This document is an extract of a larger publication.

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ATTACHMENT B

172 West Third Street, Second Floor
San Bernardino, CA 92415-0243 • (909) 387-9120
Fax (909) 387-9124

The San Bernardino County Civil Grand Jury has produced a brief PowerPoint presentation to educate the public on its responsibilities and duties concerning local and county governments. Members of the current grand jury are available to present the program.

The presentation includes:

- Overview of the responsibilities of the Civil Grand Jury
- How to file a Citizen Complaint
- How to Apply for the Civil Grand Jury

Grand jurors are also available to staff a booth at civic events.

If your organization would be interested in scheduling a presentation, or having a Civil Grand Jury booth an event, please contact me to discuss further.

Sincerely,

Norma Grosjean
Grand Jury Assistant
Norma.grosjean@gj.sbcounty.gov
172 West Third Street, Second Floor
San Bernardino CA 92415-0243

(909) 387-9120

RESPONSE ACCOUNTABILITY

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

The Grand Jury chose to include a section of the Final Report this year which reviewed a 2016-2017 Grand Jury Final Report on the Apple Valley Unified School District Police Department. A Response Accountability Report contains follow-up interviews and information gathered to determine if the agencies and/or departments have complied with the recommendations and responses in prior reports.

The Grand Jury also included a Response Accountability Report on the 2013-2014 Victor Valley Union High School District.

RESPONSE ACCOUNTABILITY
APPLE VALLEY UNIFIED SCHOOL DISTRICT

BACKGROUND

The 2016-2017 San Bernardino County Grand Jury Final Report contained an investigatory component concerning the Apple Valley Unified School District Police Department (AVUSD-PD). These investigatory components included in depth information collected via physical review of records, as well as interviews with key personnel of the District. Topics of investigation concerned towed vehicles and parameters of jurisdiction of the AVUSD-PD.

This data collection process produced multiple recommendations to the District by the Grand Jury regarding the towed vehicles and limits of authority of the Police Department. During this investigation, it was determined in the years 2014, 2015, and 2016 that the school police department towed 727 vehicles. During this same time period, the AVUSD-PD used only one towing company. That tow company provided a list of 217 vehicles that it received from AVUSD-PD. Comparing the two lists resulted in a discrepancy of 510 vehicles.

Based upon the discrepancy in the two lists, the 2016-2017 Grand Jury decided to subpoena the tow company to confirm the accuracy and completeness of its list that contained 510 fewer vehicles than the list provided by the AVUSD-PD.

Information received under oath from the towing company on March 3, 2017 was that the list of 217 vehicles was complete and accurate and that the tow facility could not physically handle the number of vehicles that AVUSD-PD authorized for towing. This witness was asked to contact the Grand Jury immediately if any additional information was discovered that would account for the missing vehicles. It should be noted that the testimony of this witness did not include any mention of computer, scanner, or any data storage problems within that tow company.

Based on the testimony, under oath, of both AVUSD and the tow company, their respective lists of towed vehicles during the exact same time period were complete and accurate. The 2016-2017 Grand Jury was left with the indisputable conclusion that over 500 vehicles were unaccounted for and missing.

The AVUSD response to the Grand Jury's Final Report stated that the Grand Jury's Findings amounted to a "...sweeping, inaccurate conclusion." The response further stated, "In a joint effort with the towing company, the District reviewed and confirmed tow records for all 500 of the allegedly unaccounted for vehicles."

The responses received from the AVUSD to the Grand Jury's Final Report stated that a meeting was held sometime in August 2017 between the school district and the towing company. During the meeting, the two entities were able to reconcile all but ten of the missing vehicles. Representatives from the AVUSD stated they were ultimately able to account for the ten vehicles.

The 2017-2018 Civil Grand Jury decided to confirm the meeting between the AVUSD and the tow company, and more importantly, to determine whether the 2016-2017 Grand Jury's Final Report contained any inaccuracies as mentioned in the AVUSD-PD response. On December 6, 2017, representatives from AVUSD were subpoenaed to appear before the Grand Jury. They were placed under oath and testified to meeting at the tow company's business address and to reconciling their respective lists. They testified to accounting for all but ten of the missing vehicles. According to their testimony, these ten vehicles were subsequently accounted for after they rechecked their tow list.

