



COUNTY OF SAN BENITO BOARD OF SUPERVISORS

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September 8, 2015

The Honorable Steven Sanders
Presiding Judge
Superior Court of California, County of San Benito
450 Fourth Street
Hollister, CA 95023-3833

Dear Judge Sanders:

Attached are the formal responses to the Grand Jury Report for FY 2014/15. The Board of Supervisors is responding to the following reports:

- Board of Supervisors – Grand Jury Law Interpretation
- San Benito County Interim Department Head Appointments
- Southside Housing Center
- Commercial Lease Agreement
- Behavioral Health Department
- District Attorney's Department
- Jail Review
- Juvenile Hall Report

The Board of Supervisors also agrees with the detailed response of the Sheriff, District Attorney and Chief Probation Officer. Reports are attached

This response fulfills Penal Code Section 933 that mandates a response to the Grand Jury Report within 90 days of the report.

Again, the Board of Supervisors appreciates the Grand Jury for their continued dedication and service to the community.

Sincerely,

Attachments:

San Benito County responses (as bulleted above)
Copy of Sheriff's response dated August 14, 2015
Copy of Chief Probation Officer's response dated July 23, 2015
Copy of District Attorney's response dated July 23, 2015

Margie Barrios, Chair



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September 8, 2015

To: Honorable Steven R. Sanders, Presiding Judge
Superior Court of California, County of San Benito

Response From: San Benito County Board of Supervisors
County Administrative Officer, Ray Espinosa
County Counsel, Matthew Granger
Director of Human Resources, Georgia Cochran (Interim)

Subject: Response to San Benito County Grand Jury Report for FY 2014-2015 in Reference to "Grand Jury Law Interpretation", "San Benito County Interim Department Head Appointments", "Southside Housing Center" and "Commercial Lease Agreement", "Behavioral Health Department", "District Attorney's Department", "Jail Review", and "Juvenile Hall Report"

This joint letter contains San Benito County's formal response to the Grand Jury Report for FY 2014-15 specifically relating to the "Grand Jury Law Interpretation", "San Benito County Interim Department Head Appointments", "Southside Housing Center" and Commercial Lease Agreement, "Behavioral Health Department", "District Attorney's Department", "Jail Review", and "Juvenile Hall Report"

This response fulfills Penal Code Section 933 that mandates a response to the Grand Jury Report within 90 days of the report.

1. GRAND JURY LAW INTERPRETATION

Finding #1

The Civil Grand Jury is an extension of the Superior Court. State Legislation requires each county to provide an operating budget for a civil grand jury.

Response to Finding #1

The Board of Supervisor agrees that the Civil Grand Jury (CGJ) is an extension of the Superior Court, and the State legislation requires each county to provide an operating budget for a civil grand jury.

Finding #2

The Civil Grand Jury works through committees to investigate civil matters and "attending court" (meetings of the full grand jury) takes a relatively small part of its time.

Response to Finding #2

The Board of Supervisors agrees that the Civil Grand Jury works through committees to investigate civil matters and the meetings of the full grand jury take a relatively small part of its time.

Finding #3

Penal Code 931 provides that jurors (and experts) be compensated and mileage be reimbursed for investigative activities, including committee meetings, interviews, and tours, even if less than the full grand jury is in attendance.

Response to Finding #3

The Board of Supervisors disagrees with the Civil Grand Jury Interpretation of the Penal Code 931. Penal Code 931 must be read in conjunction with Penal Code 890, so that the "expenses" referenced Penal Code 931 shall mean "allowable expenses", not "any expenses".

Finding #4

Penal Code 890 provides a floor for compensation, but it is now the ceiling in San Benito County. Amending county code 3.01.012 by the Board of Supervisors provides for minimum compensation paid to the Civil Grand Jury and leaves no provision for a realistic budget.

Response to Finding #4

The Board of Supervisors agrees with the Civil Grand Jury Interpretation of the Penal Code 890 but disagrees with the Grand Jury's opinion that it is not a realistic budget.

Finding #5

An internal audit of the Civil Grand Jury management of the 2014/15 budget was performed. Reduction of the number of grand jury members is not allowed by state law and therefore is not a method for budget control. Several areas are identified to apply cost controls:

- a. Cut plenary Civil Grand Jury meetings from 4 to 2 per month.
- b. To be eligible for stipend compensation, committee meetings must be a minimum of 2 hours in length (but tours, interviews, all associated round-trip mileage should always be compensated).
- c. Eliminate paid non-specific general interest attendance at county or city agency meetings.

Response to Finding #5

The Board of Supervisors agrees with the findings that the reduction of the number of Grand Jury members is not allowed by State law and therefore is not a method of budget control. The Board of Supervisors does not have independent knowledge of the internal audit and agrees that Items a, b and c are possible ways to control costs. However, the Board of Supervisors does not possess the authority to determine how the Civil Grand Jury conducts business in order to stay within the allocated budget.

