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## **SENSITIVE PROPERTY**

### **BACKGROUND**

The Grand Jury became aware of the process for identifying property and or equipment purchases with a unit value of \$5,000 or more. The property and/or equipment purchases are identified through accounting and financial reporting process through the Auditor-Controller/Recorder/Treasurer/Tax Collector (ATC) Department and elicit a procedure in which they are identified and assigned a property tag number as fixed assets for the County. Property tags are then issued to the respective department to be placed on the appropriate equipment. A physical inventory is conducted annually, and the ATC Department reports to have 100% compliance as to submission of the certified inventory reports.

This investigation led the Grand Jury to examine property and/or equipment purchases with a unit value of less than \$5,000. Property that is valued under \$5,000 is categorized as “sensitive property.” Several examples of purchases that fit within this monetary value would include video monitors, cameras, printers, facsimile machines, shredders, liquid crystal display (LCD) televisions, digital video disc (DVD) players, electric drills, tool sets, etc. The Grand Jury learned that the County does have an equipment control procedure for property with a unit value of \$1,000 up to \$5,000, but the procedure is not enforced. Therefore, there is no true accountability or physical inventory conducted of property valued under \$5,000. The Grand Jury began an investigation of the County procedure for the accountability of sensitive property and compliance.

### **METHODOLOGY**

The Grand Jury began by reviewing the County of San Bernardino Standard Practice 11-04 SP3, Equipment Control, which took effect on June 1, 2001 (see

Attachment 1). The Standard Practice procedure indicates in part that “Each department is responsible to maintain a list of sensitive equipment items (not defined as fixed assets in 11-04 SP2) as identified:

- a) All electronic devices with a monthly access or rental lease fee including, but not limited to, cellular telephones, photocopiers and radio communication devices.
- b) All personal digital assistants (PDAs), digital cameras or video cameras, and any electronic equipment or photography equipment with a purchase price of \$1,000 up to \$5,000.
- c) All computer central processing units (CPUs) laptop computers and all printers, scanners, monitors and facsimile machines with a purchase price of \$1,000 up to \$5,000.
- d) Each department may make a determination to include items in addition to those identified in this Standard Practice on its list.”

Standard Practice 11-04 SP3 also states “Once a department establishes the list of sensitive equipment, the list shall be updated on an annual basis and filed with the County Clerk.”

The Grand Jury discovered the County Clerk mentioned in the Standard Practice is the Recorder’s Office of the ATC Department. The Grand Jury requested the Recorder/County Clerk provide the current annual list of the sensitive property that each department is required to file with their office as stated in #11-04 SP3. After reviewing the documents, it became apparent that few departments were in compliance. The Recorder’s office stated that their office is the filing office for this report and not the regulator.

The County of San Bernardino is comprised of 40 departments. Following is a matrix showing the numbers of departments who filed their sensitive equipment by year.

<b>CALENDAR YEAR</b>	<b>NUMBER OF DEPARTMENTS</b>
2001	0
2002	4
2003	34
2004	37
2005	4
2006	4
2007	1
2008	1
2009	1
2010	1

The Grand Jury discovered copies of Interoffice Memorandums from two (2) County Administrative Officers that were dated June 5, 2003, and June 15, 2004 regarding the annual reporting of sensitive equipment. The Grand Jury did not find any other Interoffice Memorandums that were generated in the years following to remind the County departments to refer back to Standard Practice 11-04 SP3 and submit their sensitive equipment list to the Recorder/County Clerk by a due date. As reflected by the matrix above, in the 2003 and 2004 years, the majority of the departments did file their sensitive property list after the Interoffice Memorandum was distributed. However, the lists were submitted using different formats; did not contain the same information; and did not reflect a unit value.

The Grand Jury discovered the County does not have a “Policy” regarding equipment control. The difference between a “Policy” and a “Standard Practice” is that the Policy is the overriding governance activity and direction and the Standard Practice is the actual process and procedure for carrying out the policy. In other words, a Standard Practice provides detailed instructions for execution at the appropriate organizational levels.

The Grand Jury also reviewed the County’s Internal Control and Cash Manual, Chapter 17 – Transfer of Assets and Other Property, Item D – Other Assets which states “The department is required to account for other assets. Accounts receivable and inventories represent two of the most common types of other assets. It also includes *sensitive equipment items*, not considered fixed assets, as identified in County Policy #11-04 SP3. Please provide the dollar value and supporting documentation of the other assets.”

The Grand Jury performed unscheduled audits of random County departments to determine if they were aware of the Standard Practice regarding Equipment Control for sensitive equipment. The Grand Jury asked if they could produce their department’s sensitive property lists. They then asked if they had neglected to submit to the County Recorder’s Office their list as required in the Standard Practice. The following table indicates the results of the random audits that were conducted on April 21, 2010.

