

CONTINUITY REPORT



2021 Civil Grand Jury
of Santa Clara County

December 13, 2021

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INTRODUCTION

This continuity report examines the responses by public agencies to the 2019-2020 Civil Grand Jury of Santa Clara County reports. The reports, together with responses from the public agencies, can be found on the [Civil Grand Jury Reports Archive](#) website.

The California Penal Code requires a response from the public agency within 90 days of the time the original report was published, or 60 days if the response is from elected officials.¹ The respondent must either agree or disagree, or partially agree or partially disagree, with each finding. For each recommendation, the respondent must declare whether:

- (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.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation.²

In cases where the response stated that further work would be done, the 2021 Civil Grand Jury requested a follow-up. This continuity report summarizes the responses to those requests.

¹ California Penal Code §933, accessed September 8, 2021, https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=933.&lawCode=PEN.

² California Penal Code §933.05, accessed September 25, 2021, http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=933.05.&lawCode=PEN.

I. The Case of the Felonious Process Server³

Summary of 2019-2020 Report

A process server's registration can be revoked by a presiding judge if they are charged with a felony or face misconduct in their duties. In 2018, a process server registered in the County of Santa Clara was convicted of felonies in another county within California. When the process server was registered, the Santa Clara County Office of the Clerk-Recorder (County Clerk-Recorder) had properly added them to the Subsequent Arrest Notification System list, which is a notification system maintained and operated by the California Department of Justice. Complaints regarding this process server were received by the Clerk-Recorder's Office, the District Attorney's Office, and the Civil Grand Jury. The Civil Grand Jury learned that the Clerk-Recorder's Office checked (and re-checked) the Subsequent Arrest Notification System; however, the system did not have information regarding this person's felony conviction.

Key Findings

The County Clerk-Recorder's Office did not receive notification of felony convictions of a registered process server from the Subsequent Arrest Notification System. Because the Clerk-Recorder's Office did not receive a notification as required by California Penal Code § 11105, the process server's registration was not revoked.

Key Recommendations

The County Clerk-Recorder's Office should develop, publish, and distribute procedures which would allow it to reconcile conflicting information about a felony conviction of a registered process server.

Response

The Clerk-Recorder's Office agreed with the findings, and agreed to implement the recommendation to develop, publish, and distribute the procedures by March 1, 2021.

³ 2019-2020 Civil Grand Jury of Santa Clara County, "The Case of the Felonious Process Server," December 14, 2020, http://www.scscourt.org/court_divisions/civil/cgj/grand_jury_archive.shtml.

Follow-up

The Clerk-Recorder's Office developed the Process Server Registration Status Policy and Procedures and published it on the Clerk-Recorder's Office website.⁴ The policy has been distributed to stakeholders in the following offices:

- The Santa Clara County District Attorney's Office
- The California Department of Justice
- Employees of the County Clerk-Recorder's Office

⁴ County of Santa Clara, "Policy Name: Process Server Registration Status," January 29, 2021, <https://clerkrecorder.sccgov.org/sites/g/files/exjcpb516/files/General%20Information/Process%20Server%20Registration%20Status%20%2801292021%29%20FINAL.PDF>.

II. Conservatorships Revisited⁵

Summary of 2019-2020 Report

The Public Administrator/Guardian/Conservator Office (PAGC) is responsible for acting as conservator for people who cannot handle their own finances or care for themselves, and who have no family member able or willing to act as conservator. When PAGC takes on the role of conservator, a deputy staff member is responsible for managing the conservatee's physical necessities. In the event the conservatee has substantial assets, an estate administrator staff member is responsible for managing the conservatee's real estate, trusts, and investments.

During its investigation, the 2019-2020 Civil Grand Jury found that staff was experiencing poor morale due to friction between different groups of deputies as well as between deputies and estate administrators. Morale also suffered due to communication shortcomings with other Santa Clara County offices. Additionally, the Civil Grand Jury questioned the passive approach PAGC took towards managing conservatee investments.

Key Findings

Most of the findings revolved around communication problems between PAGC and other County departments, as well as communication problems between different units within PAGC. These problems contributed to the low morale of PAGC staff.

