly as possible.
- Promote links between law enforcement and service/housing/behavioral health providers.
- Seek out all available funds to enhance the “Housing First” model access to permanent housing.
- All transitional housing programs are reconfigured, when possible, to rapid rehousing or permanent supportive housing.

- All permanent housing projects for the homeless, regardless of funding source, shall actively participate in in the HMIS and CE processes.
- San Joaquin County, cities, agencies and the private sector should consider jointly funding and conducting a study on the feasibility of establishing an agency-specific or countywide Affordable Housing Trust Fund to provide financing in our region.

Guiding Principle 3

Adopt unified discharge policies to prevent individuals from being discharged into homelessness

- All institutions, including those of the criminal justice and foster care systems, health care, and mental health care facilities, non-profit/profit operated facilities, should adopt and implement comprehensive discharge policies that provide information on services available to avoid discharge into homelessness.
- All law enforcement agencies should participate in the development of and shall adopt, a uniform Restorative Policing model to establish permanent, cooperative links with homeless service and housing providers, mental health, substance abuse, and other community experts to best address the needs of homeless individuals encountered during their enforcement of law.

Guiding Principle 4

Adopt a “No Wrong Door” approach, wherein the homeless or individuals facing homelessness can receive information regarding available services regardless of which agency they contact.

- Provide staff with tools and resources necessary to connect individuals with appropriate services and housing assistance.
- Utilize 2-1-1 system to identify and connect individuals with appropriate service.

Guiding Principle 5

Foster public/private partnerships for the development of new strategies and the enhancement of existing programs to prevent homelessness before it occurs.

- Increase affordable housing in the region.
- Bring more jobs to the region through ongoing economic development efforts.
- Seek funding opportunities and relationships for all aspects of the City’s homeless population

Appendix B: San Joaquin County Policy

Quality of Life – Addressing and Limiting the Impact of Homelessness in San Joaquin County

As part of the 2019-2020 Final Budget adoption, the San Joaquin County Board of Supervisors established homelessness as an operational priority for all County Departments. Homelessness affects everyone, regardless of socio-economics. San Joaquin County is committed to developing and implementing solutions to this pervasive problem. Success depends upon the involvement of the entire community, a community that values responsibility and accountability.

To address and limit the impacts of homelessness in San Joaquin County, the Board of Supervisors hereby identifies the following activities to become departmental priorities within existing resources:

- Consistent with Constitutional limitations, exercise authority and discretion in the application of all laws enacted to protect the health, safety and welfare of all County Residents
- Focus on the impacts of homelessness (e.g. services provided by the County Encampment Response Team pursuant to the County Encampment Management and Resolution Policy and Operating Procedure addressing public health and safety, crime, and blight)
- Educate and communicate with residents, businesses and the homeless
- Focus on outreach, intervention and prevention due to the impacts of homelessness
- Collaborate with stakeholders including County departments, cities, communities, judges, courts, and non-county organizations
- Focus on addressing behavioral health and substance abuse problems facing many in the homeless population
- Establish crisis-response protocols for appropriate County personnel to effectively address behavioral health issues at the initial point of contact
- Establish departmental metrics to measure the volume of activity and associated outcomes
- Collect and share comprehensive data regarding the financial impact of homelessness on each county department, develop strategies to more effectively and efficiently address the impact of homelessness on the County.

Next Steps

Lead Departments

The following departments shall be designated to lead this effort – Health care Services, Community Development, Sheriff’s Office, and District Attorney’s Office. Functional work units involved in this effort shall include Community Car Program, Neighborhood Deputy District Attorney Program, and Code Enforcement.

Measurements/Outcomes

Involved departments shall establish metrics to measure services and outcomes. Metrics will include- the number of homeless residents engaged by County staff, and the number of homeless residents directed to and/or successfully connected with social services, including but not limited to, physical and mental health care, shelter, and available government benefits.

Community Outreach and Collaboration

- Community outreach shall occur to foster input and dialog with the public regarding homelessness and its impacts.
- Assess the appropriate action for limiting the use of public property by way of reasonable time, place and manner restrictions.
- Departments will develop educational materials to assist residents, businesses and the homeless.
- The County will incorporate homelessness topics within existing advisory boards and appropriate forums where applicable (i.e. Farm Bureau, Planning Commission, etc.). Efforts will focus on developing strategies to address homelessness and improve the quality of life for the residents of San Joaquin County.

2019 - 2020 San Joaquin County Grand Jury



Illegal Dumping: Talking Trash

Case #0519



Summary

Responsible citizens use trash cans for their daily trash and take larger items to recycle facilities or landfills. However, there are a large number of people in society who do not do the responsible thing. Unsightly trash on roadways, waterways, alleys, vacant lots, rural lands, and unincorporated areas results in decreased property values and can be harmful to the environment. After receiving complaints about illegal dumping throughout the county, the 2019-2020 San Joaquin County Grand Jury opened an investigation to gain insight into why this problem is so rampant. In the course of the investigation, various personnel from many different departmental offices throughout the county were interviewed. Each person interviewed acknowledged the illegal dumping problem is becoming progressively worse. Each department has specific guidelines and restrictions on *where* and *what* they are allowed to do regarding illegal trash removal. Unfortunately, departmental regulations inhibit interdepartmental coordination as evidenced by employees ignoring trash rather than picking it up while on another assignment. Collaboration and coordination amongst the departments leads to a cleaner environment. Conversely, San Joaquin County is lacking an interdepartmental approach.

The Grand Jury recommends a county-wide task force be formed amongst County and city departments and other agencies which will allow them to work together on goals and strategies. The task force members would then work together to address illegal dumping cleanup issues. Sharing funds for vouchers and educational programs about the free drop-off services need to be a component of the task force.

The Grand Jury found that enforcement issues need to be addressed. An updated ordinance with an appeals and collection process is needed. Surveillance equipment in the hot spot areas of San Joaquin County can aid in abating the issues. Collaboration and communication, along with a dedicated, proactive action plan with follow-thru can aid in the recovery of our environment throughout the County.

Glossary

- **Abate:** To remove
- **CalEPA:** California Environmental Protection Agency
- **CalRecycle:** California Department of Resources Recycling and Recovery
- **C.A.R.E.S.:** Community Accessing Resources Empowering Sustainability
- **EHD:** San Joaquin County Environmental Health Department
- **EJ Task Force:** Environmental Justice Enforcement Task Force
<https://www.arcgis.com/apps/Cascade/index.html?appid=99f5790b860844668bdef48f45dcfa00>
- **GoRequest:** An app (and website) used by citizens to report problems to San Joaquin County Public Works Department that are county-related (roadways, bridges, waste facilities, levees, channels, sewers, storm drains, and street lighting services)

- **IDTAC:** Illegal Dumping Technical Advisory Committee
- <https://www.calrecycle.ca.gov/illegaldump/taskforce>
- **MRC:** Mattress Recycling Council
- **Right-of-Way Abatement:** The legal right-of-way passage for waste or rubbish removal from adjoining public/private property
- **VTIP:** Vessel Turn-In Program https://www.parks.ca.gov/pages/28702/files/vessel_turn_in_program_brochure.pdf

Background

The *Broken Windows* theory is a metaphor used to describe a break in the fabric of civilized society where signs of inappropriate behavior, like graffiti or broken windows, lead to other inappropriate behavior which in turn results in the inhibition of other norms. This theory states that visible signs of crime, anti-social behavior, and civil disorder create an urban environment that encourages further crime and disorder, sometimes including serious crimes. Illegal dumping is a crime of opportunity. Once an individual is successful at illegal dumping without serious consequences, it breeds more, thus becoming a cycle. Therefore, consistent enforcement is necessary in resolving the problem of illegal dumping.

In 1953, Keep America Beautiful was formed to develop and promote a national cleanliness ethic. The goal is to educate and motivate the public to become environmental stewards. It was believed that once people were excited about making and keeping their communities clean, green, and beautiful, it would create a better world. In the 1970's, following the first Earth Day and creation of the Environmental Protection Agency, recycling became a movement in the United States. However, communities are experiencing an increasing number of discarded mattresses, tires, and trash dumped alongside the roads.

Reason for Investigation

The 2019-2020 Grand Jury opened an investigation into illegal dumping after receiving complaints of neglect and harmful environmental concerns.



Method of Investigation

Materials/References Reviewed

- Butte County Ordinance: <https://www.buttecounty.net/publicworks/Services/Illegal-Dumping>
- CalEPA: <https://www.arcgis.com/apps/Cascade/index.html?appid=99f5790b860844668bdef48f45dcfa00https://calepa.ca.gov/enforcement/environmental-justice-compliance-and-enforcement-task-force/>
- California Penal Code 374.3: <https://www.shouselaw.com/illegal-dumping>
- CalRecycle: <https://www.calrecycle.ca.gov/>
- City of Stockton Sustainable Neighborhood Plan: <https://risestockton.org/snp>
- EJ Task Force: <https://www.arcgis.com/apps/Cascade/index.html?appid=99f5790b860844668bdef48f45dcfa00>
- Go Request: <https://www.sjgov.org/gorequest/request>
- Illegal Dumping Technical Advisory Committee: <https://www.calrecycle.ca.gov/illegaldump/taskforce>
- Keep America Beautiful Enforcement and Prosecution Guide 2018: <https://kab.org/>

- Manteca Bulletin
- The Record
- San Joaquin County Ordinance: https://library.municode.com/ca/san_joaquin_county/codes/code_of_ordinances?nodeId=TIT4PUSA_DIV1FI_PR_CH6ABHAWERU_4-1057PURI-WAB
- San Joaquin Farm Bureau Federation: <https://www.sjfb.org/>
- Stockton Environmental Justice Initiative: <https://www.arcgis.com/apps/Cascade/index.html?appid=99f5790b860844668bdef48f45dcfa00>
- Sustainable Neighborhood Plan: <https://risestockton.org/snp>
- Wilson & Kelling - the “Broken Windows” theory: <https://www.theatlantic.com/magazine/archive/1982/03/broken-windows/304465/>

Interviews Conducted

- CalRecycle Representatives
- City of Stockton Public Works
- San Joaquin County Code Enforcement
- San Joaquin County District Attorney’s Office
- San Joaquin County Public Works
- San Joaquin County Sheriff’s Office

Sites Visited

- County and city streets
- Vacant lots
- Waterways

Discussion

1.0 Description of the problem

In this report, the terms *waste*, *litter*, *garbage*, and *trash* are used interchangeably. According to California Penal Code 374.3 PC, the California statute defines the crime of “illegal dumping” as the disposing of garbage, waste, and other matter on public or private property. There is a distinction between types of illegal dumping. For example, “Waste” can consist of everyday items that are used and then thrown away, such as product packaging, grass clippings, furniture, clothing, bottles, food scraps, newspapers, appliances, paint, and batteries. “Litter” is described as carelessly discarded garbage, or objects strewn or scattered about. “Garbage” is wasted or spoiled food and other refuse, as from a kitchen or household. “Trash” is defined as anything worthless, useless, or discarded, which is basically ‘the stuff that gets thrown away’. All of these types of refuse can be a part of illegal dumping. The distinguishing factors in the above terms usually refer to the different types and volumes of what is discarded. Urban blight, the process by which a city, or part of a city, deteriorates and falls into disrepair, is the result.

Illegal dumpers find an easy location and keep coming back; consequently, it becomes a revolving door. Accordingly, the accumulation of trash has many ramifications. Illegal dumping is visibly disturbing. It promotes crime. It also causes economic and serious public health consequences.

Commonly dumped items run the gamut from basic yard waste and household trash to appliances, furniture, electronic and hazardous waste, construction materials, tires, and vehicles. These items are dumped in alleys, vacant lots, rural and unincorporated areas, local waterways, levees, and unlocked dumpsters. The reasons given for illegal dumping are also varied:

- a missed collection day;
- lack of mandated collection;
- trash that is too costly to take to transfer station;
- a hired hauler who refuses to take large or bulky items; and
- an individual who collects money to dump items but keeps the money and dumps the trash on the side of a road.

Trash that is not disposed of legally may be harmful to the environment. Heavy metals and other toxins can seep into the soil and waterways from dumped refrigerators, televisions, tires, and auto parts. Mosquitoes breed in water that accumulates in tires and can transmit West Nile virus.

Illegal dumping also has an adverse economic impact. It is costly to remove. In residential and commercial areas, unsightly trash can decrease property values, therefore becoming unattractive to home buyers and developers. See Figure 1.

Fiscal Year	Labor Hours	Labor, Overhead, Equip Costs	Disposal Costs	Total Costs	Tons Disposed
2015-2016	8,327	\$638,846	\$106,845	\$745,691	1,924
2016-2017	10,064	\$766,308	\$141,686	\$907,994	2,117
2017-2018	11,758	\$1,003,537	\$110,680	\$1,114,217	1,784
2018-2019	12,152	\$999,424	\$131,592	\$1,131,016	1,977

Figure 1. Illegal Dumping Cost Recap Fiscal Years 2015-2019

(adapted from San Joaquin County Public Works data)

For the categories of illegally dumped material see Figure 2. It can be seen from this chart that “Miscellaneous” is the majority of illegally-dumped items. “Miscellaneous” are those items other than bulky items that are considered waste, debris, garbage, etc. Illegally dumping tires constitutes the second highest-dumped item.

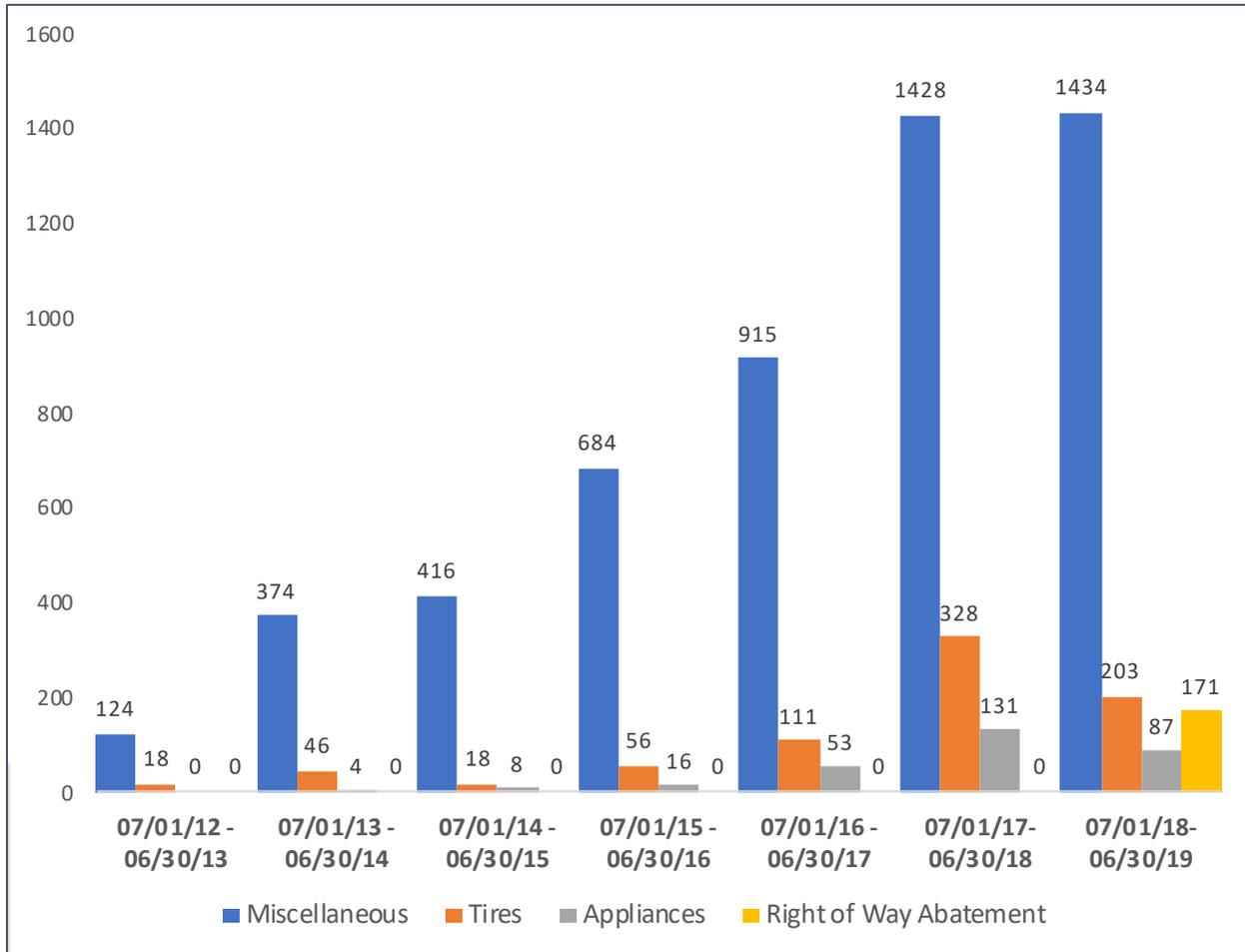


Figure 2. Illegally Dumped Material by Category (07/01/12 to 06/30/19)

(adapted from San Joaquin County Public Works data)

Figure 3 shows the locations of illegal dumping incidents documented by the San Joaquin County Public Works Department. The map depicts illegal dumping within the County and pockets of unincorporated areas of the cities. The map legend identifies categories of materials dumped within the five Supervisorial Districts in San Joaquin County. On the map there are a few clusters that can be referred to as “hot spots”: areas of Highway 99 at Hammer Lane, Main Street, and Arch Road; the Smith Canal waterway; and Highway 5 near French Camp.

The map shows that the roads leading out of the cities have many incidents of illegal dumping. It was reported that the people living in the cities are driving their waste out onto the country roads.

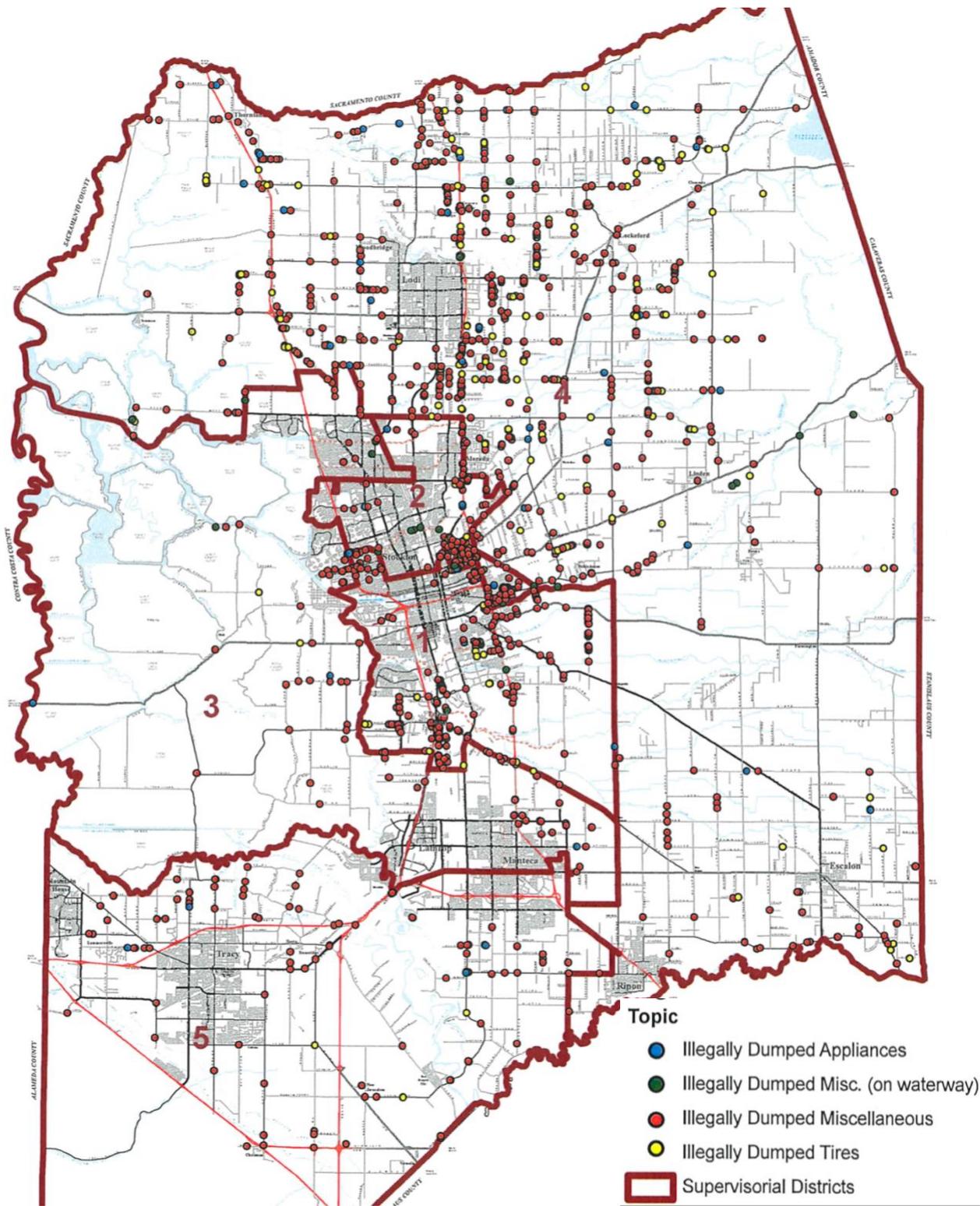
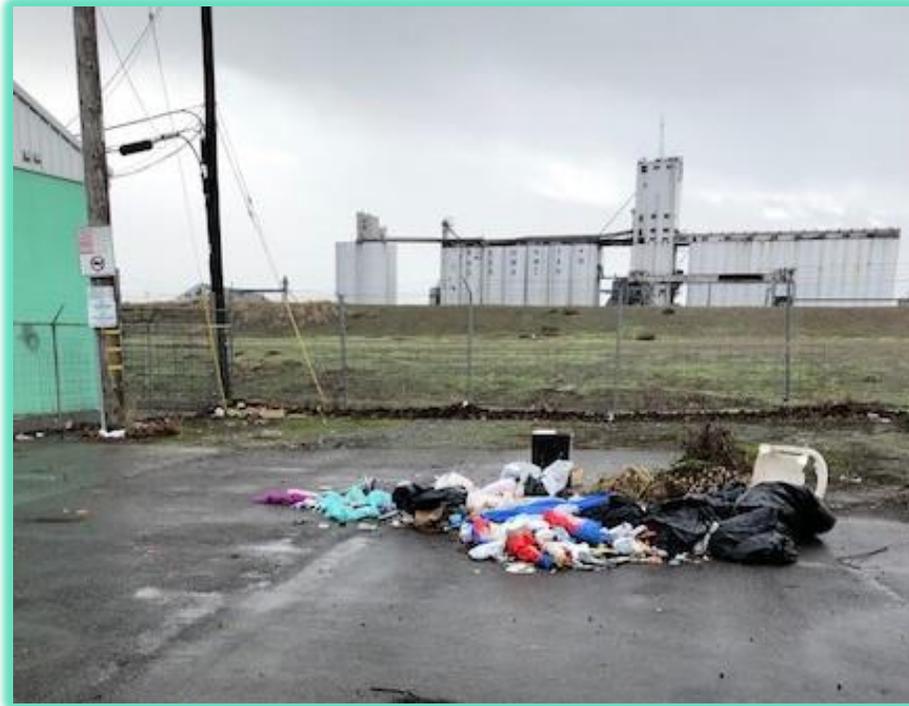


Figure 3. Illegal Dumping (July 1, 2018 to June 30, 2019)

(San Joaquin County Department of Public Works)

2.0 Programs available



Free Drop-off Services

Many free residential waste programs are funded from different sources. It was reported that these programs are under-utilized because the public is unaware of them. These programs do not replace the weekly city/county-wide waste collection services that are paid through utility bills, but do help with disposal of larger items and hazardous waste. Appliances of small and large types, batteries, electronics, household cleaners, mattresses, and tires, as well as vessels all have outreach programs to aid in the proper and safe disposal of these items. At the San Joaquin County Solid Waste Facility, vouchers are only available for tire disposal. In some cities, vouchers are available for many different items which further encourages recycling within their local area. Having multiple vouchers available for the public has also proven to be effective in many other counties.

Program	Website Information	Description
Appliances (large/small)	https://www.sjgov.org/solidwaste/recyclingcat?ID=21666&t=Appliances	Recycle unwanted or obsolete appliances at San Joaquin County's Solid Waste facilities. Up to two of refrigerators, air conditioners, freezers or water coolers. Up to nine of clothes washers/dryers, microwaves, ovens, water heaters, stoves, space heaters, dishwashers or trash compactors.
Batteries	https://www.sjgov.org/solidwaste/recyclingcat?ID=21668&t=Batteries%20-%20Single%20Use	California considers all batteries as hazardous waste when they are discarded and should be recycled at an authorized facility. This includes automotive, marine,

	https://www.sjgov.org/solidwaste/recyclingcat?ID=21669&t=Batteries%20-%20Rechargeable	agricultural and RV lead acid, gel and amalgamated glass mat batteries. Batteries can be dropped off at San Joaquin County's Household Hazardous Waste Facility.
Electronic Waste (E-Waste)	https://www.sjgov.org/solidwaste/recyclingcat?ID=21667&t=Computers,%20Monitors,%20Cell%20Phones%20and%20Electronic%20Waste	Electronic waste includes televisions, computer monitors, cell phones, DVD Players, and anything with a circuit board. Electronics should never be disposed of in regular trash because the devices contain toxic heavy metals including lead, cadmium, and mercury which can be harmful to health and the environment. They should be taken to San Joaquin County's Household Hazardous Waste Facility or an authorized recycling center.
Household Cleaners	https://www.sjgov.org/solidwaste/recyclingcat?ID=21677&t=Household%20Cleaners	Many common household cleaning products are hazardous because they contain corrosive, toxic, flammable, or reactive ingredients which can pose a threat to human health, animals and the environment if disposed of incorrectly. Household cleaners should never be disposed of in regular trash but should be taken to San Joaquin County's Household Hazardous Waste Facility or an authorized recycling center.
Mattresses	https://www.sjgov.org/solidwaste/recyclingcat?ID=27730&t=Mattresses https://byebyemattress.com/	Most mattresses and box springs discarded by California residents are eligible for the mattress recycle program and may be taken to any San Joaquin County owned Landfill or Transfer Station for disposal for free.
Tires	https://www.sjgov.org/solidwaste/recyclingcat?ID=21663&t=Tires	Used tires can be brought to San Joaquin County Solid Waste/Recycling facilities for proper disposal. State law allows for free disposal of up to nine tires without a waste tire-hauling permit. All tires collected at County facilities are sent to a certified tire recycler who grinds the rubber. It will then be made into a variety of products, including rubber bark for gardens and playgrounds, city streets and sidewalks, and floor mats. The website shows how to obtain a tire recycling coupon.
Vessels	https://www.parks.ca.gov/pages/28702/files/vessel%20turn%20in%20program%20brochure.pdf	This Vessel Turn-In Program (VTIP), administered by California State Parks Division of Boating and Waterways, was created to help boat owners surrender their unwanted recreational boats to a local participating VTIP agency, free of charge.

Figure 4. Free Programs in San Joaquin County



Public Volunteer Organizations

Listed below are programs that utilize volunteers for special cleanup days and events.

Program	Website Information	Description
Adopt-A-Highway	https://dot.ca.gov/programs/maintenance/adopt-a-highway	A Caltrans sponsored program in which volunteers maintain two-mile stretches of the highways. They don't just remove litter; they also do vegetation control, tree and shrub planting, wildflower planting, and graffiti removal.
Adopt-A-Road	https://www.sjgov.org/WorkArea/DownloadAsset.aspx?id=29542	A local volunteer program developed to help keep county right of ways clear of trash. The work locations are determined by the County Department of Public Works. Two Adopt-a-Road signs are provided, one at each end of the adopted section to show where the organization is working. The County supplies garbage bags and safety equipment to the volunteers, and provides garbage pickup service upon notice once the cleanup event is complete. The frequency may range between two and four times per year. This program was started in March 2019, and has only a few small groups that have sponsored five cleanups to date.

C.A.R.E.S.	https://www.recordnet.com/news/20190813/cares-team-out-cleaning-streets-of-stockton	Begun in 2019, this outreach program was created to help people who are homeless by recruiting them to clean the streets of Stockton. In return they receive lunch, gift cards, and resources. It is supported by discretionary funds from the City of Stockton.
Clean San Joaquin	https://www.cleansjc.org/	In 2018, the County adopted this program which directs residents to the website or app of GoRequest (see Public Works). One of the goals is to beautify the streets and neighborhoods. It also encourages volunteerism for their two cleanup days per year, Earth Day (April 22) and National Recycle Day (November 15). This is a referral program only.
Clean Sweep	http://www.stocktonca.gov/government/departments/publicWorks/garbageBHTSweep.html	This annual clean-up program, sponsored by the City of Stockton, is for residents living in single-family homes, duplexes, or triplexes. It runs annually from February through October. Residents can make a once-annual appointment to discard the following items at no charge: furniture, mattresses, carpets and pads, appliances, out-of-use electronics, up to six 30-gallon bags of household or green waste, and up to five tires without rims. This is by appointment only.

Figure 5. Public Volunteer Organizations

3.0 Departments, Agencies, and Alternative Work Programs

San Joaquin County has a variety of differing cleanup programs that attempt to help with the issue of illegal dumping. The Departments and Agencies that run these programs are listed below and all clean specific segments of the county. However, there is a lack of communication across Departments/Agencies preventing teamwork. There is also no coordinated referral system throughout the county. The programs that employ paid workers are specifically complaint-driven, which means each department only picks up the trash that has been reported to their agency. The agencies cannot pick up something that has not been officially reported, or something out of their particular jurisdiction. County agencies cannot pick up trash on city property, and city agencies cannot pick up trash on county property. Departments run the risk of having funding cut when choosing to address trash not in their jurisdiction.

Alternative Work Program

https://www.sjgov.org/sheriff/custody_rules.html

The Alternative Work Program allows individuals who are incarcerated to serve a portion of their time by working in the community. It is a San Joaquin County Sheriff Department non-profit program funded by general county dollars offset by fees paid by the participating agencies. The workers are supervised by the contracted agencies as they service over 80 non-profit or public agency worksites throughout the county doing gardening, laundry, waste disposal or recycling.

They also work at drug or rehab sites or foodbanks. This is a for-hire only group; it does not do general trash pickup.

Community Corps Program

<https://www.sjgov.org/sheriff/images/custody.pdf>

Crews of approximately eight in-custody honor farm county inmates, supervised by a San Joaquin County Sheriff employee, are contracted out to 25 government and non-profit organizations. The crews do not do general public clean-up. They spend two days per week assisting the City of Stockton Quality of Life Division by removing trash at homeless encampment clean-ups. The rest of their time is allotted for landscaping, weed abatement, road maintenance, graffiti removal, and trash pickup. The county is reimbursed by the organizations and all revenue and expenditures go through the Inmate Welfare Fund (IWF). This program is self-sustaining, and is also a benefit to the inmates by teaching them work skills which gives them a purpose while being incarcerated. The Community Corps Program is limited by the number of Level 1 inmates that qualify for this type of release work, and by the organizations that hire them for particular jobs, which includes trash pickup only at their specific sites. This is a for-hire only group; it does not do general trash pickup.