Information under oath by the same towing company on February 21, 2018 was that there was never a meeting with the AVUSD regarding the towing lists. Based on the conflicting sworn testimony of representatives of the AVUSD and the tow company, the Grand Jury cannot confirm whether a meeting to reconcile the two vehicle tow lists ever took place.

The tow company then testified that the list previously given to the 2016-2017 Grand Jury was neither complete nor accurate, and the tow company was having problems with its computers and a broken scanner. After resolving these issues, the tow company found all the vehicles listed on the AVUSD tow list. The tow company indicated that the tow facility put too much faith in its computer storage system.

The tow company further testified that the updated list containing most of the missing vehicles was sent to the Grand Jury. Later in the testimony, the tow company confirmed the documents were not sent to the Grand Jury, but were sent to another agency. The 2017-2018 Grand Jury did not receive the updated documents until February 21, 2018, when the tow company brought the documents in response to the Grand Jury's subpoena. Had these documents been received by the Grand Jury in 2017 as requested, the Grand Jury would have confirmed the missing vehicles were accounted for and there would have been no need to subpoena the tow company in 2018.

Based upon the 2018 testimony from the tow company, the 2017-2018 Grand Jury was unable to confirm the AVUSD's assertion that the 2016-2017 Grand Jury's Final Report contained inaccurate conclusions. Moreover, the conclusions made by the 2016-2017 Grand Jury were based on sworn testimony of the AVUSD-PD and the tow facility.

In response to the 2016-2017 Grand Jury Final Report, the AVUSD signed a Memorandum of Understanding (MOU) on August 2, 2017, with the San Bernardino County Sheriff's Department. This MOU memorializes the duties and enforcement parameters of the AVUSD-PD. The MOU also addresses many of the recommendations set forth in the 2016-2017 Grand Jury Final Report.

Worthy of note is the fact that 151 vehicles were towed, under the direction of the AVUSD-PD, during the period September 2016 through November 2016. After the 2016-2017 Grand Jury Final Report was released, for the similar period in 2017, only 29 vehicles were towed under the direction of AVUSD-PD.

2016-2017 Grand Jury Recommendations and AVUSD Responses:

RECOMMENDATION 17-01: REFUND MONIES

Stated: Refund any monies collected by Apple Valley Unified School District-Police Department for Vehicle Release fees.

RESPONSE TO RECOMMENDATION 17-01 FOR AVUSD:

The District respectfully declines to follow the recommendation that AVUSD-PD refund monies for vehicle release fees. The AVUSD-PD's vehicle release fee complies with VC Section 22850.5 (a) and is further authorized by EC Sections 35010 and 35160.

RECOMMENDATION 17-02: DEVELOP A PROCEDURE

Stated: Develop a procedure to assure the Apple Valley Unified School District-Police Department notified the legal and registered owners of vehicles towed in the future of their right to a tow hearing.

RESPONSE TO RECOMMENDATION 17-02:

The District has implemented this recommendation. On March 6, 2017, the AVUSD-PD Chief of Police issued a department directive requiring AVUSD-PD dispatchers and records clerks to notify the registered and legal owners of towed vehicles via first class mail within twenty-four hours of the vehicle towing, and of the right to a post-storage hearing using the CHP Form 180.

RECOMMENDATION 17-03: REFUND FEES

Stated: Refund any towing and storage fees paid by any legal owner or registered owner who was denied the opportunity to request a tow hearing.

RESPONSE TO RECOMMENDATION 17-03:

Pursuant to Penal Code Section 933.05 (b)(4), the District respectfully declines to implement the Grand Jury's recommendation to refund all towing and storage fees, but will examine each claim received and consider the merits of each claim on an individual basis.

RECOMMENDATION 17-04: RESTITUTION

Stated: Provide restitution to any vehicle owner whose vehicle was lien sold as a result of the vehicle being ordered towed by Apple Valley Unified School District-Police Department in excess of their legal authority to do so.