One set of findings involved communication between Adult Protective Services (APS) and PAGC. APS helps adults who may be victims of abuse or neglect, and sometimes refers clients to PAGC for conservatorship.

Another set of findings involved communication between PAGC and Financial Management Services (FMS), the accounting branch of PAGC.

Two findings concerned how PAGC managed conservatee investments. A 2010 Internal Audit by the County's Controller-Treasurer Department found that PAGC had no written guidelines about how conservatee investments were managed. The audit recommended using a professional financial advisor. A follow-up audit in 2013 stated that the recommendation had been implemented. However, the investigation by the 2019-2020 Civil Grand Jury found that no

⁵ 2019-2020 Civil Grand Jury of Santa Clara County, "Conservatorships Revisited," September 17, 2020, http://www.sccscourt.org/court_divisions/civil/cgj/grand_jury_archive.shtml.

financial advisor had been selected. Rather than using the advice of a professional financial advisor, PAGC took a passive approach, rarely changing how conservatee funds were invested.

The other finding involved how conservatee cash was invested. There were instances where a conservatee sold their home to move into a skilled nursing facility. The proceeds from the sale of their home, which could be hundreds of thousands of dollars, were placed in the County trust fund. Regardless of the interest earned by the County, the conservatee was at best paid 0.4% per annum, and was paid only 0.17% per annum if there was less than \$500,000 in cash.

Key Recommendations

1. There are two documents that list tasks for deputies and administrators. The task lists are different, and neither document is posted in the Toolbox on PAGC's intranet. PAGC should consolidate the documents and post the official Deputy/Administrator task list in the Toolbox.
2. The Intake deputy must complete a set of tasks before transferring the responsibility for the conservatorship to the Ongoing deputy. There are two documents that list the tasks, and neither document is posted in the Toolbox. PAGC should consolidate and post the official Probate transfer form in the Toolbox.
3. APS should share all relevant information about the prospective conservatees' environment with PAGC. Probate Deputies should provide status reports to APS social workers. PAGC should modify the Request to Establish Probate Conservatorship referral form so that the social worker can describe safety and environmental issues before the deputy visits the prospective conservatee.
4. PAGC should respond to status update requests from FMS accountants. PAGC should work with FMS and the Santa Clara County Office of the County Counsel to reduce delays associated with court filings.
5. PAGC should engage a professional financial advisor to establish guidelines about how to invest conservatee funds. After determining an appropriate investment model, ensure that a conservatees' investments match that model and periodically rebalance investments as appropriate. Substantial cash holdings that cover more than one year's living expenses should be invested following the appropriate investment model.

Response

1. The task list is posted in the Toolbox.

2. The Probate Transfer Checklist is posted in the Toolbox.
3. PAGC is in the process of coordinating with APS management to complete the Memorandum of Understanding (MOU) revisions. APS agreed to share all relevant environmental information with PAGC staff, and PAGC agreed to provide APS with monthly status. PAGC added a section to the referral form for safety and environmental issues.
4. PAGC staff has been instructed to respond to FMS inquiries within 48 hours. If the information requested by FMS is not yet available, PAGC requires staff to provide status to FMS within one week.
5. PAGC partially agreed with the recommendation to use a professional advisor:

Using a financial advisor can create a risk as the PAGC would be using a conservatee's assets for investment purposes. There is no law or code that insists PAGC invest clients' money. PAGC will complete a risk analysis of investing client's funds.

PAGC also partially agreed with the recommendation that no more than one year's living expenses should be held as cash:

A risk analysis of investing client's funds will be completed over the next year. A safe investment such as a certificate of deposit may be considered for lower asset amounts and will be researched in the next three to six months.

Follow-up

The 2021 Civil Grand Jury followed up on the PAGC response to the report.

1. The Civil Grand Jury requested a copy of the official Deputy/Administrator task list posted in the Toolbox. PAGC sent two versions of the task list, both of which are posted in the Toolbox. This concerns the Civil Grand Jury. When a recently hired deputy or administrator needs to understand their duties, which task list should they follow?