<b>DEPARTMENT</b>	<b>AWARE OF STANDARD PRACTICE</b>	<b>ON-SITE LIST AVAILABLE</b>	<b>LIST RECEIVED LATER</b>
Assessor	No	No	Yes
Environmental Health Services	No	No	Yes
1 <sup>st</sup> District Field Offices	No	No	Yes
2 <sup>nd</sup> District Field Office	No	No	Yes
3 <sup>rd</sup> District Field Office	No	No	Yes
4 <sup>th</sup> District Field Office	No	No	Yes

Additionally, while at these offices, the Grand Jury noticed that equipment defined on Standard Practice 11-04 SP3 was not identified by any type of internal property tag.

## **FACTS**

- The County has Standard Practice 11-04 SP3 for maintaining equipment control of sensitive property.
- The years of 2003 and 2004 were the only years the majority of the County departments were in compliance of the Equipment Control Standard Practice Procedure.
- The respective County Administrative Officer has not continually generated and distributed an Interoffice Memorandum regarding departments filing their sensitive equipment list.
- The employees contacted during the Grand Jury random office audits were not aware of the Equipment Control Standard Practice 11-04-SP3.
- The offices visited during the random audits had no on-site list of sensitive equipment.
- The sensitive property lists that were filed with the County Recorder's office were submitted using different formats and reflected no monetary value.

## **FINDINGS**

1. The County has no specific "Policy" to maintain control of sensitive property; it only has a Standard Practice Procedure.
2. Departments are not following Standard Practice 11-04 SP3, Equipment Control for sensitive items; adhering to the Standard Practice is not enforced.

3. The Standard Practice 11-04 SP3, Equipment Control, has no named regulator to enforce compliance.
4. The Standard Practice does not specify a due date for filing the sensitive property lists.
5. The Standard Practice 11-04 SP3, Equipment Control does not mention the tagging process.
6. Disasters of any nature could destroy equipment and/or records of equipment. There would be no records of equipment less than \$5,000.
7. There is no uniformity in filing the sensitive equipment report; each department submits their list in different format.
8. The sensitive equipment report reviewed has no monetary value listed on the items.
9. Sensitive equipment valued between \$1,000 and \$5,000 is not classified as fixed assets; many items can be easily transported without detection or easily diverted to personal use.
10. The Standard Practice does not specifically address equipment valued under \$1,000 that could make for a heightened risk of theft (“walk-away” items).
11. There were no on-site inventory lists of sensitive property at offices that were randomly audited.

### **RECOMMENDATIONS**

- 10-03           Generate a mandatory “County Policy” regarding sensitive property control. (Finding 1)

- 10-04        The County Administrative Officer generates and distributes an Interoffice Memorandum each year, to each department head, regarding the annual reporting of sensitive equipment. (Finding 2)
- 10-05        Designate a department to oversee and implement the Policy and Procedure. (Finding 3)
- 10-06        Enhance Standard Practice 11-04 SP3, Equipment Control Procedure, to be clear and concise. (Finding 4)
- 10-07        Assign a property tag number and issue to the respective department to be placed on the identified sensitive equipment. (Finding 5)
- 10-08        Conduct an annual physical inventory before filing an updated list with the County Clerk. (Finding 5)
- 10-09        Implement policy for inventory of equipment that has a unit value of less than \$1,000 in Standard Practice 11-04 SP3. (Finding 6)
- 10-10        Create a spreadsheet with headings that list the necessary information for the control of equipment. The spreadsheet must be utilized by all departments when filing their sensitive equipment report to the Recorder/County Clerk. (Findings 7, 8)
- 10-11        Establish a sensitive equipment list for departments to use as a guideline of equipment that must be reported. (Finding 9)
- 10-12        Ensure that each department maintains an on-site inventory list of sensitive property at each satellite office. (Finding 9)

- 10-13            Include an annual due date on Standard Practice 11-04 SP3 for filing the sensitive property lists with the Recorder/County Clerk. (Finding 4)
- 10-14            Mandate all County departments and elected official's offices update and reconcile their current holdings and provide current inventories of sensitive properties at the end of each Fiscal Year and submit to the County Recorder's Office by an assigned due date. (Finding 11)

<b><u>RESPONDING AGENCY</u></b>	<b><u>RECOMMENDATIONS</u></b>	<b><u>DATE</u></b>
County Administrative Office	10-03 through 10-14	09-30-2010



**COUNTY OF SAN BERNARDINO  
STANDARD PRACTICE**

No. 11-04 SP3

ISSUE 1

PAGE 1 OF 1

By

EFFECTIVE 06/01/01

DEPARTMENT

APPROVED

SUBJECT

**EQUIPMENT CONTROL**

***WILLIAM H. RANDOLPH***  
COUNTY ADMINISTRATIVE OFFICER

PURPOSE

This Standard Practice establishes that the authority and responsibility for maintaining control of the County’s equipment rests with each department. Departments are required to maintain control of the items described in this Standard Practice based upon the procedures described below.