Code Enforcement (Cities and County)

<https://www.sjgov.org/commdev/cgi-bin/cdyn.exe?grp=building&htm=codeenforce>

The code enforcement divisions within the Sheriff and Police Departments address blight and nuisances, and maintain a clean environment focusing on health and safety regulations for all citizens in our communities. This division investigates reports of County ordinance and municipal code violations ranging from illegal fencing that obstructs roadway visibility, to excessive weeds/vegetation which may pose safety or fire hazards. Code Enforcement personnel take reports of graffiti, illegal dumping, and signage on private property. After follow-up on the report is completed, a citation is issued to the appropriate entity or property owner with a due date for clean-up. If not cleaned up, a contractor is hired to abate the violation and sends the property owner a bill which could result in a property tax assessment if the bill is not paid. It is important to note that the city/county Code Enforcement Departments are only complaint-based. They address and enforce complaints for private properties *only*. Code Enforcement does not perform the actual clean-up.

Environmental Health

<https://www.sjgov.org/department/envhealth/programs/default?id=26245>

The San Joaquin County Environmental Health Department's (EHD) goals are to protect public health and the environment from the effects of improper storage, collection, transportation and disposal of solid waste such as flies, rodents, scenic blight, public nuisances, and water pollution. The EHD is the Local Enforcement Agency for enforcement of solid waste laws and regulations within the unincorporated area of San Joaquin County and all of the incorporated cities, except the City of Stockton. The Environmental Health Department regulates 3 landfills, in addition to 29 active and 21 closed solid waste facilities.

Greater Valley Conservation Corp

<https://www.sjcoe.org/gvcc/> and <http://www.greatervalleycc.org/>

Organized through the San Joaquin County Office of Education, this group partners with 31 area agencies (businesses, schools, nonprofits, municipalities, public works departments, and cities throughout San Joaquin and neighboring counties) to serve local youth and communities by providing education, training, and job opportunities in the fields of recycling and natural resources. The group employs youth 18 to 25 years old in projects involving conservation, ecological restoration, and public safety/land beautification, including lot clean-ups and graffiti/litter abatement. This is a for-hire only group; it does not do general trash pickup.

Public Works

<https://www.sjgov.org/department/pwk/> and <https://www.sjgov.org/gorequest/request>

GoRequest is San Joaquin County's online system (or app) that citizens can access to report county-related problems to County Public Works. The Public Works Department's responsibility is to maintain roadways, bridges, waste facilities, levees, channels, sewers, storm drains, and street lighting services. Public Works also receives illegal dumping complaints and assists with the homeless encampment clean-ups. The trash pick-up has been taking an increasing amount of the crews' time in recent years, which cuts down on their ability to maintain the other services. Public Works crews pick up trash that has been registered as a complaint through their system. A majority of Public Works funding including gas tax revenues, is tied to road maintenance. Therefore, in most cases, trash pick-up by Public Works is directly attached to upkeep of the roadway

Each incorporated city in San Joaquin County also has its own Public Works division which can be contacted to report trash problems.

- Escalon: http://escalon.hosted.civiclive.com/government/departments/public_works
- Lathrop: <https://www.ci.lathrop.ca.us/publicworks>
- Lodi: <https://www.lodi.gov/450/Public-Works>
- Manteca: <https://www.ci.manteca.ca.us/PublicWorks/Pages/default.aspx>
- Ripon: http://www.cityofripon.org/city_hall/departments/public_works
- Stockton: <http://www.stocktongov.com/government/departments/publicWorks/default.html>
- Tracy: <https://www.ci.tracy.ca.us/?navid=54>

See Figure 6 for the number (and percentage) of county-related **GoRequest** calls on **Illegal Dumping** compared to the **Total GoRequest** calls for the years 2012–2019.

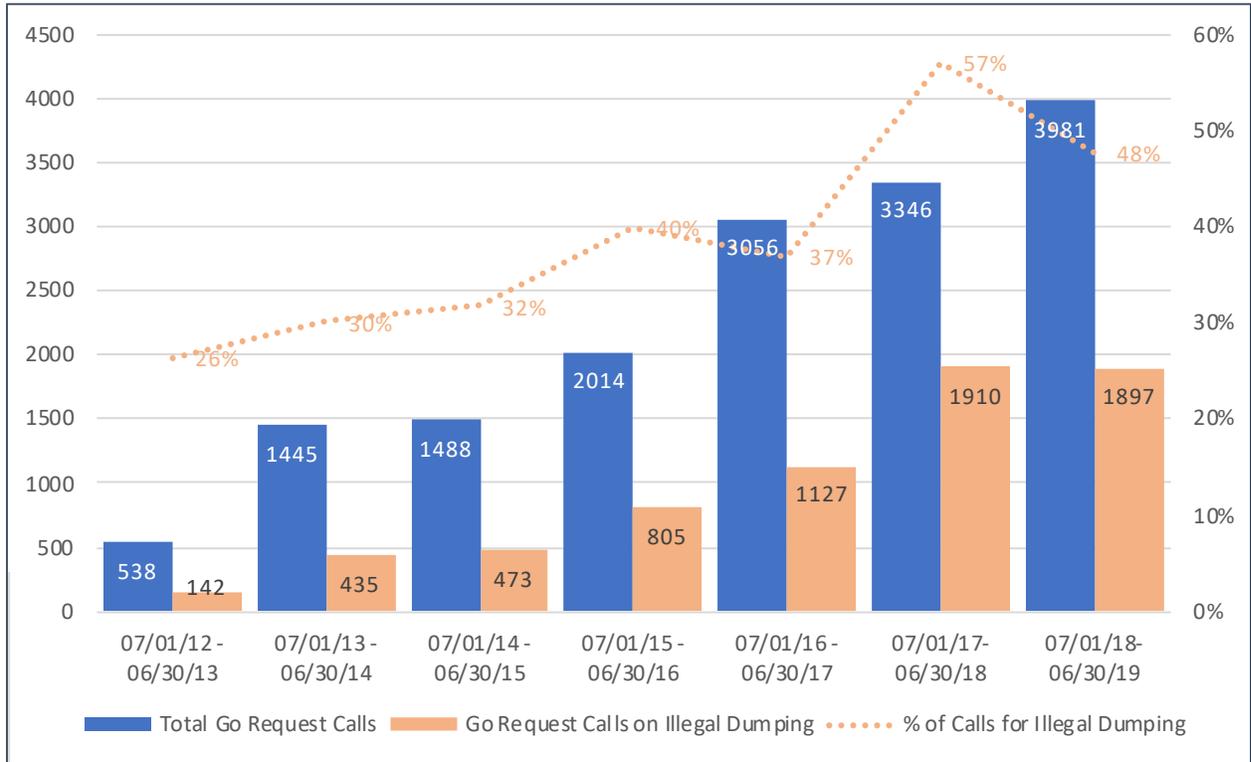


Figure 6. Service Requests Calls by Fiscal Year (07/01/12 to 06/30/19)

(adapted from San Joaquin County Public Works data)

4.0 Enforcement

Enforcement of Illegal dumpers is difficult for many reasons. The District Attorney's Office needs proof of the dumper's identity which is challenging to obtain. Often the dumping is done at night next to places that already have accumulated trash. Few areas around the cities and County have surveillance, especially in vacant lots, alleys and around abandoned warehouses. In order to prosecute the dumper, someone has to register a complaint to City or County Code Enforcement about the dumped trash. The garbage piles are then searched, and if evidence of identity is found, the officer goes to that person's house. The officer may be informed that another person was hired to dump their trash. According to the District Attorney's Office, there is often not enough evidence to prosecute.



Other counties in California, such as Butte County, have adopted enforceable ordinances. In Butte County, illegal dumping is a misdemeanor offense, and the County established an Administrative Order/Hearing Process to minimize the impact on the courts. Because of the ordinance, illegal dumpers may be fined \$100, \$200, and \$300. Such ordinances require sufficient staffing. The County has an ordinance and process to retain an administrative hearing officer as necessary but does not have a designated hearing officer position.

5.0 Environmental Justice

People who live in disadvantaged socioeconomic neighborhoods are disproportionately impacted by environmental pollutants. In 2006, the California Environmental Protection Agency (CalEPA) established a statewide Environmental Justice Task Force (EJ Task Force) to increase compliance with environmental laws in disadvantaged communities. In that same year, the California Integrated Waste Management Board (now California Department of Resources Recycling and Recovery, or CalRecycle) established a high-level state and local illegal dumping enforcement task



force to assess the extent of illegal dumping and develop recommendations. In 2013, CalEPA received partial funding for pilot initiatives in Fresno (2013-2014) and Los Angeles (2015-2016) focusing on compliance with environmental laws. In 2016, the Legislature mandated CalEPA give priority and full funding to disadvantaged communities to ensure increased compliance in the areas that would have the potential to make the greatest impact. Subsequent initiatives in Oakland (2016-17), Pomona (2017-18), and Imperial County (2018-19) focused on pollution, pesticides, and childhood asthma. In 2018, Stockton was recognized as one of these disadvantaged communities. In 2019, the E J Task Force carried out the initiative in Stockton working with residents, city officials, local community groups, and local enforcement agencies which focused on strategies to address

environmental concerns. The Stockton Environmental Justice Initiative was developed and three community priorities were identified: illegal dumping, air pollution near schools, and odorous and discolored drinking water. CalRecycle mobilized resources within its Illegal Dumping Technical Advisory Committee (IDTAC) and coordinated the efforts of the EJ Task Force to assist Stockton and San Joaquin County in developing solutions to the illegal dumping problem. According to their website, CalRecycle coordinated with the Stockton Fire Department to conduct 75 inspections of waste tire facilities. Three violations for inadequate fire prevention measures, total waste tire count, and lack of qualifying permit were issued and are now in compliance. Altogether, more than 200 inspections in San Joaquin County were carried out by regulators working with the EJ Task Force. Violations were found at 51 facilities. As a result of the inspections, many facilities were

issued citations and ordered to clean up any contamination that resulted from their noncompliant actions. Within three months of the task force completing its inspections, more than 90 percent of the facilities found in violation had made corrections and were deemed compliant.

Another problem the community expressed concern about was the proliferation of illegally dumped mattresses in the city. CalRecycle asked the Mattress Recycling Council (MRC), a nonprofit organization, to commit resources towards raising awareness around free mattress recycling services. MRC launched a local advertising campaign aimed at reducing illegal dumping and promoting its no-cost collection network. They also hosted a two-weekend long, mattress-collection effort in which they set up several temporary, free-drop-off locations in areas known for illegal dumping. With the support of Restore the Delta and Little Manila Rising, MRC collected 905 mattresses. Despite this effort, mattresses are still being dumped on the side of the road.

On May 2, 2019, the IDTAC hosted a local **Illegal Dumping Workshop** to aid the City of Stockton and San Joaquin County. The workshop had 55 attendees, 32 from the immediate area, and 23 from other jurisdictions outside of San Joaquin County who asked questions and planned strategies.

Some of the topics they discussed included:

- Prevention techniques (public outreach and education);
- Public drop-off convenience; and
- Coordination and communication strategies, enforcement, and community volunteer involvement.

The local Illegal Dumping Workshop had many in attendance who developed strategies, but little progress has occurred since the meeting in May 2019.

The Stockton Environmental Justice Initiative is now completed in Stockton. It developed the following strategies in partnership with the City of Stockton and the County as follows:

- Revising existing ordinances to include administrative penalties for illegal dumping, rather than just fines or criminal penalties;
- Developing a memorandum of understanding(s) between the city(s) and county to share funds to develop a unit dedicated to illegal dumping; and
- CalRecycle will continue to work alongside the city and county as they move forward developing new strategies to combat illegal dumping.

Because the initiative in Stockton is now completed, there is no planned follow up regarding any of the suggested strategies. However, CalEPA Staff will continue to be a resource for addressing local community priorities, working toward compliance of all facilities with violations, and addressing community challenges.

CalRecycle's Illegal Dumping Technical Advisory Committee (IDTAC) continues to have biannual meetings (May and November), and since 2019 a representative from the county Public Works Department has been in attendance.

Grant monies are available, according to the CalRecycle website, and the San Joaquin County Public Works Department applied for and received a \$100,000 Farm Grant in 2019. The department plans

to use this money in conjunction with the Adopt-a-Road and Greater Valley Conservation Corps on cleanup in select agriculturally-zoned areas that are prone to dumping.

Rise Stockton, a collaborative, participatory action project made up of seven Stockton Community-Based Organizations and the City of Stockton, developed *The Sustainable Neighborhood Plan* which was adopted by the Stockton City Council on October 8, 2019. Rise Stockton used *The Plan* to win \$10.8 million in grant funding to address Stockton's environmental inequities. The funding is to be used entirely in Central and South Stockton. In one of *The Plan's* Top 7 Community Priorities, South Stockton community members identified garbage as a top source of pollution in their neighborhoods, emphasizing that coping with high levels of unattended garbage affects the way residents feel about their neighborhoods. The project ideas include:

- Collaborative neighborhood/city clean-up program;
- Green waste/composting program & education; and
- Improve recycling program for businesses and residences.

The Sustainable Neighborhood Plan concludes that cleaning up the garbage and educating residents on how to recycle, compost, and properly dispose of waste, is integral to creating sustainable lifestyles for the future.

Findings

F1 Illegal dumping has increased in part because the County has not created a strong, enforceable ordinance to deter illegal dumping.

F2 There is no designated hearing officer and other staff required to enforce ordinances, leading to less effective enforcement.

F3 San Joaquin County lacks sufficient surveillance equipment to monitor dumping hotspots and to prosecute illegal dumpers.

F4 San Joaquin County Public Works Department, Sheriff's Office, Community Development Department, District Attorney's Office, and all city departments within the county are not working collaboratively to address the illegal dumping problems.

F5 San Joaquin County and the City of Stockton are not working together to share in the cost of illegal dumping cleanup.

F6 Free drop-off services are underutilized because the public is unaware of most of the programs offered.

F7 San Joaquin County and the City of Stockton do not have a robust referral system for sharing reports of illegal dumping irrespective of jurisdiction.

F8 Effective cleanup incentives such as disposal vouchers, fee waivers, and recycling coupons have proven effective in reducing the likelihood of illegal dumping.

Recommendations

R1 By December 31, 2020, develop and adopt an enforceable ordinance to deter illegal dumping which includes a mechanism for collecting fines, an appeals process, and a way to recoup the cost of administration from the illegal dumpers.

R2 By December 31, 2020, designate an Administrative Hearing Officer along with Public Works staff for enforcement.

R3 By December 31, 2020, obtain and install appropriate surveillance equipment, such as lighting and cameras, in the top five dumping hotspots.

R4 By November 30, 2020, create an illegal dumping task force (Task Force) that includes representatives from San Joaquin County Public Works Department, Sheriff's Office, District Attorney's Office, Community Development, and all cities within the County to participate in the Task Force. This Task Force meet regularly throughout the year.

R5 By December 31, 2020, the newly formed Task Force develop a plan to share costs for illegal dumping pickup throughout the County and the City of Stockton.

R6 By January 31, 2021, the Task Force develop and implement a county-wide educational program including billboards, buses, and bus stop shelters advertising to include information about free drop-off services.

R7 By January 31, 2021, the Task Force create a referral system to notify the appropriate jurisdictions of illegal dumping. This referral system include a complaint-recording data log with follow-up measures.

R8 By January 31, 2021, the Task Force develop a written plan to establish an equitable way to fund and issue vouchers, fee waivers, and recycling coupons.

Conclusion

The 2019-2020 Grand Jury found that residents of San Joaquin County lack knowledge of and are not utilizing free resources, such as drop-off services. Residents are also unaware of reporting resources such as the "GoRequest" website. The problem is exacerbated because the public must formally open a complaint for removal of debris, and because one department's jurisdiction cannot address dumping if it is not in their defined area. The lack of coordinated efforts among the agencies dealing with trash removal is a consistent problem that has not been fully addressed.

Other factors include a lack of enforcement, scarcity of staffing, a lack of surveillance methods, and not enough funding to combat this silent environmental threat in our county. Lacking preventive measures, lacking knowledge about free resources, and lacking public input and ideas from the people that are most affected by such negligence all combine to create a perfect storm resulting in a *Broken Windows* effect.

The world just celebrated the 50th Earth Day and great attention was given for the need to better our environment. Fixing the *Broken Windows* and decreasing the amount of illegal dumping is an enormous challenge, but is vital in making the world a cleaner, healthier place to live.

Disclaimers

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911. 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Response Requirements

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

San Joaquin County Board of Supervisors shall respond to all Findings and Recommendations.

Stockton City Council shall respond to all Findings and Recommendations, where applicable.

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

Honorable Xapuri B. Villapudua, Presiding Judge
San Joaquin County Superior Court
180 E Weber Ave, Suite 1306J
Stockton, California 95202

Also, please email a copy of the response to Ms. Trisa Martinez, Staff Secretary to the Grand Jury, at <https://www.sjcourts.org>

2019 - 2020 San Joaquin County Grand Jury



San Joaquin County Office of the Public Defender:

Conflict, Mistrust, Lawsuits

A Perfect Storm

Case #0819



Summary

The San Joaquin County 2019-2020 Grand Jury investigated the disproportionately high number of internal complaints filed against the Office of the Public Defender. (See Figure 1.) The effect of Equal Employment Opportunity (EEO) complaints, lawsuits, attorney improprieties, questioning of leadership, and the formation of cliques, cast a cloud of distrust and created a lack of cohesiveness throughout the Public Defender's Office, even though many allegations were not substantiated.

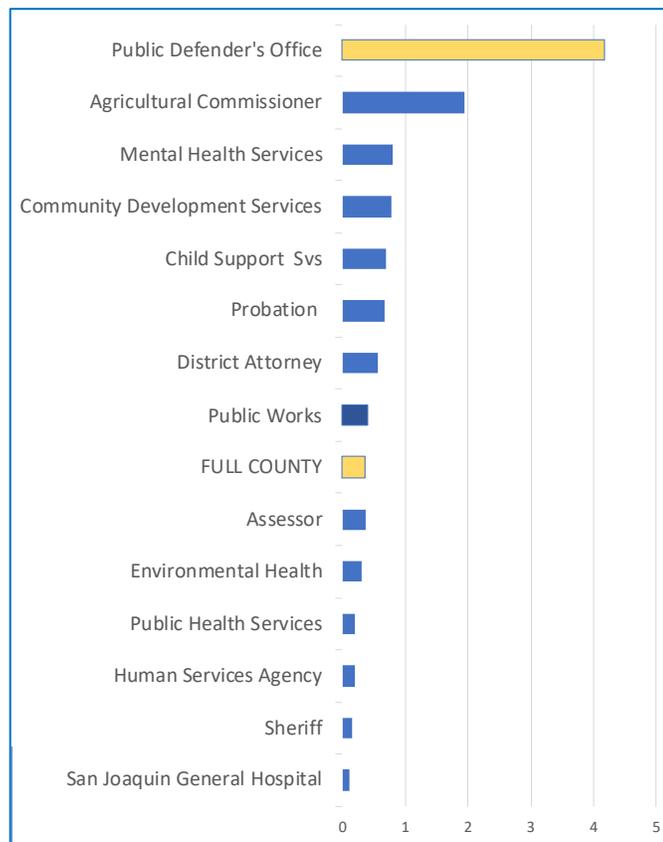


Figure 1. Per capita EEO complaints from 2015-2019¹

(adapted from Joaquin County Human Resources Department data)

Over the past five years, the Public Defender's Office has the highest per capita EEO complaint rate in the County. Additionally, the Office is involved in EEO lawsuits that are the most expensive in recent County history. The complaints required costly external investigations. This distracted the department's management and staff, and demanded significant attention from Human Resources (HR) and the County Administrator's Office. In the past four years, the County spent \$252,912 on

¹ Average is per 100 employees. Only departments with more than 50 employees are shown. In one case, where a single employee filed 10 complaints at the same time against different people, the data have been changed to show a single complaint. Total staff for each department is based on the final budget Full Time Equivalent (FTE) count for each year.

outside consultants to investigate EEO complaints regarding the Public Defender's Office. In May 2020, the Board of Supervisors partially settled a lawsuit in the amount of \$2,150,000. Although insurance will pay for more than half of this, a total of approximately \$2,400,000 in taxpayer dollars has been accrued² on these issues and the end is not yet in sight. Two plaintiffs have yet to settle.

Even though the Public Defender followed County HR policies, problems continued to escalate. Distrust of Management developed, and was fueled partially by, confidentiality constraints. Cliques and groups arose within the office. While some issues have subsided, factions and distrust remain.

The office of the Public Defender affords indigent persons the legal right to competent and effective counsel across a broad range of criminal and civil situations. The Office represents its clients with commitment and with passion.

The Grand Jury recommends San Joaquin County hire an independent consultant to conduct a thorough operational review of all aspects of the Public Defender's Office and to make recommendations for improvement.

Glossary

- **Complaint:** Any dispute between the county and one or more employees or a recognized employee organization concerning the interpretation or application of ordinances, resolutions, policies, procedures, or agreements, including memoranda of understanding, on matters within the scope of representation.
- **Constructive Termination:** Defined by California employment law as when an employer knowingly creates intolerable working conditions for an employee, who then believes they have no choice but to resign.
- **County:** San Joaquin County
- **EEO:** Equal Employment Opportunity
- **FTE:** Full Time Equivalent, meaning the hours worked by an employee divided by a full-time workweek. FTE of 1.0 is equivalent to a full-time worker while FTE of 0.5 is equivalent to a half time worker.
- **HR:** Human Resources Division
- **Management:** Public Defender, Assistant Public Defender, Chief Public Defenders, and Chief Investigator (Check!)
- **Public Defender's Office:** Refers to the Department
- **Public Defender:** The department head of the Public Defender's Office
- **Rule 20:** San Joaquin County Civil Service Rule 20 (Rule 20) provides procedures for complaints of discrimination. Section 1. "No employee of the County or any job applicant seeking employment with the County shall be discriminated against in any aspect of employment because of age, ancestry, color, creed, marital status, medical condition (cancer or genetic

² County excess insurance pays the amount over \$1,000,000. However, insurance premiums are paid with taxpayer dollars and over a period of time costs may equal or exceed the cost of claims.

characteristics), national origin, physical or mental disability, political affiliation or belief, pregnancy, race, religion, sex, or sexual orientation.”

Background

The San Joaquin County Public Defender’s Office is dedicated to serving the diverse needs of our community and its justice system by furnishing clients whose cases have been entrusted to the office, with competent, effective, loyal, ethical, zealous, compassionate and efficient advocacy. (Source: San Joaquin County Public Defender website.)

The San Joaquin County Public Defender’s Office was established as a County Department in 1968. The office is a major public law office, serving the county's 33 judicial positions in 5 locations, with 39 attorneys, 13 investigators, and an administrative support staff of 19. The Public Defender’s Office handles an incoming caseload exceeding 1,800 cases per month. The department has a budget expenditure of \$18,700,014. (Refer to San Joaquin County website for the current budget.)

The Public Defender's primary practice areas are:

- Adult Criminal Defense
- Juvenile Criminal Defense
- Child Dependency
- Mental Commitment Defense
- Civil Extension Actions

The San Joaquin County Public Defender’s Office website states, “San Joaquin County is required to provide effective legal defense for all indigent persons who face the loss of liberty in criminal or civil proceedings initiated by the San Joaquin County District Attorney, County Counsel or other prosecuting agency. Public Defender clients are screened by court staff for indigency. County funded legal services are provided only to those who lack the present means to hire private attorneys.”

The organization of the Office of Public Defender consists of the Public Defender, one Assistant Public Defender, three Chief Deputy Public Defenders, one Chief Investigator, (Management), a cadre of Deputy Public Defenders, Public Defender Investigators, and administrative staff.

The current Public Defender served as the Assistant Public Defender for approximately three years prior to elevating to the Public Defender position in April 2016. When the current Public Defender assumed leadership of the office, there were numerous employee and internal departmental issues that were either at the forefront or emerging. Within months and throughout the following year, four Public Defender Investigators filed multiple EEO complaints with County Human Resources. Collectively, the EEO complaint forms submitted by the investigators cited each of the 18 Rule 20 categories at least once.

Reason for Investigation

The Grand Jury received a complaint from a citizen alleging mismanagement of the Public Defender's Office. In addition, the Grand Jury reviewed a June 2019 article published in *The Record* newspaper. The article outlined details alleging sexual harassment and the failure of Management to adequately address complaints.

Method of Investigation

The Grand Jury reviewed a complaint submitted by a citizen and three articles published in *The Record*. The Grand Jury conducted sixteen interviews that included individuals from each level of the Public Defender's Office as well as former employees and various county administrators, noting commonalities and differences in testimony. The Grand Jury also reviewed reports, emails, memoranda, policies, and rules specific to the Public Defender's Office as well as those applicable to all County Departments.

Materials Reviewed (Note: Refer to "Sources" at end of Report for additional material reviewed.)

- Civil court cases
- Interoffice communications (email, memoranda, and notes)
- Redacted Equal Employment Opportunity (EEO) complaints and investigative reports
- County civil service rules, regulations, policies, and procedures
- County Equal Opportunity Training Programs, Training Handout Materials, Schedules, Activities, Goals, and relevant Laws
- County Human Resource documents related to EEO complaints
- *California Fair Employment and Housing Act*
- Court Assigned Council documents
- Performance evaluations
- Performance evaluation training documents
- Depositions

Interviews Conducted

The Grand Jury conducted 16 interviews which included:

- Current and former members of the investigative division of the Public Defender's Office
- Current and former Deputy Public Defenders
- Management/Leadership levels within the Public Defender's Office
- Human Resources Administration
- County Administration

Discussion

Public Defender Investigators

Approximately eight months prior to the current Public Defender's appointment to the position, a new Chief Investigator was appointed. Within the first few months after the current Public Defender took office numerous San Joaquin County Civil Service Rule 20 (Rule 20) complaints were filed by several Public Defender Investigators against this new Chief Investigator.

Several independent outside investigations found that most findings did not substantiate Rule 20 violations. However, the Grand Jury found a level of discomfort with and a distrust of the Chief Investigator, and of management in general. Outside investigations revealed a perception within the department that concerns and complaints brought to Management were not addressed or acted upon. In addition, other employees filed complaints with Human Resources alleging various acts of Rule 20 discrimination and retaliation within the Public Defender's Office.

On May 15, 2017 four experienced Public Defender Investigators simultaneously resigned in an act of constructive termination and collectively filed a lawsuit against the Office of the Public Defender. The reasons provided were issues with the Chief Investigator. Two other Public Defender Investigators had resigned the year before, and two more resigned the following year. All resignations were related to Chief Investigator issues. These vacancies created a temporary reduction in investigative staff capacity. Additionally, the Chief Investigator was on paid leave for more than five months. His absence also impacted available staffing.

HR investigations at the time determined that Management actions were being taken but communication back to complainants was minimal due to confidentiality requirements. This lack of feedback added to the reported angst and distrust. Many felt the complaints were not being taken seriously. Regardless, the actions taken by Management were supported in the complaint investigation findings. Management reportedly responded to situations promptly, appropriately, and in accordance with established policies and laws.

With respect to the Chief Investigator and Public Defender Investigator issues, documents support that the Public Defender made decisions in a good faith effort to manage the department. Additional findings note that the Public Defender did not delay in taking action in response to complaints.

Confidential File: Removed and Shared

According to numerous witnesses, an incident occurred when a Deputy Public Defender entered the office of another Deputy Public Defender (who was absent at the time) and accessed a confidential file. Subsequently, information within the file was provided to a private attorney. This irregular and unprecedented act was considered by some to be a violation of trust and ethics. Some Deputy Public Defenders believed this was an act of criminal conduct while others did not take issue with the incident. This difference of views caused consternation among the attorneys, and reportedly created further loss of trust and communication.

A letter signed by 22 Deputy Public Defenders was submitted to the Public Defender requesting an independent, outside investigation into the matter. The Deputy Public Defender from whose office the file was accessed also requested an outside, independent investigation. The Public Defender's Office conducted an internal investigation, but due to existing mistrust, some felt the investigation was not conducted thoroughly or taken seriously. There was no outside, independent investigation.

Excessive Employee Complaints

Over the past five years the Public Defender's Office has had the highest rate of EEO complaints per employee in the County. (See Figures 1 and 2.)

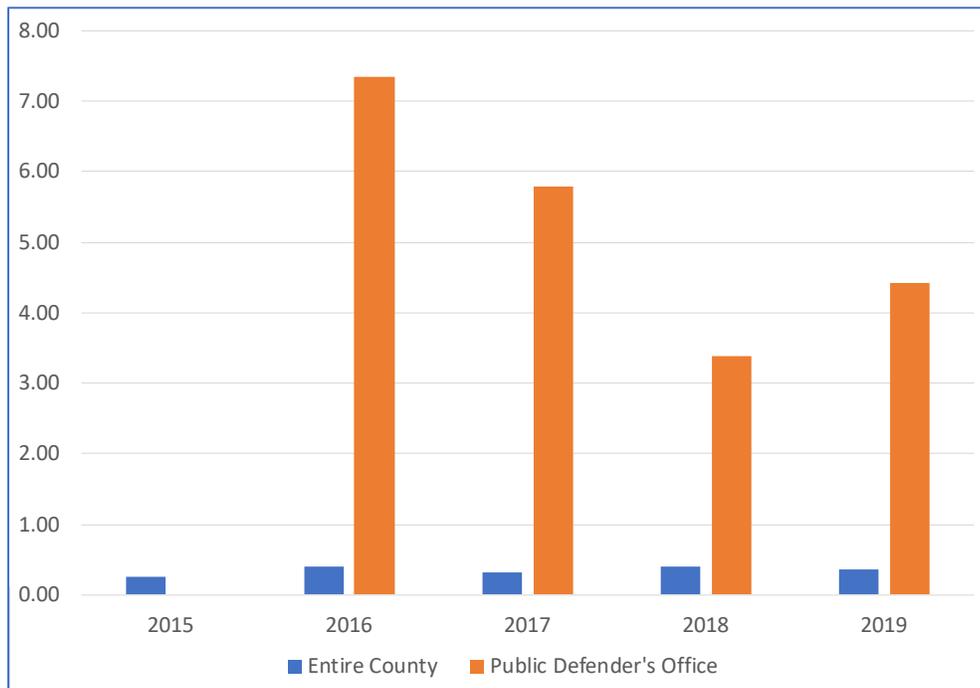


Figure 2. Average EEO complaints by year from 2015-2019³

(adapted from San Joaquin County Human Resources Department data)

A series of formal EEO complaints were filed after the current Public Defender assumed office in 2016. Each complaint noted one or more Rule 20 discrimination categories that include age, ancestry, color, gender, harassment, hostile work environment, marital status, medical condition, national origin, physical or mental disability, race, religion, retaliation, sex, and sexual orientation. The number of complaints appear to be disproportionately high compared to complaints filed in

³ Average is per 100 employees. Only departments with more than 50 employees are shown. A single data point where a Public Defender's Office employee filed ten complaints at the same time against different people has been changed to a single complaint. Total staff count for each department is based on the final budget FTE's for each year.

other County departments. (See Figures 1, 2, and 3.) Examples of some of these complaints are listed below.

- In the Spring of 2017, complaints were filed by four Public Defender Investigators against the Chief Investigator.
- In September 2018, that same Chief Investigator filed a complaint against individuals of the Public Defender’s Office alleging retaliation and discrimination involving gender.
- In 2019, a former Deputy Public Defender filed a complaint against the Public Defender’s Office alleging repeated sexual harassment and failure by Management to adequately address complaints.

The Public Defender was named in some, but not all of these complaints. The Grand Jury reviewed investigative reports and found that some complaints were partially substantiated while others were not substantiated.