Like the Policies and Procedures, many of the tasks in the list are assigned to both the deputy and the administrator. For example, in the first task list, the deputy initiates the sale of the conservatee's house, but the administrator completes the sale. In the second task list, selling homes is the duty of the administrator "(w/ DPG [deputy])."

2. The Civil Grand Jury recommended posting an official Probate Transfer Form in the Toolbox. The response stated that the Probate Transfer Checklist was posted. The follow-

up requested a copy of the posted form. PAGC sent two forms, the Probate Transfer Checklist and the Probate Transfer Worksheet, both of which are posted in the Toolbox.

3. The Memorandum of Understanding between PAGC and APS has been completed. Deputies provide APS social workers with monthly status reports. The referral form for referring prospective conservatees to PAGC has been updated to include a section where safety and environmental issues (dogs, drugs, weapons, bugs, hoarding, etc.) in the prospective conservatee's home can be noted.
4. PAGC and FMS supervisors meet each month to discuss efficiencies and to review outstanding issues. PAGC staff meet monthly with FMS and County Counsel to review court accounting report schedules and to get status of overdue accounting reports.
5. The Civil Grand Jury requested the results of the risk analysis concerning conservatee investments. PAGC response was that using financial advisors had more disadvantages than advantages because of the burden it would put on FMS and administrators. If PAGC believed a financial advisor was warranted, it would petition the court.

The Civil Grand Jury also asked PAGC for the results of their research into certificates of deposit. PAGC responded that FMS concluded that no change in investments was needed because the County provides rates comparable to certificates of deposit.

As stated in the Civil Grand Jury report, the FMS surveys six local banks every month to find out the interest rates paid on simple savings accounts, which will usually offer a lower rate of return compared to certificates of deposit.

III. West Valley-Mission College District Police Department⁶

Summary of 2019-2020 Report

West Valley College in Saratoga and Mission College in the City of Santa Clara are collectively known as the West Valley-Mission Community College District. The two colleges are patrolled and protected by the West Valley-Mission Community College District Police Department (District Police Department). After receiving a complaint, the 2019-2020 Civil Grand Jury of Santa Clara County investigated why there was a substantial backlog of open cases that had not been addressed by the District Police Department. The Civil Grand Jury concluded that the District Police Department was at a disadvantage for completing police reports in a timely manner due to a lack of a full complement of sworn officers, deficiencies in supervisory actions, deficiencies in officer training, and an outdated procedures manual.

Key Findings

1. Backlog: The police reports backlog undermines confidence in the District Police Department.
2. Automated Report Management System (ARMS) System: Insufficient training was provided for the ARMS police record keeping software. The software itself was not regularly evaluated for effectiveness.
3. Procedures Manual: The incident report section of the Procedures Manual is outdated and does not sufficiently support department personnel in executing their incident reporting and supervisory review duties.

Key Recommendations

1. Backlog: The District Police Department should prioritize police report completion and supervisory review, and assign specific staff to manage the reporting process on an ongoing basis.
2. ARMS System: All staff should be trained or retrained on all aspects of ARMS, including any software upgrades. Management should ensure that ARMS software meets the department's needs and that substantive training takes place.
3. Procedures Manual: The District Police Department should update the Procedures Manual related to incident reporting

⁶ 2019-2020 Civil Grand Jury of Santa Clara County, "West Valley-Mission College District Police Department: 'An Open and Shut Case'," October 26, 2020, http://www.sccscourt.org/court_divisions/civil/cgj/grand_jury_archive.shtml.

Response

1. Backlog: The recommendation has been implemented. The District Police Department updated policy regarding report preparation, completion, submission, and review. Specific staff members were assigned to oversee these processes on an ongoing basis. Further, the District Police Department engaged PRI Management Group (PRI), a police records management firm, to review operations and make recommendations.
2. ARMS System: The recommendation has been implemented. PRI evaluated the ARMS system and training with the ARMS system will be implemented.
3. Procedures Manual: The recommendation has been implemented. PRI recommended changes to the Manual. The District Police Department has updated policy regarding report preparation, completion, submission, and review.