PROCEDURES

1. Each department is responsible to maintain a list of sensitive equipment items (not defined as fixed assets in 11-04SP2) as identified:
  - (a) All electronic devices with a monthly access or rental lease fee including, but not limited to, cellular telephones, photocopiers and radio communication devices.
  - (b) All personal digital assistants (PDAs), digital cameras or video cameras and any electronic equipment or photography equipment with a purchase price of \$1,000 up to \$5,000.
  - (c) All computer central processing units (CPUs), laptop computers, and all printers, scanners, monitors and facsimile machines with a purchase price of \$1,000 up to \$5,000.
  - (d) Each department may make a determination to include items in addition to those identified in this Standard Practice on its list.
2. “Purchase price” is defined as the acquisition cost of an item, including the purchase price, before trade-in allowance, less discounts, plus freight, transportation and installation costs and sales or use tax.
3. Each department will be responsible to ensure that employees return County property, which is provided for use off site, to the department in the event of the transfer, termination or separation from employment.
4. Once a department establishes the list of sensitive equipment (as well as those items added to the list pursuant to 1(d) above), the list shall be updated on an annual basis and filed with the County Clerk.

# COMPLAINTS COMMITTEE



## **COMPLAINTS COMMITTEE**

### **MEMBERS**

**Kent Fogleman, Chair**

**Ever Marie James**

**Brad Kuiper**

**Albert vande Steeg**

## **COMPLAINTS COMMITTEE**

The Grand Jury receives complaints throughout the year. The purpose of this committee is to review all complaints and determine if the Grand Jury has jurisdiction to investigate the complaint. If jurisdiction is confirmed and the complaint warrants investigation, it is assigned to an appropriate committee. In some cases, an ad hoc committee is formed to handle the complaint. Complaints are typically received on an official Complaint Form. Although the Grand Jury normally does not investigate unsigned complaints, sometimes, depending on the issue, it will conduct an investigation from an anonymous source.

The 2009-2010 Grand Jury received 47 new complaints and two were referred from the 2008-2009 Grand Jury. Of those, 17 were assigned and investigated while 20 were not within the jurisdiction of the Grand Jury. The additional 12 complaints are being referred to the 2010-2011 Grand Jury.

HUMAN SERVICES/  
ECONOMIC DEVELOPMENT  
COMMITTEE



**HUMAN SERVICES/ECONOMIC  
DEVELOPMENT COMMITTEE**

**MEMBERS**

**Ever Marie James, Chair**

**Julie C. Crites**

**Clifford DeVost**

**Shawn-Marie Green**

**Rosie Hinojos**

**Donna Howard**

**William E. Howard**

**Melinda O'Connor**

**Porfirio (PV) Rodriguez**

## **HUMAN SERVICES/ECONOMIC DEVELOPMENT COMMITTEE**

The Human Services and Economic Development Committee had the responsibility of reviewing all aspects of social services and economic development operations in the county, including:

Child Support Services	Redevelopment Agency
Department of Aging and Adult Services	Transitional Assistance Department
Economic Development Agency	Veterans Affairs Department
Housing and Community Development	Workforce Development
Human Services Group Administration	Cities/Municipalities
Performance, Education and Resources Centers	School/Community College Districts
Preschool Services	Special Districts
Public Guardian/Public Administrator	

Areas of specific review undertaken by the Committee included the following:

- City of San Bernardino
- Conservatorship/Guardianship
- County Airports
- Department of Aging and Adult Services
- Foster Care
- HUD Dollar Homes Program
- In-Home Supportive Services
- Redevelopment Agency

The Human Services and Economic Development Committee submits reports on the following topics:

- HUD Dollar Homes Program
- Department of Aging and Adult Services (See Response  
Accountability Section of Report)

During the course of the Grand Jury term the Human Services and Economic Development Committee had the Redevelopment Agency Subcommittee examine operation of the following Cities Redevelopment Agencies:

Chino	Ontario
Chino Hills	Rancho Cucamonga
Colton	Rialto
Fontana	San Bernardino
Montclair	Upland

## **CITY OF SAN BERNARDINO**

### **ECONOMIC DEVELOPMENT AGENCY HUD DOLLAR HOMES PROGRAM**

#### **BACKGROUND**

The Dollar Homes Program was initiated by the Housing and Urban Development Department (HUD), whereby local governments could purchase mortgages on foreclosed homes for just one dollar (\$1.00), have them refurbished and then resell them at a discounted price to qualified low income families. This program would allow HUD to clear its books of foreclosed homes and provide affordable housing for low income families within local communities. The City of San Bernardino (City) was one of these cities that took advantage of this program and the City's Economic Development Agency (EDA) purchased its first home on May 1, 2000. Eventually, 63 HUD properties were acquired by the agency and all were disposed of between 2000 and 2008. The City's participation in the program ended in March 2008.