RESPONSE TO RECOMMENDATION 17-04:

Pursuant to Penal Code Section 933.05 (b)(4), the District respectfully declines to implement the Grand Jury's recommendation to provide restitution to vehicle owners whose vehicles were lien sold as a result of the vehicle being ordered towed by AVUSD-PD. The Report does not state evidence to support the finding that vehicles were towed by AVUSD-PD in excess of their legal authority to do so. In consideration of the Grand Jury's report and focusing on the District's primary mission of student and staff safety, the District has amended its citation and tow practices to ensure District officers continue to act within their statutory authority and jurisdiction when issuing traffic citations while also effectively providing traffic safety in and around District schools and bus stops.

RECOMMENDATION 17-05: ENGAGE IN A PROPOSAL PROCESS

Stated: Engage in a Request for Proposal (RFP) process for any non-district services requested by Apple Valley Unified School District-Police Department.

RESPONSE TO RECOMMENDATION 17-05:

Although neither required by law nor by the District's competitive bidding procedures, the District will seek proposals from qualified and responsible vendors to provide tow services for the District on a rotational basis. Tow companies must agree to meet the District's insurance requirements and vehicle storage security standards and abide by conflict of interest prohibitions.

RECOMMENDATION 17-06: CLARIFY JURISDICTION

Stated: Clarify to all members of the Apple Valley Unified School District-Police Department their geographical area of responsibility and the limits of their authority.

RESPONSE TO RECOMMENDATION 17-06:

Based on the above noted facts and rationale, the District has implemented this recommendation. As explained in Response to Finding #4, the District has formally executed a MOU with the San Bernardino County Sheriff's Department, similar to their longstanding practice regarding their respective responsibilities in and around District schools. It has also implemented focused traffic enforcement procedures.

RECOMMENDATION 17-07: PRIORITIZE DUTIES AND RESPONSIBILITIES

Stated: Prioritize the duties and responsibilities of the Apple Valley Unified School District-Police Department to confirm with their primary duty of protecting school children, school staff, and school property.

RESPONSE TO RECOMMENDATION 17-07:

The District continues its proactive positive efforts to engage all students and encourage thoughtful and respectful conduct by students as they attend to their responsibilities.

RECOMMENDATION 17-08: REVIEW MOUs

Stated: Review all Memorandum of Understandings with school police departments and the San Bernardino County Sheriff Department to insure that jurisdictional authority has not been exceeded by school police departments.

RESPONSE TO RECOMMENDATION 17-08:

The MOU executed by and between the SBCSD and the AVUSD-PD, which was approved by the AVUSD Board of Trustees on September 7, 2017, confers no more authority on District police officers than is authorized by the Penal and Education Codes.

RECOMMENDATION 17-09: FURTHER INVESTIGATION

Stated: The appropriate state agency opens an investigation into this matter which is beyond the jurisdiction of the Grand Jury.

RESPONSE TO RECOMMENDATION 17-09:

By reviewing towed vehicle records of the AVUSD-PD and its towing company, the District was able to account for all of the 727 vehicles towed from 2014 through 2016.

RESPONSE ACCOUNTABILITY
VICTOR VALLEY UNION HIGH SCHOOL DISTRICT TRACKING OF EQUIPMENT AND CAPITAL ASSETS

BACKGROUND

The 2013-2014 Grand Jury investigated the Victor Valley Union High School District in the areas of equipment inventory, tracking of capital assets and delays in the actual opening of the new Adelanto High School. The Grand Jury made the following recommendations.

RECOMMENDATION 14-07: EMPLOYEE LOG-IN IDENTITIES

Stated: Each district employee has a unique log-in name and password when using a computer program.

RECOMMENDATION 14-08: TRACKING DISTRICTS ASSETS

Stated: Maintain access to the AssetMAXX program that tracks district assets or contract for a similar financial program.

RECOMMENDATION 14-9: USING AN ASSET TRACKING SYSTEM

Stated: Acquire or use an asset tracking system that meets needs of tracking capital assets and equipment. Either the AssetMAXX program needs to allow for a variety of other headings than for those set on the property accounting ledger, or another software source needs to be utilized with yearly payment of user fees.

RECOMMENDATION 14-10: GUIDELINES FOR ALL INVENTORIES

Stated: The District follow guidelines in AR 3440 requiring that copies of all inventories should be kept at the District office or school site and that a physical inventory be conducted annually.

RECOMMENDATION 14-11: INVENTORY

Stated: Each site administrator or designee maintain an inventory of all equipment.