The County retained outside independent firms to conduct investigations regarding the allegations set forth in the Rule 20 complaints to assist in determining whether a violation of EEO policies and/or the *Harassment-Free Work Environment Policy* occurred. A total of eight of 28 EEO complaints filed over five years resulted in outside investigations. (See Figure 3.) The time and resources spent by management and staff to deal with these complaints impacted both staffing and morale. In addition, other County departments, including HR and the County Administrator’s Office, expended considerable resources in responding to the complaints.

Hiring independent investigation firms has significant financial impact on taxpayer dollars. (See Figure 3.)

Year	Number of Investigations	Cost
2016	1	\$ 47,319.29
2017	2	\$ 78,411.26
2018	2	\$ 78,407.30
2019	3	\$ 48,774.06
Total	8	\$ 252,911.91

Figure 3. Independent, Outside Investigations for Public Defender’s Office

(adapted from San Joaquin County Human Resources data)

HR policies and procedures (see Sources) encourages supervisors and managers to resolve problems at the lowest organizational level before moving up to the next level. Management responded in a timely manner and within HR guidelines. The complainants’ perception, however, was that Management was doing nothing to address their complaints. Rules, policies, and laws constrain Management from releasing information on the progress and resolution of complaint investigations. These constraints were either not understood or not accepted by some staff.

Exorbitant Lawsuits

During the past five years San Joaquin County has been the subject of seven resolved EEO lawsuits at a total cost⁴ of **\$600,033**. During the same time period, two EEO lawsuits naming the Public Defender Office as respondent were, and still are, pending with one lawsuit partially settled for **\$2,150,000**.

The partially settled lawsuit was filed in 2017 by the four female Public Defender Investigators who resigned citing constructive termination. The plaintiffs claimed harassment and discrimination by their immediate supervisor. Two of the four plaintiffs have settled collectively for \$2,150,000.

The other lawsuit, filed in November 2019 by a former Deputy Public Defender, alleged repeated sexual harassment as well as retaliation and failure by Management to adequately address the plaintiff's complaints. The County denied the allegation and the lawsuit is ongoing.

Toxic Office Environment

Cliques and groups developed in the Public Defender's Office. Although long term employees described the working environment in prior years as being "like a family," more recently-hired employees perceived the environment differently. Groups of attorneys hired at about the same time tended to relate more closely to one another. While this is not uncommon, these differences were seen as inhibiting the cohesiveness of the office.

The events identified in this report relating to the Public Defender Investigators/Chief Investigator and the unauthorized removal of a file from a Deputy Public Defender's Office were reported as major contributors to a breakdown of trust and communication. Although trust is improving, a lack of respect and professionalism continues to permeate the Public Defender's Office.

Findings

F1 Employees of the Public Defender's Office filed a disproportionate number of Equal Employment Opportunity (EEO) complaints compared to all other County Departments.

F2 Confidentiality rules prevented Management from sharing any information on EEO complaints. This lack of communication caused angst and distrust in the department.

F3 Management followed San Joaquin County Human Resources Department (HR) policies and procedures for addressing EEO complaints.

F4 In spite of following HR policies and procedures, problems continued to escalate within the Public Defender's Office.

⁴ Total cost includes litigation costs and settlement. It does not include the time of County staff and lawyers. Historically, a large lawsuit can have over \$500,000 in litigation costs.

- F5** Past and present personnel issues created division and disruption between Deputy Public Defenders and Management, fueling a breakdown of trust and communication.
- F6** Past and present personnel issues created division and disruption between Public Defender Investigators, the Chief Investigator, and Management, fueling a breakdown of trust and communication.
- F7** The culture, divisions, and atmosphere of the Office did not lend itself to good intra-departmental communications or de-escalation of conflicts.
- F8** Lack of respect and professionalism within the Public Defender’s Office contributed to division and disruption.
- F9** The Department has an intensive, time-consuming mission. The turmoil, as described in this report, placed additional stress on an already hard-working staff.
- F10** The turmoil in the Department led to a significant and preventable expenditure of taxpayer dollars.

Recommendations

- R1.1** By December 31, 2020 the Human Resources Division of San Joaquin County hire an independent consultant to conduct a thorough operational review of all aspects of the Public Defender’s Office.
- R1.2** By June 30, 2021 present the consultant’s report including recommendations to the San Joaquin County Board of Supervisors.
- R1.3** By September 30, 2021 develop and implement a plan to utilize the recommendations from the operational review.

Conclusion

The Office of the Public Defender affords indigent persons the legal right to competent and effective counsel across a broad range of criminal and civil situations. The Office represents its clients with commitment and with passion.

Over time, employee issues arose which were either not addressed or perceived as not being addressed. Complaints were filed regarding issues developed prior to and after the current Public Defender assumed office. The actions of some individuals fostered division and disruption. This contributed to intra-departmental distrust and diminished communication. These ingredients brought about a “perfect storm” of discontent, conflict, and disrespectful communication that clearly affected the atmosphere and culture within the Public Defender’s Office and led to

preventable and costly lawsuits. Trust is in the process of being restored, however it is evident a rift remains.

An independent review of the Department can address the structural organization of the Office and identify best practices in the areas of training, continuing education, and professional development. Doing so will enable the San Joaquin County Public Defender's Office to take actions necessary to create a cohesive and positive work environment.

Given the high expenditure of taxpayers' dollars on complaints and lawsuits, the cost of an operational review that leads to positive changes will be money well spent.

Acknowledgements

The Grand Jury would like to acknowledge the dedicated individuals of the Public Defender's Office who work diligently to provide effective legal defense for the indigent.

Disclaimers

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911. 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

This report was issued by the Grand Jury with the exception of one juror who, due to a potential conflict of interest, recused himself from all parts of the investigations, including interviews, deliberations, and the writing and approval of the report.

Additionally, one juror was recused late during the preparation of the report. This juror had no impact at all due to the fact that the report was finalized before the juror could impact the findings and recommendations of the report.

Response Requirements

California Penal Code Sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of the San Joaquin County Superior Court within 90 days of receipt of the report and within 60 days of receipt in the case of an elected official.

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

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

Honorable Xapuri B. Villapudua, Presiding Judge
San Joaquin County Superior Court
180 E Weber Ave, Suite 1306J
Stockton, California 95202

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

Sources

California Government Code Title 1, Division 4, Chapter 10, Meyers-Millas-Brown Act of 1968, (Local Public Employee Organizations) Sections 3500 – 3511.

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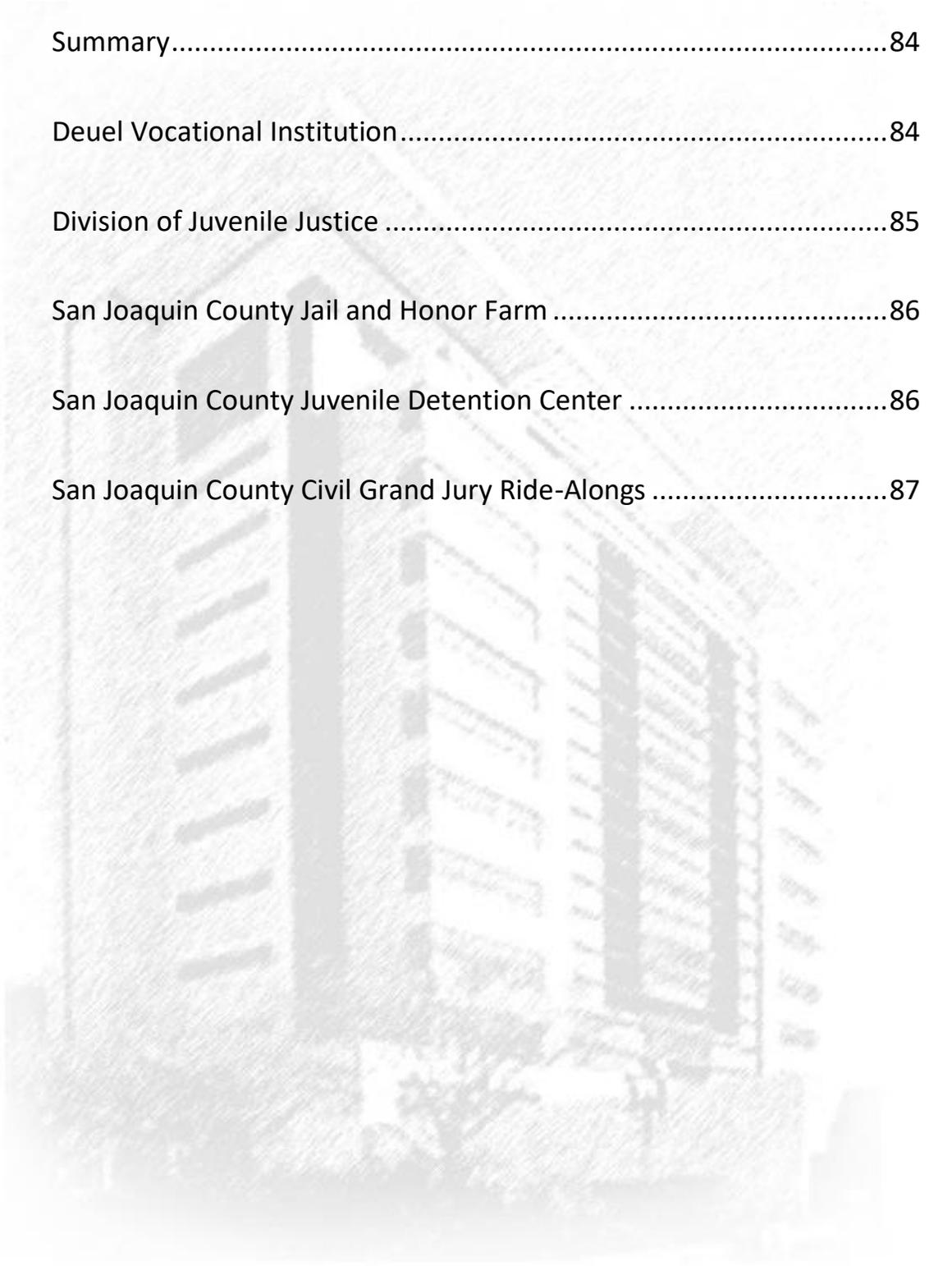
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2019 - 2020 San Joaquin County Grand Jury



Law and Justice Report



Summary

Penal Code section 919(b) authorizes the Civil Grand Jury to inquire into the condition of jails and public prisons operated by the state, county and cities within the jurisdiction of San Joaquin County. The 2019-2020 San Joaquin County Civil Grand Jury complied with this mandate with presentations and tours of detention facilities within the county. Individual Grand Jury members also participated in 20 ride-alongs with public safety agencies.

There are four state detention institutions operating in the County:

- Deuel Vocational Institution (DVI) for adult males;
- O.H. Close for both adjudicated juvenile males and juveniles who have been convicted when tried as adults (located adjacent to N.A. Chaderjian);
- N.A. Chaderjian for both adjudicated juvenile males and juveniles who have been convicted when tried as adults (located adjacent to O.H. Close); and
- California Health Care Facility which provides medical care and mental health treatment to inmates who have the most severe and long-term needs.

The two county detention institutions include San Joaquin County Juvenile Detention Facility and the county jail facility for adults, which contains the Honor Farm for low-risk inmates.

The Grand Jury toured all state and county facilities with the exception of the California Health Care Facility. Due to the onset of the Coronavirus pandemic, the Grand Jury was unable to tour the facility. This report will focus on the highlights of these tours and details of the ride-alongs.

Deuel Vocational Institution

Deuel Vocational Institution (DVI) is located near Tracy, CA and operates under the direction of the California Department of Corrections and Rehabilitation. It houses adult males and serves as a reception center for inmates from 29 Northern California counties. DVI employs 525 Custodial staff, 214 medical staff and 274 non-custodial staff. At the time of the tour, the facility housed 2,412 inmates. The areas viewed during the tour include:

Reception Center. Newly arrived inmates are placed in the reception center where they receive an orientation relating to the rules and policies of the institution. In addition, they are provided mental health screening and are assessed for their medical condition. A classification committee determines which institution best meets the inmates' needs. The goal is to complete this process within 90 days. The inmate is then transferred to the appropriate institution.

Education Classes. Inmates may participate in 85 separate programs. These programs are designed to allow them to work on their personal growth and development. Programs include, but are not limited to, Anger Management, Victim Awareness, and Alcoholics Anonymous. Inmates are encouraged to complete their education. In doing so, they are able to earn additional time off their sentence for various achievements, known as Milestone Credits. A Substance Abuse Program is expected to begin in 2020 with \$74 million budgeted to fund the program over a three-year period.

Vocational Training Classes. The Grand Jury toured a building construction classroom and an auto body repair classroom. The construction course provides safety training and teaches inmates how to construct and deconstruct a small building. The auto body repair course is a hands-on class teaching safety procedures and processes necessary to complete various auto body repairs.

Division of Juvenile Justice

There are two physical locations for adjudicated juvenile males and juveniles who have been convicted when tried as adults. The side-by-side facilities are known as N.A. Chaderjian and O.H. Close. All juvenile offenders committed to the Division of Juvenile Justice (DJJ) must first go through a reception facility located at N.A. Chaderjian. Once the intake process is complete, youth 18 years of age and older may be assigned to O.H. Close to complete their identified treatment needs, while youth 17 and younger may be assigned to N.A. Chaderjian. The Grand Jury toured both facilities.

Grand Jury Observations. Staff at both O.H. Close and N.A. Chaderjian provided the 2019-2020 Grand Jury with an overview of their specific programs and described various services available. Staff interaction with youth is positive and professional. The institutions are well maintained, clean and appeared to operate efficiently.

Tour of N.A. Chaderjian

Intake Unit. Newly arrived youth are taken to the intake unit where they are assessed using the Youth Assessment Screening Instrument. The assessment tool is used to identify their strengths and treatment needs in order for them to be placed in appropriate evidence-based treatment programs. Youth are also screened by mental health clinicians to identify mental health issues.

Education. If youth have not earned a high school diploma, they are enrolled in additional classes. Individuals who have a high school diploma may be enrolled in college classes or may benefit from being placed at an offsite fire camp called Pine Grove Youth Conservation Camp. Low-risk youth receive training in firefighting operations at this camp. Under supervision, participants earn the right to attend based upon positive behavior and trust.

Tour of O.H. Close

Johanna Boss High School Library. The library at O.H. Close has a large selection of books and other materials covering a wide range of topics. The librarian provided an overview of activities offered to encourage and motivate the youth to read. She was passionate and clearly eager to engage with everyone who entered the library. One of these activities includes allowing youth who are fathers to tape themselves while reading a book. The book and tape are subsequently sent to their child.

Coding Class. There are currently 28 youth enrolled in a six-month program where they are learning computer programming with JavaScript. Coding and technology training are provided to incarcerated individuals at correctional facilities by Last Mile, a 501(c)(3) non-profit organization. Youth are awarded a certificate when they complete the course. This certificate entitles them to receive assistance from Last Mile to help them find a programming job after they are discharged.

Certified Alcohol and Drug Abuse Counselor Program. Youth have an opportunity to participate in a federally funded Youth/Peer Mentoring program where they can earn 100 hours of the required 300 hours for a Certified Alcohol and Drug Abuse Counselor certification. Once discharged, youth can then enroll in a program in order to complete the remaining hours to obtain their certification.

San Joaquin County Jail and Honor Farm

The current San Joaquin County Jail and Honor Farm, located in French Camp, CA opened in 1992. It is managed by one captain, eight lieutenants and an Inmate Program Director in compliance with the California Code of Regulations, Title 14, Division 3. Facility staffing includes correctional officers, who provide direct supervision of inmates, and sheriff deputies, who provide transportation. Male and female inmates are housed separately at the facility. It has a capacity of 1,550 inmates. Injured or ill inmates are housed in a separate medical unit of 35 beds located at San Joaquin General Hospital.

Booking Area. The Grand Jury toured the booking area. It was open, clean, and quiet. Individuals waiting to be booked were seated while others were being processed. Inmate processing included fingerprinting using the Automated Fingerprint Identification System, medical screening, and an interview. If the individual is a veteran, contact is made with the Office of Veterans Affairs in order to link them with services.

Grand Jury Observations. Officers interact with individuals in their custody in a positive and professional manner. Bulletin boards are posted throughout the institution with inmate-related information. Self-help kiosks are available for inmates to sign up for additional medical services.

San Joaquin County Juvenile Detention Center

The Juvenile Detention Center has a 120-bed capacity. At the time of the tour, 89 youth were being detained. The center is used as both a holding location for youth awaiting court proceedings and for those who have been committed by court order. While in placement, youth have access to school, recreation, religious services, counseling services, and other activities.

Library. The library contained a large assortment of books and appeared to be well kept. Youth at the detention facility do not have access to a law library but do have access to legal counsel.

Camp Peterson. Some youth are assigned to Camp Peterson where they participate in an educational and work program that provides in-camp and out-of-camp activities. Ability of an individual to stay at the camp is based on behavior. Benefits to being at the camp include rewards such as weekend home passes, recreational opportunities, and snacks. The program requires a minimum stay of 270 days while providing a therapeutic environment. Youth are placed in a structured residential program that promotes a pro-social lifestyle. A popular therapy dog intermingles with youth and staff.

Kitchen. The facility currently has a fully functional kitchen. The kitchen was previously closed for over 25 years. Kitchen operation follows guidelines established by the United States Department of Agriculture National Lunch Program. Youth have an opportunity to work in the kitchen and learn culinary arts skills. This particularly benefits youth who do not have or cannot qualify for day passes.

Behavioral Health Center. This center contains a team consisting of a marriage and family therapist, a social worker, and a mental health specialist. Services are offered to individuals according to their identified needs. Youth are encouraged to talk with clinicians to work through any problems or issues they may have providing they are willing to participate in the process. Additionally, a psychologist provides services two days a week to meet with youth.

All areas housing the youth appeared to be clean, in good working order, with an emphasis on creating a home-type environment. Staff maintained close supervision of the youth in their charge and appeared to enjoy their jobs.

San Joaquin County Civil Grand Jury Ride-Alongs

Grand Jury members are encouraged to participate in ride-alongs in the various city and county agencies within San Joaquin County. The following is a brief summary of juror observations during the ride-alongs.

Stockton Police Department

- Two jurors participated in ride-alongs with this agency.
- One juror met with the officer, attended the morning briefing, and received a tour of the facility. The officer then proceeded to his assigned area and began searching for stolen vehicles along the levees while also responding to dispatched calls. The officer responded to a call of someone throwing debris onto a roadway from an overpass and made an arrest. This required him to return to the station to download video from his body camera. The officer then responded to a call of an individual, possibly under the influence of drugs, lying on the sidewalk. The officer called an ambulance to transport the individual to a hospital. The juror then returned to the station where the officer disposed of syringes that were found near the individual when he was arrested. The juror indicated the officer conducted himself in a professional manner.
- The second juror also met with an officer and attended roll call. The officer explained the computer system while on patrol and responded to the following calls: shooting into a building, destruction of property, and a purse snatching. The officer also followed up on various complaints and responded to an active shooter call that turned out to be a false alarm. The juror indicated that she appreciated the opportunity to witness the speedy and professional response to the active shooter situation and described her ride-along as a most enjoyable and educational experience.

Stockton Fire Department

- Three Grand Jurors went on ride-alongs with the Stockton Fire Department.
- Jurors received a tour of the station, the outside areas used for training and the workout room.
- Jurors were taken on various calls which included the following:
 - a vehicle accident with injury;
 - a person locked out of their vehicle;
 - drug overdoses;
 - chest pains in a mental health facility;
 - fire alarm (false alarm);
 - a small grass fire;
 - a call for the use of a ladder to retrieve evidence believed to have been thrown on top of a building;
 - follow-up compliance checks to determine the presence of smoke alarms and fire extinguishers in apartment complexes and triplexes.
- Jurors stated they learned a great deal about the fire department and were also impressed with the firefighters' dedication to the job and ability to work well together.

Stockton Animal Control

- One Grand Juror went on a ride-along with Animal Control.
- The juror was given a tour of the main facility and also observed the surgery and treatment trailers. The juror noted an x-ray machine on the site used to identify injuries or broken bones on animals brought into the facility. The officer explained that coordinating with rescue groups allows for dogs in their facility to be sent to other counties or states for adoption. A barn cat program is available for people living in the county who would like to obtain cats to help control rodents.
- The facility was being cleaned during the visit prior to it being opened to the public at 12:00 pm. All cleaning is conducted prior to the public entering.
- Volunteers play an important role in the care of shelter animals.
- The juror accompanied an animal control officer on several calls and observed cats being released that had been spayed and neutered then returned to locations where originally found.
- The officer conducted his interactions with the public in a polite and professional manner.

San Joaquin County Sheriff's Department Patrol

- Two jurors went on a ride-along with the Sheriff's Department patrol division.
- One juror accompanied a deputy to a call involving a juvenile whose actions had forced his mother to lock herself in her car. There was damage to the vehicle and a report that the juvenile had possession of a shotgun. However, when later located he was in possession of a knife. The juror observed an evidence technician document the damage and retrieve a video from a cell phone. The juvenile was then booked into Peterson Hall.
- The juror then accompanied the deputy to a fatal automobile accident. Acting in the capacity of coroner, the deputy retrieved property and identity papers. The deputy and

juror then proceeded to the morgue for fingerprinting the victims. The deputy spent the remainder of the shift writing reports.

- The second juror accompanied the deputy who performed a welfare check of a house without electricity. Further calls were in response to the report of a rape, a child custody dispute, and a teenager who left Mary Graham Children's Shelter.
- The deputies were calm and professional during all the incidents.

Sheriff's Boating Safety Unit

- Four jurors went on ride-alongs with the Sheriff Boat Patrol.
- Deputies explained job duties, boating safety laws and procedures.
- Jurors were taken through various Delta waterways and observed the deputies scanning the shoreline, talking to boaters, checking on abandoned or improperly moored watercraft, and documenting information regarding a truck observed dumping trash along the bank in order to issue a citation.
- Deputies were issued department cell phones with new technology that allows communication in case of an emergency when regular cell service is disrupted.
- Jurors stated it was an enjoyable experience and all deputies encountered were helpful and professional.



Sheriff's Technical Services Division

- Two jurors went on ride-alongs with Evidence Technicians from the Sheriff's Department.
- The jurors went on calls with technicians and observed them taking photos of victims' injuries, gathering personal information, dusting for fingerprints, and downloading surveillance footage.
- Jurors indicated that the Evidence Technicians appeared to be methodical and detail-oriented. Both technicians appeared to enjoy their work and took pride in doing it well.

Lodi Police Department

- Two jurors went on ride-alongs with the Lodi Police Department.
- One juror attended a briefing, then accompanied the officer on calls for service. Calls included a citizen's concern about a transient, an automobile accident, and a homeless individual. When the officer determined that the individual was homeless, the officer gave the individual a business card with contact information for a Community Service Officer who would be able to provide the homeless individual with assistance.
- The second juror attended a briefing, then accompanied the officer on calls for service. Calls included an automobile accident, a welfare check on an elderly person, a domestic

violence incident, and a possible suicide. The juror also observed a booking, reading of Miranda Rights to a suspect, surveillance of gang members, and preparation of police reports.

Escalon Fire Department

- One juror went on a ride-along with the Escalon Fire Department.
- There are seven full time firefighters including the chief. All firefighters are trained emergency medical technicians. Eighty-seven percent of their calls are medical in nature. The department appeared well equipped with eight mobile units. Three of the units are designed for structural fires and are referred to as Type I Engines.
- Juror observed staff training volunteers and reserves on site. The unit also went to Escalon High School and worked with the firefighting class.

Escalon Police Department

- One juror completed a ride-along with Escalon Police Department.
- The juror accompanied an officer on patrol during an uneventful shift that had one call of harassment at a business. The officer patrolled the entire city and stopped at different intersections to monitor traffic. No citations were issued; however, several motorists received warnings.
- Escalon is a small agricultural community with a total area of 2.5 square miles. It does not have a jail or hospital as these services are provided at San Joaquin County facilities. Dispatching is handled by the Ripon Police Department.
- The officer appeared to have good rapport with the community as numerous citizens waved as he patrolled the city.

Ripon Police Department

- Two jurors completed ride-alongs with the Ripon Police Department.
- Jurors received a tour of the facility with the officers providing an overview of a typical day. One of the jurors was provided a tour of the dispatch center which also handles calls for the Escalon Police Department.
- Jurors accompanied officers while responding to several minor calls. The officers also conducted traffic stops and patrolled their assigned areas while also being on alert for stolen vehicles.
- Jurors noted that Ripon is a small town with a low crime rate. The officers were professional and appeared to enjoy the respect of the general public.

Manteca Police Department

- Two jurors completed ride-alongs with the Manteca Police Department.
- One juror observed the morning briefing, toured the facility, and then accompanied an officer on patrol. They were not dispatched to any incidents during the shift.
- The second juror rode with a K-9 officer. During the evening shift, the officer checked out two separate suspicious vehicles, conducted a welfare check on an elderly person, and another incident involving an intoxicated person walking in and out of traffic. Toward the

end of shift the officer responded to a major injury automobile accident which necessitated responses of several police and fire units. It took approximately two hours to secure the scene, have the injured attended to, and subsequently clear several traffic lanes.

- The jurors reported that the officers were professional at all times and interacted well with citizens, other officers, and firefighters.

Section IV: Follow-Up

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FOLLOW - UP

San Joaquin County Grand Jury

Follow-up Reports



Introduction

Each year Grand Juries investigate and prepare reports with findings and recommendations directed to local governments and other public entities. California Penal Code sections 933 and 933.05 require that the agencies provide written responses to all findings and recommendations to the Superior Court.

Section 933.05 requires that for each finding, the responding person or entity must indicate one of the following: 1) the respondent agrees with the finding, or 2) the respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation.

For each recommendation, the responding party must provide one of the following responses:

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

This section of the 2019-2020 Grand Jury's Final Report contains the responses to the 2018-2019 report, as well as the follow-up to several reports from earlier Grand Juries. The findings and recommendations, as well as the agencies' responses, are provided verbatim.

In addition to reviewing the responses to ensure that they met the criteria specified above, the 2019-2019 Grand Jury also determined whether additional follow-up is needed. If an agency's response is not clear or complete, or if it includes a future date for implementation of the recommendation, the Grand Jury may choose to conduct a follow-up review. If a future date is indicated, the Grand Jury will verify whether or not it is completed at the time indicated by the agency.

When an agency responds that they do not intend to implement the recommendation of a Grand Jury, the Grand Jury may choose to take no further action or to conduct a new investigation.

Follow-up Report to the 2016-2017 San Joaquin County Civil Grand Jury



Case #0616

County Wide Dispatch for Fire

Two Are Not Always Better Than One

Preface

This report contains the responses to the 2017-2018 San Joaquin County Civil Grand Jury follow-up to the 2016-2017 report #0616, "County Wide Dispatch for Fire." The 2017-2018 Grand Jury findings and recommendations, as well as the agency's responses are presented verbatim in this report.

The 2018-2019 Grand Jury follow-up determinations are presented after the agency's response to each recommendation.

Discussions, findings, and recommendations from the 2019-2020 Grand Jury are in text boxes framed in black.

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

Summary

The 2016-2017 San Joaquin Civil Grand Jury report #0616 focused on emergency dispatch protocol, operations, and infrastructure. The report researched whether a single countywide fire dispatch center in San Joaquin County would improve public safety and reduce cost. The 2019-2020 San Joaquin Grand Jury found that the recommendations have not been implemented.

Method of Follow-Up Investigation

The 2019-2020 Grand Jury reviewed the original 2016-2017 report #0616, the 2018-2019 and 2017-2018 Grand Jury follow-up reports. The mandatory responses were evaluated to determine:

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

Glossary

- **AVL:** Automatic Vehicle Locator. Identifies the exact location of emergency vehicles and routes the closest vehicle to the emergency.
- **CAD:** Computer-Aided Dispatch.
- **UHF:** Ultra-High Radio Frequency
- **VRECC:** Valley Regional Emergency Communication Center. VRECC is a Joint Powers Authority (JPA) run by American Medical Response (AMR) that dispatches for the ambulance services and many of the fire agencies in the County.

Summary of Responses and 2019-2020 Grand Jury Conclusions

Respondent	Rec #	Response	2019-2020 Grand Jury Response
City of Stockton	R1	Not implemented	No further action requested.
	R2	Not implemented	No further action requested.

2016-2017 Grand Jury Recommendations

2016-2017 Grand Jury Recommendation R1.4: By December 31, 2017, the City of Stockton develop a plan to replace the existing core UHF radio technology that supports public safety with San Joaquin County core UHF technology.

Stockton City Council Response dated August 22, 2017: *The respondent partially agrees and partially disagrees with this recommendation. The City is currently working with a consultant to develop a project schedule and plan to replace its' outdated core UHF radio technology that supports City public safety agencies. The plan will be developed with regional interoperability and possible redundancy with county technology in mind, but separate from San Joaquin County's current core UHF radio technology plan. It is anticipated that a schedule will be in place prior to December 31, 2017.*

2017-2018 Grand Jury Follow-up Response: **The 2017-2018 Grand Jury determined further action is required.** The Grand Jury did not receive a copy of the anticipated schedule addressed above. The 2018-2019 Grand Jury may decide to follow-up on R1.4 to ensure that a project plan is published and that the system is installed within the anticipated timelines.

2016-2017 Grand Jury Recommendation R2.1: By December 31, 2018, have AVL deployed at the Stockton Fire Dispatch Center.

Stockton City Council Response dated August 22, 2017: *The respondent partially agrees with this recommendation. The City has an established timeline to implement the upgraded CAD system by January 2018, which will include AVL capability.*

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

2018-2019 Grand Jury Discussion, Findings and Recommendations

The 2018-2019 Grand Jury chose to follow-up on the 2016-2017 Grand Jury Recommendations R1.4 and R2.1 to determine if the plan to replace the existing core UHF radio technology and the CAD upgrade had been completed. Following interviews with City staff and a tour of the Stockton Fire Dispatch Center, the current Grand Jury requested an update of the time schedule from the City of Stockton. The City responded in August 2018 that due to changes in the specifications required by the San Joaquin County Emergency Medical Services Agency (SJEMSA) just months before the implementation of the CAD upgrade was going to occur, the deadline would be extended to March 2019. SJEMSA maintains that the City knew all specifications well in advance and that no revisions to the specifications occurred.

In March 2019, the Grand Jury followed up with the City to determine if the CAD upgrade had occurred. The City responded that it would be completed by the end of the calendar year.

2018-2019 Grand Jury Finding F1: The City of Stockton did not provide a plan to replace the existing core UHF radio technology when requested.

Agency Response: *The respondent agrees with this finding. The City had not previously completed the plan in order to share it with the Grand Jury. An update on the City's plan is provided in the response to Recommendation 1.*

2018-2019 Grand Jury Finding F2: The City of Stockton did not provide documentation of the changed CAD specifications despite several requests.

Agency Response: *The respondent agrees with this finding. The City had not previously provided documentation of the changed CAD specifications as they were still being amended. An update on the CAD project, including the requested documentation is provided in the response to Recommendation 2.*

2018-2019 Grand Jury Finding F3: The City of Stockton has not completed the upgrade of its CAD system that will allow for AVL technology.

Agency Response: *The respondent agrees with this finding. The CAD system upgrade has not been completed. An update on the CAD project, including the requested documentation is provided in the response to Recommendation 2.*

2018-2019 Grand Jury Recommendation R1: The City of Stockton provide a plan to replace the existing core UHF technology by September 31, 2019.