On Sunday, April 12, 2009, the Los Angeles Times newspaper printed an article alleging the failure of this program as administered by the EDA. The article alleged there was no evidence of this program benefiting the people it was intended to and the housing contractors and investors were the only ones that were benefiting from it. It further claimed that homes were bought by companies or individuals who typically resold these homes at a much higher price and thereby, defeated the purpose of the program. It also noted that the City could not provide the newspaper with any accounting of what happened to the homes after they were sold.

The 2008 – 2009 Grand Jury began an investigation into these allegations during their term. However, due to time constraints, they were not able to complete it as planned and their only option was to include it in their Continuity Report. Based on their report and on the allegations of the Los Angeles Times article, this Grand Jury decided to continue to pursue this investigation and determine the validity of the allegations.

**METHODOLOGY**

All information gathered by the 2008 – 2009 Grand Jury was reviewed by committee members. Included in this review was the article in the Los Angeles Times and letters of inquiry sent to the City of San Bernardino asking for their response to a list of questions regarding their administration of this program. Based on the allegations of the Los Angeles Times article, the City was asked to provide information regarding the program. The requested information was received by late September, 2009. In addition, HUD’s NOTICE H 00-7, which detailed the implementation of the “\$1 Home Sales to Local Governments Program”, was reviewed by committee members to become knowledgeable with the program’s scope and intent. The Director of the EDA was also interviewed to respond to the allegations and to answer questions derived after reviewing the report they had submitted.

**FACTS**

According to the City’s records and the San Bernardino County Recorder’s Office, the 63 homes acquired in the program were disposed of as follows:

Agency Retained	12
Transferred to San Bernardino Schools	4
Sold to Eligible Home Buyers	44
Sold to Non-Profit Agencies	3
TOTAL	63

The 44 homes were sold to a pre-approved list of developers/contractors to rehabilitate or reconstruct to the EDA’s rehabilitation/reconstruction guidelines. Once the home was sold to an eligible home buyer, the contractor needed to confirm that once their initial investment was recouped, the home was not priced out of the intended homebuyers’ price range. In addition, the negotiated profit on each property sold was not to exceed 10% of the total development cost. Initial investment by the contractor

included acquisition, rehabilitation, holding and marketing costs that were all part of the costs that had to be recouped from the final sale of the home. A Grant Deed and a Use and Occupancy Conditions Covenant and Restrictions Document was recorded against each property which served to compel the current buyer, as well as any future buyers of the property, that it remain affordable to targeted households for a specified period of time.

## **FINDINGS**

1. The EDA failed to monitor and enforce the affordability covenants as homes were sold or resold. There was little oversight of covenants during subsequent turnovers of home sales and few homes, (3 of 63), were bought by non-profit organizations within the city.
2. The EDA had no data base or process to track the Dollar Homes Program.
3. The EDA exercised limited oversight or vetting of future homebuyers. No first time homebuyer education or training was provided to program participants to the extent they were not low-income to moderate-income homebuyers seeking EDA Financial Assistance.

## **RECOMMENDATIONS**

- 10-15            Establish a data base which will track the critical program information for each home and a process for monitoring subsequent home sales.
- 10-16            Include a detailed covenant history within the data base while filing with the County Recorder a “Notice of Affordability Covenant” on each property.

- 10-17 Assure that all EDA partners are well versed in HUD or other program requirements.
- 10-18 Institute an in-house program or engage an outside vendor to provide vetting and homeownership responsibility education for first-time homebuyers.

### **COMMENDATION**

The EDA has already taken steps to implement a number of the above-mentioned recommendations. EDA now keeps a detailed data base to track the sale and resale of Dollar Homes, as well as all covenant agreements. An outside agency has also been contracted to assist with monitoring, marketing and reviewing all sales agreements to qualified buyers.