Follow-up

The 2021 Civil Grand Jury conducted a follow-up of the District Police Department's response using these methodologies:

1. Conducting personnel interviews
2. Reviewing PRI's undated report, "West Valley-Mission Community College District Police Records Management Audit" (PRI Report)
3. Reviewing District Police Department's policy documentation
4. Reviewing reports generated from a query of the ARMS System

The follow-up made the following conclusions:

- The PRI Report outlined its findings after a review of department operations and made recommendations for operational changes.
- ARMS training was delayed because of the COVID-19 pandemic, and then resumed with remote training. The District Police Department recently scheduled in-person training.
- Although the District Police Department agreed with the PRI Report's recommendation to replace its ARMS system, the District Police Department is unable to do so at this time due to budget considerations.
- The PRI Report recommended specific language be added to the District Police Department's policies about giving the administrative assistant the authority to modify reports. The substantive recommended changes were made.
- A report provided by the District Police Department and generated by an ARMS query showed only three open cases, all of which were opened in 2021.

- The District Police Department's Report Writing Manual was updated. The manual now states that a lieutenant or designee will conduct a monthly audit of all open cases to assure that all cases are assigned the appropriate status and are moving toward disposition.

Conclusion

The 2021 Civil Grand Jury conducted a follow-up examination concerning the recommendations made in the 2019-2020 Civil Grand Jury's report, "West Valley-Mission College District Police Department: An Open and Shut Case."⁷ The 2021 Civil Grand Jury determined that the District Police Department had implemented the report's three recommendations. The 2021 Civil Grand Jury followed up with the District Police Department to ensure accountability, compliance, and implementation. The Civil Grand Jury verified that the backlog of police reports was resolved and that a process was put in place to promote accurate record keeping.

⁷ 2019-2020 Civil Grand Jury of Santa Clara County,
http://www.sccscourt.org/court_divisions/civil/cgj/grand_jury_archive.shtml.

IV. Transparency in the San José Unified School District: Lessons to be Learned⁸

Summary of the 2019-2020 Report

The 2019-2020 Civil Grand Jury of Santa Clara County examined actions the San José Unified School District (District) took during a project to build employee housing on District-owned property. The subject originated from citizen complaints filed with the Santa Clara County Civil Grand Jury. An investigation was initiated to explore the District's actions, and it uncovered inconsistencies in the District's transparency and openness both to the public and to the Board of Education (Board) as it related to lobbying services provided and activities performed by contract consultants. The potential existed for conflicts of interest because the required review of consultant contracts and disclosures was inconsistent.

Key Findings

- The District misrepresented the lobbying activity that the housing entitlement consultant performed on its behalf.
- The descriptions of the services provided under the consultancy contracts failed to specify lobbying, and therefore the public and the Board were not fully informed as to their purposes.
- The Board has no legislative advocacy plan so state lobbying efforts are directed solely by District staff without appropriate Board oversight or public awareness.
- The District has no discernable method to analyze its hundreds of contracts to determine which contractors are consultants subject to financial disclosure laws.

Key Recommendations

- The Board should provide clear direction on transparency, truthfulness, and accuracy in contracting and communications with the public.
- The District should revise its contracting procedures to require that lobbying service agreements clearly and explicitly describe the lobbying activities for the Board's and public's knowledge.
- The District should revise its agenda procedures to require that the Board and public receive timely and understandable notice of any action on lobbying service agreements.

⁸ 2019-2020 Civil Grand Jury of Santa Clara County, "Transparency in the San José Unified School District: Lessons to Be Learned," December 17, 2020, http://www.sccourt.org/court_divisions/civil/cgj/grand_jury_archive.shtml.

- The District should specifically agendaize each lobbying effort in a way that is transparent to the Board and the public so the District’s position on legislative matters is transparent.
- The District should have a method in place to review current and future contracts to determine whether the contractor qualifies as a consultant under the Fair Political Practices Commission.
- The District should notify its appropriate contractors of the contractors’ obligation to file a Form 700 to meet the guidelines required by the Fair Political Practices Commission.

Response

In their response to the 2019-2020 Civil Grand Jury report, the District thanked “...the Grand Jury for impliedly approving the District’s proposed employee housing project (Project).”⁹ However, the 2019-2020 Civil Grand Jury report did not address the merits of the District’s Project. Approvals of agency actions are explicitly documented in a Civil Grand Jury report and take the form of a commendation. No commendations were issued in the 2019-2020 Civil Grand Jury report regarding the Project.

