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SAN BERNARDINO COUNTY CIVIL GRAND JURY



FINAL REPORT 2017–2018

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The Editorial Committee acknowledges and thanks the following individuals for their hard work and invaluable assistance in the preparation of the Final Report of the 2017–2018 San Bernardino County Grand Jury:

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GRAND JURY



COUNTY OF SAN BERNARDINO

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June 29, 2018

Honorable John P. Vander Feer, Presiding Judge
Superior Court of California, County of San Bernardino
247 West Third Street, 11th Floor
San Bernardino, CA 92415-0302

Dear Judge Vander Feer:

On behalf of my fellow 2017-2018 San Bernardino County Civil Grand Jury members and in compliance with Penal Code §933, it is my honor and privilege to present our Final Report to you and to the San Bernardino County Board of Supervisors, as well as to the citizens of San Bernardino County.

This Grand Jury was formed on July 1, 2017, as nineteen citizens came together, each bringing his or her own individual experiences and knowledge. The common goals were ensuring our County is governed honestly and efficiently and ensuring County monies are being spent appropriately. As mandated by law, the Grand Jury also inquired into the conditions and management of our public Detention Centers.

As we began our term, we were issued Surface Pro laptops. All necessary Grand Jury documentation was completed online and shared within our group. This system reduced the amount of paper that is normally required by Grand Jury members to document all of their proceedings during the year. This procedure helped speed up the internal documentation sharing process between our members. All of our members agreed this is a valuable tool which will continue to be of great benefit to all future Grand Jury members.

Once we came together, we decided to form a Public Relations Committee to provide the public with information regarding the workings of the Grand Jury. This committee formulated a Power Point® presentation which included an overview of the responsibilities of the Civil Grand Jury, how to file a citizen complaint and how to apply for the Civil Grand Jury. The complete presentation is included in this Final Report.

Throughout our term, Grand Jury members met and interviewed numerous employees of San Bernardino County, Cities and Special Districts. The vast majority of those contacted were extremely helpful in answering our questions and in providing all of the information that was requested of them. On behalf of our entire Grand Jury, I would like to thank all of those contacted, including employees, department heads and elected officials, for their cooperation and willingness to assist us in the completion of our tasks. Our County is fortunate to have so many

hard working employees who are dedicated to providing our citizens with the best service possible.

We also received and investigated various complaints from our fellow citizens. Some of these complaints did not fall within the jurisdiction of the Grand Jury and had to be rejected. However, we investigated those that did fall within our jurisdiction and some are included as part of our Final Report.

I would like to acknowledge our Legal Counsel, Michael Dauber; our Administrative Assistant, Norma Grosjean; and our Automated Systems Analyst II, Sam El Bard, for all their valuable assistance provided during our term. Their individual knowledge and expertise of the Grand Jury process proved very beneficial as we progressed through our term. Without their assistance, our Final Report would not have been possible.

This Final Report represents the combined efforts of 19 dedicated Grand Jury members who spent countless hours interviewing, evaluating, and documenting their findings. I am proud of all of them and the efforts they put forth to complete the assigned tasks.

Thank you former Presiding Judge Haight III and Court Executive Officer Nancy Eberhardt for providing me with this opportunity when you appointed me as Foreman. It has been an honor and a privilege to serve as Foreman for the 2017-2018 San Bernardino County Civil Grand Jury. Thank you to the 2018-2019 Presiding Judge Vander Feer for your invaluable guidance and support.

Respectfully,

A handwritten signature in black ink, appearing to read 'Rosie Hinojos', with a stylized flourish at the end.