The Grand Jury commends EDA personnel for the time and effort they spent in complying with this committee's requests. Upon review of all the facts provided by EDA and after conducting interviews with EDA personnel, it is obvious that EDA has taken corrective action to address implementation and oversight deficiencies in affordable housing projects, such as the HUD's Dollar Home Program. These types of projects provide for the betterment of cities, such as the City of San Bernardino, and they can only be successful when they are administered as they are intended.

<b><u>RESPONDING AGENCY</u></b>	<b><u>RECOMMENDATIONS</u></b>	<b><u>DATE</u></b>
City of San Bernardino Economic Development Agency	10-15 through 10-18	09-30-2010

# LAW AND JUSTICE COMMITTEE



## **LAW AND JUSTICE COMMITTEE**

### **MEMBERS**

**Albert vande Steeg, Chair**

**Shawn-Marie Green**

**Rosie Hinojos**

**Brad Kuiper**

**Duane Mellinger**

**Jesus C. Morga**

**Michael R. Pichler**

**Denise Powell**

**Porfirio (PV) Rodriguez**

## LAW AND JUSTICE COMMITTEE

The Law and Justice Committee reviewed past Grand Juries' reports and decided to expand into areas that have historically not been reviewed or investigated. The Committee participated in mandatory tours and reviews of the Jails and Detention Centers in the County, which included:

Adelanto Correctional Facility (owned and operated by City of Adelanto)  
Adelanto Detention Center  
Barstow Station  
Glen Helen Rehabilitation Center  
San Bernardino Courthouse Holding and Transfers to Court  
West Valley Detention Center

Juvenile Detention Centers located in:  
Apple Valley  
San Bernardino

Tours were also conducted at two state prisons located in the County:  
California Institution for Men  
California Institution for Women

Visitation reports were written on each of the above facilities. The Adelanto Correctional Facility is in the process of being sold, therefore no follow-up visit or work was done. The other county facilities are doing a good job and received favorable reviews and comments.

Several other County facilities were toured and investigations were completed with favorable reports or no recommendations made. Some recommendations would have been made if the current economy permitted the expenditures. These facilities include:

County Coroner  
County Court House Security  
County Disaster Preparedness  
Public Defender's Office

The scope of our investigation was broadened from the Sheriff's Department to include city Police Departments. Investigations were conducted into city agencies and policies, they include:

Barstow Police Department  
Rialto Police Department  
San Bernardino City Charter, relating to City Attorney's Office  
San Bernardino Police Department

Reports and recommendations follow. An investigation of the Sheriff's Department's Scientific Investigations Division also resulted in a report with significant recommendations.

## **BARSTOW POLICE DEPARTMENT**

### **BACKGROUND**

The Barstow Police Department services 40 square miles with a city population of 23,000. Interstates 15 and 40, State Route 58 and Historic Route 66 run through the city. Because of their location and surrounding communities, the Barstow Police Department services approximately 60,000 people with a staff of 54, of which 40 are sworn officers. They have an annual budget of \$8,000,000. They also received \$100,000 per year from the State in what is called a “Cop’s Grant.” The Barstow Police station is quite small and the detectives have to work off-site as there is no room to house them in the Police Station facility. The purpose of our visitation was to inquire about the present status of the Barstow Police Department. The Grand Jury has not visited the Barstow Police Department in recent years and they were informed that there were some problems over the past few years.

### **FINDINGS**

1. Dianne Burns was hired as the Barstow Chief of Police on July 2, 2007.
2. Prior to her arrival, not all of the Barstow Police Officers had received basic firing range and tactical training. Since becoming Chief of Police, Ms. Burns has instituted a shooting and tactical training school just outside of Hinkley and all officers receive shooting and tactical training for two days every six months.
3. The Department Policies and Procedures Manual had not been updated since 1983 and the department lacked an Internal Affairs Manual. Chief Burns is now in the process of re-writing this manual and is also writing an Internal Affairs Manual for the department.
4. Chief Burns has worked to improve the interdepartmental relationship with the Sheriff’s Station in Barstow.

5. She has encouraged department involvement in community programs such as Cops for Kids and the Neighborhood Watch Program. Chief Burns plans to start a street fair in the poorer neighborhoods in town with hopes of developing good relationships with those citizens. Her officers also participate in the “Cook and Serve” of the homeless that is held at a local pizza parlor. Chief Burns is also involved in the “Reading for Kids” program and is an active member of the local Rotary Club.
  
6. Chief Burns has used the “Cop’s Grant” money (\$100,000 per year) to update equipment, buy new computers, and provide the officers with protective vests.

### **COMMENDATION**

The Grand Jury commends Police Chief Dianne Burns for the changes, improvements, and upgrades she has made since becoming Chief of Police. It is hoped that the citizens of Barstow and the surrounding area appreciate her fine work.