In their response to the report, the District disagreed with all four findings identified by the Civil Grand Jury. As required by statute, the District identified which portions they disputed and explained why they disagreed with the Civil Grand Jury’s findings.

In Civil Grand Jury reports, the findings are generally accompanied by recommendations. The District agreed to implement three of the six recommendations. Responding to the first accepted recommendation, the District agreed to include the term “lobby” in the scope of services for future contract consultants who provide lobbying services and activities. For the second accepted recommendation, the District agreed to conduct a detailed review of consultant contracts and to include a requirement for consultants to disclose possible conflicts of interest. For the third accepted recommendation, the District agreed to review current consultant contracts to determine on a case-by-case basis whether a consultant is required to complete Form 700, “Statement of Economic Interest.”

Follow-up

The 2021 Civil Grand Jury conducted a follow-up review of the District’s response using three methodologies:

- 1) Attending regular Board meetings
- 2) Conducting personnel interviews
- 3) Requesting relevant contract and financial documentation

⁹ San José Unified School District, “Responses to Civil Grand Jury’s December 17, 2020 Report,” March 15, 2021, p. 1, http://www.scscourt.org/court_divisions/civil/cgj/grand_jury_archive.shtml

During the follow-up review, the Civil Grand Jury discovered that the District had not identified a timeframe by which they would implement the three accepted recommendations. Agencies responding to a Civil Grand Jury report are required by statute to include a timeframe in which they intend to implement any recommendation they have accepted.¹⁰ Despite not identifying an implementation timeframe, the District complied with the Civil Grand Jury’s recommended completion date of July 2021.

The District implemented the recommendations by adopting an independent contractor and consultant services agreement template. The new agreement requires disclosures of lobbying and conflict of interests to the Board for review and approval. [Figure 1](#) below shows a recent example of the new contractor certification from a Board-approved service agreement.¹¹ On August 12, 2021, during a Board general meeting, District staff provided the Board and the public this implementation solution and the certification template.¹²

¹⁰ California Penal Code § 933.05, accessed September 8, 2021, http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=933.05.&lawCode=PEN.

¹¹ San José Unified School District, Regular Session Board Meeting, August 12, 2021, Agenda Item M.6, “Service Agreement with The Cascade Group (ACTION),” https://simbli.eboardsolutions.com/SB_Meetings/ViewMeeting.aspx?S=36030421&MID=7556.

¹² Ibid., Agenda Item N.4, “Update on Recommendations from 2019-2020 Santa Clara County Civil Grand Jury Report.”

Lobbyist Certification. Contractor and/or Contractor Parties shall at all times during the term of this Agreement, comply with the lobbyist certification requirements as required by this Agreement and as set forth below. Specifically, by checking the applicable box below, Contractor hereby represents and warrants to District the following:

- Contractor and/or Contractor Parties are not a "Lobbying Coalition," "Lobbying Firm," "Lobbyist" or "Lobbyist Employer" as those terms are defined in the Political Reform Act of 1974 (Gov. Code §§ 81000) (collectively "Lobbyist") and are not performing Services hereunder that would require registering as a Lobbyist.
- Contractor and/or Contractor Parties Services hereunder shall or may include lobbying. Contractor and/or Contractor Parties shall comply with all applicable District, local, state and/or federal policies, rules, regulations, statutes and requirements governing Lobbyists.

Contractor shall maintain on file registering and reporting records for Lobbyists. These records shall be regularly maintained and updated by Contractor and shall be available to District upon request or audit.

Conflict of Interest Certification. Contractor and/or Contractor Parties shall at all times comply with the conflict of interest requirements as required by this Agreement and as set forth below. Specifically, by checking the applicable box below, Contractor hereby represents and warrants to District the following:

- Contractor and/or Contractor Parties have read and understand the District's Conflict of Interest Code (Board Bylaw 9270) and, to the best of Contractor's knowledge, there are no conflicts of interest that must be disclosed pursuant to the Conflict of Interest Code.
- Contractor and/or Contractor Parties have read and understand the District's Conflict of Interest Code and, Contractor knows or has reason to believe that Contractor has a conflict of interest that requires disclosure and Contractor and/or Contractor Parties shall comply with the applicable disclosure requirements of the District's Conflict of Interest Code.