Rosie Hinojos, Foreman
2017-2018 San Bernardino County Civil Grand Jury

SAN BERNARDINO COUNTY

2017–2018 CIVIL GRAND JURY

OFFICERS

ROSIE HINOJOS	*	FOREMAN
KENT FOGLEMAN	*	FOREMAN PRO TEM
RUTH McMILLAN	*	SECRETARY
ALLEN “SKIP” BURT	*	SERGEANT-AT-ARMS
JAMES SANDLES	*	ASSISTANT SERGEANT-AT-ARMS

MEMBERS

CLARA BOSWELL	*	SAN BERNARDINO
EVERETT BRITTAIN	*	RUNNING SPRINGS
ALLEN “SKIP” BURT	*	ALTA LOMA
RICHARD “KIM” CHITWOOD	*	RIALTO
CLENTIS FLOURNOY	*	COLTON
KENT FOGLEMAN	*	REDLANDS
PATRICIA HAGLER	*	PHELAN
ROSIE HINOJOS	*	HELENDAL
DAVE HUTSON	*	FONTANA
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LYNN PIDAL	*	SAN BERNARDINO
JAMES SANDLES	*	ALTA LOMA
BURREL WOODRING	*	YUCAIPA

FORMER MEMBERS

RICHARD McCLURE	*	FONTANA (RESIGNED JULY 25, 2017)
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ADMINISTRATION

PRESIDING JUDGES	*	JOHN P. VANDER FEER (2018–2019)
	*	RAYMOND L. HAIGHT, III (2016–2017)
LEGAL ADVISOR	*	MICHAEL DAUBER
GRAND JURY ASSISTANT	*	NORMA GROSJEAN
AUTOMATED SYSTEMS ANALYST	*	SAMIR EL BARD

SAN BERNARDINO COUNTY 2017–2018 CIVIL GRAND JURY



Back Row (left to right): Clara Boswell, Edward Jabo, Brenda Mackey, Lino Martinez, Patricia Hagler, James Sandles, Rick Penaflor, Richard “Kim” Chitwood, Everett Brittain, Burrel Woodring, and Clentis Flournoy

Front Row (left to right): Ruth McMillan, Paul Kielhold, Kent Fogleman, John Hutson, Allen “Skip” Burt, Dave Hutson, Lynn Pidal, and Rosie Hinojos



Honorable
John P. Vander Feer

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COMPLAINTS



COMPLAINTS

The San Bernardino County Civil Grand Jury receives numerous citizen complaints throughout the year. Every complaint is carefully reviewed by the Grand Jury for issues regarding appropriate jurisdiction and importance of the complaint topic.

After completion of the initial review of a citizen complaint, the Grand Jury may approve the complaint and assign it to an appropriate committee. The committee will conduct an investigation with appropriate oversight by the full Grand Jury. A written report of the committee's findings and recommendations regarding a specific complaint may or may not be included in the year-end Grand Jury's Final Report.

The process of submitting a citizen complaint is to obtain a Confidential Citizen Complaint form from either the Grand Jury's website or by calling the Grand Jury's office at (909) 387-9120. The website is www.sbcounty.gov/grandjury/citizencomplaint. Once the complaint form has been completed and signed, it can be returned to the Grand Jury's office for processing. Although the Grand Jury usually does not investigate anonymous complaints, it may conduct an investigation depending on the issue.

The 2017-2018 Grand Jury received a total of 19 complaints. Sixteen were new complaints and three were referred from the 2016-2017 Grand Jury. Two of the 19 were not within the jurisdiction of the Grand Jury. Fifteen of the 19 were rejected due to the nature of the complaint. One complaint is being referred to the incoming 2018-2019 Grand Jury. One is included in this year-end Grand Jury Final Report.

REPORTS



CITY OF SAN BERNARDINO – CODE ENFORCEMENT

BACKGROUND

Enforcement of the San Bernardino City Municipal Code was previously conducted by both the Code Enforcement Division of the Community Development Department and the Community Policing Program within the City Police Department. The two groups were merged on January 1, 2018, and now Code Enforcement is entirely within the City Police Department. The Grand Jury has authority to investigate the City pursuant to Penal Code §925a.