## **RIALTO POLICE DEPARTMENT**

### **BACKGROUND**

The Law and Justice Committee investigated the City of Rialto Police Department. Inter-views were conducted with various Rialto police administration and field personnel. These interviews revealed issues regarding disabled officers assigned to civilian jobs, and problems in the Worker's Compensation and Disability Retirement programs.

### **FINDINGS**

1. The City's Workers' Compensation Procedures Manual implemented in August 1991 states as follows:

*Permanent Disability is a handicap resulting from the effects of illness/injury. This means that the employee may return to work with medical restrictions that do not prevent the employee from performing his/her usual and customary duties (e.g., no repeated lifting over fifty pounds). Restrictions are guidelines prescribed by a doctor relative to limiting an employee's job activities. Information regarding medical restrictions may appear on the doctor's release and return-to-work slip. In addition, the risk manager may review any medical restrictions with the supervisor. The department head is responsible for (1) ensuring that the employee is not assigned tasks that are in conflict with the medical restrictions, (2) instructing the supervisor of the employee's medical restrictions, and (3) monitoring the return-to-work performance of the employee.*

California Government Code 21157 states that "The governing body of a contracting agency shall make its determination within six months of the date

of the receipt by the contracting agency of the request by the board pursuant to Section 21154 for a determination with respect to a local safety member. A local safety member may waive the requirements of this section.”

2. The City of Rialto (“City”) has a Modified Duty Program which assigns injured sworn officers to non-law enforcement duties.
3. The City does not allow the police department to replace these officers taken off patrol or other street assignments, thereby reducing the deployment of officers available for patrol duties. A city with a similar program does replace the officers lost to street duty.
4. The City’s Human Resources Department is not involved in the process. Instead, all the injury claims are processed through the City’s Payroll/Finance Department.
5. The governing body has not complied with the time limit in Government Code Section 21157. The Public Employees Retirement System (PERS) has sent the City letters regarding its noncompliance with this Government Code section. This delay leaves the officers uncertain about their return to work status and lengthens the time officers are off regular duty.
6. A review of officer injury claim files indicate that the City has failed to approve, in a timely manner, continuing and follow-up treatment or therapy for claimants.
7. The Permanent Modified Duty program pays the injured officers full safety officers’ salary while they work in low level positions that normally have been filled by civilian personnel, cadets, or volunteers.

8. Officers who have injuries and are deemed “Permanent and Stationary” have been placed on Administrative Leave with full pay, effective April 13, 2010, pending disability retirement. Certification for retirement has not been filed by the City as of May 13, 2010.
  
9. Currently, there are six (6) officers working permanent modified duty assignments. The monthly payroll for these six is \$40,892. This averages to \$6,560 per officer each month. If these positions were filled with full time civilian employees with a pay of \$15 per hour the monthly costs would be \$15,840; thus saving the taxpayers \$25,052 per month.

Some of these officers do not perform forty hours a week of work, further reducing the need for civilian employees.

10. The Finance Department provided the cost of retiring the six officers on “Permanent and Stationary” status. The cost of retiring the officers amortized over 30 years would total \$2,457,991. In contrast, the annual cost of paying the salaries of these six officers, excluding benefits, at an average salary of \$6,560 per month totals \$472,320. The cost of continuing the Modified Duty Plan would exceed the cost of retiring the officers within six years, assuming the six officers remain employed by the City.
  
11. Departments within the City are reviewing the City of Long Beach’s Alternate Dispute Resolution Program for possible future adoption.

## **RECOMMENDATIONS**

- 10-19 Make disability retirement determinations within the time limit required by Government Code Section 21157. (Finding 6)

- 10-20 Assign modified duty only for officers whose injuries are not classified as “Permanent and Stationary.” (Findings 2, 6)
- 10-21 Continue the Meet and Confer process with the Police and Fire Benefit Association on the issue of Modified Duty Policy. (Finding 2)
- 10-22 Adopt an alternate dispute resolution program patterned after the program adopted by the City of Long Beach. (Findings 3, 11)
- 10-23 Provide medical services immediately to prevent further injury and to shorten off duty time. (Finding 3)
- 10-24 Retire officers deemed “Permanent and Stationary” who are unable to perform regular police duties. (Findings 1, 9)

<b><u>RESPONDING AGENCY</u></b>	<b><u>RECOMMENDATIONS</u></b>	<b><u>DATE</u></b>
City of Rialto	10-19 through 10-24	09-30-2010

## **SAN BERNARDINO COUNTY SHERIFF-CORONER**

### **SCIENTIFIC INVESTIGATIONS DIVISION**

#### **BACKGROUND**

The 2007-2008 San Bernardino County Grand Jury reported on the functions of providing the resources and expertise to investigate crimes committed in San Bernardino County. It reported that the Scientific Investigations Division (SID) was in need of resources if it was expected to catch up and maintain the needs of the county to continue to provide this important service. The following were the recommendations made at that time:

- 08-52 Provide additional workspace for the Sheriff's Scientific Investigation Division taking into account the growth of the county.
- 08-53 Increase the number of Crime Scene Investigators from 12 to 24
- 08-54 Increase the number of Deoxyribonucleic Acid (DNA)/Forensic Analysts from 10 to 20.