Finding #6

Per the Board of Supervisors Budget Unit 203, "Public Protection," FY 14/15, top concerns were recruitment and outreach. The result of amending county code 3.01.012 on 3/17/15 is as follows: Recruitment and retention of Civil Grand Jury members will be more challenging, number and quality of investigations will be reduced and/or compromised, and the overall effectiveness of the Civil Grand Jury will suffer.

Response to Finding #6

The Board of Supervisors disagrees. The verbiage on page 116 is from the departments themselves and not the thoughts of the Board of Supervisors. It is used to inform the Board of Supervisors and the public of their concerns. The Civil Grand Jury also states the result of amending county code 3.01.012 on 3/17/15 will compromise the recruitment/retention of members; number/quality of investigations; and

the overall effectiveness of the Civil Grand Jury. These statements are the opinions of the Civil Grand Jury, and cannot be verified. Recruitment is not the Board of Supervisors area of responsibility. Nonetheless, the Board of Supervisors believes that the Grand Jury can recruit members, perform a number of high-quality investigations, and be continue to be fully-effective even with the amendments in the compensation in effect.

Finding #7

Per the Board of Supervisors Budget Unit 203, "Public Protection," FY 14/15, the grand jury is provided support by the County and/or court employees. The Board of Supervisors approved a measure in 1999 to provide a secure location to house the Civil Grand Jury. As of now there is no such location.

Response to Finding #7

The Board of Supervisors disagrees that there is no secure location to house the Civil Grand Jury. The County provides a meeting room for the Civil Grand Jury at the 2301 Technology Parkway Sheriff/Public Works & Planning building. The meeting room can be locked from the inside, and private business conducted. There is also a locked filing cabinet for the exclusive use of the Civil Grand Jury. County Administration and Public Works has been investigating the possibility of enclosing a section of the area adjacent to the meeting room as additional office space for county business that the Civil Grand Jury would be welcome to use, and store in private filing cabinets. Unfortunately, limited staffing and resources have delayed further action. At the time of this response preparation, the Board of Supervisors does not have knowledge of the referenced measure in 1999.

Recommendations - 1

Recommendation #1

The Board of Supervisors should solicit a recommended budget from the Civil Grand Jury annually.

Response to Recommendation #1

Status – IMPLEMENTED. The County Administrative Officer received and reviewed the FY15/16 Requested Budget from the Civil Grand Jury as part of the annual budget process.

Recommendation #2

The county should provide stipends and mileage reimbursement for all grand jury investigation activities, including committee meetings, interviews, and tours.

Response to Recommendation #2

Status – WILL NOT BE IMPLEMENTED. On 3/17/15, the Board of Supervisors adopted County Code 3.01.012, that includes stipends and mileage to meetings of the full grand jury. This determination was based on PC 890.

Recommendation #3

Amend county code to comply with Penal Code 931. The Grand Jury budget and related county ordinances should provide for such payments.

Response to Recommendation #3

Status – WILL NOT BE IMPLEMENTED. The County code currently complies with PC 890 and Penal Code 931.

Recommendation #4

Rescind the changes made on 3/17/15 to county code 3.01.012 and include mileage reimbursement for all meetings, including full grand jury meetings, to comply with Penal Code 890.

Response to Recommendation #4

Status – WILL NOT BE IMPLEMENTED. County Code Section 3.01.012 will not be rescinded, Section 3.01.012 complies with the requirements set forth in Penal Code 890.

Recommendation #5

Adopt budget proposed for FY 2015-2016 in Appendix.

Response to Recommendation #5

Status – WILL NOT BE IMPLEMENTED. The County reviews and analyzes each individual department's requested budget, and meets with each department to gain a better understanding of those requests. The requests are always greater than the resources and most budgets are approved with amendments to those requests.

Recommendation #6

The Board of Supervisors should state their outreach and recruitment strategy for the Civil Grand Jury.

Response to Recommendation #6

Status – WILL NOT BE IMPLEMENTED. It is not the responsibility of the Board of Supervisors to be involved in the outreach or recruitment of the Civil Grand Jury members.

Recommendation #7

- a. Provide a location and size
- b. Provide office supplies, furniture and equipment
- c. Provide itemized budget
- d. Provide a date of completion

Response to Recommendation #7

- a. Status – IMPLEMENTED. The Civil Grand Jury has a meeting at 2301 Technology Parkway.
- b. Status – IMPLEMENTED. The Civil Grand Jury is reimbursed for office supplies. The meeting room at 2301 Technology Parkway has furniture and a locked file cabinet is provided.
- c. Status – IMPLEMENTED. The Civil Grand Jury has an approved line item budget for FY 15/16.
- d. Status – WILL NOT BE IMPLEMENTED. The Civil Grand Jury has been provided accommodations. Many departments and infrastructures with the County have unmet needs and desires. The County has limited staff and resources available at this time to address them.

2. SAN BENITO COUNTY INTERIM DEPARTMENT HEAD APPOINTMENTS

Finding #1

Interim directors currently make up thirty percent (30%) of the county department directors.

Response to Finding #1

The Board of Supervisors disagrees with this finding; as of August 17, 2015, the County has only one vacant department head position.