Enforcement of the City Municipal Code protects the value of private investment in property, projects a positive image to visitors and provides incentive for new investment. Code Enforcement officials are tasked with investigating complaints of Municipal Code violations which pertain to the use and maintenance of property. Complaints are submitted by citizens through phone calls or an on-line complaint form. According to the City's website, when a complaint is received, a code compliance officer visits the site and verifies the complaint. If necessary, the officer issues a violation notice and notifies the responsible party with a time frame to correct the problem. Failure to correct the problem may result in remedial or punitive action being taken.

The Grand Jury, responding to a citizen complaint, was asked to investigate the responsiveness of the City regarding Code Enforcement. The complainant indicated that the City code enforcement operation was not responsive to citizen complaints and that only two code enforcement officers were employed to respond to all Municipal Code violations in the City. Additionally, the complainant stated that the City was not able to ascertain the owner of properties in the case of absentee landlords.

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METHODOLOGY

The Grand Jury investigated this issue by interviewing City officials and citizens and by reviewing the City database of complaints and responses. Field observations of existing conditions within the City were made independently by the Grand Jury and with City code enforcement officers. The Grand Jury contracted a Geographic Information System consultant to graphically display information obtained from the City to review the locations of complaints and responses (Attachments Map A and Map B). In addition, photos were taken during site visits. (See attached Photographs 1-3).

FACTS

Statements by all City officials interviewed were consistent with observations made by the Grand Jury about Code Enforcement. Both city officials and citizens stated that code compliance within the City of San Bernardino was poor. Interviews and a review of portions of the City's complaint database revealed that the City had a backlog of five thousand complaints to which there had been no response. The Grand Jury randomly selected the month of August 2017 for review and found the following information:

1. 177 code complaints made in August 2017 (Attachment Map A).
2. 79 code complaints made in August 2017 to which no response had been made by November of 2017 (Attachment Map B).

In addition to responding to Code Enforcement complaints, the City has programs of regular inspections of residential rental properties every two years. One program applies to residential properties consisting of three (3) or fewer units and the other program applies to properties of four (4) or more units. Members of the Grand Jury rode along as observers with Code Enforcement officers as they conducted inspections of rental properties. These inspections are conducted without regard to complaint history. Property owners are notified of the inspection and the results. The Grand Jury observed properties which were in compliance and properties

where violations were noted. If safety or nuisance violations are noted, notice of violation is issued with a time frame to correct the deficiency. Code Enforcement authority is limited to areas of private property which are accessible to the public, such as streets and sidewalks, unless a complaint has been made. Therefore, tenants of rental properties must decide whether to tolerate existing conditions or make a complaint against their landlord.

The Grand Jury was told that the City has eight (8) code enforcement officers instead of the two (2) stated by the complainant. Contrary to the complainant's allegation, the Grand Jury learned the City can access tax assessment records to determine the absentee landlords.

The City authorized a study in 2012 by the Matrix Consulting Group that concluded the Code Enforcement Division was lacking in effectiveness and made recommendations for improvement. That report is now outdated and many of the recommendations are no longer valid. However, the report remains a tool which can be used to improve Code Enforcement. One of the report's conclusions was that the Code Enforcement Division was overstaffed. With the attrition that has occurred since the report was finished, the recommended staffing level has been reached. The assignment of all code enforcement responsibilities to the Police Department in January 2018 was intended to reduce the backlog of complaints which had accumulated during the period of divided responsibility and to create an effective compliance program.

FINDINGS

F1: Code Enforcement response to citizen complaints has been ineffective prior to January 2018 resulting in a substantial backlog of complaints to which there has not been a response.

F2: Code Enforcement has been reorganized (since January 1, 2018) to be entirely within the Police Department in an effort to improve responsiveness and code compliance.

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RECOMMENDATIONS

18-1: Prepare a quarterly report of code enforcement complaints received, code enforcement complaints investigated, the number of code enforcement violations issued, the number of violations resolved, and the number of unresolved violations. Submit the report to the City Manager for presentation to the City Council and Mayor.

<u>AGENCY</u>	<u>RECOMMENDATIONS</u>	<u>DUE DATE</u>
San Bernardino City Police Department	18-1	9/27/18