RECOMMENDATION 14-12: TAGGING ASSETS

Stated: Each item purchased for $500 or more needs to be asset tagged then processed and submitted to the proper department/school in a timely manner.

RECOMMENDATION 14-13: BARCODE READER

Stated: Each site dealing with inventory management needs a barcode reader.

RECOMMENDATION 14-14: PURCHASE PROCEDURES

Stated: The District maintain their policy (AR 3310) of equipment purchases including special orders of equipment valued at $500 or more being sent to the District warehouse prior to distribution to school sites.

RECOMMENDATION 14-15: NEW SCHOOL SITE PROCEDURE

Stated: As new school sites are opened in the future, the District should have a representative available on site to receive valuable equipment.

RECOMMENDATION 14-16: DISPOSAL OF SURPLUS ITEMS

Stated: Adhere to VVUHSD BP 3270 for disposal of surplus items.

RECOMMENDATION 14-17: DECLARATIONS OF SURPLUS EQUIPMENT

Stated: Declarations of surplus equipment need to have methods of disposal noted. If the equipment were purchased through federal funds or matching non-federal funds, it needs to be sold with funds distributed accordingly.

RESPONSE AND STATUS

The Grand Jury investigation took place in 2013-2014. The District was required to respond at that time but did not do so. The Final Report Response was due 90 days after the issuance of the report. Since the District did not voluntarily comply with Penal Code 933(c), letters were sent out to the District and phone calls were made. Due to the lateness of the response, the Grand Jury was unable to verify the District's responses. The District represented that changes were made by the District. Many of the exhibits are no longer active or pertinent but the recommendations and changes in procedures as a result of the investigation are being addressed here.

The response and status of the 2013-2014 Grand Jury recommendations were received from Victor Valley Union High School District on February 21, 2018 and are as follows:

"The Grand Jury findings and recommendations have been carefully reviewed and many of the recommendations have been implemented. The concerns generally relate to identification of fixed assets, equipment and asset inventory, and proper tagging of equipment for inventory purposes."

"The District developed an in-house asset inventory system in 2013. The process of purchasing and accounting for equipment are as follows:

Equipment purchases begin with a requisition prepared by a school or department by an employee with a unique system sign-in code. Requisitions are submitted to the proper manager for purchase authority then forwarded to the business office for account code and budget approval. A purchase order is issued and sent to the vendor. When equipment is received at the warehouse, it is tagged with the appropriate number then delivered to the ordering site. The paperwork is then forwarded to the business office and added to the inventory list. Schools and departments are supposed to also track equipment at their locations."

"The disposal of equipment is required to be Board of Trustee approved. At a regularly scheduled Board meeting, a list of obsolete or damaged assets is presented to the Board by the school or department wanting to dispose of the equipment. Once board approved, the obsolete items are either sold to an outside salvage company such as Recycle International in El Monte, CA (all technology equipment) or stored in a storage unit until a salvage sale is conducted or another salvage company wishes to purchase damaged items. Most of the obsolete equipment is related to computers and technology due to breakage, obsolescence, or new updated technology purchases. The obsolete items are removed from the inventory list. The technology department also keeps separate inventory lists due to the large amount of such equipment in classrooms and schools."

"The school sites and departments are supposed to take inventory counts on an annual basis and notify the business office of changes or errors."

"The District is looking into contracting with an outside inventory specialty company to take a one-time district-wide inventory to verify that the records are correct and updated if necessary. This process should be done at least every other year to ensure accuracy."

"In the case of the loss of equipment and furniture at Adelanto High School during construction, that was an unforeseen problem that will not happen again. If new construction occurs now, all equipment and furniture is kept in a safe storage facility until the construction has been completed."

"The warehouse and delivery drivers as well as the administrative assistant in charge of the inventory control system have been trained and follow the proper procedures. The school principals and department managers know that keeping track of equipment and furniture is a requirement."



Information regarding the
San Bernardino County Grand Jury
or an application to serve on the Grand Jury
can be obtained by contacting the

Office of the Grand Jury
172 West Third Street, Second Floor
San Bernardino, CA 92415-0243

Office: (909) 387-9120

Information is also provided on the website at http://cms.sbcounty.gov/grandjury/Home.aspx