Finding #2

Two of the interim directors work full time (40 hours) and one interim director works part time (20 hours) per week.

Response to Finding #2

The Board of Supervisors disagrees with this finding. The single remaining interim director works approximately 20 hours per week.

Finding #3

Cost to the county is twelve percent (12%) higher for the interim directors than the pay, including benefits, listed for the position for a regular county employee director.

Response to Finding #3

The Board of Supervisors disagrees with this finding. Each interim director has had a different rate of pay. Some past interim directors had a cost less than the salary of a regular director and others had/have a higher cost; it is a function of supply and demand for services.

Recommendations - 2

Recommendation #1

None

Response to Recommendation #1

None required

Recommendation #2

None

Response to Recommendation #2

None required.

Recommendation #3

The Board of Supervisors (BOS) needs to develop an organization plan that will address the issue of leadership succession and the development of talent within county government. Plan to promote from within.

Response to Recommendation #3

This recommendation will not be implemented at this time. The County is currently updating all of its policies, procedures, and other legally required mandates. The County provides a variety of sources for training and development of staff, but must first review all legal mandates related to employee benefits, training, and other requirements.

3. SOUTHSIDE HOUSING CENTER

Finding #1

The Family Migrant Housing Center is funded by the State of California, operated by H&HSA.

- a. SBC receives approximately 20% as administrative fees.
- b. There is no adverse financial impact to SBC.

Response to Finding #1

Agree

Finding #2

Laundry facilities equipment and fixtures show considerable wear.

Response to Finding #2

Board of Supervisors disagrees with this finding – This description is subjective to the inspector's point of view. The State of California has not found this to be an issue.

Finding #3

There are no restroom facilities available for the recreational areas.

Response to Finding #3

Agree

Recommendation - 3

Recommendation #1

None

Response to Recommendation #1

None required

Recommendation #2

Laundry facilities should be remodeled to include upgraded equipment (see appendix).

Response to Recommendation #2

WILL NOT BE IMPLEMENTED - The County works with the State of California in determining needed upgrades. At this point, this item has not been added to the list of improvements to be funded.

Recommendation #3

Provide portable restroom in playground area during summer months (see appendix).

Response to Recommendation #3

WILL NOT BE IMPLEMENTED. The recreational area of the Southside Housing Center is primarily provided for the residents of the facility. The residents have access to the bathroom facilities located upon the premises. Outside organizations contracting with the facility, are required to provide necessary health and safety provisions for their participants.

4. HOMELESS COALITION – SOUTHSIDE HOUSING CENTER

Finding #4

There is no cost to SBC for the operation of the dormitories.

Response to Finding #4

Agree

Finding #5

SBC is responsible for capital improvements.

- a. SBC receives grant money for upgrading the new construction of facilities.
- b. There appears to be very little coordination between the H&HSA and FLA concerning the placement of new facilities.

Response to Finding #5

Agree with A. Disagree with B. The County consistently coordinates with the FLA.

Finding #6

The bathrooms have deficiencies (see appendix).

- a. Structural problems such as poor drainage.
- b. Privacy curtains in lieu of doors.

Response to Finding #6

The Board of Supervisors disagrees with item a. County staff routinely inspects drainage and makes repairs as needed. The Board agrees there are privacy curtains, but disagrees that they are deficient.

Finding #7

The walls in the rooms used by the HC will be replaced for the 2015 season, restoring the dormitory to its original condition.

Response to Finding #7

Agree – But depends on future need for a Winter Homeless Shelter.

Finding #8

The dormitory electric service is inadequate, with only a 70 amp service for the entire building, and one 15 amp outlet in each room. Thus, occupants' unrestricted use of small electrical appliances is not feasible.

Response to Finding #8

The Board of Supervisors disagrees and believes electrical service is adequate at this time for approved usage based on limited funding for replacement.

Finding #9

Lockers are being added to rooms.

Response to Finding #9

Agree. FLA is in the process of completing this project.

Finding #10

Kitchen sinks are too small for washing large pots.

Response to Finding #10

Disagree – County believes sinks are adequate and meet county code.

Recommendations - 4

Recommendation #4

None

Response to Recommendation #4

None required

Recommendation #5

FLA and its on-site manager should be consulted when capital improvements are planned.

Response to Recommendation #5

IMPLEMENTED. FLA and on-site manager are consulted when capital improvements are planned.

Recommendation #6

Bathroom deficiencies should be corrected.

Response to Recommendation #6

IMPLEMENTED – Drainage problems are routinely maintained and repaired as necessary.

WILL NOT BE IMPLEMENTED – The curtains will remain at this time.

Recommendation #7

None

Response to Recommendation #7

None required

Recommendation #8

Ensure dormitory electrical service is code compliant.

Response to Recommendation #8

IMPLEMENTED. The electrical service is code compliant at this time.

Recommendation #9

None

Response to Recommendation #9

None required

Recommendation #10

Upgrade kitchen to optimize use.

Response to Recommendation #10

IMPLEMENTED – The kitchen is considered optimal at this time. No additional changes to the sink are planned to be implemented at this time.