Agency Response: *The respondent partially agrees with this recommendation. The City has worked with a consultant to develop a project schedule to replace its outdated core UHF radio technology that supports City public safety agencies. Materials outlining the project scope by phase, project schedule and funding allocated in last Fiscal Year and the Current Fiscal Year are compiled into Exhibit 1 to this letter, The plan takes into consideration regional interoperability and possible redundancy with County technology.*

However, the radio infrastructure will be separate from San Joaquin County's current core UHF radio technology plan.

The City's plan to replace the existing core UHF technology is underway. The City commenced with replacement by initiating a purchase order for the "brain" of the UHF system — an L Core. This component is the critical cornerstone that enables connectivity from dispatch consoles to field radios. The City anticipates the installation of this component as well as previously purchased radio consoles in the first quarter of 2020. Additionally, the City has earmarked over 3 million dollars in the FY 2019-20 budget for radio infrastructure upgrades which will include the replacement/upgrade of several radio channels as well as critical backbone components to increase redundancy of the existing infrastructure.

The 2019-2020 Grand Jury determined to take no further action.

2018-2019 Grand Jury Recommendation R2: The City of Stockton complete the upgrade of its CAD system and have AVL deployed at the Stockton Fire Dispatch Center by December 31, 2019.

Agency Response: *The Respondent partially agrees with this recommendation. It is a City priority to complete the CAD system upgrade. However, at this time project complications do not allow a specific timeline to be established.*

The City has been working cooperatively with public and private stakeholders to develop a timeline for the CAD upgrade, and deployable AVL, which requires uninterrupted emergency service coordination with multiple emergency first responder networks. The timeline was delayed beyond the control of the City of Stockton due to ongoing requests from the San Joaquin County Emergency Medical Services Agency (SJ EMSA) to modify the CAD-to-CAD data link, and the SJ EMSA has been unresponsive to requests from the City of Stockton for critical emergency service data that is required to upgrade and test software development. Materials demonstrating the requirement to change CAD specifications and the impacts of those changes are compiled into Exhibit 2 to this letter-

City staff have attempted to overcome the technical programming challenges through ongoing dialogues with the SJ EMSA and invested resources into CAD and AVL enhancements to interface city and county systems. The City's contractors have also worked to identify solutions for the new data link requests to no avail. The SJ EMSA, which is a county office has refused to provide system information to the City of Stockton which is required to completely support the most current demands for CAD-to-CAD interface.

The SJ EMSA requires the City of Stockton to share 18 data elements, including time of dispatch, call type, unit location, and unit status via a CAD-to-CAD link with Valley Regional Emergency Communications Center (VRECC). Making these enhancements requires the SJ EMSA to approve the VRECC to release the relevant data to carry out various technical changes. The SJ EMSA prohibited the VRECC from providing critical

information to the City of Stockton. For a complete CAD and A VL development, external stakeholder data is required to fully interface the systems, such as unit location, number of ambulances, EMS responders in the SJ EMSA system, and responder status for emergency calls. The system information from the SJ EMSA will support seamless two-way communication. The project timeline and go-live is contingent upon the SJ EMSA approving the release of design data to the City of Stockton. To exemplify the City's challenges, on April 25, 2018, Dan Burch released an electronic directive prohibiting the VRECC from providing critical ambulance unit time stamps to SFD dispatch and continued to request additional changes to the City of Stockton's CAD-to-CAD system upgrades.

During critical system failures, the City of Stockton provides Emergency Medical Service dispatch support to the SJ EMSANRECC. As backup, the City serves as the primary public safety answering point when a member of the public calls 911. As demonstrated during the recent VRECC system failure on May 24th, 2019, the majority of the VRECC dispatch system, CAD, radio, and phone system failed. Stockton Fire Department dispatch role was to ensure uninterrupted county-wide emergency fire and medical dispatch services were available. Two-way system data that is requested by the City will support complete programming enhancements to CAD-to-CAD and AVL, which must include unit locations responding unit status, and available unit details.

The data exchange will close known communication gaps and streamline communication to first responders and emergency services to residents requesting 911 services in San Joaquin County.

There is no other data available to the City of Stockton that will support the necessary custom programming. The City of Stockton firmly believes a complete CAD-to-CAD and AVL system upgrade should include SJ EMS/VRECC data to increase communication across multiple agencies. Support from the Grand Jury to facilitate the VRECC data exchange, will help move this project to completion.

The 2019-2020 Grand Jury determined to take no further action.

Disclaimers

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911.924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Follow-up Report to the 2017-2018 San Joaquin County Civil Grand Jury



Case #0417

Office of Emergency Services

Operational Assessment

Preface

This report contains a continuation of the responses to the 2017-2018 San Joaquin County Civil Grand Jury report regarding the San Joaquin County Office of Emergency Services (OES).

The first follow-up report was presented in the 2018-2019 Grand Jury's report. More responses from the County were received by the 2019-2020 Grand Jury and are recorded verbatim in this report. The 2019-2020 Grand Jury follow-up determinations are presented after the County's response to each recommendation.

Discussions, findings, and recommendations from the 2019-2020 Grand Jury are in text boxes framed in black.

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

Summary

The 2017-2018 Grand Jury investigated San Joaquin County Office of Emergency Services (OES). The OES coordinates planning, preparing, training for, responding to, and recovering from, emergencies for the *San Joaquin Operational Area*. The 2017-2018 Grand Jury found that the OES had not updated the mandated *Emergency Operations Plan* (EOP). A 2016 consultant report found the plan to be deficient in 48% of the required areas. After extensive review, the 2019-2020 Grand Jury determined that the plan is now complete and is up to date. This is especially important today, as the OES is playing an important role in the current health crisis.

Method of Follow-Up Investigation

The current Grand Jury reviewed the original 2017-2018 report #0417, *Office of Emergency Services Operational Assessment*. In final preparation for this report the 2019-2020 Grand Jury interviewed agency staff.

The mandatory responses to the findings and recommendations were reviewed to determine:
If the agency's responses were complete and comprehensible;

If the agency would implement the recommendations within the stated deadlines; and

If confirmation was necessary. Confirmation could include written documentation, interviews or site inspections.

Glossary

- **Annex:** Refers to a separate category, element, or addition to a plan or document. The EOP has 30 supporting annexes.
- **Crosswalk:** A table that shows the relationship between two other tables.
- **EOP:** The Emergency Operations Plan describes the County's incident management structure, community engagement, continuity of government, and critical components of the incident management structure. The EOP strategically outlines the County's response to all emergency situations. The EOP provides generalized response instructions, while specifics are addressed in EOP Annexes and Standard Operation Procedures.
- **FEMA:** Federal Emergency Management Agency.
- **MOU:** Memorandum of Understanding; an agreement between two or more parties.
- **Stafford Act:** The Robert T. Stafford Disaster Relief and Emergency Assistance Act. The Stafford Act is a 1988 amended version of the Disaster Relief Act of 1974. It is designed to bring an orderly and systematic means of federal natural disaster assistance for state and local governments in carrying out their responsibilities to aid citizens.

- **Stakeholders:** Participants or entities who have an interest in the success of a specific plan.
- **Tetra Tech:** Consultant hired by the San Joaquin County Board of Supervisors to provide an assessment of the County’s emergency preparedness.

Summary of Responses and 2019-2020 Grand Jury Conclusions

Respondent	Rec #	Response	2019-2020 Grand Jury Response
San Joaquin County	R1.2.2	Implemented	No further action taken
	R3.1	Implemented	No further action taken
	R7.1	Implemented	No further action taken

Findings, Recommendations, Agency Responses, and Grand Jury Results

1.0 EOP Assessment Plan

2017-2018 Grand Jury Finding F1.1: Elected officials were not adequately informed of the final Tetra Tech assessment.

Agency Response: *Partially Disagree.*

In the 2015-2016 proposed budget, the County Administrator received Board of Supervisors approval to conduct an organizational study of the OES and an assessment of the County’s emergency preparedness. In a memorandum dated March 19, 2018 from Marcia Cunningham, Director of Emergency Services to the Board of Supervisors regarding San Joaquin County Emergency Operations Plan, Ms. Cunningham provided an update of the activities that have been in process as they related to the Executive Summary from the Emergency Operations Plan Assessment Report and Recommendations as prepared by an outside consultant. The document lists the ten key findings, their associated recommendations and contains a brief status of each item.

2017-2018 Grand Jury Recommendation R1.1.1: By July 31, 2018, the county’s elected officials be briefed by the county administrator on the Tetra Tech assessment and the plan for completion.

2017-2018 Grand Jury Recommendation R1.1.2: By September 30, 2018, the county’s elected officials be briefed by the county administrator on the OES implementation progress.

Agency Response: *R1.1.1 and R1.1.2: Has been implemented.*

The County’s elected officials and the County Administrator have been briefed by the General Services Director (Director of Emergency Services), and by the Deputy Director of

Emergency Operations during the 2018-2019 final budget hearing on implementation and progress.

The 2018-2019 Grand Jury determined to take no further action.

2017-2018 Grand Jury Finding F1.2: Since November 2016 only one of ten recommendations has been implemented, leaving the county with an inadequate plan.

Agency Response: Agree

2017-2018 Grand Jury Recommendation R1.2.1: By September 30, 2018, the Office of Emergency Services develop a plan to carry out Executive Summary Key Findings and Recommendations as found in the Tetra Tech assessment and include project deadlines, additional resources, staff, and funding necessary to complete the tasks.

Agency Response: Will be implemented. The Tetra Tech contractor reviewed approximately 277 documents during their formal process. The Emergency Operations Plan is a comprehensive document that outlines policy and processes in place within a county while adhering to local, state and federal directives and guidance. The consultant's review addressed more than 90 industry standards and best practices for disaster recovery and emergency management. While the document states the findings were reported in October 2016, they were delayed to mid-December 2016 due to the contractors' prior emergency commitments to assist during a hurricane in the Southeast. The final report was delivered in February 2017.

The final report from Tetra Tech highlighted ten key findings. These included:

- 1. The EOP and annexes should be updated to a consistent hierarchy and format.*
- 2. Plans should be consolidated within a recommended hierarchy and their content streamlined.*
- 3. Development of regular and sustained methods to socialize the EOP to County staff and key stakeholders to ensure the familiarity and understanding of the plan.*
- 4. The EOP should reference current legal authorities and references to key response partners should be updated throughout the document.*
- 5. The inclusion of and compliance with federal standards must be acknowledged throughout all emergency plans.*
- 6. Memoranda of Understanding (MOU) should be reviewed for completeness and expiration.*
- 7. The Chairman of Board of Supervisor's role as the designated Director of Emergency Services should be changed to designate a chief executive or the County Administrator to leverage their authority better.*
- 8. Many current and affiliated annexes include incorrect or outdated information or are missing critical information. Should develop a standardized format for all*

Emergency Support Functions that follow federal guidelines and proactively transition to alignment with the federal standard.

9. *The County relies heavily on the American Red Cross. Need to create a formal and detailed County-based mass care plan with transition procedures between organizations.*

10. *Disaster Recovery plans are dated and incomplete.*

Following the final EOP Report delivered by Tetra Tech, the Director of General Services assigned the former Director of Emergency Operations the task of updating the EOP to meet the consultant's recommendations. In December 2017, the former Director of Emergency Operations vacated the position leaving the work unfinished. The Director of General Services took this opportunity to have the position reviewed by Human Resources and ultimately reclassified by board order (B-18-29) on January 9, 2018, as the Deputy Director General Services – Emergency Operations.

At the same time, the County Ordinance Code Civil Defense and Disaster General Regulations was amended to reflect the suggestions in item #7 (above) of the consultant report. In the Ordinance Code amendment, the Director of General Services was appointed as the Director of Emergency Services, a role formerly held by the Chair of the Board of Supervisors. Also, the position of Deputy Director General Services – Emergency Operations was developed and assigned the working title of Director of Emergency Operations. The Director of General Services appoints this new position.

On April 2, 2018, a new Deputy Director General Services – Emergency Operations was hired. Since her arrival, she has begun to develop a comprehensive plan to complete the other nine outstanding items on the Tetra Tech consultant list. The plan to carry out the Executive Summary Key Findings and Recommendations in the Tetra Tech assessment will be completed by the August 31, 2018, recommendation.

The 2018-2019 Grand Jury determined to take no further action.

2017-2018 Grand Jury Recommendation R1.2.2: By December 31, 2018, the OES fully implement the above plan.

Agency Response: *Will be implemented*

As noted above, the new Deputy Director General Services – Emergency Operations has assumed the leadership role and has begun to develop a comprehensive plan to complete the outstanding items on the Tetra Tech assessment. However, in light of the volume of plans that must be updated and MOU's that must be executed by several key stakeholders, a December 31, 2018, deadline is far too aggressive to ensure all outstanding items are completed successfully.

Development a new EOP, and its 30 supporting annexes, will be a comprehensive and lengthy task. The EOP is the basic document; however, the supporting annexes building upon the EOP. To be developed in the method prescribed by the consultant that is consistent with FEMA guidance and standards, it requires the detailed involvement of

multiple County stakeholders in each of the 15 specific response functions, including but not limited to health care services, fire, law, public works, communications, and transportation.

For example, FEMA Guidance – Comprehensive Preparedness Guide 101, V2, outlines six steps in the planning process to develop an effective EOP. The development of one annex can take up to nine months to complete. The Tetra Tech report includes a timeline that is estimated with each of the six steps listed below:

1. Form a Collaborative Planning Team (one month)
2. Understand the Situation (one month)
3. Determine Goals and Objectives (one month)
4. Plan Development (two months)
5. Plan Preparation, Review and Approval (one month)
6. Plan Implementation and Maintenance (three months)

Understanding that each of these pieces includes one or more meetings and a significant time commitment for the development of one of the plans.

Each component of an EOP is required to be reviewed and revised at a minimum of once every two years, making the whole process cyclical and unending. Based upon the time and involvement by many departments throughout the County to complete the entire process, it is not expected to be completed for at least a full year, with another year for full implementation of the EOP to include training and exercising of County staff to ensure socialization of the EOP to county staff.

Therefore, a realistic target date is December 2019, to implement the full plan to have the updated EOP in place.

2018-2019 Grand Jury Discussion, Findings, and Recommendations

The 2017-2018 Grand Jury recommended that by December 31, 2018, OES fully implement an updated EOP. The San Joaquin County Board of Supervisors agreed with the recommendation but stated that December 2019 was a more realistic target date. On April 23, 2019, the Board of Supervisors approved the Basic EOP, but full implementation of the plan is not expected to occur until the end of 2019.

2018-2019 Grand Jury Finding F1: OES is in the process of implementing a revised EOP.

Agency Response: Agree.

2018-2019 Grand Jury Recommendation R1: By December 31, 2019, OES fully implement an updated EOP.

Agency Response:

Each of these annexes are in varying phases of completion at this time and will be implemented within the given timeline of December 31, 2019.

OES completed the Basic Emergency Operations Plan, which was endorsed by the County Emergency Services Council in March 2019 and formally adopted by the Board of Supervisors on April 23, 2019. In addition to the Basic Emergency Operations Plan, OES has identified the need for the following annexes to support the Basic EOP:

Emergency Support Functional Annexes:

- *Transportation*
- *Communications*
- *Construction and Engineering*
- *Fire and Rescue*
- *Emergency Operations Management*
- *Care and Shelter*
- *Logistics Support*
- *Public Health and*
- *Hazardous Materials*
- *Food and Agriculture*
- *Utilities*
- *Law Enforcement*
- *Public Information*
- *Volunteer and Donations Management*

Support Annexes:

- *Alert and Warning*
- *Mutual Aid / Multi-jurisdictional Coordination*

Hazard-Specific Annexes:

- *Severe Weather*
- *Flood and Dam Failure*
- *Drought*
- *Earthquake*
- *Active Threat*

OES completed the *Basic Emergency Operations Plan*, which was endorsed by the County Emergency Services Council, in March 2019. The 2019-2020 Grand Jury determined to take no further action.

2.0 Memorandum of Understanding

2017-2018 Grand Jury Finding F2.1: Without a physical presence in San Joaquin County, the American Red Cross may have logistical delays and problems delivering mass care services.

Agency Response: Disagree.

There is a presence within San Joaquin County for the American Red Cross. The City of Stockton is one city within Red Cross Central California Region Sierra-Delta Chapter that is equipped with a Disaster Emergency Response Trailer. The vehicle is supplied with enough cots and supplies to accommodate 400 people at shelters. Additionally, the American Red Cross has a Disaster Action Team that shows up upon request to assess the situation and ensure that all the needs are met. If more resources are needed the American Red Cross will coordinate and bring in additional services/supplies from other regions/chapters. They are ready to deploy within a few hours of a disaster to help. Shelters locations have already been designated throughout San Joaquin County.

There currently is a Memorandum of Understanding in place with the American Red Cross. Despite the memorandum being out-of-date, we have been ensured by members of the Sierra-Delta Chapter American Red Cross that the ARC is available to assist when needed. For example, a fire in a Boarding House in Lodi on June 27, 2018, displaced 47 residents. The Staff of the ARC were in Lodi within a few hours and ensured sheltering for all displaced residents at a nearby church for the duration of the night. Similarly, in February, another fire also brought members of the ARC to provide shelter services for several people at the Lodi Grape Festival grounds. These recent examples demonstrate that despite having a current memorandum, the services are still available at a moment's notice.

2017-2018 Grand Jury Recommendation R2.1: A provider or providers of mass care services be identified and appropriate contracts or MOU's be signed by December 31, 2018, and documentation provided to the Grand Jury.

Agency Response: *Will be implemented.*

Tentative goal for completion is May 2019. The Shelter Annex will be developed utilizing best practices and guidance developed by FEMA and will take about nine months from August 9, 2018, kick-off to complete.

The American Red Cross (ARC) of Sierra -Delta serves an eleven county area, including San Joaquin County. Volunteers and staff are prepared to respond around the clock to assist and provide services when and where needed. The staff of the ARC actively participate at the State's Emergency Operations Center when a disaster occurs in the State that requires sheltering or family reunification needs. However, OES recognizes that in the event of a large-scale event, the ARC may not have enough resources available to provide all required sheltering services. It is for this reason that the staff of the OES agency has begun working with Human Services Agency, Health Care Services, and a number of other county agencies to develop a comprehensive sheltering plan that will take into account the needs of the county population to include individuals with special needs and people with access and functional needs. Also, needs will be evaluated, and new MOAs will be developed and executed as appropriate.

The County has additional resources through the California Department of Social Services (CDSS). The three programs that the California Department of Social Services, Disaster Services Section are responsible for are supporting counties' mass care and shelter programs in California, state and federal grant recovery programs for individuals and households, and Emergency Repatriation. They are able to provide mass care teams to assist with coordinating food services and provide emergency service teams from the State level. These program responsibilities are delegated to the Department through an Administrative Order from the California Governor's Office of Emergency Services, issued under the authority of Executive Order W-9-91.

The 2018-2019 Grand Jury verified that the MOU with the American Red Cross was approved at the May 14, 2019 Board of Supervisors meeting and determined to take no further action.

3.0 Tetra Tech, Inc. EOP Assessment Crosswalk

2017-2018 Grand Jury Finding F3.1: In total, nearly half or 48% of all the plans are deficient and require improvements to meet compliance standards.

Agency Response: Agree

2017-2018 Grand Jury Recommendation R3.1: By December 31, 2018, correct all the deficiencies listed as "N" and "P" in the Crosswalk with confirmation provided to the Grand Jury.

Agency Response: Will be implemented. As noted earlier this is a lengthy process that involves coordination of multiple County agencies to complete the revision of the entire Emergency Operations Plan. The annexes will be developed utilizing best practices and guidance developed by FEMA and will take about nine months. Therefore, in December 2019, represents a more realistic target.

2018-2019 Grand Jury Discussion, Findings, and Recommendations

The 2017-2018 Grand Jury recommended that by December 31, 2018, OES correct all deficiencies listed as "N" for "Needs Improvement" and "P" for "Partially Meets in the EOP Assessment Crosswalk with confirmation provided to the Grand Jury. The San Joaquin County Board of Supervisors agreed with the recommendation, but stated that December 2019 was a more realistic target date.

2018-2019 Grand Jury Finding F1: OES is in the process of revising the EOP Assessment Crosswalk.

Agency Response: Agree.

2018-2019 Grand Jury Recommendation R1: By December 31, 2019, correct all the deficiencies listed as "N" and "P" in the Crosswalk with confirmation provided to the Grand Jury.

Agency Response: *Partially implemented.*

As noted previously in the response to R1.2.2., the Basic EOP and its planned 21 annexes are all taken into consideration towards the satisfactory completion of the crosswalk assessment. With the recent completion of the Basic EOP, 136 of 161 areas now meet “S” for “Satisfactory.” Fourteen areas that are “P” for “Partially Meets” and the remaining eleven marked “N” for “Needs Improvement.” It is anticipated that with the completion of the identified annexes, these less than satisfactory areas will be upgraded and will be implemented by December 31, 2019.

OES completed the San Joaquin County Emergency Operations Plan Assessment Crosswalk. The 2019-2020 Grand Jury determined to take no further action.

4.0 Grant Funding

2017-2018 Grand Jury Finding F4.1: If the grants were unavailable, no contingency plan is in place to provide alternative funding sources.

Agency Response: *Disagree.*

The County’s Annual budget process provides the opportunity to identify all budgetary needs. One-time costs can be requested as a supplemental request during this process. Throughout the Fiscal Year budget monitoring, quarterly reports, mid-year reports, and year-end projections allow for budget adjustments when additional funds are needed and justified.

Immediate or unexpected needs can be presented to the Board of Supervisors at any of the scheduled Board meetings. At this time, there is no immediate need to ask for additional funding or contingency. In addition, during an emergency, the Director of Operations has the authority to make a financial decision to address an immediate need during an activation.

Each local jurisdiction, city, and special district within the county are required under the Federal Robert Stafford Act and subsequent amendments, to develop comprehensive preparedness and response plans, programs, and capabilities, to include increased protection by obtaining insurance coverage to supplement or replace government assistance, ensuring hazard mitigation measures and developing regulations to reduce losses associated with disasters.

2017-2018 Grand Jury Recommendation R4.1: Create and implement a contingency plan for providing alternative funding sources by December 31, 2018.

Agency Response: *Has been implemented.*

Immediate or unexpected needs can be presented to the Board of Supervisors at any of the scheduled Board meetings. At this time, there is no immediate need to ask for additional funding or contingency. In addition, during an emergency, the Director of

Operations has the authority to make a financial decision to address an immediate need during an activation.

Even though the Director of OES is part of the County, the respective agencies who have the risk of potential emergencies should prepare by setting aside resources. San Joaquin County cannot speak on behalf of these agencies.

The 2018-2019 Grand Jury determined to take no further action.

5.0 Public Outreach

2017-2018 Grand Jury Finding F5.1: These figures indicate that, on average, fewer than fifteen hours per month were spent on outreach activities. This is less than adequate to fully inform the 726,105 county residents about disaster preparedness.

Agency Response: *Agree.*

2017-2018 Grand Jury Recommendation R5.1.1: EOS increase its outreach efforts to include sharing emergency preparedness reminders regularly on social media Facebook groups such as Memories of Stockton, Stockton Midtown Community Watch, and In and About San Joaquin County.

Agency Response: *Has been implemented.*

The OES staff is made up of six full-time staff: one Deputy Director; one Senior Emergency Planner; two Emergency Planners; one Accounting Technician and; Senior Office Assistant. Public outreach efforts have increased since the addition of the New Deputy Director. OES has a Facebook page, a Twitter profile and has recently joined the neighborhood application Next Door.

For the months of June and July 2018, on Facebook, OES increased page traffic by 66% reaching 108,592 users; an increase of 620% over previously stagnant months. OES increased page followers adding 300 new followers (to a total of 8,564 followers as of the writing of this report).

OES has 1,753 followers on its Twitter account. Typically, posts from Facebook are replicated in some fashion to meet Twitter requirements. In the past month, OES Twitter followers have increased by 31. Much of this was driven by tweets regarding excessive heat over a single weekend, with retweets helping to generate 429 additional profile visits from non-followers.

OES recently added the new neighborhood application, Next Door. This application targets small neighborhoods and allows people to post items on lost pets, making reputable business connections, or organizing neighborhood watch groups. OES has been given permission to post information to the entire County at large, or by neighborhood. So far, postings have been around extreme heat alerts to the entire county, reaching 68,331 members. The number of members in San Joaquin County, increase by 610 in the past two weeks.

OES is committed to continuing outreach to other groups via its social media pages including the page groups recommended by the Grand Jury.

Additionally, OES staff will continue to participate in neighborhood watch programs, business preparedness workshops and fairs to increase outreach to the community; making the most of the small staff and available resources.

The 2018-2019 Grand Jury determined to take no further action.

2017-2018 Grand Jury Recommendation R5.1.2: OES partner with Neighborhood Watch programs to provide preparedness education with each newly-formed group.

Agency Response: *Has been implemented.*

OES will reach out to the Cities, Law Enforcement, Neighborhood Advisory Board, and Fire Departments to work together to pursue adding preparedness as part of the Neighborhood Watch Program. Also, OES will also pursue being included at the Neighborhood Watch Group meetings (they meet twice a year) to share information related to preparedness. OES will participate in Stockton's National Night Out on August 7, 2018; OES will staff a booth at the event and materials shared on preparedness.

The 2018-2019 Grand Jury determined to take no further action.

2017-2018 Grand Jury Recommendation R5.1.3: OES create a comprehensive educational outreach message using both paid and free media formats.

Agency Response: *Has been implemented.*

OES participates in many outreach events such as August's Annual National Night Out, Emergency Preparedness Month (September), Great ShakeOut (October), and Flood Preparedness Week (October). OES has committed to participating in the San Joaquin County Department of Child Support Services 3rd Annual Block Party in August 2018, where OES staff will provide emergency preparedness materials at a table. OES also provides staff upon request to participate in private corporate Disaster Preparedness Workshops; bookings for fall 2018 include LODI SERVPRO and Tracy Depot. Micke Grove Zoological Society hosts an annual event "HalloWILD" in October at the Micke Grove Zoo that is highly attended by families; OES will supply informational handouts at the 2018 event.

Additional outreach methods will include increased use of social media, updating the website to be user-friendly and easy to navigate. Information pertinent to the citizens will be provided through a new website designed specifically to meet this need. The technical information will remain on a separate site.

The 2018-2019 Grand Jury determined to take no further action.

2017-2018 Grand Jury Recommendation R5.1.4: OES insert preparedness information including evacuation maps in taxpayers' property tax bills.

Agency Response: *Will be implemented.*

Requires further analysis to determine the timeframe of six months for implementation and if this is achievable.

OES will work closely with Treasurer/Tax collectors to evaluate this option, estimate cost and develop a plan for implementing during 2018-19. If viable, OES will work towards including this in the April 2019 Property Tax Notices.

The 2018-2019 Grand Jury determined to take no further action.

6.0 County Staff Familiarity

2017-2018 Grand Jury Finding F6.1: County staff familiarity with and understanding of the EOP is minimal and hampers an effective response in a disaster.

Agency Response: *Agree.*

2017-2018 Grand Jury Recommendation R6.1: By December 31, 2018 develop a regular and sustained method for the OES to interact with county staff and key stakeholders on the EOP plan.

Agency Response: *Partially implemented.*

Upon completion of the EOP, the updated information will be integrated with new employee presentations as part of the Emergency Preparedness and Disaster Service Worker Training. Updated training and exercise plans will be revised and will reflect a five-year training and exercise plan that involves most response entities at least once every three years and tests current plans. Additionally, in July, the Department Heads were briefed on the current status of the EOP Base Plan Draft and were provided a brief overview on the key highlights of the Heat Annex which was completed in late May. The five-year training and exercise plan should be completed by December 31, 2018.

The 2018-2019 Grand Jury determined to take no further action.

7.0 Disaster Recovery

2017-2018 Grand Jury Finding F7.1: The current county disaster recovery plan is outdated and jeopardizes recovery efforts.

Agency Response: *Disagrees partially, the plan need to be updated, but disagree that is jeopardizes recovery efforts.*

2017-2018 Grand Jury Recommendation R7.1: By December 31, 2018 develop a separate recovery operation plan to update and strengthen the EOP.

Agency Response: *Will be implemented.*

OES will develop a Request for Proposal (RFP) for a contractor to develop a comprehensive Recovery Plan that fits into the EOP. This will likely take longer than the recommendation. A solid timeline will be developed once the RFP is completed.

The anticipated completion date for the RFP is November 2018. With an overall implementation timeframe of July 2019.

2018-2019 Grand Jury Discussion, Findings, and Recommendations

The 2017-2018 Grand Jury found that the County's disaster recovery plan is out of date and recommended that a separate recovery operations plan be developed to update and strengthen the EOP. The Grand Jury confirmed the approval and adoption of the Basic EOP by the Board of Supervisors on April 23, 2019. The recovery operations plan is scheduled to be completed by March 2020.

2018-2019 Grand Jury Finding F1: The recovery operations plan has not been completed.

Agency Response: *Agree.*

2018-2019 Grand Jury Recommendation R1: By March 31, 2020, OES develop and adopt a separate recovery operations plan to update and strengthen the EOP.

Agency Response: *OES staff are currently working towards developing a Recovery Operations Plan in accordance with established best practices and will have the plan completed and will be implemented within the established timeline of March 31, 2020.*

OES completed the *San Joaquin Long Term Recovery Plan*, dated February 25, 2020. The 2019-2020 Grand Jury determined to take no further action.

Summary

In light of the current COVID 19 health crisis it is reassuring to know that the San Joaquin County Office of Emergency Services has completed the Emergency Operations Plan. This enables the numerous county agencies to efficiently perform their tasks and facilitates a successful recovery.

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911.924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Follow-up Report to the 2017-2018 San Joaquin County Civil Grand Jury



Case #0917

San Joaquin County Municipality Ethics Policies

Preface

This report contains a continuation of the responses to the 2017-2018 San Joaquin County Civil Grand Jury report regarding the San Joaquin County Municipality Ethics Policies.

The first follow-up report was presented in the 2018-2019 Grand Jury's report. More responses from the County were received by the 2019-2020 Grand Jury and are recorded verbatim in this report. The 2019-2020 Grand Jury follow-up determinations are presented after the County's response to each recommendation.

Discussions, findings, and recommendations from the 2019-2020 Grand Jury are in text boxes framed in black.

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

Summary

The recommendations of the 2017-2018 Grand Jury have been satisfied. The County and all requested municipalities have implemented ethics policies. With the new policies, there are procedures in place to aid in the reduction of conflict, mistrust, and allegations of misconduct.

Method of Follow-Up Investigation

The current Grand Jury reviewed the 2018-2019 report, *Follow-up Report to the 2017-2018 San Joaquin County Municipality Ethics Policies, Case #0917*, and evaluated the mandatory responses to the findings and recommendations. In addition, agency staff were interviewed, and city websites were checked for compliance.

Responses were reviewed to determine:

If the agency's responses were complete and comprehensible;

If the agency implemented the recommendations within the stated deadlines; and

If confirmation was necessary. Confirmation could include written documentation, interviews or site inspections.

Summary of Responses and Grand Jury Conclusions

Respondent	Rec #	Response	2019-2020 Grand Jury Response
City of Tracy	R1	Implemented	No further action required
San Joaquin County	R2	Implemented	No further action required
City of Escalon	R3	Implemented	No further action required
City of Lodi	R4	Implemented	No further action required
City of Manteca	R5	Implemented	No further action required

Findings, Recommendations, Agency Responses, and Grand Jury Results

1.0 City of Tracy

2017-2018 Grand Jury Finding F1.1: The City of Tracy does not have an ethics policy for its elected, appointed officials and senior staff (city manager, city attorney, city clerk and their subordinate employees not represented by a bargaining unit). The lack of a policy has resulted in conflict, mistrust, and allegations of misconduct.