#### **Findings and Responses are as follows:**

##### **08-52 In the Findings and Response by the Sheriff – Coroner, regarding Workspace.**

It was reported the SID was awarded a 2007 DNA Backlog Reduction Grant, which funded the renovation of the Forensic Biology Area, providing additional workstations and bringing the total number of analyst workstations to 14. In FY 2006-2007, the Board of Supervisors committed \$25 million towards an expansion project for the SID. However, after a formal needs assessment was completed, it was learned that construction costs had risen considerably. To complete the project as originally proposed,

an additional \$38 million would be necessary. The Sheriff made this additional funding request in his FY 2008-2009 budget proposal to the Board of Supervisors.

**08-53 In the Finding and Response to increasing the number of Crime Scene Investigators from 12 to 24.**

The Sheriff indicated that the department could not immediately accommodate the recommended doubling of the staff from 12 to 24 due to workplace and equipment restrictions. The Sheriff requested the Board of Supervisors fund two additional Crime Scene Investigators during the FY 2007-2008 budget workshop.

**08-54 The Finding and Response to increasing the number of DNA/Forensic Analysts from 10 to 20.**

The Sheriff reported that by increasing the number of DNA/Forensic Analysts he could not immediately accommodate the doubling of the staff due to workspace and equipment restrictions. The Department continued to work with both the Board of Supervisors and the Regional Access Network (RAN) Board to increase staffing. During the FY 2007-2008 budget workshop, the Sheriff requested funding for three additional Criminalists to handle the increasing workload. While the request was not funded, the RAN Board approved funding for two (2) DNA Analysts for the FY 2008-2009 budget. This funding was approved for the 2007-2008 budget year; however, it was deferred to the 2008-2009 budget cycle to offset training and space concerns. Proposition 69 revenues were used to fund one DNA Analyst for the 2008-2009 budget years.

**FINDINGS**

The SID subcommittee met with the Sheriff's Department's Administrators on two occasions, to tour the facility and obtain up-to-date information.

1. The Scientific Investigations Division is the workplace of 100 law enforcement, scientific, technical and support personnel. SID's mission is to provide forensic support (criminalists, identification, and crime scene investigation) to both Sheriff's stations and divisions, and outside agencies. SID is also home to the Sheriff's Central Property/Evidence Unit and the Photography Laboratory.
2. The annual budget for the SID is near \$6.5 million and includes approximately \$425,000 of a \$1 million Office Criminal Justice Program grant. The grant is managed by Sheriff's Narcotics and is shared with the San Bernardino County District Attorney, Probation and a number of city police departments.
3. In 1986, San Bernardino and Riverside counties entered into a regional partnership known as CAL-ID. Today, CAL-ID provides DNA and Automated Fingerprint Identification System (AFIS) services to all member agencies in both counties. A per capita assessment combined with penalty assessments and fine monies comprise the annual budget for these CAL-ID services. Early release of prisoners increases the possibility of an increase in SID work.

#### **SID Current SID Backlog**

4. The current SID Backlog situation was reviewed and all evidence is classified in the Priority System, as to where the function is assigned to:
  - a. Priority 1 cases are in the Court process
  - b. Priority 2 cases are considered less urgent
  - c. Priority 3 where there are no samples for comparison

5. The SID is currently working with the District Attorney (DA) in addressing the DNA Backlog issues. They have 300 current cases they are working on and 350 cases backlogged. The Blood Alcohol Analysis backlogged cases show 459 cases with the oldest case dated 12/23/09. They can process 100 cases per day. The Controlled Substances Analysis list shows 41 backlogged cases with the oldest case dating back to October 26, 2009. According to the Laboratory Director they can conduct the testing fairly quickly and have a 10 day turn around agreement with the DA.
  
6. The firearm testing takes much longer due to not having personnel trained in certain aspects of Firearm Analysis. The one trained Firearm Technician/Examiner, retired in February 2010. Plans are to employ him as a consultant to assist them, temporarily, until a new Firearm Analysts is trained or hired. The department has a new Examiner trained in bullet comparison in this section, but their production will be slow for the time being. One of the reasons the department can't train their examiners quickly is that ATF accepts only 16 trainees per year nationwide and this is a one and one-half year training program (nine months in class, nine months on the job). They are currently trying to get one of their trainees accepted into the next class.