5. COMMERCIAL LEASE AGREEMENT

Finding #1

SBC's consultants have relied on GAAP to justify the lease as "operational," whereas SBC as a government agency receiving reimbursement from state and federal sources should use FASB/GASB to determine the type of lease.

Response to Finding #1

The County partially agrees with Finding #1. The County like all other local and state jurisdictions relies on Governmental GAAP to provide the accounting and financial reporting guidance for its respective governmental activities. Governmental GAAP is defined as the hierarchy of Generally Accepted Accounting Principles that serves as the comprehensive guidance provided by the Governmental Accounting Standards Board (GASB); the pertinent statements issued by the Financial Accounting Standards Board (FASB); and, other accounting and auditing rule-making authorities recognized by the profession. The GASB issued an exposure draft specific to this subject, "The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments" to help clarify governmental GAAP. The County has properly determined classification of the subject lease as operational and relied on Financial Accounting Standards Board (FASB) statement FAS 13 and Governmental Accounting Standards Board (GASB) statement 62 concerning leases for this determination.

Finding #2

Identifying the commercial lease agreement between SBC and CSDC to the state is an operational lease for purposes of reimbursement is in violation of FASB 13 and GASB 62. This is specifically due to the bargain term agreement which extends the term of the lease to 129 years. This exceeds 75% of the estimated economic life of the building, and thus qualifies the lease as a "capital" lease since its inception.

Response to Finding #2

The County does not agree with Finding #2. The County does not agree with the Grand Jury interpretation of what constitutes a violation of FAS 13 and GASB 62 with regard to proper classification of the subject lease. Using the guidance of FAS 13 and GASB 62, the County's position is that the subject lease is properly classified as an operational lease. The County does not agree with the Grand Jury interpretation of what constitutes compliance with FAS 13 and GASB Statement 62, as it concerns the

proper classification of the subject lease. The historical decision to classify the lease as operational instead of capital was based on the professional judgment of trained professionals on the specific language of the lease and the application of FASB 13 and GASB 62 guidance. The operational lease classification has been upheld by the County's independent auditors for twenty-two years; however, the distinction between "operational" and "capital" as defined by the FASB 13 and GASB 62 may soon be moot. The preliminary views and language of the first Exposure Draft by the International Accounting Standards Board (IASB) and FASB on the subject of leases calls for all operating leases greater than one year to be capitalized. The capitalization of operational leases is likely to be required when the guidelines are formally adopted by the accounting rule-making body. As it has always done, the FASB would issue an implementation guide to direct how local and state governments would report the change in lease classification. With the knowledge that this change is coming, the recommendation to remove from the lease the option to extend the lease terms at this time is unnecessary and misguided. The current 30 year-term of the lease is scheduled to expire on June 30, 2023. At the County's option, the lease term may be extended for an additional 99 years but the County will never own the building under this lease agreement. This is not a bargain-purchase buyout because the title of the property never transfers to the County. The County is weighing all of its options for the housing and efficient delivery of services of the various County departments that include the outright purchase of this or another facility; the building of a new facility; and, the exercise of the existing 99 year lease option. At this time, the County has not made a definitive decision to exercise the additional lease term option or to pursue other opportunities. The County would like to keep this option open as it considers the future housing needs of its departments and efficiency of service delivery to the public that it serves. It is in the best interest of the County and the public that it serves to maintain and consider all of its available options as it considers how best to allocate its limited resources.

Recommendation - 5

Recommendation #1

As a governmental entity, San Benito County accounting practices should comply with FASB/GASB, not with GAAP which are standards set for non-governmental entities.

Response to Recommendation #1

ALREADY IMPLEMENTED. The County must continue to follow Governmental GAAP. Governmental GAAP is defined as the comprehensive guidance provided by the rule-making bodies of the Financial Accounting Standards Board (FASB), Governmental Accounting Standards Board (GASB), and other accounting and auditing rule-making authorities recognized by the profession. The County like all other local and state jurisdictions relies on Governmental GAAP to provide the accounting and financial reporting guidance for its respective governmental activities. The GASB issued an exposure draft dedicated to the explanation of this subject, "The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments" to help clarify the meaning of governmental GAAP.

Recommendation #2

San Benito County government must assure the community that it will move immediately to come into compliance with FASB 13 and GASB 62. The simplest way to accomplish this is to remove from the lease the option to extend the lease for additional 99 years at a rate of \$1 per year.