Contractor shall maintain on file statements of economic interests in accordance with applicable disclosure requirements. These records shall be regularly maintained and updated by Contractor and shall be available to District upon request or audit.

Figure 1. Contractor Certifications

Conclusion

The 2021 Civil Grand Jury conducted a follow-up review to determine whether the three recommendations the District had accepted had been implemented. The Civil Grand Jury learned that the District did not understand its legal obligation to specify an implementation timeframe in its response to recommendations.¹³ However, through the course of the review, the 2021 Civil Grand Jury determined that the District would implement the three recommendations by the date the 2019-2020 Civil Grand Jury had recommended.

The role of the 2021 Civil Grand Jury in its review of the District's actions was to ensure accountability, compliance, and implementation. The Civil Grand Jury verified that a process was put in place to promote transparency and openness regarding contract consultant lobbying and conflicts of interest.

¹³ San José Unified School District, Special Session Board Meeting.m4a recording, March 2, 2021, <https://sjusd.app.box.com/v/boardmeetingaudio/folder/128074739243>.

V. Why Aren't There More Female Firefighters in Santa Clara County?¹⁴

Summary of 2019-2020 Report

Santa Clara County is served by nine fire departments comprising 96 fire stations and nearly 1,500 firefighters. Of those nearly 1,500 firefighters, only 4% are female which is disproportionate to the gender composition of the County. This is also well below the 17% recommended by the *National Report Card on Women in Firefighting*.¹⁵ The 2019-2020 Civil Grand Jury sought to find out why this discrepancy in representation was present among the ranks of the County's firefighting services. The Civil Grand Jury narrowed the scope of their report to focus on four fire departments in the County (Mountain View, Palo Alto, Santa Clara County Central Fire Protection District, and San José), conducting interviews, surveying hiring data, and researching local and nationwide data on the recruitment and retention of female firefighters. They concluded that the absence of female firefighters in the region was generally a result of insufficient female recruitment, gender bias, and lack of inclusivity.

Key Findings

- 1) **Recruitment:** There was a lack of effort to recruit female firefighter candidates across the board (Mountain View was the exception, having made specific efforts to recruit female candidates since 2015).
- 2) **Mentoring:** Mentor programs in the four departments were ill-defined and not well supported.
- 3) **Opportunity for Promotion:** Despite the small size of the pool of women firefighters, the departments were promoting women to management positions.
- 4) **Accommodations:** There was a lack of gender-separate accommodations for bathing, sleeping, and dressing in certain fire stations.
- 5) **Work Environment:** While each department had a non-discriminatory policy, the low numbers of women coupled with the unique challenges of fire service made reporting discrimination and/or harassment more difficult for women.

¹⁴ 2019-2020 Civil Grand Jury of Santa Clara County, "Why Aren't There More Female Firefighters in Santa Clara County?" December 17, 2020, http://www.sccscourt.org/court_divisions/civil/cgj/grand_jury_archive.shtml.

¹⁵ Denise M. Hulett et al., *A National Report Card on Women in Firefighting*, April 2008, p.1, accessed November 24, 2021, <https://www.womeninfire.org/wp-content/uploads/2014/07/35827WSP.pdf>.

Gear: Ill-fitting uniforms and gear hindered female firefighters in their duties and left them at a disadvantage when compared to their male colleagues.

Key Recommendations

- 1) Recruitment: Palo Alto, Santa Clara, and San José Fire Departments should develop, fund, and implement a plan to increase recruiting efforts of female firefighters.
- 2) Mentoring: The Fire Departments should develop, fund, and implement mentoring programs.
- 3) Opportunity for Promotion: No recommendation.
- 4) Accommodations: Each department should develop its own plans to create better privacy in fire stations for firefighters.
- 5) Work Environment: The Fire Departments should develop city- or county-approved plans that focus on addressing the challenges of the fire service workplace for women.
- 6) Gear: The Fire Departments should make correctly fitting uniforms for women available and in sufficient supply.