Agency Response: *The City agrees with this finding. The City does not have a comprehensive ethics policy encompassing all of the categories of officials and staff. The City recognizes that state law provides ethical requirements and boundaries, but the City has not enacted its own comprehensive code of conduct or ethics policy.*

2017-2018 Grand Jury Recommendation R1.1.1: By October 31, 2018, the Tracy City Council develop and adopt an ethics policy that governs the behavior of its elected officials, appointed officials, and senior staff.

Agency Response: *The City is in the process of implementing this recommendation. On August 21, 2018, the City Council appointed a subcommittee of two Council Members to work with the City Attorney to prepare a comprehensive code of conduct and ethics and/or policy. Work is ongoing and the subcommittee intends to have a draft code for the Council to review as soon as possible. While endeavoring to be completed by October 31, 2018, the City Council will undoubtedly have some modifications and/or changes that may result in a reasonable delay. However, the City is committed to enacting a code of ethics that would apply to Council Members, appointed officials and appointed staff in 2018. The City will provide the Grand Jury the policy when completed and enacted.*

2018-2019 Grand Jury Discussion, Findings, and Recommendations

The 2017-2018 Grand Jury recommended that the Tracy City Council adopt an ethics policy by October 31, 2018. On August 21, 2018, the Tracy City Council appointed an ad-hoc committee to develop the policy. The committee was to present a draft at the first Council meeting in October, 2018. The ethics policy was not discussed again until February 5, 2019, at which time they deferred discussion until the February 19, 2019, meeting. At this meeting, the Council spent a significant amount of time discussing the draft ethics policy, but a policy was not adopted. A special Council meeting was held on April 2, 2019, to discuss a revised draft, but again, no policy was adopted. A revised draft was to be presented at the April 16, 2019, Council meeting. However, on April 16, 2019, the ethics policy was not on the agenda.

2018-2019 Grand Jury Finding F1: The Tracy City Council has not adopted an ethics policy.

2018-2019 Grand Jury Recommendation R1: By October 31, 2019, the Tracy City Council develop and adopt an ethics policy that governs the behavior of its elected officials, appointed officials, and senior staff.

The Tracy City Council adopted the *Tracy City Council Code of Conduct* at their meeting on October 15, 2019. The 2019-2020 Grand Jury determined to take no further action.

2.0 San Joaquin County

2017-2018 Grand Jury Finding F2.1: The San Joaquin County Board of Supervisors ethics policy does not include dependent boards and commissions. This could cause policy inconsistency across the county's boards and commissions leading to a perception of differing values for each board in the county.

Agency Response: *Partially disagree. In 2005, the California legislature passed AB 1234 to require that California local agencies provide for ethics training to local agency officials that receive compensation for service on a legislative body. This statute was codified in the Government Code as Section 53235. This Code section requires that individuals receive at least two hours of training in general ethics principles and ethics laws relevant to public service every two years. While the law allows local agencies to develop their own curricula to satisfy the law, the statute also provides that training can be accomplished by self-study materials and tests to be taken at home, in-person or online. The law went on to empower the Fair Political Practices Commission and the Attorney General to determine the sufficiency and accuracy of any proposed course content.*

In January of 2006, the San Joaquin County Board of Supervisors implemented AB 1234 by requiring that ethics training be received by all members of the following boards, committees and commissions:

- Agricultural Advisory Board
- Assessment Appeals Board
- Aviation Advisory Board
- Building Board of Appeals
- Cal-ID System Remote Access
- Children & Families Commission
- Civil Service Commission
- Commission on Aging
- Community Action Board
- Equal Employment Opportunity Advisory Board
- Health Commission SJC

Housing Appeals Board
Juvenile Justice – Delinquency Prevention Commission
Behavioral Health Board
Parks and Recreation Commission
Planning Commission
Revolving Loan Fund Board of Directors
Retirement Board

2017-2018 Grand Jury Finding F2.2. The ethics policy for the County of San Joaquin does not cover the county administrator, county counsel, county clerk or their subordinate employees not represented by a bargaining unit. These officials require the same guidelines as elected officials to ensure they are acting ethically.

Agency Response: *Partially Disagree. In addition to requiring that the member of boards, committees and commissions receive such training, the Board of Supervisors extended the required training to all County Department Heads and their assistants/deputies. Since 2006, several online training programs have been developed and are currently recommended to members of San Joaquin County boards, commissions and committees as well as department heads and their assistants/deputies. These programs are sponsored by the Institute for Local Government as well as the Fair Political Practices Commission.*

(See Exhibit 1 for the status of training of department directors and their assistants/deputies)

2017-2018 Grand Jury Recommendation R2.1: By October 31, 2018, the San Joaquin County Board of Supervisors develop and adopt an ethics policy that governs the behavior of dependent board and commission members.

Agency Response: *Partially implemented. As noted in response to Finding 2.1, the County has implemented consistent ethics training for the members of all boards, commissions and committees. The County will continue to implement by enforcing the direction that all board, commission and committee members, successfully complete the required ethics training every two years.*

2017-2018 Grand Jury Recommendation R2.2: By October 31, 2018, the San Joaquin County Board of Supervisors develop and adopt an ethics policy that governs the behavior of the county senior staff.

Agency Response: *Partially implemented. As noted in response to Finding 2.2, the County has implemented consistent ethics training for all department heads and assistants/deputies. The County was previously not tracking the completion of their required training. The County has now incorporated the monitoring of this training in their Human Resources training module. The County will continue to implement by enforcing the direction that all department heads and their assistants/deputies, successfully complete the required ethics training every two years.*

2018-2019 Grand Jury Discussion, Findings, and Recommendations

The 2017-2018 Grand Jury recommended that by October 31, 2018, the San Joaquin County Board of Supervisors develop and adopt an ethics policy that governs the behavior of dependent board and commission members and County senior staff. The County's current written ethics policy only governs the Board of Supervisors.

In September 2018, the Board of Supervisors responded to the Grand Jury recommendation. The response indicated that as mandated by AB1234, ethics training is required for senior staff and for all board and commission members who receive compensation. The 2018-2019 Grand Jury reviewed the County's response and recognizes the benefits of the ethics training required under AB1234, but determined that this training is not the equivalent of a written and adopted ethics policy.

2018-2019 Grand Jury Finding F2: AB1234 training is not the equivalent of adopting and implementing a written ethics policy.

Agency response: *Partially disagree, California law establishes a clear standard for ethical behavior that must be followed by government boards and commissions. AB 1234 requires elected and appointed officials to participate in ethics training that covers laws relating to personal financial gain by public officials, gifts and travel, personal and political use of public resources, and prohibitions against the gift of public funds. AB 1234 also requires these elected and appointed officials to participate in training that covers laws relating to government transparency, financial disclosure, the Public Records Act, fair processes, due process, competitive bidding requirements for public contracts, and disqualification from participation in decisions involving family members.*

2018-2019 Grand Jury Recommendation R2: By December 31, 2019, the Board of Supervisors develop and adopt an ethics policy that governs the behavior of dependent board and commission members and County senior staff.

Agency response: *The recommendation has not yet been implemented. It is the County's position that the actions taken by the Board of Supervisors in 2006 requiring ethics training for the previously provided list of boards, committees, and commissions is appropriate for these semi-autonomous entities.*

However, the County is committed to implementing a code of ethics that would apply to County senior staff. San Joaquin County has existing Work Rules (attached) that encompass certain aspects of the County's expectations for ethical behavior. As part of the code of ethics development effort, staff will evaluate whether or not the County Work Rules should be expanded to encompass the code of ethics, or if a separate code of ethics document would be the most effective approach. Staff will begin work on the code of ethics for County senior staff in 2019, anticipating completion and adoption in 2020. The County will provide the Grand Jury a copy of the code of ethics when completed and enacted.

The County Board of Supervisors adopted an ethics policy on September 24, 2019. The 2019-2020 Grand Jury determined to take no further action.

3.0 City of Escalon

2017-2018 Grand Jury Finding F3.1: The City of Escalon does not have an ethics policy for its elected and appointed officials and senior staff such as the city administrator, city attorney, city clerk and their subordinate employees not represented by a bargaining unit. Failure to have an ethics policy could lead to poor judgement, public misconception and lack of trust.

***Agency Response:** The City agrees with the findings made by the Grand Jury regarding the lack of an ethic policy and its importance. It has been the practice that biennial training of AB 1234 is applied to all elected officials and executive management.*

2017-2018 Grand Jury Recommendation R3.1: By October 31,2018, the Escalon City Council develop and adopt an ethics policy that governs the behavior of its elected and appointed officials.

***Agency Response:** The City of Escalon has included in their fiscal year budget of 2018-2019 an allocation for the assistance of a consultant to review its personnel rules and policies including the formalization of the required biennial training of AB 1234 to be required biennially of elected, appointed officials and senior staff. Due to the comprehensive review of all policies the City is anticipating that all should be completed no later than June 2019.*

2018-2019 Grand Jury Discussion, Findings, and Recommendations

The 2017-2018 Grand Jury found that the City of Escalon does not have a written ethics policy for its elected or appointed officials or its senior staff. They recommended that a written ethics policy be adopted by October 31, 2018. The Escalon City Council responded that they would develop an ethics policy by June 2019.

2018-2019 Grand Jury Finding F3: The City of Escalon will develop a written ethics policy for its elected and appointed officials and its senior staff by June 2019.

2018-2019 Grand Jury Recommendation R3: The Escalon City Council adopt an ethics policy by June 2019.

The Escalon City Council adopted an ethics policy in their meeting on July 15, 2019. The 2019-2020 Grand Jury determined to take no further action.

4.0 City of Lathrop

2017-2018 Grand Jury Finding F4.1: The City of Lathrop does not have an ethics policy for its elected and appointed officials and senior staff such as the city administrator, city attorney, city clerk and their subordinate employees not represented by a bargaining unit. Failure to have an ethics policy could lead to poor judgement, public misconception and lack of trust.

2017-2018 Grand Jury Recommendation R4.1: By October 31, 2018, the Lathrop City Council develop and adopt an ethics policy that governs the behavior of its elected appointed officials.

Agency Response: Council agrees that the City has not adopted an ethics policy specifically focused on elected, appointed officials, or unrepresented senior employees but the City has adopted a City Council Handbook and the City complies with all State and Federal ethics regulations, including Government Code Section §53235 ct. seq., also known as Assembly Bill (AB) 1234, which requires all members of the City Council and commission appointees that receive compensation or their service or reimbursement for expenses related to their official position to attend ethics training. AB 1234 Ethics Training is documented and all records of compliance with AB 1234 Ethics are produced at request. Also, the City of Lathrop Conflict of Interest Code, as mandated by California Government Code (Govt Code) section *81 000 ct. seq. also known as the Political Reform Act, is required to be reviewed biennially, and was reviewed and updated at the September 10, 2018 City Council Meeting. The City's elected and appointed officials as well as the city manager, city attorney, ci ty clerk and unrepresented senior employees are also obligated to comply with State and Federal laws including, but not limited to, Govt Code Section §53232 Compensation, Govt Code Section §53234 Ethics Training, Govt Code Section §53237 Sexual Harassment Prevention Training and Education, Govt Code Section §53243-53244 Abuse of Office, Govt. Code Section §53296-53299 Disclosure of Information: Local Government, Govt Code Section 81000 ct. sec. Political Reform and Labor Code Section §1102.5-1102. Council directed the City Attorney to draft a proposed ethics policy for consideration by Council at the next Council meeting scheduled October 8, 2018.

- **The 2018-2019 Grand Jury found that the Lathrop City Council did adopt an ethics policy and therefore determined to take no further action.**

5.0 City of Lodi

2017-2018 Grand Jury Finding 5.1: The ethics policy for the City of Lodi does not cover the city manager, city attorney, city clerk, or subordinate employees not represented by a bargaining unit. These officials require the same guidelines as elected officials to ensure they act ethically.

Agency Response: Lodi agrees with this finding in part and disagrees in part. Lodi agrees that in general appointed officials should be held to the same ethical standard as elected officials. Indeed Lodi and its executive management team are bound by state

law ethics rules that form the basis of ethics practices above and beyond the requirements of any local ordinance and are the product of California's Fair Political Practices Act. Our executive management team is required to review their Fair Political Practices Commission Form 700 and file the same annually. The form 700 contains an extensive discussion of ethics requirements that must be reviewed to accurately fill out the form. The state Legislature enacted AB 1234 in 2006 which required Council Members and Board Members who receive reimbursement or pay to receive biennial training on state ethics laws. AB 1234 explicitly left it up to municipalities to determine whether executive team members should be included in the biennial training. As such there is no legal requirement that executive management team members receive the training. That is not to say that it is not a good practice to require AB 1234 training and in Lodi under its current City Manager, executive management staff have been required to attend the AB 1234 ethics training session that the City Manager and City Attorney present to Council and Commissions. Council agrees that formalizing that policy is a good practice and will revise its AB 1234 Policy to require the Executive Management Team to receive biennial AB 1234 ethics training

2017-2018 Grand Jury Recommendation R5.1: By October 31, 2018, the Lodi City Council develop and adopt an ethics policy that governs the city management team.

Agency Response: *As discussed above, State ethics law and AB 1234 already govern the City executive management team. However the City did not include AB 1234's option to require biennial training of the Executive Management Team in its AB1234 policy. City will amend its AB 1234 training policy to require biennial training of the executive management team by October 31, 2018.*

2018-2019 Grand Jury Discussion, Findings, and Recommendations

The 2017-2018 Grand Jury recommended that by October 31, 2018, the City of Lodi adopt an ethics policy that governs the behavior of its senior staff. The City's current written ethics policy only governs the City Council and appointed board and commissioners.

In September 2018, the Lodi City Council responded to the Grand Jury recommendation indicating that they would expand the AB1234 ethics training to include senior staff. The 2018-2019 Grand Jury reviewed the City's response and recognizes the benefits of the ethics training required under AB1234, but determined that this training is not the equivalent of a written and adopted ethics policy.

2018-2019 Grand Jury Finding F4: AB1234 training is not the equivalent of adopting and implementing a written ethics policy.

2018-2019 Grand Jury Recommendation R4: By December 31, 2019, the City of Lodi develop and adopt an ethics policy that governs the City's senior staff.

The Lodi City Council adopted an ethics policy at its meeting on December 18, 2019. The 2019-2020 Grand Jury determined to take no further action.

6.0 City of Manteca

2017-2018 Grand Jury Finding 6.1: The City of Manteca does not have an ethics policy for its elected and appointed officials and senior staff such as the city manager, city attorney, city clerk and their subordinate employees not represented by a bargaining unit. Failure to have an ethics policy could lead to poor judgement, public misconception and lack of trust.

2017-2018 Grand Jury Recommendation R6.1: By October 31, 2018, the Manteca City Council develop and adopt an ethics policy that governs the behavior of its elected and appointed officials and senior staff.

***Agency Response:** This finding has been reviewed by the City Council at the November 20, 2018 meeting. All legislative bodies and local agency officials are required to take the California Ethics Training (AB1234) bi-annually and this has sufficed in the past. However, the City Council will be reviewing staff recommendations about developing a Code of Ethics policy in February 2019.*

2018-2019 Grand Jury Discussion, Findings, and Recommendations

The 2017-2018 Grand Jury recommended that by October 31, 2018, the City of Manteca adopt an ethics policy that governs the behavior of its elected and appointed officials and senior staff.

An item to discuss an ethics policy was to be brought to Council in February 2019. To date, no agenda item regarding the development of an ethics policy has been brought before the Council. Due to a majority change of the Manteca City Council sworn in to office in December 2018, along with resolving a budget deficit, development and adoption of an ethics policy has been postponed. The city anticipates scheduling adoption of an ethics policy in June 2019.

2018-2019 Grand Jury Finding F5: The City of Manteca does not have an ethics policy for its elected and appointed officials or its senior staff.

2018-2019 Grand Jury Recommendation R5: By September 30, 2019, the Manteca City Council develop and adopt an ethics policy that governs the behavior of its elected and appointed officials and senior staff.

Agency Response: *This finding has been reviewed by the City Council at the August 20, 2019, City Council Meeting and implemented by the adoption of an ethics policy that governs the behavior of its elected and appointed officials and senior staff.*

The Manteca City Council adopted an ethics policy at its meeting on August 20, 2019. The 2019-2020 Grand Jury determined to take no further action.

7.0 City of Ripon

2017-2018 Grand Jury Finding 7.1: The ethics policy for the City of Ripon does not cover senior staff (city administrator, city attorney, city clerk, or subordinate employees not represented by a bargaining unit). These officials require the same guidelines as elected officials to ensure they act ethically.

Agency Response: *The City of Ripon agrees with the finding.*

2017-2018 Grand Jury Recommendation R7.1: By October 31, 2018, the Ripon City Council develop and adopt an ethics policy that governs the city senior staff.

Agency Response: *In response to recommendation R7.1 of the grand jury in the above referenced matter, the City Council will be provided with a draft ethics policy which covers senior City staff. The city attorney will draft the ethics policy, and will provide a copy of adopted policy to the grand jury on or before October 31, 2018. In addition, existing code of ethics and code of conduct will be reviewed and updated as necessary.*

- **The 2018-2019 Grand Jury found that the Ripon City Council did adopt an ethics policy and therefore determined to take no further action.**

8.0 City of Stockton

2017-2018 Grand Jury Finding 8.1: Not all individuals are aware of the ethics policy. Lack of awareness of the city ethics policy could lead to misunderstandings that violate the policy.

Agency Response: *The respondent agrees with this finding. The City agrees that a lack of awareness could lead to violations of policies. The City is in the process of reviewing and updating its policies. As part of these efforts, the Council Policy Manual was revised into a more organized, streamlined and efficient policy framework. Council policies 2.02 - City Council Conflict of Interest Code and 2.03 - Code of Ethics for Elected Officials and Commissioners were included in the revised manual and approved by City Council*

Resolution 2016-01-26-1203. In addition, the City included an update of the Code of Ethics section of the City Charter in the 2014 Charter amendments that were approved by vote of the public. This update included streamlined and better organized language to give the Code of Ethics greater clarity. Furthermore, as noted in the Grand Jury Report, "Stockton's code of ethics for employees and city officials was last updated November 2, 2017. The policy is written to include elected officials, appointed staff, appointed board and commission members, and employees."

City directives and policies are reviewed by the City's executive team, including department heads, to disseminate information and provide updates as needed. A goal of the policy review and update project is to make policies and directives more easily accessible and have the ability to better communicate changes and share documents. Policies that are subject to review and approval at the City Council/eve/ are reviewed by the City Council at public Council meetings and posted on the City's website.

2017-2018 Grand Jury Recommendation R8.1: By October 31, 2018, city council members receive a copy of the ethics policy and attend a briefing about its contents.

Agency Response: *The respondent agrees with this recommendation. A copy of the ethics policy has been provided to the City Council members and Council members will be briefed on its contents by October 31, 2018.*

The 2018-2019 Grand Jury determined to take no further action.

Conclusion

The County and all requested municipalities have implemented ethics policies. With the new policies, there are procedures in place to aid in the reduction of conflict, mistrust, and allegations of misconduct.

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911.924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Follow-up Report to the 2018-2019 San Joaquin County Civil Grand Jury



San Joaquin County Parks and Recreation:

Budget Challenges and Matters of Trust

Case #0118

Preface

This report contains the responses to the 2018-2019 San Joaquin County Civil Grand Jury report regarding the San Joaquin County Parks and Recreation Division. This follow-up report focuses on the 2018-2019 Grand Jury findings and recommendations, as well as the San Joaquin County Board of Supervisors' responses, which are presented verbatim in this report.

The 2019-2020 Grand Jury follow-up determinations are presented after the agency's response to each recommendation.

Discussions, findings, and recommendations from the 2019-2020 Grand Jury are in text boxes framed in black.

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

Summary

Parks and Recreation Budget and Trust Usage

The Board of Supervisors largely disagreed with the findings that not enough funding was provided by sources other than the trusts. However, it went ahead and implemented the recommendations which called for the study and creation of a structurally balanced and sustainable budget beginning in 2020-2021.

County Managed Trusts

The recommendations were to discontinue use of Micke Grove Trust and the Park Endowment Trust for the operation of the parks. The Board of Supervisors indicated that they plan to reduce the use of the Park Endowment Trust to \$50,000 in the 2020-2021 budget but will continue to use the Micke Grove Trust to fund operations as per their understanding of the William G Micke will.

Non-County Managed Trusts

The recommendation calls for Wells Fargo Bank to submit an annual performance report. The Board of Supervisors requested more time to analyze this. The 2019-2020 Grand Jury has issued a new recommendation that this be done by September 30, 2020.

Parks and Recreation Benchmarking Assessment Report

It was found that there are inadequate staffing levels when benchmarked against other entities. The Board of Supervisors disagreed with all the findings and stated that their normal budgeting processes projected the correct staffing.

Loss of Historical Knowledge

It was found that departmental reorganizations and turnover resulted in the loss of historical knowledge amongst the Parks and Recreation leadership and staff. The Board of Supervisors agreed and are in the process of creating a “living document” that captures this information. The 2019-2020 Grand Jury created a recommendation that this be created by June 30, 2020.

Method of Follow-Up Investigation

The current 2019-2020 Grand Jury reviewed the original 2018-2019 report #0118, *San Joaquin County Parks and Recreation: Budget Challenges and Matters of Trust*. The 2019-2020 Grand Jury interviewed San Joaquin County Parks and Recreation staff. The mandatory responses to the findings and recommendations were reviewed to determine:

if the agency’s responses were complete and comprehensible;

if the agency would implement the recommendations within the stated deadlines; and

if confirmation, including written documentation, interviews or site inspections was necessary.

Summary of Responses and 2019-2020 Grand Jury Conclusions

Respondent	2018-2019	Response	2019-2020 Grand Jury Conclusion		
	Rec #		Rec#	Due Date	Conclusion
County of San Joaquin	R1.1	Implemented			No further action taken
	R1.2	Implemented			No further action taken
	R2.1	Implemented			No further action taken
	R2.2	Further analysis			No further action taken
	R3.1	Further analysis	R1	September 30, 2020	Requires further action
	R4.1	Implemented			No further action taken
	R4.2	Will not be implemented			No further action taken
	R5.1	To be implemented	R2	June 2020	Requires further action
	R5.2	To be implemented	R3	In 2020-2021 budget package.	Requires further action

Findings, Recommendations, Agency Responses, and Grand Jury Results

1.0 Parks and Recreation Budget and Trust Usage

2018-2019 Grand Jury Finding F1.1 The Parks and Recreation Division budget has not kept pace with inflation, nor has it benefited from substantial growth in the overall County budget, thereby hindering the Division’s ability to maintain and improve the parks.

Agency Response: *Partially Disagree*

The Parks and Recreation Division utilizes ongoing programs offered from other county divisions that include repairs, maintenance, and improvement to the parks and the costs associated have not historically been reflected in the Parks and Recreation budget. In 2018-2019 this cost was estimated to be approximately \$800,000. In addition, the 2019-2020 budget narrative includes a description of an estimated \$905,000, specifically for

parcs facility improvement projects through the Public Improvement Program and general Fund.

2018-2019 Grand Jury Finding F1.2 The reduction in County contributions through Net County Costs has further exacerbated the Parks and Recreation budget challenges.

Agency Response: Disagree

Beginning in FY 2011-2012, General Fund contributions for the Parks and Recreation Division have been reduced a total of four (4) years and increased five (5) years. During the same time, the Division’s revenues have increased three (3) years and decreased six (6) years.

Fiscal Year	General Fund	Revenue
2011-2012	\$3,776,537	\$1,601,963
2012-2013*	\$ 426,409	\$4,348,326
2013-2014	\$2,113,634	\$2,844,191
2014-2015	\$1,715,820	\$3,098,370
2015-2016	\$1,769,986	\$2,873,854
2016-2017	\$2,572,711	\$2,685,957
2017-2018	\$2,377,440	\$2,696,076
2018-2019	\$2,295,359	\$2,291,884
2019-2020	\$3,804,296	\$2,251,452 (adjusted)

** The 2012-2013 Revenue includes operating transfers in the amount of \$1,630,758 that should have been processed in 2011-2012.*

In addition to General Fund support for the Parks and Recreation Division, the following table identifies the additional General Fund support that has been provided through the Capital Projects Division during the same timeframe, totaling \$6,108,181:

Fiscal Year	General Fund
2011-2012	\$ 578,479
2012-2013	\$ 404,398
2013-2014	\$ 838,707
2014-2015	\$ 490,126
2015-2016	\$1,349,316
2016-2017	\$ 232,608
2017-2018	\$1,013,721
2018-2019	\$1,200,826
Total	\$6,108,181

2018-2019 Grand Jury Finding F1.3 The Board of Supervisors and the Parks and Recreation Division have continued to supplement the budget with monies from the Parks Trust Funds rather than making the difficult decisions required to balance the Parks and Recreation budget.

Agency Response: *Disagree*

The 2018-2019 budget reflects the difficult decisions that were made, which eliminated three vacant Park Worker positions and significantly reduced the Division's reliance on part-time temporary (extra help) positions. The Parks and Recreation Division continues to maintain a balanced budget.

2018-2019 Grand Jury Finding F1.4 The continued borrowing of money to balance the Parks and Recreation budget is an unsustainable practice that has decimated the Parks Trust Funds.

Agency Response: *Disagree*

The Parks and Recreation Division did not borrow money from the trust funds. Over the past three fiscal years, there has been a significant decrease in the utilization of the Parks Trust Funds.

2018-2019 Grand Jury Finding F1.5 Despite direction by the Board of Supervisors to create a program to reduce reliance on trust funds and provide a balanced budget by 2014-2015, the Parks and Recreation Division continues to rely on trust funds to balance its annual budget.

Agency Response: *Partially Disagree*

The County Parks are supported by revenue from trust accounts established for their maintenance and operation. The Micke Grove Trust Fund receives approximately \$300,000 each year for the operation and maintenance of the Micke Grove Park. The Park Donation Trust funds have been utilized in accordance with the donor's intent. The funds in the Subdivision Trust have been used in accordance with the parameters set forth in County Ordinance 3675, which requires the dedication of land or the imposition of fees in lieu thereof, or a combination of both, for park or recreational purposes. The approved Parks and Recreation Division budget for 2019-2020 only utilizes trust funds specifically designated for maintenance and operations and is a balanced budget.

2018-2019 Grand Jury Finding F1.6 Despite recognition by members of the Board of Supervisors that the trust funds should be paid back once the economy recovered, no effort has yet been made to repay the "borrowed" money.

Agency Response: *Partially Disagree*

As previously stated, the Parks and Recreation Division did not borrow money from the trust funds.

The Board of Supervisors, upon the recommendation of the Parks and Recreation Division, created the Park Endowment Trust. However, the prior acts of the Board of Supervisors cannot deprive its successors of future discretionary policy choices. Thus, although ongoing operations were not included as an intended purpose for use of trust funds at the time that the Park Endowment Trust was created, the Board of Supervisors

retained discretion to approve all expenditures of trust funds and has since done so. Additional County General Fund support is provided to the Parks and Recreation Division budget through investments in facilities included within the capital projects budget, totaling \$6,108,181 from 2011-2012 to 2018-2019, as reflected previously in the table for Agency Response to F1.2.

2018-2019 Grand Jury Finding F1.7 Although the Parks and Recreation Division recognized the chronic overestimation of revenues and reduced the revenue estimates in their 2018-2019 proposed budget by nearly \$360,000, data from the prior two years indicate that the revenue estimates should have been reduced by an additional \$100,000.

Agency Response: *Disagree*

2018-2019 Year-End actuals indicate that the revenue should have been reduced by an additional \$65,000, not \$100,000.

2018-2019 Grand Jury 2018-2019 Grand Jury Recommendation R1.1 By March 31, 2020, the Parks and Recreation Division complete a comprehensive analysis of the County parks system that includes the tradeoffs required to operate the system under a structurally balanced budget.

Agency Response: *Has been implemented*

The Parks and Recreation Division operates within a structurally balanced budget. In 2018-2019, the Division reduced its use of trust funds by \$75,940. The amount budgeted was \$669,500, and end of year actuals were \$593,560. Trust fund usage continues to be reduced annually and has been reduced by approximately 53% since FY 2016-2017.

Fiscal Year	Trust Fund Usage
2016-2017	\$1,034,395
2017-2018	\$ 794,787
2018-2019	\$ 593,560
2019-2020*	\$ 485,078

** Includes an adjustment of \$137,078 to the 2019-2020 proposed budget. The additional funds are being utilized through the Parks Special Projects Fund in accordance with its adopted Policy and Procedures.*

The 2019-2020 Grand Jury determined to take no further action.

2018-2019 Grand Jury Recommendation R1.2 The Parks and Recreation Division develop and present to the Board of Supervisors a structurally balanced and sustainable budget beginning in 2020-2021 that includes realistic estimates for revenue.

Agency Response: *Has been implemented*

The 2019-2020 budget has further reduced the usage of trust fund revenue by \$108,482 as compared to the 2018-2019 actual amount of \$593,560 and has reduced revenue estimates by \$69,993 from the 2018-2019 budget.

The 2019-2020 Grand Jury determined to take no further action.

2.0 County Managed Trusts

2018-2019 Grand Jury Finding F2.1 Contrary to the original intent of the Park Endowment Trust, the Parks and Recreation Division has proposed, and the Board of Supervisors has approved, the use of principal for operations and maintenance in the park system each year since 2010-2011.

Agency Response: *Partially Disagree*

The Board of Supervisors, upon the recommendation of the Parks and Recreation Division, created the Park Endowment Trust. However, the prior acts of the Board of Supervisors cannot deprive its successors of future discretionary policy choices. Thus, although ongoing the Park Endowment Trust was created, the Board of Supervisors retained discretion to approve all expenditures of trust funds and has since done so.

2018-2019 Grand Jury Finding F2.2 Prior to its near depletion, the Park Endowment Trust was an invaluable resource, providing the Parks and Recreation Division an ongoing source of seed money for capital development projects and major equipment purchases.

Agency Response: *Partially Disagree*

The Parks and Recreation Division agrees that trust funds are an invaluable resource.

As previously stated, the County General Fund also provided \$6,108,181 of additional funding to the

Parks and Recreation Division through investments in capital projects during the previous eight years.

2018-2019 Grand Jury Finding F2.3 The Park Endowment Trust and the Micke Grove Trust represent an invaluable opportunity to provide an ongoing source of funding for new park initiatives and capital expenditures, if those trust funds are not depleted on an annual basis.

Agency Response: *Requires Further Analysis*

The San Joaquin County Auditor-Controller's Office is currently conducting an audit of County trust funds, including the Parks and Recreation Division's trust funds. The Auditor-Controller's

report is expected to be available during mid-year 2019-2020. Parks and Recreation will need to review the results of the report to appropriately respond to the finding.

2018-2019 Grand Jury Finding F2.4 The Parks Special Projects Trust Fund is an excellent addition to the Parks Trust Funds that, with proper management, will provide a valuable source of funding and operational support for special projects for years to come.

Agency Response: Agree

2018-2019 Grand Jury Recommendation R2.1 Starting with the 2020-2021 proposed budget, the Parks and Recreation Division discontinue the use of both the Micke Grove Trust and the Park Endowment Trust to fund operation and maintenance of the parks.

The agency’s position is that the purpose of the Micke Grove Trust is to provide operating funds when needed. Additionally, the Park Endowment Trust will be reduced to \$50,000 in the 2020-2021 budget. The 2019-2020 Grand Jury determined to take no further action.