Response to Recommendation #2

WILL NOT IMPLEMENT. Using the guidance of FAS 13 and GASB 62, the County's position is that the subject lease is properly classified as an operational lease. The County does not agree with the Grand Jury interpretation of what constitutes compliance with FAS 13 and GASB Statement 62, as it concerns

the proper classification of the subject lease. The historical decision to classify the lease as operational instead of capital was based on the professional judgment of trained professionals on the specific language of the lease and the application of FASB 13 and GASB 62 guidance. Additionally, the operational lease classification has been upheld by the County's independent auditors for twenty-two years; however, the distinction between "operational" and "capital" as defined by the FASB 13 and GASB 62 may soon be moot. The preliminary views and language of the first Exposure Draft by the International Accounting Standards Board (IASB) and FASB on the subject of leases calls for all operating leases greater than one year to be capitalized. The capitalization of operational leases is likely to be required when the guidelines are formally adopted by the rule-making body. As it has customarily done, the FASB would issue an implementation guide to direct how local and state governments would report the change in lease classification. With the knowledge that this change is coming, the recommendation to remove from the lease the option to extend the lease terms at this time is unnecessary and misguided. The current 30 year-term of the lease is scheduled to expire on June 30, 2023. At the County's option, the lease term may be extended for an additional 99 years but the County will never own the building under this lease agreement. This is not a bargain-purchase buyout because the title of the property never transfers to the County. The County is weighing all of its options for the housing and the efficient delivery of services of the various County departments that include the outright purchase of this or another facility; the building of a new facility; and, the exercise of the existing 99 year lease option. At this time, the County has not made a definitive decision to exercise the additional lease term option or to pursue other opportunities. The County would like to keep this option open as it considers the future housing needs of its departments and efficiency of service delivery to the public that it serves. It is in the best interest of the County and the public that it serves to maintain and consider all of its available options as it considers how best to allocate its limited resources.

6. BEHAVIORAL HEALTH DEPARTMENT

Finding #1

This department has received many complaints regarding improper medical prescriptions written by psychiatrists. Complaints come from multiple individuals. Management seems unable or unwilling to confront and correct complaints against psychiatrists.

Response to Finding #1

The Board of Supervisors disagrees with this finding. The State Department of Health Care Services, Mental Health Division monitors the required submission of data on the volume and type of complaints and grievances filed annually at all County Behavioral Health Departments. The summary compilation of state wide information does not support that an inordinately large volume of complaints regarding improper medical prescriptions were filed with San Benito County Behavioral Health.

Finding #2

Management lacks the support of the department's staff due to poor communication and minimal response to employee complaints.

Response to Finding #2

The Board of Supervisors partially agrees with the finding. Respondent/Management believes that it does not have the support of all of the department's staff and employees who have filed complaints/grievances may be less inclined to feel supportive of management.

Finding #3

Patient grievances are not handled in a timely fashion and lack compassion in management's responses.

Response to Finding #3

The Board of Supervisors disagrees with finding. The County delivered behavioral health care system is client driven and formulated on the principles of client advocacy and empowerment. The State Department of Health Care Services requires that all County Behavioral Health Departments implement a strictly governed and regulation guided client complaint/grievance processes, which also includes adhering to required timelines and other requirements for processing various phases/components of the complaint/grievance process. San Benito County Behavioral Health has never been out of compliance in meeting the required timelines for responding to a client complaint/grievance.

The Behavioral Health Department must also maintain posters required to be a certain size and font displayed on lobby walls that explain step-by-step the processes for a client to file a Complaint/Grievance, provide every client at the point of intake for initial enrollment into services a pamphlet outlining client rights and processes to file a Complaint/Grievance, have forms developed for the formal documentation to be kept on record of the filing of any client Complaints/Grievances, maintain a written log of all complaints/ grievances available for the purpose of monitoring during State reviews of the County Behavioral Health Program, have all of the aforementioned client informing materials regarding the Complaint/Grievance processes available in English and also San Benito County's threshold language Spanish. These are only some of the examples of the requirements the County Behavioral Health Department fulfills in maintaining a comprehensive, well organized Complaint/Grievance process. In addition to the Behavioral Health Department's Complaint/ Grievance Processes the County Behavioral Health Department is required to also have a separate and distinct client rights advocate available to clients as an additional option to utilizing the Behavioral Health Department's client Complaint/ Grievance process. The County Behavioral Health Department has gone to the extent of contracting with Patient Rights Advocacy of Santa Cruz for a cost paid by County Behavioral Health to provide an option for clients to have representation in the Complaint/Grievance processes if the client so chooses. The accessibility to the patient rights advocate is also well advertised through posters on our clinic lobby walls, brochures available to the client in the lobby and provided to the client as a component of the intake process in becoming enrolled for services. Clients also have the right to not utilize any of the Behavioral Health Department's Complaint/Grievance processes and to instead go directly to a state fair hearing, or if after exhausting the local Behavioral Health Departments Complaint/Grievance processes a client may ask for further arbitration through the state fair hearing process.

It is obvious that there is a high degree of client empowerment and advocacy practiced at the County Behavioral Health Department. The Grand Jury would be challenged to research the Complaint/Grievance processes in other County Departments and to find the existence of a Complaint/Grievance program as empowering and as client driven as the County Behavioral Health Department's Complaint/Grievance processes. The County Behavioral Health Department ensures that clients are informed and have a voice in expressing their concerns through a comprehensive and organized Complaint/Grievance program that ensures access to timely responsiveness and fairness.