Response

Overall, the fire departments that were a subject of the report agreed with most of the Civil Grand Jury's findings and agreed to all of its recommendations. Some recommendations needed further analysis.

San José disagreed partially with some of the findings, and wholly with Finding 5 (Work Environment). They cited the city's discrimination and harassment policy, the annual sexual harassment training, and the whistleblower hotline for reporting complaints as reasons for their disagreement. Despite this, they agreed to implement Recommendation 5.

Mountain View disagreed with Finding 4 and Recommendation 4 (Accommodations), calling the latter "unwarranted and ... not reasonable," noting current availability of gender-separated living spaces for certain stations and a lack of funding for others. They did, however, state that future stations would conform with the recommendation and that existing stations would be remodeled should funding become available.

Follow-up

In October 2021, the 2021 Civil Grand Jury sent requests to each of the departments, asking for an update to the department's plans for implementation of the recommendations outlined in the report.

Recommendation 1: Recruitment

- *Santa Clara County Fire Protection District* – The District is commended for its outreach efforts, such as contacting other fire departments to determine successful recruitment techniques, developing recruitment videos, and increasing the number of interviewees for open positions. These outreach efforts were spearheaded by the newly created IDEA Committee (Inclusion, Diversity, Equity and Accountability) which is developing new plans for recruitment and mentorship while also reviewing gender-based workplace issues. The IDEA Committee is well funded, and the department is receptive to their recommendations.
- *San José Fire Department* – The Department did not address its plans for the recruitment of female firefighters, other than continuing its annual one-day Women’s Boot Camp Event.
- *Mountain View Fire Department* – No response was required from the Mountain View Fire Department.
- *Palo Alto Fire Department* – The department reported their hiring freeze has been lifted and new firefighters are being recruited. The City Council approved \$50,000 in its Fiscal Year 2022-2023 budget to improve candidate diversity in fire department hiring.

Recommendation 2: Mentoring

- *Santa Clara County Fire Protection District* – The IDEA Committee has started a work plan. However, because of current recruitment efforts, review of its mentorship approach will be revisited after the conclusion of these recruitment efforts.
- *San José Fire Department* – The Department reported that during the pandemic it had suspended diversity recruitment outreach efforts at educational institutions and other organizations. It did not respond to questions about when these efforts would resume, or questions about the development of a mentoring plan.
- *Mountain View Fire Department* – The Department provided all the material and information requested by the Civil Grand Jury. The Department also reported mentorship efforts in connection with annual evaluations.
- *Palo Alto Fire Department* – The Guiding Principles of the Department’s mentoring program have not been updated. There are two women in the current class of the Department’s Cadet Firefighter program at the College of San Mateo, and 50% of the applicants for the next class

are female. The Fire Chief discusses career goals and paths with probationary firefighters, and female firefighters are encouraged to participate in the International Association of Women in Fire and Emergency Services.

Recommendation 4: Accommodations

- *Santa Clara County Fire Protection District* – The District provided its 2020 Facilities Master Plan in its response. This plan includes private dormitories and gender-neutral bathrooms when possible. Gender-neutral restrooms and private dorm rooms will be provided in the rebuilding of Redwood Fire Station (projected completion October 2022), Quito Station (projected completion June 2024), Seven Springs Station (projected completion Fall 2023), El Monte Station (owned by Los Altos Hills Fire Protection District, planning will begin in fiscal year 2021), and Winchester Station (design work projected to begin in fiscal year 2023). The new administrative headquarters will include gender-neutral bathrooms and a lactation room (projected completion November 2022). Santa Clara County Fire Protection is commended for its focus on privacy in accommodations for all firefighters.
- *San José Fire Department* – Employee concerns regarding workplace privacy conditions were solicited by the Department through an internal anonymous survey in February 2021. The Department evaluated fire station privacy conditions and related employee concerns and reported on the results to the City Manager and City Council in March 2021. Subsequently, the Fire Chief convened a meeting of key staff to discuss fire station privacy and identify action items. While the Department’s comprehensive Facilities Master Plan is not yet completed, efforts to strengthen fire station privacy conditions are in progress. Stations where privacy can be improved have been identified and site-specific solutions are advancing. These solutions focus on strengthening privacy in common area sleeping quarters through the installation of partitions. This work has been completed at Fire Station 3 and is planned for other fire stations with similar sleeping quarter configurations.
- *Mountain View Fire Department* – Because of the pandemic, plans for updating Fire Station No. 4 had been delayed, though the Department is hoping to start construction by Fall 2022. Funding for other remodeling work is currently unavailable.
- *Palo Alto Fire Department* – A request for an accommodation review at Station 8 has been submitted by the department, which will take place before the end of 2021. Plans with Stanford University are in progress for Station 6. The newly built Station 3 has separate dormitory rooms, but the construction of Station 4 has been postponed due to budget constraints.