2018-2019 Grand Jury Recommendation R2.2 The Parks and Recreation Division allow the principal of the Micke Grove Trust and the Park Endowment Trust funds to grow and utilize only the interest to support new park initiatives or capital expenditures.

Agency Response: R2.1 & R2.2 Requires further analysis and timeframe for further determination within twelve months

Board Resolution R-18-37 established the Micke Grove Trust Account in accordance with the Terms and Conditions of the Last Will of William G. Micke to operate and maintain the Micke Grove Park. Annual revenues are utilized in accordance with the adopted resolution.

The Fiscal Year 2019-2020 budget utilizes \$485,578 from multiple trust accounts. Reducing this amount by an additional \$330,000 in 2020-2021 requires further analysis.

Trust	2019-2020 Estimated Deposits	2019-2020 Utilization
Micke Grove Trust	\$ 300,000	\$ 230,000
Park Activity Trust	\$ 7,500	\$ 6,000
Park Endowment Trust	\$ 235,000	\$ 100,000
Fish & Wildlife	\$ 7,500	\$ 7,500
Park Donation Trust	\$ 5,000	\$ 5,000
Special Projects	\$ 512,500	\$ 137,078*
Total	\$ 1,067,500	\$ 485,578

* An increase of \$137,078 from the 2019-2020 proposed budget. The additional funding is from the Parks Special Projects Fund, in accordance with its adopted Policy and Procedures. Additionally in 2019-2020, the

Auditor-Controller's Office will be completing an audit of Parks and Recreation Division Trust Funds, and the report will be presented to the Division with its findings and recommendations.

The agency's position is that the purpose of the Micke Grove Trust is to provide operating funds when needed. Additionally, the Park Endowment Trust will be reduced to \$50,000 in the 2020-2021 budget. The 2019-2020 Grand Jury determined to take no further action.

3.0 Non-County Managed Trusts

2018-2019 Grand Jury Finding F3.1 The Grand Jury found it difficult to determine Wells Fargo's effectiveness in managing the William G. Micke Estate Trust because the biennial reports filed with the court do not contain performance information.

Agency Response: *Requires further analysis and timeframe for further determination within twelve months.*

2018-2019 Grand Jury Recommendation R3.1 By December 31, 2019, the Board of Supervisors require Wells Fargo to submit an annual performance report for the William G. Micke Estate Trust. This report shall include the total return compared to an industry standard benchmark with a similar risk profile.

Agency Response: *Requires further analysis and timeframe for further determination within twelve months.*

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The Board of Supervisors requested more time for Wells Fargo to submit the annual performance report for the William G. Micke Estate Trust.

2019-2020 Grand Jury Finding F1: The Wells Fargo annual performance report is critical to determine the effectiveness in managing the William G. Micke Estate Trust.

2019-2020 Grand Jury Recommendation R1: The Board of Supervisors require Wells Fargo to submit an annual performance report for the William G. Micke Estate Trust by September 30, 2020. This report shall include the total return compared to an industry standard benchmark with a similar risk profile.

4.0 Parks and Recreation Benchmarking Assessment Report

2018-2019 Grand Jury Finding F4.1 Despite a strong recommendation in the Taussig report that staffing cuts would be inappropriate, the Parks and Recreation Division has continued to eliminate positions.

Agency Response: *Disagree*

The Taussig report states, “there may be room to improve employee efficiencies through increased staffing efforts or a realignment of employee roles.”

The Parks and Recreation Division has not continued to eliminate positions. The last elimination was during the 2018-2019 Fiscal Year. The 2019-2020 budget does not eliminate any positions, and the Division has retained a number of Zoo part-time staff during both 2018-2019 and 2019-2020.

During midyear 2018-2019, the Parks and Recreation Division secured Board approval to reclassify an administrative support staff position to a Park Worker position in an effort to create a more efficient division. Other efficiencies include cross training staff in all of the departments; parks, zoo, and administration, expanding the online reservations system, improving the volunteer program, and the creation of a marketing program with annual events.

2018-2019 Grand Jury Finding F4.2 While “doing more with less” is admirable, it is apparent that the Parks and Recreation Division is at the point of “doing less with less,” especially considering the additional staffing cuts in 2018-2019 and the rising costs of services and maintenance.

Agency Response: *Disagree*

While the 2018-2019 budget eliminated three vacant full-time positions, the 2019-2020 budget does not eliminate any positions.

As part of the 2018-2019 mid-year budget review process, the Board of Supervisor increased the Parks and Recreation Division appropriations for utilities by \$50,000 and the motor pool allocation by \$39,679 increasing General Fund contributions by \$76,679. The approved 2019-2020 budget included additional increases of \$18,173 and \$4,445 respectively from the General Fund.

2018-2019 Grand Jury Finding F4.3 The very low per capita contribution from the County is a major factor in the Parks and Recreation Division’s inability to balance the budget.

Agency Response: *Disagree*

The Parks and Recreation Division operates within a balanced budget. The Taussig Report used Stanislaus, Placer, and Yolo counties for benchmarking purposes in 2018-2019 in which the low per capital statistic is being used. The report also compared Net County Cost contributions as a percentage of the overall budgets and reported that San Joaquin, Stanislaus and Placer Counties fall within 1% of each other.

The report warns that no parks and recreation departments are alike, and such differences in sources of funding, organizational structure, and policy objectives are to be expected. The report also states that when examining the statistics, it is important to consider each in context. Each is a component of a greater whole and its isolation may prove to be an ineffective comparative tool.

2018-2019 Grand Jury Recommendation R4.1 By March 31, 2020, the Parks and Recreation Division provide the Board of Supervisors with a plan for addressing the findings in the Taussig report, including: (1) appropriate staffing levels, (2) rising costs of services and maintenance, and (3) long-term funding options.

Agency Response: *During the 2019-2020 budget hearing portions of this request have already been addressed with an increase in allocations to offset the increases in services and maintenance.*

Although the Taussig report states that the Parks and Recreation Division has 6.61 FTE's per regional park, which is lower than the benchmarked counties, the Taussig report also states that San Joaquin's regional park acreage is less than the benchmarked counties which are likely due to the urbanized nature of the County. The County utilizes the Alternative Workforce Program, which in 2018-2019 averaged 584 hours worked per month or the equivalent of 3.3 FTE's, which would bring the FTE's to 9.9 and align such statistic with the benchmarked counties.

The 2019-2020 Grand Jury determined to take no further action.

2018-2019 Grand Jury Recommendation R4.2 In the 2020-2021 proposed budget, the Parks and Recreation Division present options to the Board of Supervisors for bringing the per capita contribution more in line with the contributions from the benchmarked counties.

Agency Response: *Requires further analysis and timeframe for further determination within twelve months.*

The 2019-2020 Grand Jury determined to take no further action.

5.0 Loss of Historical Knowledge

2018-2019 Grand Jury Finding F5.1 Departmental reorganizations and turnover have resulted in the loss of historical knowledge amongst the Parks and Recreation leadership and staff.

Agency Response: *Agree*

2018-2019 Grand Jury Recommendation R5.1 By June 30, 2020, the Parks and Recreation Administrator gather together into a living document the necessary information to accurately document requirements of the trust funds, the stipulations related to grants awarded for each park, the requirements for managing any property donated to the County parks system, and

any other historical information that may be required by future Parks and Recreation Division administrators and employees.

Agency Response: *The Parks and Recreation Division will create a living document that will include trust fund information, recommendations from the Auditor Controllers audit, grant information and requirements, and bequeathment requirements. This document will be updated by the Division on an annual basis.*

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The living document (including trust fund information, recommendations from the Auditor Controller’s audit, grant information and requirements, and bequeathment requirements) will be completed by June 2020.

2019-2020 Grand Jury Finding F2: The living document is an important part of the ongoing operation of the department.

2019-2020 Grand Jury Recommendation R2: By June 30, 2020, the Parks and Recreation Division prepare and complete the living document which will include trust fund information, recommendations from the Auditor Controller’s audit, grant information and requirements, and bequeathment requirements.

2018-2019 Grand Jury Recommendation R5.2 The Parks and Recreation Administrator present this information to the Board of Supervisors during the 2020-2021 budget hearings to ensure the board has a clear understanding of this information when making budget decisions.

Agency Response: *The Parks and Recreation Division will create a living document that will include trust fund, information, and recommendations from the Auditor Controllers audit, grant information and requirements, and bequeathment requirements. This document will be updated by the Division on an annual basis and provided to the Board as part of the Division’s budget process.*

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The living document information will be included with the Department’s budget packet for 2020-2021.

2019-2020 Grand Jury Finding F3: The living document needs to be available to the Board of Supervisors as part of the 2020-2021 budget process.

2019-2020 Grand Jury Recommendation R3: The Parks and Recreation Division include the living document in the Department’s budget packet for 2020-2021.

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911.924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Response Requirements

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

The San Joaquin County Board of Supervisors shall respond to findings and recommendations from the 2019-2020 Grand Jury.

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

Honorable Xapuri B. Villapudua, Presiding Judge
San Joaquin County Superior Court
180 E Weber Ave, Suite 1306J
Stockton, California 95202

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

Follow-up Report to the 2018-2019 San Joaquin County Civil Grand Jury



Case #0218

Micke Grove Zoo:

Honoring the Past, Securing the Future

Preface

This report contains the responses to the 2018-2019 San Joaquin County Civil Grand Jury report regarding Micke Grove Zoo. This follow-up report focuses on the 2018-2019 Grand Jury findings and recommendations, and the San Joaquin County Board of Supervisors' responses which are presented verbatim in this report.

The 2019-2020 Grand Jury follow-up determinations are presented after the agency's responses to each recommendation.

Discussions, findings, and recommendations from the 2019-2020 Grand Jury are in text boxes framed in black.

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

Summary

Micke Grove Zoo over the years has suffered from inadequate funding and outdated facilities. The San Joaquin County Parks and Recreation Division is in the process of developing a five year Master Plan with specific strategies and goals. They are also pursuing appropriate accreditation, evaluating available funding sources, and are working with the Micke Grove Zoological Society to determine fundraising expectations.

Method of Follow Up Investigation

The current 2019-2020 Grand Jury reviewed the original 2018-2019 report #0218, *Micke Grove Zoo: Honoring the Past, Securing the Future*. The 2019-2020 Grand Jury interviewed San Joaquin County Parks and Recreation Division staff. The mandatory responses to the findings and recommendations were reviewed to determine:

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

Glossary

- **AZA:** Association of Zoos and Aquariums
- **County:** San Joaquin County
- **MGZS:** Micke Grove Zoological Society
- **Taussig Report:** *Parks and Recreation Benchmarking and Assessment Report* (June 2018)
- **ZAA:** Zoological Association of America
- **Zoo:** Micke Grove Zoo

Summary of Responses and Grand Jury Conclusions

Respondent	2018-2019	Response	2019-2020 Grand Jury Conclusion		
	Rec #		Rec#	Due Date	Conclusion
San Joaquin County Board of Supervisors	R1.1	To be implemented	R1	June 30, 2020	Requires further action
	R1.2	Has been implemented			No further action
	R1.3	To be implemented			No further action
	R1.4	Implemented			No further action
	R1.5	To be implemented	R2	December 31, 2020	Requires further action
	R2.1	To be partially implemented	R3	December 31, 2020	Requires further action
	R2.2	To be partially implemented	R4	December 31, 2020	Requires further action
	R2.3	To be implemented	R5	December 31, 2020	Requires further action
	R3.1	To be implemented	R6	December 31, 2020	Requires further action
	R3.2	To be implemented	R7	December 31, 2020	Requires further action

Findings, Recommendations, Agency Responses, and Grand Jury Results

1.0 Micke Grove Zoo Today

2018-2019 Grand Jury Finding F1.1: The lack of a Policy and Procedures Manual for Micke Grove Zoo creates inefficiencies and potential liabilities for the Parks and Recreation Division and San Joaquin County.

Agency Response: *Partially Disagree. The Micke Grove Zoo has some Policies and Procedures in place and which are housed in various shared folders on the County server. However, due to the organizational manner in which such files are kept, such files would not be considered a manual at this time.*

2018-2019 Grand Jury Recommendation R1.1: The San Joaquin County Parks and Recreation Division develop a written Policy and Procedures Manual for all Micke Grove Zoo operations by June 30, 2020.

Agency Response: *To be implemented. During Fiscal Year 2018-2019, the Parks Administrator and the Zoo & Interpretive Services Manager (Zoo Manager) began gathering written Policy and Procedure documents to begin a Zoo Policy and Procedure Manual. The Zoo Curator who has been the “keeper” of the documents began adding them to a centralized electronic shared folder entitled Zoo Policies. As documents are gathered the Zoo Manager and staff are reading through them to ensure the validity, appropriateness, and applicability of each and determining if they need to be rewritten, deleted, or in some instances, created. The Policy and Procedures Manual for the Micke Grove Zoo has a completion date of June 30, 2020.*

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The agency is creating a written Policy and Procedures Manual for all Micke Grove Zoo operations.

2019-2020 Grand Jury Finding F1: The written Policy and Procedures Manual for all Micke Grove Zoo operations is needed.

2019-2020 Grand Jury Recommendation R1: By June 30, 2020, the San Joaquin County Parks and Recreation Division complete a written Policy and Procedures Manual for all Micke Grove Zoo operations.

2018-2019 Grand Jury Finding F1.2: The lack of a detailed and comprehensive budget for Micke Grove Zoo makes proper financial management difficult.

Agency Response: *Disagree. The Micke Grove Zoo has specific line items on the Parks and Recreation Division budget, and actual charges are tracked through an access database. The use of project costing on timesheets and material purchased allows for reports to be maintained for Zoo specific items.*

2018-2019 Grand Jury Recommendation R1.2: The San Joaquin County Parks and Recreation Division develop a detailed and comprehensive budget for the Zoo that includes assumptions for every income and expense line item by December 31, 2019.

Agency Response: *Has been implemented. Starting in Fiscal Year 2017-2018 and during the Fiscal Year 2018-2019, a Zoo specific budget worksheet was created including Zoo specific revenue and expenses. The information is derived from the Parks and Recreation Division budget. The Zoo budget worksheet will be updated annually after final budgets are approved.*

The 2019-2020 Grand Jury determined to take no further action.

2018-2019 Grand Jury Finding F1.3: Micke Grove Zoo staff and operations have been negatively impacted by departmental reorganizations, turnover in administrators and staff, layoffs of part-time employees, understaffing, and lack of cross-training.

Agency Response: *Disagree. As part of ongoing efficiencies at the Micke Grove Zoo, animals which were on display at the Oak Grove Nature Center have been relocated to the Micke Grove Zoo saving husbandry and travel time. Animals that are part of the MGZS Educational program are now being cared for by the MGZS staff. These two items have saved approximately 24 hours per week of staff time, which are better served within the Zoo. All veterinary care is contracted with UC Davis Medical Teaching Hospital, which provides one day of on-site field services, emergency and after-hours' services, pharmaceuticals and telephone support as needed. The Parks Administrator and the Zoo & Interpretive Services Manager (Zoo Manager) began the process of cross-training employees and have consistently employed two-part time zookeeper aides to compensate for a full-time employee's extended absence. The number of allocated full-time positions at the Zoo remains at eight.*

2018-2019 Grand Jury Recommendation R1.3: The San Joaquin County Parks and Recreation Division complete necessary cross-training for all current Zoo staff members and hire at least one additional full-time Zookeeper by June 30, 2020.

Agency Response: *To be implemented. Cross-training of all employees began in January 2019 using a top-down method. All staff will be required to train in all aspects of animal husbandry by June 30, 2020. The Zoo Manager, Zoo Curator, and Senior Animal Care Specialist began cross-training on animal medical care, veterinary services, and animal diets in March 2019, with a completion date of December 2019.*

The Grand Jury mistakenly reported that the Zoo employs only four full-time Animal Care Specialists (referred to as Zoo Keepers in the report) Currently the Zoo is allocated eight (8) full-time positions, one (1) Zoo Manager, one (1) Zoo Curator, and five (5) Animal Care Specialists and (1) Senior Animal Care Specialist. At this time, one Animal Care Specialist is on extended medical leave and whose job duties have been allocated to two-part time temporary Animal Care Aides. Previously the Zoo Curator and Zoo Manager did not materially participate in animal husbandry, and recent cross-training has improved

Zoo efficiencies. Parks and Recreation will not be requesting a fifth Animal Care Specialist allocation as the Zoo already has five (5) but will hire a replacement full-time Animal Care Specialist if the current employee is unable to return to work.

The Parks and Recreation Benchmarking and Assessments Report, commonly referred to as the Taussig report, recommends expanding the use of volunteers at Micke Grove Zoo. The Zoo Manager, along with the MGZS education staff, have begun revamping the volunteer program, and also aim to look into the possibility of creating an intern program.

The 2019-2020 Grand Jury determined to take no further action.

2018-2019 Grand Jury Finding F1.4: The lack of a preventive maintenance schedule and record of repairs has resulted in increased costs and staff time in maintaining Micke Grove Zoo.

Agency Response: *Partially Disagree. Facilities Management, Park Workers, Zoo Manager, and Parks Administrator walk the Zoo on a monthly basis, and have created a list of Zoo specific repairs. The items on the list are prioritized and tracked through to completion. In Fiscal Year 2018-2019, a new full-time Park Worker was allocated to spend three whole days within the Zoo and dedicates time/resources toward performing the necessary maintenance as identified within the Zoo repair list.*

2018-2019 Grand Jury Recommendation R1.4: The San Joaquin County Parks and Recreation Division develop a preventive maintenance schedule and accurate repair record for Micke Grove Zoo by June 30, 2020.

Agency Response: *Has been implemented. Beginning in January 2019, the Parks Administrator, Zoo Manager, General Services Assistant Director and Facility Maintenance and Construction Superintendent began a monthly walkthrough at the Zoo to discuss, address, and plan scheduled maintenance and repair issues. To date, the process consists of utilizing an excel worksheet with items coded as high, medium, and low priorities. Items are then tracked to completion. Although this process pertains to known issues, all new or emergent items are prioritized and submitted through the facility maintenance program already in place.*

The 2019-2020 Grand Jury determined to take no further action.

2018-2019 Grand Jury Finding F1.5: The inability of MGZS to operate the concession stand and gift shop, as well as provide necessary fundraising support, demonstrates noncompliance with the 1999 operating agreement with San Joaquin County.

Agency Response: *Agree*

2018-2019 Grand Jury Finding F1.6: The inability of San Joaquin County to ensure compliance with its 1999 operating agreement with MGZS has been financially detrimental to Micke Grove Zoo and its visitors.

Agency Response: Agree

2018-2019 Grand Jury Recommendation R1.5: The San Joaquin County General Services Department renegotiate their operating agreement with MGZS to update and clarify assigned roles and responsibilities by June 30, 2020.

Agency Response: To be implemented. The Parks Administrator will create an operating agreement with the MGZS that will include assigned roles and responsibilities by June 30, 2020.

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The agency is in the process of reviewing its operating agreement with MGZS. They requested a deadline extension to December 31, 2020.

2019-2020 Grand Jury Finding F2: A new agreement with MGZS is an important part of the zoo's ongoing operations.

2019-2020 Grand Jury Recommendation R2: By December 31, 2020, the San Joaquin County Parks and Recreation General Services Department execute an operating agreement with MGZS that will include assigned roles and responsibilities.

2.0 A Vision for Tomorrow

2018-2019 Grand Jury Finding F2.1: Despite budget challenges, San Joaquin County leadership is committed to the continued operation and improvement of Micke Grove Zoo.

Agency Response: Agree

2018-2019 Grand Jury Finding F2.2: The residents of San Joaquin County value Micke Grove Zoo and desire to see it improved.

Agency Response: Agree

2018-2019 Grand Jury Finding F2.3: Developing a vision and plan for the future of Micke Grove Zoo is essential to generating the financial support necessary to make that vision a reality.

Agency Response: Agree

2018-2019 Grand Jury Finding F2.4: San Joaquin County leadership must obtain the guidance and expertise of the industry professionals in both determining and designing the master plan for Micke Grove Zoo in order to ensure its successful future.

Agency Response: Agree

2018-2019 Grand Jury Recommendation R2.1: The San Joaquin County General Services Department complete and present to the Board of Supervisors an analysis of viable options for

the future direction of Micke Grove Zoo, including what they envision the Zoo to be in five, ten, and twenty years by June 30, 2020.

Agency Response: *To be partially implemented. The San Joaquin County General Services Department, Director and the Parks and Recreation, Parks Administrator will complete and present to the Board of Supervisors an analysis of viable options for the future direction of Micke Grove Zoo, including what they envision the Zoo to be in five years by June 30, 2020.*

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The agency is completing an analysis of viable options for the future direction of Micke Grove Zoo. They requested a deadline extension December 31, 2020.

2019-2020 Grand Jury Finding F3: The analysis of viable options for the future direction of Micke Grove Zoo is an important part of its ongoing operations.

2019-2020 Grand Jury Recommendation R3: The San Joaquin County General Services Department complete an analysis of viable options for the future direction of Micke Grove Zoo, including what they envision the Zoo to be in five years. Present the analysis to the Board of Supervisors by December 31, 2020.

2018-2019 Grand Jury Recommendation R2.2: The San Joaquin County General Services Department develop and present to the Board of Supervisors a professionally designed Master Plan for Micke Grove Zoo, which includes development goals for the next five, ten, and twenty years by December 31, 2020.

Agency Response: *To be partially implemented. The Parks and Recreation Division will develop and present to the Board of Supervisors a Master Plan for the Micke Grove Zoo for the next five years by December 31, 2020. Beginning with a five-year strategic plan will allow the Department to implement strategies and goals set through the strategic plan.*

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The agency is preparing a professionally designed Master Plan for Micke Grove Zoo which includes strategies and goals for the next five years.

2019-2020 Grand Jury Finding F4: The five-year plan is a critical component of the ongoing operations of the zoo.

2019-2020 Grand Jury Recommendation R4: The San Joaquin County General Services Department complete a professionally designed Master Plan for Micke Grove Zoo that includes strategies and goals for the next five years. Present the Master Plan to the Board of Supervisors by December 31, 2020.

2018-2019 Grand Jury Finding F2.5: Owning and operating a zoological facility today where animal care standards are subject to intense scrutiny and criticism may necessitate certification

from a recognized professional association. Such certification is further justified through numerous additional benefits.

Agency Response: *Agree*

2018-2019 Grand Jury Finding F2.6: Regaining accreditation through the Association of Zoos and Aquariums (AZA) may not be practical or affordable for Micke Grove Zoo due to the stringent requirements and constantly evolving standards.

Agency Response: *Agree*

2018-2019 Grand Jury Finding F2.7: Accreditation through the Zoological Association of America (ZAA) offers many of the same benefits as AZA, but may allow more flexibility and affordability as the County works to improve Micke Grove Zoo.

Agency Response: *Agree*

2018-2019 Grand Jury Recommendation R2.3: The San Joaquin County Parks and Recreation Division examine the requirements and affordability for obtaining accreditation from available accrediting associations, and pursue appropriate accreditation as part of the County's Master Plan to improve Micke Grove Zoo by December 31, 2020.

Agency Response: *To be implemented. The Park and Recreation Division will examine and analyze the requirements, affordability, and suitability of accreditation for Micke Grove Zoo by December 31, 2020. Pursuing accreditation is a rigorous process including husbandry, recordkeeping, veterinary care, animal diet, staff knowledge, and facility site inspections.*

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The agency is in the process of examining the requirements, affordability and suitability of obtaining accreditation from available accrediting associations as part of the County's Master Plan to improve Micke Grove Zoo.

2019-2020 Grand Jury Finding F5: It is important that Micke Grove Zoo have appropriate accreditation.

2019-2020 Grand Jury Recommendation R5: The San Joaquin County General Services Department pursue appropriate accreditation. Present a written description of the findings to the Board of Supervisors by December 31, 2020.

2018-2019 Grand Jury Finding F3.1: San Joaquin County's ability to identify and secure multiple funding sources will be critical to fulfilling the future vision for Micke Grove Zoo.

Agency Response: *Partially Disagree. This requires the further analysis regarding the future vision of the Micke Grove Zoo.*

2018-2019 Grand Jury Finding 3.2: A non-profit organization or foundation capable of raising significant funds is essential to fulfilling the future vision for Micke Grove Zoo.

Agency Response: *Partially Disagree. This requires the further analysis regarding the future vision of the Micke Grove Zoo.*

2018-2019 Grand Jury Finding F3.3: The recent fundraising results from the MGZS are insufficient to support the necessary improvements for the Micke Grove Zoo.

Agency Response: *Agree.*

2018-2019 Grand Jury Recommendation R3.1: The San Joaquin County General Services Department determine the role and responsibility of the MGZS for fundraising to support the future vision for the Micke Grove Zoo, and renegotiate their operating agreement accordingly by June 30, 2020.

Agency Response: *To be implemented. The Parks Administrator and the Director of General Services along with the MGZS will create a new operating agreement with the MGZS that will assign roles and responsibilities and determine the MGZS'S fundraising expectations to support the future vision for the Micke Grove Zoo by June 30, 2020*

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The Parks Administrator and the Director of General Services along with the MGZS committed to create a new operating agreement with the MGZS that will assign roles, responsibilities, and determine the MGZS's fundraising expectations. They requested a deadline extension to December 31, 2020.

2019-2020 Grand Jury Finding F6: A new operating agreement that assigns roles, responsibilities, and determines fundraising expectations is important for the future of Micke Grove Zoo.

2019-2020 Grand Jury Recommendation R6: By December 31, 2020, the Parks Administrator and the Director of General Services, along with the MGZS, execute a new operating agreement with the MGZS. The agreement will assign roles, responsibilities, and determine the MGZS's fundraising expectations to support the future vision for the Micke Grove Zoo.

2018-2019 Grand Jury Finding F3.4: The opportunities for San Joaquin County to obtain funding support for Micke Grove Zoo through corporate sponsorships and grants are hindered by lack of accreditation and a new Master Plan for the Zoo.

Agency Response: *Partially Disagree. In the Fiscal Year 2018-2019 Micke Grove Zoo received grant funding for \$500,000 from the State, and additional funding through Proposition 68 by working collaboratively with the United States Army Corps of Engineers.*

2018-2019 Grand Jury Recommendation R3.2: The San Joaquin County General Services Department evaluate all available funding sources for the improvement of Micke Grove Zoo and report their findings to the Board of Supervisors by December 31, 2020.

Agency Response: *To be implemented. The Department will evaluate available funding sources to improve Micke Grove Zoo and report the finding to the Board of Supervisors by December 31, 2020.*

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The San Joaquin County General Services Department committed to evaluate all available funding sources to improve Micke Grove Zoo and report their findings to the Board of Supervisors.

2019-2020 Grand Jury Finding F7: It is important to know the available funding sources for the improvement of Micke Grove Zoo.

2019-2020 Grand Jury Recommendation R7: The San Joaquin County General Services Department evaluate all available funding sources for the improvement of Micke Grove Zoo and report their findings to the Board of Supervisors by December 31, 2020.

Conclusion

The San Joaquin County Parks and Recreation Division is in the process of developing a five year Master Plan with specific strategies and goals. They are also pursuing appropriate accreditation, evaluating available funding sources, and working with the Micke Grove Zoological Society to determine fundraising expectations. The hope is that the Micke Grove Zoo will continue to be a place of enjoyment for the residents of San Joaquin County.

Disclaimers

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911.924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

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

The San Joaquin County Board of Supervisors shall respond to findings and recommendations from the 2019-2020 Grand Jury.

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

Honorable Xapuri B. Villapudua, Presiding Judge
San Joaquin County Superior Court
180 E Weber Ave, Suite 1306J
Stockton, California 95202

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

Follow-up Report to the 2018-2019 San Joaquin County Civil Grand Jury



Case #0318

Cold Cases in San Joaquin County:

On the Back Burner

Preface

This report contains the responses to the 2018-2019 San Joaquin County Civil Grand Jury report regarding Cold Cases in San Joaquin County. This follow-up report focuses on the 2018-2019 Grand Jury findings and recommendations, as well as the municipal and county law enforcement agencies' responses, which are presented verbatim in this report.

The 2019-2020 Grand Jury follow-up determinations are presented after the agency's response to each recommendation.

Discussions, findings, and recommendations from the 2019-2020 Grand Jury are in text boxes framed in black.

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

Summary

The recommendations of the 2018-2019 Grand Jury were largely adopted in the County. There is now a dedicated Cold Case Task Force within the various law enforcement agencies. Additional staffing has been assigned as needed to aid in the investigation and prosecution of cold cases, and a system for maintaining periodic contact with family members of cold case victims is now in place. There is also a partnership with the regional CA-DOJ crime laboratories to facilitate the timely testing of all DNA evidence.

Investigating cold case homicides, missing persons, and sexual assaults is about doing what is right and just – for the victims, for their survivor family members, and for our community. As noted in the 2018-2019 Grand Jury report, the Stockton Police Chief stated, “We think it’s so important that we have somebody assigned to these cases because we have hurting families who have never received closure.” Now, with the vast improvements in the staffing, funding, and processes throughout the county, those families may receive the closure that is their due.

Method of Follow-Up Investigation

The current Grand Jury reviewed the original 2018-19 report #0318, “Cold Cases in San Joaquin County.” The 2019-2020 Grand Jury reviewed the minutes of all City Council (Stockton, Escalon, Lodi, Manteca, Tracy, Ripon) and San Joaquin County Board of Supervisor meetings. They also interviewed San Joaquin County District Attorney Office staff.

The mandatory responses to the findings and recommendations were reviewed to determine:

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

Summary of Responses and Grand Jury Conclusions

Respondent	Rec #	Response	Grand Jury Conclusion	
			Comments	Conclusion
SJ County Board of Supervisors	R3	Partially implemented		No further action taken
	R4	Partially implemented		No further action taken

Respondent	Rec #	Response	Grand Jury Conclusion	
			Comments	Conclusion
Stockton	R1	Implemented		No further action taken
	R2	Implemented		No further action taken
	R5	Partially implemented		No further action taken
	R8	Implemented		No further action taken
	R10	Implemented		No further action taken
Escalon	R1	Implemented		No further action taken
	R2	Implemented		No further action taken
	R8	Implemented		No further action taken
	R10	Implemented		No further action taken
Lodi	R1	Implemented		No further action taken
	R2	Implemented		No further action taken
	R8	Implemented		No further action taken
	R10	Implemented		No further action taken
Manteca	R1	Partially implemented		No further action taken
	R2	Implemented		No further action taken
	R8	Implemented		No further action taken
	R10	Implemented		No further action taken
Ripon	R1	Implemented		No further action taken

Respondent	Rec #	Response	Grand Jury Conclusion	
			Comments	Conclusion
	R2	Implemented		No further action taken
	R8	Implemented		No further action taken
	R10	Implemented		No further action taken
Tracy	R1	Implemented		No further action taken
	R2	Implemented		No further action taken
	R8	Implemented		No further action taken
	R10	Implemented		No further action taken
SJ County Sheriff	R1	Implemented		No further action taken
	R2	Implemented		No further action taken
	R3	Implemented		No further action taken
	R8	Implemented		No further action taken
	R10	Implemented		No further action taken
SJ County District Attorney	R1	Implemented		No further action taken
	R2	Implemented		No further action taken
	R4	Implemented		No further action taken
	R6	Implemented		No further action taken
	R7	Implemented		No further action taken
	R8	Implemented		No further action taken

Respondent	Rec #	Response	Grand Jury Conclusion	
			Comments	Conclusion
	R9	Implemented		No further action taken
	R10	Implemented		No further action taken

Recommendations, Agency Responses, and Grand Jury Results

Note: For the sake of brevity, **Findings** and **associated Agency Responses** are not listed here. They can be found online at <https://www.sjcourts.org/grandjury/>.