Finding #4

Current compensation to psychiatrists (paid through Traditions Behavioral Health) far exceeds the pay given to psychiatrists in surrounding Counties; Santa Clara, Santa Cruz and Monterey Counties. San Benito County pays \$317,000 - \$374,000 annually, Santa Clara County pays \$153,284 - \$186,732 annually, Santa Cruz County pays \$174,930 - \$188,178 annually and Monterey County pays \$144,573 - \$168,857 annually.

Response to Finding #4

The Board of Supervisors disagrees with the assumed intent of the finding, which implies that San Benito County compensates (pays Traditions Behavioral Health) an inordinate and unnecessarily excessive amount of compensation for Psychiatrist, MD's. San Benito County has historically had difficulty recruiting medical professionals. Even the larger entities in the County, such as Hazel Hawkins Hospital have to utilize private staffing agencies to bring in staff such as nurses at a very high cost because of the difficulty that a rural small County such as San Benito has in recruiting medical professionals and particularly a specialist in shortage such as a Psychiatrist. There are only two (2) psychiatrists practicing in San Benito County and both of them are at County Behavioral Health. Additionally it appears that the salary figures that the Grand Jury has provided for comparison do not calculate that salaries need to be considered in total cost, as there is additional cost for the benefit packages provided to County employees, including County employed psychiatrist that must be added to cost.

Finding #5

This department contracts with two consulting firms Kingsview (Gary Ernst) and Idea Consulting (Nancy Callahan) to do job functions that should be a part of top managements' responsibility.

Response to Finding #5

The Board of Supervisors disagrees with finding. The contracts that the Behavioral Health Department has with the two consultants are not for the purpose of fulfilling top managements job responsibilities. Additionally Gary Ernst is not affiliated with Kings View.

Finding #6

The two consulting firms' owners are prior employees of this department. Their contracts have been in place for many years without going out to bid. They are automatically renewed every year.

Response to Finding #6

There is partial agreement with Finding #6. The Board of Supervisors agrees with the finding that the consulting firm proprietor, Gary Ernst was a San Benito County Employee many years ago prior to leaving county employment to start a private consulting business that now provides consulting services for many County Behavioral Health Department's throughout the state. Gary Ernst also has provided consulting services for the California Behavioral Health Directors Association (CBHDA) and the California Institute for Behavioral Health Services (CIBHS) and he is recognized by County Behavioral Health Administrators throughout the state for his high level of fiscal expertise as related to behavioral health finances.

The Fact Finding by the Grand Jury that Gary Ernst was once a County employee is expressed by the Grand Jury as if it was new found information. The context seems to imply that this information was unknown previously and also that somehow there is something negative about his previous employment with the county. It can hardly be implied that anything was hidden as Mr. Ernst worked for and lived in this County where he was very involved as an active member of the community as he and his wife raised a family here for almost 2 decades.

The Board of Supervisors disagrees with the remainder of the Finding #6 as Nancy Callahan the owner of the IDEA Consulting Firm has never been an employee of San Benito County.

Additionally there is nothing about contract processes, even when reapproved that constitutes a process that can be construed as, "automatically renewed every year". The County is not required to go out to bid when an existing contract is renewed, but that does not preclude that a County Department evaluate the fiscal and performance ramifications when considering renewal of any contract.

Finding #7

The Director of Behavioral Health is a past employee of Idea Consulting.

Response to Finding #7

The Board of Supervisors disagrees with Finding #7. The Director of the County Behavioral Health Department has never filled the category of an employee of the IDEA Consulting Firm. Further comment regarding Finding #7 is stated in the Response to Grand Jury Recommendation #7.

Finding #8

Three employees violated the admonition that was administered to them during their interviews. Discussions were held between them discussing what questions and information the Grand Jury was seeking. This is a violation of the Grand Jury's admonition and could be determined to be a contempt of court.

Response to Finding #8

The Board of Supervisors partially agrees with finding. It was common knowledge within the department that the Grand Jury was conducting an investigation for several reasons. Grand Jury members visited the department frequently for interviews with management staff and others spanning over the course of two years of Grand Jury involvement. When Grand Jury members would arrive at the Behavioral Health Department they would often identify themselves at the front desk as members of the Grand Jury. The Grand Jury over the span of two years requested a large number of documents, policies and procedures, forms, and other records. It was not possible for the department to respond to such volume and sometimes the complexity of fulfilling such requests without some discussion and /or explanation with staff involved in those tasks, particularly when there was often overlapping requests for information required to respond to the Grand Jury and also another ongoing investigation with similarity to some of the Grand Jury's investigation focus.

The Grand Jury was compelled to become involved in a component of their investigation involving a former Behavioral Health Department County employed psychiatrist and the Departments Medication Services, simultaneous to an ongoing investigation by a state law enforcement agency further obfuscating both investigation matters and the clarity to the Grand Jury determination that a violation of the admonition occurred.

The Board of Supervisors wholly disagrees that Behavioral Health Management Employees ever participated in discussions pertaining to the Grand Jury investigation with planned and willful intent to collude and deceive the Grand Jury (assumption made by respondent that management employees are among the quote "3 employees" referenced in the Grand Jury Finding 8).

Finding #9

The Director of the department does not seem to be active with his management team and middle management group. He does not seem to be informed on the complaints resolution and other issues that were brought up during our interviews.