Recommendation 5: Work Environment

- *Santa Clara County Fire Protection District* – The IDEA Committee reviewed the recommendation and determined there was no further need for action.
- *San José Fire Department* – Key staff met in March 2021 to establish a work plan to identify gender-based workplace issues and actionable items.
- *Mountain View Fire Department* – The Department provided documents referred to in their response to the report. Two of these documents were updated in 2016, while the “Career Development Plan” was dated August 2020. The documents confirm that the recommendation was implemented.
- *Palo Alto Fire Department* – The Department provided Palo Alto’s 2005 Anti-Harassment policy.

Recommendation 6: Gear

- *Santa Clara County Fire Protection District* – Different brands of smaller sized gloves have been purchased and offered to personnel.
- *San José Fire Department* – Key personnel met to consider the recommendation and determined that uniform options were available for female personnel. However, further research has been initiated regarding gloves and wildland boots.
- *Mountain View Fire Department* – As requested, the uniform contractors used by the department were identified.
- *Palo Alto Fire Department* – There is one female member in the Department’s five-member Uniform Committee.

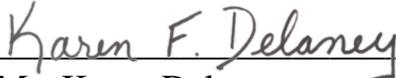
APPENDIX: Summary of Responses to the 2019-2020 Reports

2019 -2020 CIVIL GRAND JURY REPORT FOLLOW-UPS:	RESPONDING AGENCY	FINDINGS		RECOMMENDATIONS			
		Agree	Disagree	Implementation Status			
				Has Been Implemented	Will Be Implemented	Requires Analysis	Will Not Be Implemented
The Case of the Felonious Process Server	County of Santa Clara	1a, 1b			1		
Conservatorships Revisited	County of Santa Clara	1, 2, 4, 5, 6, 7a, 7b, 9, 11a, 11b, 11c, 15a, 15b, 17a (partial), 17b (partial), 17c (partial), 19 (partial) 20 (partial)	10				
West Valley-Mission Community College District Police Department: “An Open and Shut Case”	West Valley- Mission Community College District Board of Trustees	1, 2, 3		1, 2, 3			

CONTINUITY REPORT

2019 -2020 CIVIL GRAND JURY REPORT FOLLOW-UPS:	RESPONDING AGENCY	FINDINGS		RECOMMENDATIONS			
		Agree	Disagree	Implementation Status			
				Has Been Implemented	Will Be Implemented	Requires Analysis	Will Not Be Implemented
Transparency in the San José Unified School District: Lessons to Be Learned	San José Unified School District Board of Trustees		1, 2, 3, 4		2a, 4a, 4b		1, 2b, 3
Why Aren't There More Female Firefighters in Santa Clara County?	City of Mountain View	1b, 2, 3, 5 (partial), 6	4a	1b, 2, 5, 6			4a
	City of Palo Alto	1a, 2, 3, 4b, 5	6	2, 4b, 5, 6	1a		
	Santa Clara County Central Fire Protection District	1a, 2, 3, 4a, 5	1, 2, 6	5, 6	4c		
	City of San José	6	1a (partial), 2 (partial), 3 (partial), 4a (partial), 5		2, 4d, 5	1, 6	

This report was **ADOPTED** by the 2021 Civil Grand Jury of Santa Clara County on this 13th day of December, 2021.


Ms. Karen Delaney
Foreperson