1.0 San Joaquin County Board of Supervisors Responses

2018- 2019 Grand Jury Recommendation R3: The San Joaquin County Sheriff utilize budget options and staffing reassignments as necessary to provide the equivalent of at least three full-time Sheriff's Detectives dedicated solely to cold case investigations no later than December 31, 2019.

***Agency Response:** Partially has been implemented. In the 2019-2020 Adopted Final Budget, the Board of Supervisors approved the addition of two (2) Deputy Sheriffs to establish a Cold Case Unit consisting of an existing Sergeant and the two (2) new Deputy Sheriff positions.*

San Joaquin County Board of Supervisors approved the partial staffing requests at their meeting on August 27, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R4: The San Joaquin District Attorney utilize budget options and staffing reassignments as necessary to provide the equivalent of at least two full-time District Attorney Investigators dedicated solely to cold case investigations no later than December 31, 2019.

***Agency Response:** Partially has been implemented. In the 2019-2020 Adopted Final Budget, the Board of Supervisors approved the addition of one (1) Deputy District Attorney IV to the Bureau of Investigation's Cold Case Homicide Unit to investigate, review, and prosecute cold case homicides and sexual assault cases. The new Deputy District Attorney IV, together with one-full-time Investigator and one part-time Investigator will form a Cold Case Task Force in the District Attorney's Office.*

San Joaquin County Board of Supervisors approved the partial staffing requests at their meeting on August 27, 2019. The 2019-2020 Grand Jury determined to take no further action.

2.0 Stockton City Council Responses

2018- 2019 Grand Jury Recommendation R1: Each law enforcement agency in San Joaquin County develop a plan to define, prioritize, and digitally track cold Case investigations no later than December 31, 2019. Prioritization will emphasize available physical evidence and utilize emerging DNA testing techniques.

Agency Response: *The respondent agrees with this recommendation. The Stockton Police Department (SPD) defines cold case investigations as open cases in which all workable investigative leads have been exhausted. The SPD places the highest priority on safeguarding the lives of all those in the community we serve. The SPD also remains committed to being on the cutting edge of technology. Accordingly, the SPD will place the highest priority on cold cases in which there has been a loss of life, and physical and/or forensic evidence that can be analyzed is in existence. The SPD will also place a priority on other cold cases in which physical and/or forensic evidence exists, The SPD will also develop a cold case database to track the status of these investigations.*

Stockton City Council approved the updated cold case plan to define, prioritize, and digitally track cold case investigations at their meeting on August 20, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R2: Each law enforcement agency in San Joaquin County expand their definition of "cold case" to include missing persons with suspicious circumstances and sexual assault (forcible rape and attempted rape) in addition to homicide no later than December 31, 2019.

Agency Response: *The respondent agrees with this recommendation. The SPD's definition of "cold case" currently includes all the above types of cases.*

Stockton City Council approved the updated cold case definition at their meeting on August 20, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R5: The City of Stockton utilize budget options and staffing reassignments as necessary to provide the equivalent of at least three full-time Police Detectives dedicated solely to cold case investigations no later than December 31 , 2019.

Agency Response: *The respondent partially agrees with this recommendation. Immediately following the passage of Measure A by voters in 2014, the Department developed a long-range staffing expansion plan to replenish the 100 sworn positions lost*

during the financial crisis and municipal bankruptcy. That plan included replenishing staffing within the Investigations Division, but that has yet to be completed due to many new hires still in training. As Measure A positions are steadily filled over the coming months, vacancies within all areas of the Department will be filled by priority need. Some level of additional staff dedicated solely to "cold case" investigations will be considered as the Investigations Division staffing replenishment is realized.

Barring additional funding, however, adding three full-time cold case detectives may not be feasible. In the interim, the SPD has 16 full-time robbery/homicide detectives, one full-time missing persons investigator, and seven full-time child abuse/sexual assault detectives. Additionally, the SPD currently utilizes two part-time detectives who are specifically assigned to cold case investigations. Each of these 25 investigators has been trained on cold case investigative techniques, and currently transition cold cases to active status when new workable leads are discovered.

Stockton City Council approved the partial staffing requests at their meeting on August 20, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R8: Each law enforcement agency in San Joaquin County sign a Partnership and Cooperation Agreement with the newly formed Cold Case Task Force no later than March 31, 2020.

Agency Response: *The respondent partially agrees with this recommendation. The SPD will review and earnestly consider joining any new regional cold case task force, within our available capacity and resources. The SPD believes this type of task force is most effectively used for those cases which cross jurisdictional boundaries.*

The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R10: Each law enforcement agency in San Joaquin County develop a procedure and practice for maintaining periodic contact with family members of cold case victims no later than March 31, 2020.

Agency Response: *The respondent agrees with this recommendation. The SPD currently maintains a database of all homicide cases and ensures contact is made with the primary family liaison on a regular basis. Specifically, the SPD contacts the primary family liaison no less than once a month for no less than one year. The SPD maintains monthly contact with the primary family liaison beyond that timeframe if the case remains active. Once the case is deemed "cold," the primary family liaison is advised, and the SPD then continues to contact the primary family liaison no less than once per year. The SPD plans to institute this same basic strategy on other cold cases once adequate staffing is realized.*

Stockton City Council approved the procedures for maintaining contact with cold case family members at their meeting on August 20, 2019. The 2019-2020 Grand Jury determined to take no further action.

3.0 Escalon City Council Responses

2018- 2019 Grand Jury Recommendation R1: Each law enforcement agency in San Joaquin County develop a plan to define, prioritize, and digitally track cold Case investigations no later than December 31, 2019. Prioritization will emphasize available physical evidence and utilize emerging DNA testing techniques.

***Agency Response:** The Escalon City Council agrees with the Grand Jurys Finding and Recommendation R1. The Police Chief has adopted, and the City Council hereby supports, the policy for the handling of Cold Case Investigations. Pursuant to this policy, the Department will utilize its computerized Records Management System database to define, prioritize and digitally track cold case investigations using emerging DNA testing techniques.*

Escalon City Council approved the updated cold case plan to define, prioritize, and digitally track cold case investigations at their meeting on February 19, 2020. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R2: Each law enforcement agency in San Joaquin County expand their definition of "cold case" to include missing persons with suspicious circumstances and sexual assault (forcible rape and attempted rape) in addition to homicide no later than December 31, 2019.

***Agency Response:** The Escalon City Council agrees with the Grand Jury's Finding and Recommendation R2. The Police Chief has adopted, and the City Council hereby supports, the policy for the handling of Cold Case Investigations. Article II of said policy includes a new definition of "Cold Case Investigations" which is consistent with Recommendation R2.*

Escalon City Council approved the updated cold case definition at their meeting on February 19, 2020. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R8: Each law enforcement agency in San Joaquin County sign a Partnership and Cooperation Agreement with the newly formed Cold Case Task Force no later than March 31, 2020.

***Agency Response:** The Escalon City Council agrees with the Grand Jurys Finding and Recommendation R8. The Police Chief has adopted, and the City Council hereby supports, the policy for the handling of Cold Case Investigations. Relative to Recommendation R8,*

the policy states: In the pursuit of successful collaboration, the Escalon Police Department will sign a Partnership and Cooperation Agreement with the newly formed San Joaquin County District Attorneys Office Cold Case Task Force.

The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R10: Each law enforcement agency in San Joaquin County develop a procedure and practice for maintaining periodic contact with family members of cold case victims no later than March 31, 2020.

***Agency Response:** The Escalon City Council agrees with the Grand Jury's Finding and Recommendation R10. The Police Chief has adopted, and the City Council hereby supports, the policy for the handling of Cold Case Investigations. Relative to Recommendation R10, the policy establishes a procedure and practice for maintain periodic contract with family members of cold case victims.*

Escalon City Council approved the procedures for maintaining contact with cold case family members at their meeting on February 19, 2020. The 2019-2020 Grand Jury determined to take no further action.

4.0 Lodi City Council Responses

2018- 2019 Grand Jury Recommendation R1: Each law enforcement agency in San Joaquin County develop a plan to define, prioritize, and digitally track cold Case investigations no later than December 31, 2019. Prioritization will emphasize available physical evidence and utilize emerging DNA testing techniques.

***Agency Response:** Agree.*

Lodi City Council approved the updated cold case plan to define, prioritize, and digitally track cold case investigations at their meeting on August 21, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R2: Each law enforcement agency in San Joaquin County expand their definition of "cold case" to include missing persons with suspicious circumstances and sexual assault (forcible rape and attempted rape) in addition to homicide no later than December 31, 2019.

***Agency Response:** Agree.*

Lodi City Council approved the updated cold case definition at their meeting on August 21, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R8: Each law enforcement agency in San Joaquin County sign a Partnership and Cooperation Agreement with the newly formed Cold Case Task Force no later than March 31, 2020.

Agency Response: *The City of Lodi and the Lodi Police Department will wait to read the Partnership and Cooperation Agreement before determining whether we can consent to the Agreement; but agrees that a Cold Case Task Force and cooperation between County agencies would be beneficial.*

The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R10: Each law enforcement agency in San Joaquin County develop a procedure and practice for maintaining periodic contact with family members of cold case victims no later than March 31, 2020.

Agency Response: *Agree.*

The Lodi City Council approved the procedures for maintaining contact with cold case family members at their meeting on August 21, 2019. The 2019-2020 Grand Jury determined to take no further action.

5.0 Manteca City Council Responses

2018- 2019 Grand Jury Recommendation R1: Each law enforcement agency in San Joaquin County develop a plan to define, prioritize, and digitally track cold Case investigations no later than December 31, 2019. Prioritization will emphasize available physical evidence and utilize emerging DNA testing techniques.

Agency Response: *This recommendation has been partially implemented with Manteca Police Department Lexipol Policy 600. The Manteca Police Department does not have any cold cases with testable DNA evidence that has not been tested.*

Manteca City Council approved the updated cold case plan to define, prioritize, and digitally track cold case investigations at their meeting on July 30, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R2: Each law enforcement agency in San Joaquin County expand their definition of "cold case" to include missing persons with suspicious circumstances and sexual assault (forcible rape and attempted rape) in addition to homicide no later than December 31, 2019.

Agency Response: *This recommendation has been implemented. The definition of cold case and serious cold case has been added to the Manteca Police Department Lexipol Policy 600..*

Manteca City Council approved the updated cold case definition at their meeting on July 30, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R8: Each law enforcement agency in San Joaquin County sign a Partnership and Cooperation Agreement with the newly formed Cold Case Task Force no later than March 31, 2020.

***Agency Response:** This recommendation has not been implemented. The Manteca Police Department participates in several county task forces with the other county agencies and is always open to new collaborative efforts and would welcome a partnership agreement with San Joaquin County by March 31, 2020.*

The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R10: Each law enforcement agency in San Joaquin County develop a procedure and practice for maintaining periodic contact with family members of cold case victims no later than March 31, 2020.

***Agency Response:** This recommendation has been implemented in Manteca Police Department Lexipol Policy 600*

Manteca City Council approved the procedures for maintaining contact with cold case family members at their meeting on July 30, 2019. The 2019-2020 Grand Jury determined to take no further action.

6.0 Ripon City Council Responses

2018- 2019 Grand Jury Recommendation R1: Each law enforcement agency in San Joaquin County develop a plan to define, prioritize, and digitally track cold Case investigations no later than December 31, 2019. Prioritization will emphasize available physical evidence and utilize emerging DNA testing techniques.

***Agency Response:** In response, the City Council agrees with the Grand Jury's Finding and Recommendation R1. The Police Chief has adopted, and the City Council hereby supports, Department Order #600-01 entitled "Cold Case Investigations". Pursuant to this Order, the Department will utilize its computerized Records Management System database to define, prioritize and digitally track cold case investigations using emerging DNA testing techniques.*

Ripon City Council approved the updated cold case plan to define, prioritize, and digitally track cold case investigations at their meeting on August 13, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R2: Each law enforcement agency in San Joaquin County expand their definition of "cold case" to include missing persons with suspicious circumstances and sexual assault (forcible rape and attempted rape) in addition to homicide no later than December 31, 2019.

Agency Response: *In response, the City Council agrees with the Grand Jury's Finding and Recommendation R2. The Police Chief has adopted, and the City Council hereby supports, Department Order #600-01 entitled "Cold Case Investigations". Article II of said Department Order includes a new definition of "Cold Case Investigations" which is consistent with Recommendation R2.*

Ripon City Council approved the updated cold case definition at their meeting on August 13, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R8: Each law enforcement agency in San Joaquin County sign a Partnership and Cooperation Agreement with the newly formed Cold Case Task Force no later than March 31, 2020.

Agency Response: *In response, the City Council agrees with the Grand Jury's Finding and Recommendation R8. The Police Chief has adopted, and the City Council hereby supports, Department Order #600-01 entitled "Cold Case Investigations". Relative to Recommendation R8, Department Order 600-01 states: "In the pursuit of successful collaboration, the Ripon Police Department will sign a Partnership and Cooperation Agreement with the newly formed San Joaquin County District Attorney's Office Cold Case Task Force."*

The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R10: Each law enforcement agency in San Joaquin County develop a procedure and practice for maintaining periodic contact with family members of cold case victims no later than March 31, 2020.

Agency Response: *In response, the City Council agrees with the Grand Jury's Finding and Recommendation R10, The Police Chief has adopted, and the City Council hereby supports, Department Order #600-01 entitled "Cold Case Investigations". Relative to Recommendation R10, Department Order 600-01 establishes a procedure and practice for maintaining periodic contact with family members of cold case victims.*

The Ripon City Council approved the procedures for maintaining contact with cold case family members at their meeting on August 13, 2019. The 2019-2020 Grand Jury determined to take no further action.

7.0 Tracy City Council Responses

2018- 2019 Grand Jury Recommendation R1: Each law enforcement agency in San Joaquin County develop a plan to define, prioritize, and digitally track cold Case investigations no later than December 31, 2019. Prioritization will emphasize available physical evidence and utilize emerging DNA testing techniques.

Agency Response: *This recommendation has been implemented. The Tracy Police Department acknowledges and accepts the definition of "cold case" which was adopted by all law enforcement agencies in San Joaquin County. The Tracy Police Department will prioritize and investigate "cold cases" based on new investigative leads or evidence. The Tracy Police Department maintains a list of all cold cases. This list is kept by the General Investigation's Sergeant and Records Supervisor in an excel spreadsheet which is kept in the Tracy Police Department's internal drive*

Tracy City Council approved the updated cold case plan to define, prioritize, and digitally track cold case investigations at their meeting on February 18, 2020. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R2: Each law enforcement agency in San Joaquin County expand their definition of "cold case" to include missing persons with suspicious circumstances and sexual assault (forcible rape and attempted rape) in addition to homicide no later than December 31, 2019.

Agency Response: *This recommendation has been implemented. The definition of a "cold case" was determined by all law enforcement agencies in San Joaquin County and the San Joaquin County District Attorney's office. It is as follows:*

A cold case is an unsolved crime previously reported to a law enforcement agency and the agency determines investigative leads were exhausted. The initial investigation of the cold case failed to result in the identification of a suspect, arrest of a suspect, the referral of the case to the District Attorney's Office and/or the filing of criminal charges by the District Attorney's Office.

Due to the passage of time, the development of evidence of other crimes, and/or the lack of further investigative leads, the law enforcement agency is no longer actively investigating the crime. These cases are deemed "open" investigations.

For the purposes of the Cold Case Task Force, "cold cases" include unsolved homicides, missing person cases with suspicious circumstances, and sexual assaults, specifically Penal Code section 261, where no suspect was identified..

Tracy City Council approved the updated cold case definition at their meeting on February 18, 2020. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R8: Each law enforcement agency in San Joaquin County sign a Partnership and Cooperation Agreement with the newly formed Cold Case Task Force no later than March 31, 2020.

Agency Response: *This recommendation has not yet been implemented, but will be implemented no later than March 31, 2020. The Tracy Police Department will participate in the Cold Case Task Force which will be formed no later than March 31, 2020. Due to staffing constraints, the Tracy Police Department is unable to commit a detective to this task force. The Tracy Police Department's participation in the task force will consist of submitting its "cold case" list to the San Joaquin County District Attorney's Office no later than February 20, 2020 and investigating its "cold cases" as new leads and/or evidence exists.*

Currently, there is a request from the San Joaquin County District Attorney's Office to have all law enforcement agencies in San Joaquin County sign a partnership and cooperation agreement to join the task force no later than March 31, 2020. The partnership and cooperation agreement will be drafted by the San Joaquin County District Attorney's Office.

The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R10: Each law enforcement agency in San Joaquin County develop a procedure and practice for maintaining periodic contact with family members of cold case victims no later than March 31, 2020.

Agency Response: *This recommendation has been implemented. As a standard practice, all "cold cases" as now defined, will be on an active caseload and therefore assigned to a detective. The assigned detective will be expected to make periodic contact with the family of the victim(s) on an at least annual basis.*

Currently, the Tracy Police Department has the following cold cases:

Homicides - 4

Sexual Assaults - 9 (These offenses have a ten year statute of limitations)

Missing Persons Cases with Suspicious Circumstances - 5

The Tracy City Council approved the procedures for maintaining contact with cold case family members at their meeting on February 18, 2020. The 2019-2020 Grand Jury determined to take no further action.

8.0 San Joaquin County Sheriff's Responses

2018- 2019 Grand Jury Recommendation R1: Each law enforcement agency in San Joaquin County develop a plan to define, prioritize, and digitally track cold Case investigations no

later than December 31, 2019. Prioritization will emphasize available physical evidence and utilize emerging DNA testing techniques.

Agency Response: *The San Joaquin County Sheriff's Office currently tracks homicide cases through case lists. These lists are in sequential order based on the date of occurrence. Each case is identified as either solved or unsolved. Furthermore, the Persons Unit of the Investigations Division has binders that list the cases and give a short background synopsis and whether the case is solved or unsolved.*

The San Joaquin County Sheriff's Office tracks cases of missing persons through the assistance of DOJ, using our OR/ number. The Sheriff's Office does not currently track sexual assault (forcible rape and attempted rape) cold cases.

The Sheriff's Office will use a database to upload unsolved homicides, sexual assault (forcible rape and attempted rape) and missing persons cases. The San Joaquin County Sheriff's Office has already made arrangements to begin scanning old cold cases into a program called Laserfiche, so that these cases will be available for review without having to go to warehoused archives and retrieve cases.

Cases will also be given a solvability rating after reviewing them, which will help determine prioritization. This solvability rating scale will have to be evaluated and adjusted as cases are reviewed, based on the evidence that exists.

The Sheriff's Office continues to research and utilize emerging DNA techniques.

San Joaquin County Sheriff Office approved the updated cold case plan to define, prioritize, and digitally track cold case investigations on July 24, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R2: Each law enforcement agency in San Joaquin County expand their definition of "cold case" to include missing persons with suspicious circumstances and sexual assault (forcible rape and attempted rape) in addition to homicide no later than December 31, 2019.

Agency Response: *Any cases that are 5 years or older, to include homicides, missing persons with suspicious circumstances and sexual assault (forcible rape and attempted rape), where investigative leads have been exhausted will be deemed a cold case.*

San Joaquin County Sheriff Office approved the updated cold case definition on July 24, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R3: The San Joaquin County Sheriff utilize budget options and staffing reassignments as necessary to provide the equivalent of at least three

full-time Sheriff's Detectives dedicated solely to cold case investigations no later than December 31, 2019.

Agency Response: *The San Joaquin County Sheriff's Office secured two full-time "Cold Case" detective allocations in the 2019-2020 Fiscal Year Budget, in addition to the sergeant position that already exists. These two full-time detectives serve a dual purpose by working cold cases and special-circumstance cases. The Sheriff's Office will utilize per-diem deputies to provide the equivalent of three full-time detectives. The Sheriff's Office will also utilize civilian personnel to assist in data entry and case research.*

San Joaquin County Sheriff Office approved the staffing request on July 24, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R8: Each law enforcement agency in San Joaquin County sign a Partnership and Cooperation Agreement with the newly formed Cold Case Task Force no later than March 31, 2020.

Agency Response: *The Sheriff's Office is dedicated to forming community partnerships and working with our fellow law enforcement agencies within San Joaquin County. The Sheriff's Office is willing to participate as a member agency of the Cold Case Task Force and is willing to sign a mutually agreed-upon Memorandum of Understanding by March 21, 2020. The 2019-2020 Grand Jury determined to take no further action.*

The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R10: Each law enforcement agency in San Joaquin County develop a procedure and practice for maintaining periodic contact with family members of cold case victims no later than March 31, 2020.

Agency Response: *The San Joaquin County Sheriff's Office will research and create a next-of-kin database that will be used to contact family members and provide them with case updates on an annual basis. This will be done by anniversary month of when the case occurred. Contact will be documented in the case notes file within the database.*

The San Joaquin County Sheriff's Office will research and create a next-of-kin database that will be used to contact family members and provide them with case updates on an annual basis. This will be done by anniversary month of when the case occurred. Contact will be documented in the case notes file within the database.

San Joaquin County Sheriff Office Council approved the procedures for maintaining contact with cold case family members on July 24, 2019. The 2019-2020 Grand Jury determined to take no further action.

9.0 San Joaquin County District Attorney's Office

2018- 2019 Grand Jury Recommendation R1: Each law enforcement agency in San Joaquin County develop a plan to define, prioritize, and digitally track cold case investigations no later than December 31, 2019. Prioritization will emphasize available physical evidence and utilize emerging DNA testing techniques.

Agency Response: *The San Joaquin County District Attorney's Office will implement this Recommendation in the future through the formation of the Cold Case Task Force. Through collaboration with countywide law enforcement agencies, the District Attorney's Office will develop a plan to define, prioritize and digitally track cold cases no later than the requested deadline of December 31, 2019.*

San Joaquin County District Attorney's Office approved the updated cold case plan to define, prioritize, and digitally track cold case investigations on July 17, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R2: Each law enforcement agency in San Joaquin County expand their definition of "cold case" to include missing persons with suspicious circumstances, and sexual assault (forcible rape and attempted rape), in addition to homicide no later than December 31, 2019.

Agency Response: *This recommendation requires further analysis to determine the full scope and number of cases within each agency and the overall impact to investigative resources in expanding the "cold case" definition to include missing persons with suspicious circumstances and sexual assault cases in addition to the number of homicide cases. The members of the future Cold Case Task Force can assess their collective ability to prioritize cold case investigations given the overall number of cases within consideration of inclusion of the additional categories.*

As additional information, the California State Legislature passed Assembly Bill 701, effective January 1, 2017, codifying Penal Code section 263.1 declaring all forms of nonconsensual sexual assault as rape for purposes of the gravity of the offense and the support of the survivors. The legal definition of rape is set forth within Penal Code section 261. There are expansive sections of the Penal Code defining acts involving sexual assault. Therefore, the application of this expanded cold case definition to include the number of unsolved sexual assault cases may be too industrious and require a limitation of which cases should realistically be included for "cold case" investigation.

The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R4: The San Joaquin District Attorney utilize budget options and staffing reassignments as necessary to provide the equivalent of at least two full-

time District Attorney Investigators dedicated solely to cold case investigations no later than December 31, 2019.

Agency Response: *The District Attorney will implement this Recommendation both in the future and by continuing to allocate and prioritize existing resources to investigate cold cases.*

As mentioned in section 4.0 of the Grand Jury report, the San Joaquin County District Attorney's Office requested funding in its Fiscal Year 2018-2019 budget request for funding of positions dedicated to cold investigation and prosecution. This budget request did not receive funding, although other positions did receive funding. The San Joaquin County District Attorney's Office did again renew its request for funding of positions dedicated to cold case investigation and prosecution for Fiscal Year 2019-2020. The San Joaquin County Board of Supervisors did approve funding for one Deputy District Attorney for Fiscal Year 2019-2020. The Office did not receive funding for additional investigator positions. The Department is prepared to continue to dedicate investigative resources to work cold cases in coordination with the members of the future Cold Case Task Force. The Department recently dedicated a full-time investigator to cold case investigations.

San Joaquin County Board of Supervisors approved the partial staffing for the District Attorney's Office requests at their meeting on August 27, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R6: The San Joaquin County District Attorney's Office develop a plan for a Cold Case Task Force to facilitate collaboration in investigating and prosecuting cold cases for all law enforcement agencies in San Joaquin County no later than December 31, 2019.

Agency Response: *The District Attorney's Office will implement the Recommendation in the future through the development of a plan for a Cold Case Task Force no later than December 31, 2019.*

San Joaquin County District Attorney's Office developed a plan for a Cold Case Task Force. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R7: The San Joaquin County District Attorney's Office establish a Cold Case Task Force for all law enforcement agencies in San Joaquin County no later than March 31, 2020.

Agency Response: *The District Attorney's Office will implement this Recommendation in the future through the establishment of a Cold Case Task Force for all countywide law enforcement agencies no later than March 31, 2020.*

San Joaquin County District Attorney's Office developed a Cold Case Task Force. The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R8: Each law enforcement agency in San Joaquin County sign a Partnership and Cooperation Agreement with the newly formed Cold Case Task Force no later than March 31, 2020.

Agency Response: *The District Attorney's Office will implement this Recommendation in the future through the formation of the Cold Case Task Force and develop Partnership and Cooperation Agreements (typically referred to as a Memorandum of Understanding) with those agencies who are willing and able to participate as members of the Task Force no later than March 31, 2020.*

The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R9: The newly formed Cold Case Task Force partner with the regional CA-DOJ crime laboratories to facilitate the timely and necessary testing of all DNA evidence for cold case investigations no later than March 31, 2020.

Agency Response: *The District Attorney's will implement this Recommendation in the future by seeking the participation of the California Department of Justice crime laboratory as a member of the future Cold Case Task Force. Should this State agency choose to participate on the Task Force, this Department will coordinate with this state agency as a member of the future Cold Case Task Force to develop procedures to facilitate the timely testing of evidence.*

The 2019-2020 Grand Jury determined to take no further action.

2018- 2019 Grand Jury Recommendation R10: Each law enforcement agency in San Joaquin County develop a procedure and practice for maintaining periodic contact with family members of cold case victims no later than March 31, 2020.

Agency Response: *The District Attorney's Office will implement this Recommendation in the future through the development of a practice and procedure for maintaining periodic contact with family members of cold case victims in conjunction with the members of the future Cold Case Task Force no later than March 31, 2020. The District Attorney's Office will utilize staff members of the District Attorney's Victim Witness Division and representatives from victim advocacy groups within the community to maintain a system for periodic victim family contacts.*

San Joaquin County District Attorney's Office approved the procedures for maintaining contact with cold case family members. The 2019-2020 Grand Jury determined to take no further action.

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911.924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Follow-up Report to the 2018-2019 San Joaquin County Civil Grand Jury



Case 0418

Tracy City Council

Restore the Public Trust

Preface

This report contains the responses to the 2018-2019 San Joaquin County Civil Grand Jury report regarding Tracy City Council. This follow-up report focuses on the 2018-2019 Grand Jury findings and recommendations, as well as the Tracy City Council's responses, which are presented verbatim in this report.

The 2019-2020 Grand Jury follow-up determinations are presented after the agency's response to each recommendation.

Discussions, findings, and recommendations from the 2019-2020 Grand Jury are in text boxes framed in black.

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

Summary

The City Council of San Joaquin County’s second largest city was the target of multiple complaints that warranted the attention of the Grand Jury. Over the past several years, the Tracy City Council developed a reputation for its inability to work together as a collegial legislative body. The 2017-2018 Grand Jury recommended the Tracy City Council adopt an Ethics Policy that governs the behaviors of their elected officials by October 31, 2018. Along with the Council’s public discord, a pattern of power politics surfaced resulting in a consistent three to two voting bloc. This led to the terminations or forced resignations of the City Manager, Assistant City Manager, and the Chief of Police. The unexplained departures of the City’s administrative leaders created an unstable work environment at City Hall. Morale was further damaged through the increasing interference of Council members into the City’s business operations. This open disregard for the City’s Council-Manager form of government further contributed to a difficult work environment for many of the City’s dedicated staff members.

Method of Follow-Up Investigation

The 2019-2020 Grand Jury reviewed the original 2018-2019 report #0418, *Tracy City Council: Restore the Public Trust*, and evaluated the mandatory responses to the findings and recommendations. The 2019-2020 Grand Jury interviewed City of Tracy staff, reviewed the Tracy City Council Code of Conduct (adopted October 15, 2019), and reviewed the minutes of Tracy City Council meetings.

Glossary

- **Ethics Policy, Code of Conduct, Code of Ethics and Conduct:** A set of principles used to guide conduct and decision making. For the purposes of this report these terms are interchangeable.

Summary of Responses and Grand Jury Conclusions

Respondent	2018-2019	Response	2019-2020 Grand Jury Conclusion		
	Rec #		Rec#	Due Date	Conclusion
Tracy City Council	R1.1	Implemented			No further action

Respondent	2018-2019	Response	2019-2020 Grand Jury Conclusion		
	Rec #		Rec#	Due Date	Conclusion
	R1.2	Implemented			No further action
	R2.1	Implemented			No further action
	R3.1	Implemented			No further action
	R4.1	Pending approval	R1	September 30, 2020	Requires further action
	R5.1	Implemented			No further action

Findings, Recommendations, Agency Responses, and Grand Jury Results

1.0 Ethics Policy

2018-2019 Grand Jury Finding F1.1: The Tracy City Council’s failure to agree on an Ethics Policy is reflective of the Council’s inability to agree on the fundamentals of how to work together as an effective governing body.

Agency Response: *The City agrees with this finding.*

2018-2019 Grand Jury Finding F1.2: The Tracy City Council’s failure to prioritize the establishment of an Ethics Policy conveys a message to Tracy residents that ethical behavior by the City Council is not of paramount importance.

Agency Response: *The City agrees with this finding.*

2018-2019 Grand Jury Finding F1.3: The adoption of an Ethics Policy will provide the Tracy City Council with a tool to hold fellow members accountable for their actions.

Agency Response: *The City agrees with this finding.*

2018-2019 Grand Jury Recommendation R1.1: The Tracy City Council create and adopt an Ethics Policy that governs the behavior of its elected officials, appointed officials, and senior staff by October 31, 2019.

Agency Response: *This recommendation has not yet been implemented. The City will endeavor to draft and adopt an Ethics Policy by October 31, 2019*

The Tracy City Council approved and adopted the *Tracy City Council Code of Conduct* at their meeting on October 15, 2019. The 2019-2020 Grand Jury determined to take no further action.

2018-2019 Grand Jury Recommendation R1.2: The Tracy City Council develop a “Rules of Behavior” document to be distributed to each Council member and posted in the Council Chambers and the closed meeting rooms by October 31, 2019.

Agency Response: *This recommendation has not yet been implemented. Rules regarding expectations for City Council's behavior and norms would be included in the City's Ethics Policy.*

The Tracy City Council approved and adopted the *Tracy City Council Code of Conduct* at their meeting on October 15, 2019. The 2019-2020 Grand Jury determined to take no further action.

2.0 City Council Conduct

2018-2019 Grand Jury Finding F2.1: The petty bickering between Tracy City Council members during Council meetings has diminished their ability to effectively conduct the public’s business and has undermined the public’s trust in the Council.

Agency Response: *The City agrees with this finding.*

2018-2019 Grand Jury Finding F2.2: The lack of an Ethics Policy restricts the ability of Tracy City Council members to hold one another accountable for violating established ethical standards.

Agency Response: *The City agrees with this finding.*

2018-2019 Grand Jury Finding F2.3: The discord amongst Tracy City Council members is obvious to viewers of Council meetings, although the Council members themselves seemingly fail to recognize this reality.