Response to Finding #9

The Board of Supervisors disagrees with finding. (It is assumed by respondent that the Grand Jury Finding #9 intent is to imply that the Director is not actively involved to the degree required to be aware of the activities that the management staff are involved with and responsible to fulfill with particular emphasis in the area of processing of complaints/resolutions). The Director of the Department is in frequent contact with the Department's management team and particularly so in sensitive Department matters. The Grand Jury should also not confuse that the Directors inability at times to address client

involved matters as specifically as desired without the required client provided releases of information as required by state regulation and law is synonymous with what the Grand Jury deems as an uninformed Department Director.

Recommendation - 6

Recommendation #1

Hire a full-time M.D. Medical Director.

Response to Recommendation #1

WILL NOT BE IMPLEMENTED. This would impose unnecessary significant expenditure to the County Behavioral Health Departments budget. The County Behavioral Health Department is classified by the State Department of Health Care Services as a Small County Program. County Behavioral Health Programs are classified in this category when the population of the County is less than 200,000 people. It is virtually nonexistent for any Small County Behavioral Health Programs and particularly for counties the size of San Benito (pop. 57,000) to have M.D Medical Directors appointed specifically to supervise other MDs. Most counties in the Small County category are fortunate just to have live, on-site Psychiatrist MD services. The added burden of cost for a Medical Director (Psychiatrist, M.D.) specifically to supervise other Psychiatrist MDs is totally cost prohibitive and unwarranted for the purpose of supervising the 2 (two) Psychiatrists that the County Behavioral Health Department is fortunate to have. The County would be adding additional and unnecessary financial and recruitment burden to the already costly and hard to attract professional category of Psychiatrists MDs.

Additional to the Grand Jury's opinion in their Finding #1 which correlates to Recommendation #1; it should be noted that whether a client agrees, or disagrees with the opinion of a Psychiatrist MD and the prescription that the Psychiatrist may, or may not provide, it always remains within the legal authority of a Psychiatrist M.D. to render their final opinion regarding the appropriate medication to prescribe, or to perhaps not prescribe for a client. The client, however, always has the option to accept the prescription for medication recommended, or to seek another opinion, or to choose not to take any medication.

Recommendation #2

Management needs training in handling employee complaints. They should add a clinician or nurse to their management team that reviews employee concerns.

Response to Recommendation #2

IMPLEMENTED. The majority of the management staff are licensed clinicians who either have Masters, or PhD levels of clinical degrees and also possess state board issued clinical practice licenses commensurate to those degrees and the recognition of their competency level to practice clinically. In order to earn those levels of University awarded graduate degrees, as well as to have earned the state licenses to practice clinically, requires both academic and skill levels of training and expertise that require these staff to be proficient in conflict resolution, advocacy and other associated counseling skills that are the same skills commonly utilized to competently manage employee complaints. Additionally, ongoing continuing education is a County requirement for all Management and Department Head levels of staff (County minimum requirement to complete at least 3 Management/Leadership courses annually). Also the state licensing boards that provide the oversight for the clinical licenses that the management staff and department head for the Behavioral Health Department possess, requires a substantial number of continuing education hours in various areas involving clinical skills and ethics to be completed every licensing renewal cycle. The combination of all of the requirements for ongoing education allows these staff to continue to add to and remain current in their counseling skills.

Furthermore, the County/SEIU memorandum of understanding as well as County and Department policies and procedures dictate very specifically, the processes that must be followed in the processing of employee complaints, which assures the maintaining of standardized processes in the management of employee complaints.

The component of the Grand Jury's recommendation to add a clinician or nurse to the management team that reviews complaints with management staff is also unwarranted. The County/SEIU MOU, County Policies and Procedures and the Weingarten rule, address very specifically that an employee already has the right to have representation in disciplinary matters from a wide range of employee chosen options, which could include if the employee so chooses the Grand Jury recommended Clinician, or Nurse ("person of their choice" as per County policy and procedure, Rule 12, Representation Rights)

Recommendation #3

Training of top management to improve their skills in communicating with their patient's concerns.

Response to Recommendation #3

IMPLEMENTED. The majority of the management staff are licensed clinicians who either have Masters, or PhD levels of clinical degrees and also possess state board issued licenses commensurate to those degrees and the recognition of their competency level to practice clinically. In order to earn those levels of University awarded graduate degrees, as well as to have earned the state licenses to practice clinically, requires both academic and skill levels of training and expertise that require these staff to be proficient in conflict resolution, advocacy and other associated counseling skills that are also the same skills utilized in, 'communicating with their patient's concerns'. Also the state licensing boards that provide the oversight for the clinical licenses that the management staff and Behavioral Health Department Director possess requires a substantial number of continuing education units in various areas involving clinical skills and ethics to be completed every licensing renewal cycle. The combination of all of the requirements for ongoing education allows these staff to continue to add to and remain current in their counseling skills which include "communicating with their patient's concerns".

Recommendation #4

Bring compensation in line with surrounding counties.