### **DNA Process**

7. In discussing the DNA process, they indicated that they will be using a new DNA kit named "IdentifilerPlus." It takes months to validate a sample and each sample must have a technical review followed up by an administrative review. If the department sends their sample to another lab the technical and administrative review must be conducted by San Bernardino County's lab. Currently they have 10 DNA Analysts, with two being added in the near future. A new case can take up to six months to process.

8. The SID serves all law enforcement agencies in the San Bernardino County and provides services for Riverside County. Services in San Bernardino County are free. Riverside County agencies pay a fee for the services.
9. During the Grand Jury's review, it was reported that SID currently connected to the Cal ID system, using the Remote Data Terminal Four to check fingerprints. This device is currently used in the field and connects to all files on fingerprints from previous criminal booking records.

### **Equipment Utilization**

10. During the Grand Jury review of SID, it was reported that they were utilizing existing equipment to meet current needs. They have received \$1.7 million in grant money for a New Breathalyzer, DNA and other lab equipment. A crime scene truck was donated by San Manuel Indian Tribe. They have a Life Cycle Replacement Program now for lab equipment that requires repair or replacement. They indicated that it is more cost effective to purchase modern equipment than to contract out the projects.

### **Outsourcing**

11. The SID department utilizes the FBI Data Base. Even when they use another lab to do some of their work San Bernardino County is responsible to review all the data received, prior to processing it further in the court system. By obtaining additional equipment they can increase the annual output. It should be noted some of the examination/testing costs are paid for by the suspect convicted of the crime.

### **Current Working Space Needs**

12. In regards to working space at the SID, they indicated that according to the American Society of SIDs, 750 to 1000 square feet per analyst is recommended. Currently, they have 250 square feet for each of their 14 analysts and have 17,000 square feet of storage space in the warehouse where 300,000 items are stored. With the ever increasing rate of crime this number of items collected will increase as well.
  
13. The current facility cannot accommodate additional staffing. Therefore, a new facility is required. It was reported that the SID is in the process of looking for a larger building and one that can handle the overcrowding situation, as well as to provide adequate workspace for their current and future staff. A commercial building identified as the Hallmark building has been looked into and is located in the northern area of San Bernardino. The Hallmark building has 60,000 square feet for the lab, plus warehouse space and space to expand in the future. The cost of the Hallmark building is within the \$25 million allocated by the Board of Supervisors, but the question is, will they have adequate monies for the modification. Discussions are in the process at this time as to the costs and needs of the SID. It appears that it will take 1½ to 2 years to complete the project.

### **RECOMMENDATIONS**

- 10-25            Expand the SID facility to alleviate overcrowding working conditions which will provide adequate workspace for current and future staff.  
(Findings 1, 2, 13)
  
- 10-26            Provide SID with the additional staffing of 18 personnel required to eliminate their existing backlog and stay abreast of their heavy workload.  
(Findings 5, 6)

10-27 Provide the SID with additional office furnishing required of adding 18 personnel, including computers, desks, and any other office items that maybe required. (Finding 13)

10-28 Provide additional warehouse space for storing and securing physical evidence. (Findings 12, 13)

<b><u>RESPONDING AGENCY</u></b>	<b><u>RECOMMENDATIONS</u></b>	<b><u>DATE</u></b>
Sheriff-Coroner	10-25 through 10-28	09-30-2010

# PUBLIC AND SUPPORT SERVICES COMMITTEE



**PUBLIC AND SUPPORT SERVICES COMMITTEE**

**MEMBERS**

**Ever Marie James, Chair**

**Clifford DeVost**

**Donna Howard**

**Lydann Lord**

**Duane Mellinger**

**Michael R. Pichler**

**Bill Rorick**

**Albert vande Steeg**

**Dr. James Willingham**

## **PUBLIC AND SUPPORT SERVICES COMMITTEE**

The Public and Support Services Group (PSSG) was formed during a reorganization of the County approved by the Board of Supervisors in April 2005. The Public and Support Services Committee was assigned the responsibility of investigating the departments that provide services to the general public or internal support to other county departments.

Subcommittees were formed and the following departments/agencies were reviewed:

- Animal Control
- Charter Schools
- Chino School District
- County Fire Department
- County Garage-Motor Pool
- Land Use
- Library
- Museums
- Public Works, Flood Control
- Purchasing
- Real Estate Services
- Regional Parks
- Weights and Measures

Findings and recommendations follow.