Agency Response: *The City disagrees partially with this finding; individual Council members did recognize the discord amongst the Council body.*

2018-2019 Grand Jury Finding F2.4: Unethical conduct during the 2018 election campaign further damaged Council members’ ability to work together.

Agency Response: *The City agrees with this finding.*

2018-2019 Grand Jury Recommendation R2.1: Tracy City Council members publicly agree to set aside their personal differences and conduct the public’s business in an efficient and respectful manner, by October 31, 2019.

Agency Response: *This recommendation has not yet been implemented. The anticipated adoption of an Ethics Policy will serve as an opportunity for the Council as a body to proclaim its commitment to work together collaboratively.*

The Tracy City Council approved and adopted the *Tracy City Council Code of Conduct* at their meeting on October 15, 2019. The 2019-2020 Grand Jury determined to take no further action.

3.0 Council Vacancy Appointment Process

2018-2019 Grand Jury Finding F3.1: The appointment process used by the Tracy City Council to fill Council vacancies has fostered loyalty, allegiance, and personal obligation by appointed Council members and has resulted in consistent voting blocs and facilitated divisiveness amongst the Council members.

Agency Response: *The City disagrees partially with this finding; it is unclear that the appointment process resulted in consistent voting blocs and facilitated divisiveness. However, alternative appointment methods could be explored in the future.*

2018-2019 Grand Jury Finding F3.2: The appointment process used by the Tracy City Council to fill Council vacancies does not take into account the will of the voters and has not been endorsed by Tracy's electorate.

Agency Response: *The City disagrees partially with this finding; the appointment process provides an opportunity for Council members, as elected officials themselves, to take into the will of the voters during the appointment process.*

2018-2019 Grand Jury Recommendation R3.1: The Tracy City Council adopt a resolution for filling Council vacancies that is more responsive to the voice of the voters by appointing the next highest vote-getter from the previous election by December 31, 2019.

Agency Response: *This recommendation requires further analysis and discussion. Staff will develop and present alternative Council vacancy selection processes for consideration.*

At their meeting on December 3, 2019, the Tracy City Council adopted Resolution 2019-250 for filling council vacancies. The 2019-2020 Grand Jury determined to take no further action.

4.0 Impact of Executive Staff Separations

2018-2019 Grand Jury Finding F4.1: The rapid succession of executive staff terminations and forced resignations created an unstable work environment for the City of Tracy's staff as department leadership was dismantled. The instability created an unnecessarily stressful work environment which was compounded by fear of job loss.

Agency Response: *The City agrees with this finding; the rapid succession of executive staff terminations and forced resignations may have contributed to an unstable working environment for the City of Tracy staff as department leadership dismantled.*

The instability may have contributed to an unnecessarily stressful work environment which was compounded by fear of job loss.

2018-2019 Grand Jury Finding F4.2: The Tracy City Council’s lack of transparency further eroded the public trust and caused many to speculate that power politics was the catalyst for unexplained departures of the City’s professional leadership team.

Agency Response: *The City agrees with this finding.*

2018-2019 Grand Jury Finding F4.3: The City of Tracy’s reputation as a desirable employer was damaged by the series of unexplained terminations and forced resignations. This unstable environment made recruiting for open positions substantially more difficult.

Agency Response: *The City disagrees partially with this finding; the City of Tracy's reputation as a desirable employer may have been damaged by the series of unexplained terminations and forced resignations. This unstable environment may have made recruiting for open positions more difficult.*

2018-2019 Grand Jury Recommendation R4.1: The Tracy City Council amend the Tracy City Municipal Code to require a supermajority vote of four (4) members of the City Council to remove the City Manager or City Attorney, by December 31, 2019.

Agency Response: *This recommendation requires further analysis and discussion. Staff will evaluate the proposed ordinance amendment.*

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The Tracy City Council was to approve and adopt the amended Municipal Code at the meeting scheduled March 17, 2020, but due to the COVID-19 closures the meeting was cancelled.

2019-2020 Grand Jury Finding F1: It remains important that Tracy City Council approve and adopt the amended Tracy City Municipal Code which requires a supermajority vote of four (4) members.

2019-2020 Grand Jury Recommendation R1: At the next meeting, or no later than September 30, 2020, the Tracy City Council approve and adopt the amended Municipal Code which requires a supermajority vote of four (4) members of the City Council to remove the City Manager or City Attorney.

5.0 Council Intrusion in City Operations

2018-2019 Grand Jury Finding F5.1: The Tracy City Council has failed to follow their policy by intruding into the responsibilities of City staff. This has negatively impacted staff morale and the effective operations of City business.

Agency Response: *The City agrees with this finding.*

2018-2019 Grand Jury Finding F5.2: Individual Council members have intimidated staff by giving orders that are in direct opposition to departmental procedures.

Agency Response: *The City agrees with this finding.*

2018-2019 Grand Jury Finding F5.3: The professional recommendations of City of Tracy staff may be tempered by the potential consequences of disapproving Council members due to fear of potential job loss.

Agency Response: *The City agrees with this finding.*

2018-2019 Grand Jury Recommendation R5.1: The Tracy City Council develop and implement a written protocol for sanctions or censure of Council members who violate the Tracy Municipal Code by failing to work through the City Manager to conduct City business, by December 31, 2019.

Agency Response: *This recommendation requires further analysis and discussion. Staff will present options for accountability measures to be included in the Ethics Policy.*

The Tracy City Council approved and adopted the *Tracy City Council Code of Conduct* at their meeting on October 15, 2019. The 2019-2020 Grand Jury determined to take no further action.

Conclusion

“The legal responsibilities of the Tracy City Council are set forth by applicable state and federal laws. In addition, the City Council has adopted regulations, including this Code of Conduct Policy, that hold Council Members to standards of conduct above and beyond what is required by law. This Policy is written with the assumption that Council Members, through training, are aware of their legal and ethical responsibilities as elected officials.” From the preamble of the ‘City Council Code of Conduct’, adopted on October 15, 2019 by Resolution No. 2019-203

The Tracy City Council addressed the 2018-19 Grand Jury findings and recommendations. As a result, they adopted a Code of Conduct that will allow them to enjoy the benefits of a well-run city government. The goal was to restore public trust by improving the collegiality and effectiveness of the council in addition to providing additional safeguards for the City administrators and staff. They now have the means to make that happen.

Disclaimers

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911.924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Response Requirements

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

The Tracy City Council shall respond to all findings and recommendations.

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

Honorable Xapuri B. Villapudua, Presiding Judge
San Joaquin County Superior Court
180 E Weber Ave, Suite 1306J
Stockton, California 95202

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

**Follow-up Report to the
2018-2019 San Joaquin County Civil Grand Jury**



French Camp McKinley Fire District:

A District in Disarray

Case #0518

Preface

This report contains the responses to the 2018-2019 San Joaquin County Civil Grand Jury report regarding the French Camp McKinley Fire District. This follow-up report focuses on the 2018-2019 Grand Jury findings and recommendations, as well as the San Joaquin County Board of Supervisors' responses, which are presented verbatim in this report.

The 2019-2020 Grand Jury follow-up determinations are presented after the agency's response to each recommendation.

Discussions, findings, and recommendations from the 2019-2020 Grand Jury are in text boxes framed in black.

Summary

The 2018-2019 Grand Jury found an excessive number of issues with the French Camp McKinley Fire District (FCMD), including: high employee turnover, a lack of policies and procedures, and ineffective Board oversight. Some of their key recommendations included:

- The French Camp McKinley Board of Directors initiate and implement the process for consolidating with another fire district;
- The San Joaquin County Board of Supervisors conduct an independent review to ascertain whether French Camp McKinley Fire District is the most viable option for providing fire protection services for this important jurisdiction;
- Update and follow the District's Policy Manual in order to ensure grievances and employee complaints are appropriately resolved and firefighter's rights are protected; and
- The French Camp McKinley Board of Directors adopt and follow the *San Joaquin County Best Practices for Accounting and Reporting for Locally-Governed Special Districts* to ensure sound fiscal management.

Although some recommendations have been resolved, others are incomplete. The following have been resolved:

- The District and County declined to consolidate with another fire district; and
- An internal review of FCMFD fire protection services was performed by the County Administrator's Office.

The following are incomplete:

- An updated District Policy Manual covering (among other things) equipment oversight, employee testing, promotions, addressing grievances, and the annual review of the fire chief; and
- The establishment of best practices for accounting, including audits on three missing years' finances.

Method of Follow-Up Investigation

The current Grand Jury reviewed the original 2018-2019 report #0518, *French Camp McKinley Fire District: A District in Disarray* and reviewed the mandatory responses to the findings and recommendations. The 2019-2020 Grand Jury interviewed French Camp McKinley Fire District staff. The responses were reviewed to determine:

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

The 2019-2020 Grand Jury found that the responses were not compliant with Penal Code 933.05 and were difficult to interpret.

Glossary

- **Board of Directors or Board:** French Camp McKinley Board of Directors
- **District:** French Camp McKinley Fire District
- **Policy Manual:** French Camp McKinley Fire District Fire Services Manual
- ***San Joaquin County Best Practices for Accounting and Reporting for Locally-Governed Special Districts:*** A manual developed by the County Auditor-Controller to aid the Boards of special districts in managing their finances

Summary of Responses and Grand Jury Conclusions

Respondent	2018-2019	Response	2019-2020 Grand Jury Conclusion		
	Rec #		Rec#	Due Date	Conclusion
French Camp McKinley Fire District	R1.1	More time needed	R1	September 30, 2020	Requires further action
	R1.2	More time needed	R2	September30, 2020	Requires further action
	R1.3	None given	R3	September30, 2020	Requires further action
	R1.4	None given	R4	September 30, 2020	Requires further action
	R1.5	None given	R5	September 30, 2020	Requires further action
	R2.1	Implemented			No further action
	R2.2	Agree	R6	September 30, 2020	Requires further action
	R2.3	Implemented			No further action
	R3.1	Agree			No further action
	R3.2	More time needed	R7	December 31, 2020	Requires further action
	R3.3	Agree			No further action
	R4.1	Disagree			No further action

Respondent	2018-2019	Response	2019-2020 Grand Jury Conclusion		
	Rec #		Rec#	Due Date	Conclusion
	R4.2	Disagree			No further Action
County Board of Supervisors	R4.2	Implemented			No further Action

Findings, Recommendations, Agency Responses, and Grand Jury Results

1.0 Procedures, Policies, and Documentation

F1.1 The District's Policy Manual requires significant customization in order to adequately meet the needs of the District.

Agency Response: *With the implementation of Program Management Charters, the process of monitoring and updated the Policies and Procedures has been adopted. Additionally, the term "significantly" over states the issue. The policies and procedures need cleaning up to reflect some of the District's internal organization administrative and organizational practices.*

F1.2 The District does not review and regularly update the Policy Manual, placing the District at risk for financial liability.

Agency Response: *"As Needed" describes the model FRC utilizes as listed in the "Chiefs Preface" page of the Policies Manual (See R1.1). The conclusion drawn from the Grand Jury survey of other agencies indicated there is not one universal method or model for policies and procedures revision/updating that applies for all agencies.*

F1.3 The lack of access to an electronic Policy Manual makes it more difficult for staff and Board members to receive, review, and implement policy updates.

Agency Response: *Electronic access to the policy manual is available for via Lexipol online now that Administrative staff has completed the online webinar training. Authorized personnel and member have always had access to the Policy Manual and additional information via the District's secured internet access.*

F1.4 Not having procurement policies and procedures for disposing of surplus equipment, the District risks excess spending without accountability, and financial loss when the sale of surplus is not maximized.

Agency Response: *A policy has been drafted for the Directors approval. The policy includes a status tracking process to accurately inventory and maintained district property and equipment.*

Additionally, this increased oversight will occur via Program / Project Managers, in consultation with the Fire Chief and the BOD.

F1.5 Not requiring the Board to approve policy updates leaves them without the ability to provide appropriate policy oversight for the District.

Agency Response: *The Fire Chief is responsible for the execution of "day-to-day" operational oversight of fire and life safety activities, i.e. emergency responses, fire prevention, etc.*

The Board of the Directors' oversight exist in the form of checks and balances relative to outcomes based on expected goals to ensure that sound fiscal policy exists, and that practices and controls are in place so that the district employees are accountability to the communities it serves.

The Fire Chief and Board of Directors shared responsibility exist in the form of approval of the annual budget, establishing financial goals, reviewing district finances, developing capital improvement plans, being involved in setting the direction of the district and, most importantly, working in the best interests of the community and the constituents the district serves.

F1.6 Without clearly defined testing procedures, firefighters are deprived of the opportunity for promotions based upon their training, experience, and qualifications.

Agency Response:

Policy 1000: Recruiting and Retention and Policy 1004: Promotions and Transfers.

The present leadership is committed to fair and transparent promotional practices based upon training, experience, and qualifications.

Entry Level Examinations

- *Employment opportunity posting with qualifications and study reference;*
- *Written examination, constructed by an outside testing firm based on modern / latest fire service knowledge and training;*
- *Interview Panel with Internal French Camp Members and external Fire Service Members;*
- *Comprehensive background check by an experienced investigator;*
- *Interview with the Fire Chief;*
- *Medical examination.*

Promotional Examinations:

- *Based on the promotional position being tested; a list of qualifications and study reference for the written examination will be sent to members and or open posting for external candidates;*
- *In conjunction with an outside testing firm the written examination will be constructed;*
- *Abilities Assessment and or Interview Panel with internal French Camp Members and or external Fire Service Members; demonstration of the Candidate's ability to perform duties and responsibilities for the position being tested;*

Comprehensive background check by an experienced investigator, an interview with the Fire Chief;

- *Medical examination; if necessary.*

Fire Chief Hiring:

- *Discretion of the Board of Director's;*
- *Consideration given to the Individual's experience, and qualifications and training.*

Administrative Staff:

- *Discretion of the Board of Director's; in consultation with the Fire Chief.*
- *Consideration given to the Individual's experience, and qualifications and training.*

F1.7 Public safety may be compromised when department promotions are not based on the results of objective testing procedures.

Agency Response: *Refer to FRC Response 1.6. [See the response to F1.6 above.]*

R1.1 The French Camp McKinley Board of Directors customize and approve its Policy Manual to reflect the needs of the District by December 31, 2019.

Agency Response: *Implementing an artificial time frame before a complete assessment of the district processes, practices and needs would not be beneficial to the District or it's members. An assessment of the Policy Manual was underway prior to the Grand Jury investigation and continues today.*

Additionally, we are re-evaluating all computer based records management, staffing and training platforms in order to streamline and optimize Fire Department business processes.

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The agency disagreed with the timeframe.

2019-2020 Grand Jury Finding F1: The customization of the Policy Manual is important to adequately meet the needs of the District.

2019-2020 Grand Jury Recommendation R1: By September 30, 2020, the French Camp McKinley Board of Directors approve the newly customized Policy Manual which reflects the needs of the District and deliver a copy to the Grand Jury.

R1.2 The French Camp McKinley Board of Directors develop and follow a written policy to systematically review and update their Policy Manual on a regular schedule by December 31, 2019.

Agency Response: SEE AP 1.1 [See the response to R1.1 above.]

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The agency disagreed with the timeframe.

2019-2020 Grand Jury Finding F2: A policy to systematically review and update their Policy Manual is important to ensure the policies reflect latest practices and procedures.

2019-2020 Grand Jury Recommendation R2: By September 30, 2020, the French Camp McKinley Board of Directors approve the written policy to systematically review and update their Policy Manual on a regular schedule.

R1.3 The French Camp McKinley Board of Directors post its updated Policy Manual and all updates electronically by December 31, 2019.

Agency Response: [None given.]

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The agency stated the Policy Manual is posted electronically but not available for public viewing until approved by the Board.

2019-2020 Grand Jury Finding F3: To ensure transparency, it is important that the policy be posted for the public to review.

2019-2020 Grand Jury Recommendation R3: By September 30, 2020, the French Camp McKinley Board of Directors post for public viewing its updated Policy Manual and all updates.

R1.4 The French Camp McKinley Board of Directors develop policies for purchasing and disposing of equipment by December 31, 2019.

Agency Response: [None given.]

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The policy *Inventories, Transfer, and Disposal of District-Owned Property Policy 701* was provided to the Grand Jury. The agency did not provide a policy for purchasing equipment.

2019-2020 Grand Jury Finding F4: A policy for purchasing equipment is important for transparency and consistency.

2019-2020 Grand Jury Recommendation R4: By September 30, 2020, the French Camp McKinley Board of Directors develop a policy for purchasing equipment.

R1.5 The French Camp McKinley Board of Directors develop policies for testing and promotions that maintain the integrity of test scores by December 31, 2019.

Agency Response: [None given.]

2019-2020 Grand Jury Discussion, Findings, and Recommendations

Subsequent discussion with Agency staff included a reference to *Policy 1000: Recruiting and Retention* and *Policy 1004: Promotions and Transfers*.

2019-2020 Grand Jury Finding F5: A policy for testing and promotions is important for transparency and consistency.

2019-2020 Grand Jury Recommendation R5: By September 30, 2020, the French Camp McKinley Board of Directors upload the Policy regarding recruitment and retention to a public website.

2.0 Personnel Issues

F2.1 Public safety may be put at risk when testing procedures allow less qualified candidates to be promoted into positions that require them to make critical decisions based on qualifications, training, and experience.

Agency Response: *"Less Qualified" member have not been placed into positions that would create a risk to the public.*

A new leadership team is being assembled, which is committed to conduct transparent testing. Current and future hiring and promotions practices will follow commonly utilized fire service practices to ensure the best candidates are hired and promoted based upon their training, experience, and qualifications.

F2.2 By not following their grievance procedures, the District's Fire Chief and Board left their employees without recourse to resolve problems other than litigation.

Agency Response: *The "excessive" number of grievances resulted from previous leadership team(s) not following the established policies; the policies themselves are adequate.*

F2.3 The District's leadership failed to address grievances and complaints of a toxic work environment, requiring the District to settle three employment-related lawsuits totaling over \$400,000.

Agency Response: *Refer to FRC Response 2.2. [See the response to F2.2 above.]*

F2.4 The District's failure to conduct an annual grievance audit may have resulted in unnecessary financial liability.

Agency Response: *Refer to FRC Response 2.2. [See the response to F2.2 above.]*

R2.1 The French Camp McKinley Board of Directors develop a clear and concise grievance policy and form by December 31, 2019.

Agency Response: *The Board and the Interim Fire Chief have reviewed the policy and are working to implement a process to address member's concerns in a transparent and timely manner. Fire Administration policy adherence and execution are required to resolving any grievance*

The Personnel Complaints Policy 1028 and Employee Complaint/Resolution Form are completed. The 2019-2020 Grand Jury determined to take no further action.

R2.2 The French Camp McKinley Board of Directors revise the District Policy Manual to require that an annual grievance audit be sent to the Board of Directors no later than February each calendar year by March 1, 2020.

Agency Response: *The Board concurs. Ongoing communication between the Board of Directors and the Fire Chief should eliminate any grievance related surprises.*

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The agency stated that the upcoming *District Policy Manual* covers this topic.

2019-2020 Grand Jury Finding F6: It is important for transparency and consistency that the new Policy Manual provide guidance regarding the ongoing communication between the Board of Directors and the Fire Chief about processing grievances.

2019-2020 Grand Jury Recommendation R6: By September 30, 2020, the French Camp McKinley Board of Directors post for public viewing its updated Policy

Manual with guidance for the ongoing communication between the Board of Directors and the Fire Chief about processing grievances.

R2.3 By December 31, 2019, the French Camp McKinley Board of Directors develop a policy that requires the Board receive a copy of all internal investigative reports within 10 days of completion.

Agency Response: *Currently the Interim Fire Chief advises the Board of Directors monthly on the status of all grievances. The Board also receives a summary of any investigative report upon it's conclusion or with their monthly meeting packet.*

The 2019-2020 Grand Jury determined to take no further action.

3.0 Board Oversight

F3.1 Board responsibilities are not clearly understood by all board members, which has contributed to ineffective leadership of French Camp McKinley Fire District.

Agency Response: *The lack of clear communication by previous fire leadership and onboarding of new directors contributed to the perception that role and responsibilities of some members are not clearly understood.*

F3.2 Without a formalized annual review process, the Board is unable to measure the Fire Chief's performance.

Agency Response: *The Board concurs. A review process is in place and has been utilized to determine goals and objectives and compensation. An evaluation of the past Chief was underway when his occupational leave occurred.*

F3.3 Board members have not held the Fire Chief accountable for failing to communicate critical personnel issues, which has led to significant employee turnover and expensive investigations and lawsuits.

Agency Response: *The previous leadership's lack of honesty and transparency, coupled with the creation of a culture of intimidation of members, concealed serious personnel issues from the board. Upon becoming aware of the seriousness of several personnel issues, the Board initiated action to hold the responsible members accountable.*

F3.4 The Board is failing in their fiduciary responsibilities as evidenced by the District's delinquency in filing annual audits, the lack of policies providing financial controls, and inadequate financial oversight.

Agency Response: *A lack of honesty and transparency lead the board to infer the required filings were taking place. (See Plan of Action 3.2). [See response to R3.2 below.]*

R3.1 French Camp McKinley Board members perform an annual review of the Fire Chief no later than July of each calendar year, beginning July 2020.

Agency Response: *The Board concurs. A review of the chief performance is generally coupled with annual budget and planning sessions or hire date.*

The 2019-2020 Grand Jury determined to take no further action.

R3.2 French Camp McKinley Board members file annual audits with the County Auditor for 2015-2016, 2016-2017, and 2017-2018, with copies sent to the Grand Jury by December 31, 2019.

Agency Response: *The District is working with a Certified Public Account to reconcile 2015-2016, 2016-2017, and 2017-2018 records.*

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The agency requested more time.

2019-2020 Grand Jury Finding F7: It is important for public trust that the District have correct and audited financial records.

2019-2020 Grand Jury Recommendation R7: By December 31, 2020, French Camp McKinley Board members file annual audits with the County Auditor for 2015-2016, 2016-2017, and 2017-2018, with copies sent to the Grand Jury.

R3.3 French Camp McKinley Board members adopt and follow the financial guidance provided in the document “*San Joaquin County Best Practices for Accounting and Reporting for Locally-Governed Special Districts*” by December 31, 2019.

Agency Response: *The Board concurs. The Board and the Interim Fire Chief have received a copy of the "San Joaquin County Best Practices for Accounting and Reporting for Locally Governed Special Districts. Additionally, the Board and Staff plans to utilize the California Special District Association vast training resources which includes online webinars to conference to assist special district.*

The 2019-2020 Grand Jury determined to take no further action.

4.0 The Future of French Camp McKinley Fire District

F4.1 Considering the history of failed leadership from French Camp McKinley’s Board of Directors, excessive turnover of the District’s Fire Chiefs, profound personnel problems, lawsuits, and investigations, the ability of French Camp McKinley Fire District to effectively

provide fire protection services to its constituents, including the critical County facilities within its jurisdiction is questionable.

Agency Response: *The Board of Director's position is to continue as the French Camp McKinley Fire District. The Board's decision is based on providing fire and life safety to the residents and business communities of French Camp and Mountain House Community Service District.*

Refer to Attachment 1. "The Office of the County administrator August 13, 2019 recommendation to the San Joaquin County Board of Supervisors: "Approval of Response to the 2018-2019 Civil Grand Jury Report Regarding the French Camp McKinley Fire District."

F4.2 The District's Board has failed to follow-up on repeated recommendations to explore consolidation.

Agency Response: *This is not accurate. The board will respectfully consider any mutually beneficial agreements and or consolidation.*

R4.1 The Board of Directors of French Camp McKinley Fire District initiate the process, including an analysis, for consolidating with another fire district by October 31, 2019.

Agency Response: *Refer to Responses 4.1 and 4.2.*

The 2019-2020 Grand Jury determined to take no further action.

R4.2 The San Joaquin County Board of Supervisors conduct an independent review to ascertain whether French Camp McKinley Fire District is the most viable option for providing fire protection services for critical County facilities by March 31, 2020.

Agency Response: *Not Applicable: Refer to Attachment 1. "The Office of the County administrator August 13, 2019 recommendation to the San Joaquin County Board of Supervisors: "Approval of Response to the 2018-2019 Civil Grand Jury Report Regarding the French Camp McKinley Fire District."*

San Joaquin County Board of Supervisors' Response: *The recommendation has been implemented.*

An internal review of FCMFD fire protection services was performed by the County Administrator's Office. The results of the review determined:

- *There were no indications of performance deficiencies in FCMFD fire protection services provided to County facilities;*
- *Overall, County departments were pleased with the service received from FCMFD; and,*
- *The FCMFD response times and performance have been consistent with comparable fire agencies and therefore FCMFD is a viable option for the delivery of fire protection services to the County's French Camp facilities.*

The 2019-2020 Grand Jury determined to take no further action.

Conclusion

French Camp McKinley Fire District has been struggling on multiple fronts for the last decade. The process to fix this has begun but is unfinished. The 2019-2020 Grand Jury has several recommendations, primarily to assist the District in attaining transparency and consistency in its practices.

Disclaimers

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911.924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Response Requirements

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

The Board of Directors of French Camp McKinley Fire District shall respond to all recommendations from the 2019-2020 Grand Jury.

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

Honorable Xapuri B. Villapudua, Presiding Judge
San Joaquin County Superior Court
180 E Weber Ave, Suite 1306J
Stockton, California 95202

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

Section V: Tours and Presentations

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T O U R S & P R E S E N T A T I O N S

Tours

Date	Tour
September 12, 2019	San Joaquin County Jail
September 25, 2019	Deuel Vocational Institute
October 31, 2019	San Joaquin County Juvenile Detention Center
November 21, 2019	Port of Stockton
December 19, 2019	Division of Juvenile Justice - O.H. Close and N.A. Chaderjian
March 9, 2020	Stockton Shelter for the Homeless – Single Men’s Shelter
March 9, 2020	Stockton Shelter for the Homeless – Family Shelter
March 13, 2020	Gospel Center Rescue Mission

Presentations

Date	Presentation
August 15, 2019	Homelessness in San Joaquin County
August 29, 2019	San Joaquin Continuum of Care
September 5, 2019	San Joaquin County Sheriff’s Office
September 26, 2019	Housing Authority of the County of San Joaquin
October 3, 2019	Stockton Police Department
October 17, 2019	Environmental Justice
October 24, 2019	Stockton Fire Department
November 7, 2019	San Joaquin County Behavioral Health Services
November 14, 2019	San Joaquin County Human Services Agency

Section VI: Grand Jury Process

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GRAND JURY PROCESS

About the Grand Jury

The San Joaquin County Civil Grand Jury's duty is to address citizens' concerns regarding the operation of local government entities.

The Civil Grand Jury is comprised of 19 citizens who are impaneled annually for a one-year term. The Grand Jury has a separate and different function than that of a trial jury and does not hear cases in a courtroom. Instead, Grand Jurors examine and investigate local governmental activities within San Joaquin County.

The responsibilities of the Civil Grand Jury encompass the examination of all aspects of County government, including school and special districts, to ensure that the County is being governed lawfully, efficiently, and that public monies are being handled appropriately. The Grand Jury may conduct investigations of public agencies and the administration and affairs of any city within the County.

The Grand Jury is authorized by law to:

- Inquire into the condition and management of public prisons within the County;
- Investigate and report on the operations, accounts and records of city and County offices, departments and their functions;
- Inquire into the allegations of willful or corrupt misconduct of public officials;
- Investigate into the activities of all school and special assessment districts within the County;
- Submit a final report of its findings and recommendations to the Presiding Judge of the Superior Court.

How the Grand Jury is Organized

The Presiding Judge of the Superior Court empanels 19 Grand Jurors to serve for one year, fulfilling the duties as outlined under state law. The Judge appoints a foreperson who presides over the Grand Jury. The Grand Jury elects other officers and organizes itself. The jurors meet in a weekly general session. Smaller investigative committees meet throughout the week.

In addition, Jurors meet with County and city officials, visit County detention facilities, and conduct independent reviews on matters of interest or concern. Each of the working committees report to the full Grand Jury. Conclusions are reached after study and thorough discussion of the issues and they may appear as part of the Grand Jury's final report.

Desirable Attributes of a Grand Juror

Grand Jury service is a volunteer position with modest monthly compensation for meetings and mileage. Members receive a wealth of experience and provide a vital service to their community. Desirable attributes include:

- Good health
- An open mind
- Knowledge of and interest in local government and community affairs

- Skill in working productively with others in a group setting where respect and patience are essential
- Skill and experience in fact-finding, investigative techniques, and report writing

Benefits of Being a Grand Juror

The benefits of being a grand juror are many, including:

- The satisfaction and pride of doing an important job.
- The experience of being a member of a respected panel.
- Being part of a body of people with the unique authority to see local government workings not available to most County citizens.
- Being given an opportunity to make a difference in your community.

Qualifications

To be considered for nomination to be a grand juror, you must meet the following legal requirements:

- Be a U.S. citizen;
- Be at least 18 years old;
- Be a resident of San Joaquin County for at least one year immediately prior to the beginning of your service;
- Possess intelligence, sound judgment and good character;
- Have sufficient knowledge of English language to communicate orally and in writing;

You cannot be considered:

- If you are serving as a trial juror in any court in California;
- If you have been convicted of malfeasance in office or any other high crime;
- If you are serving as an elected public officer.

Citizen Complaints

A cornerstone of the Grand Jury process is to receive and review citizen complaints which concerned persons submit as a mechanism to expose issues within governmental agencies. Because the Grand Jury is vested with certain powers to gather information, the members are able thoroughly review and investigate issues. Through review of documents and interview of witnesses, the Grand Jury process holds a strong light up to agencies to determine whether there appear to be any inefficiencies, mismanagement, or even corruption. The Grand Jury relies to a great extent on those persons who have the courage and the determination to suggest issues which may need to be investigated. The citizen complaint is a valuable tool.

The Grand Jury receives complaints regarding all levels of local government, including special districts. Complaints may include, but are not limited to, allegations of misconduct by public officials or employees and inefficiencies in local government. Any citizen may submit a

complaint by completing a Complaint Form. However, not all complaints are investigated. With so many issues brought before it, the Grand Jury must make difficult decisions about what investigations to undertake during their term.

If the issue identified in a complaint falls within the Grand Jury's jurisdiction, it is first assigned to a preliminary committee to determine whether the complaint has merit. After an initial review, the committee presents its findings to the entire Grand Jury with recommendations for action. The Grand Jury then votes on the matter and thoroughly investigates those that are approved. After the investigation is complete, a final report is generated which reveals the findings and any recommendations the Grand Jury has in the matter.

Complaints are treated as confidential. This allows a complainant to come forward without intimidation.

A complaint should be submitted to the Grand Jury only after all attempts to correct an issue have been explored.

The San Joaquin County Civil Grand Jury complaint form can be found at:

<https://www.sjcourts.org/wp-content/uploads/GrandJuryComplaintForm2.pdf>

Send your completed form to:

San Joaquin County Superior Court
Attn: Trisa Martinez, Judicial Secretary
180 E. Weber Avenue,
Suite 1114 Stockton, CA 95202

Forms also can be obtained by visiting or writing to the address above. The Grand Jury does not accept complaints via e-mail.

To Learn More

For more information about the San Joaquin County Civil Grand Jury visit:

<https://www.sjcourts.org/divisions/civil-grand-jury/#/>

SAN JOAQUIN COUNTY CIVIL GRAND JURY

180 E. Weber Ave., Suite 1114 Stockton, CA 95202