Response to Recommendation #4

WILL NOT BE IMPLEMENTED. The County Behavioral Health Department must manage its budget and resources appropriately and the County Behavioral Health Department has done so very successfully and responsibly. The County Behavioral Health Department has not made irresponsible decisions regarding financial reimbursement required to attract and retain high-quality psychiatrists.

The County Behavioral Health Department has previously described in its Response to Recommendation #2, the conditions that contribute to the difficulty in competing for and attracting Psychiatrists to a rural small County. San Benito County also has the additional difficulty of being surrounded with the proximity of larger neighbor counties, competing for the same difficult to source specialists, such as Santa Clara County, Monterey County, and Santa Cruz County. In further expanding on the situations aforementioned, it should be noted that if it were not for a flaw in the calculating methodology to be awarded the federal designation as a "Health Professional Shortage Area," San Benito County Behavioral Health would have such a designation. A Health Professional Shortage area designation would allow for the enhancement of recruitment efforts by providing multiple benefits (Med. School loan payback credit, Fed Income Tax reductions, etc.) for hard to find professionals such as psychiatrists if such an individual were willing to commit to a certain length of employment time in a health professional shortage area designated site. Due to San Benito County's geographical proximity and the psychiatrists

census that exists within that proximity (proximity formula includes Santa Clara County, Monterey County, Santa Cruz County) San Benito County Behavioral Health is not eligible for that designation. The federally qualified health center, San Benito Health Foundation is granted a more liberal interpretation in the federal rules that define health professional shortage areas and as such they were granted the designation of a health professional shortage area.

The point being San Benito County is a difficult rural location to successfully recruit and retain Psychiatrists in and the fiscal reimbursement provided to obtain psychiatrists is absolutely in line with and perhaps less than most rural Small Counties compensation for psychiatry. Additionally it should be noted that the psychiatrist's salaries that are provided by the Grand Jury as a comparison for our neighbor regions does take into consideration calculating the benefit packages that are also loaded into the ultimate total net costs of Psychiatrist salaries. It should also be noted that our neighbor counties even with the advantages they have in attracting psychiatrists, still also depend on the same sources that San Benito County Behavioral Health does to fill their other existing vacancies for Psychiatrists that they are unsuccessful in totally filling through their other methods of employment.

Recommendation #5

Review the necessity for contracting with these two consultants. Determine what changes need to be done to have job responsibilities handled by management.

Response to Recommendation #5

IMPLEMENTED. As it is already fulfilled ongoing and on an annual basis as a component of the fiscal management and the contract approval process for the two consultants and all contracted service providers.

It is understandable that the Grand Jury might be led to believe that the consulting contracts for these two particular consultants may be unnecessary based on statements made in the Grand Jury Report (page 52, paragraph 3), which are not accurate.

Both consultants referenced have a history of providing services with many counties, professional associations and state departments for many of the same reasons that San Benito County Behavioral Health requires the services of these consultants. Consultants typically work on special project areas requiring highly skilled expertise and sometimes unique skill sets that do not exist in-house. The consultants are required for completion of special projects, work surges, grant applications, new and ongoing data based evaluations and to meet commitments to certain deadlines that require particular technical expertise and sometimes within short turnaround times.

While some would prefer that all County work is performed by County employees and that all contractors should be eliminated whether it's contract consultants, or contract Psychiatrist MD's, or any other contract service providers. It is not an uncommon strategy for many cities, counties, and municipal agencies to outsource to private contractors in an effort to "do more with less".

Recommendation #6

If it is determined that the service provided by these two consultants is necessary place the contract up for competitive bidding.

Response to Recommendation #6

WILL NOT BE IMPLEMENTED. The necessity for the services provided by the consultants referenced by the Grand Jury has been substantiated in the information provided in Response to the Grand Jury's Recommendation #5.

There are insufficient reasons to necessitate the implementation of additional work, potential disruption to work and the expenses incurred to justify a necessity to seek alternatives to the existing consulting contracts. There is a lack of evidence to substantiate the typical rationale to seek alternative consultant service providers. A justification for such actions would be warranted if conditions existed in the provision of current consultant services such as unacceptable fulfillment of the service contract deliverables, excessive and noncompetitive costs, a conflict of interest, etc.

Furthermore, the San Benito County Purchasing and Contract Policy Manual, Section 2.5, "Competitive Purchasing, Section (a), states that certain items are approved as exempt from competitive bidding requirements or are approved as sole-source purchases as provided for under manual Section 2.6. Purchasing and Contracting Policy Manual, Section 2.6, "Exceptions to the Competitive Process", states, except as otherwise directed by law, or as directed by the Board of Supervisors, the competitive process is not required for the following purchases: section (a) Expert and professional services which involve extended analysis; the exercise of discretion and independent judgment in their performance; and advanced, specialized type of knowledge, expertise, or training customarily acquired at a prolonged course of study or equivalent experience as defined under County Code Section 1509.09.002 definitions – Professional Services and in the glossary of the purchasing contract policy manual

Recommendation #7

The County Council should evaluate to determine if it is or can be perceived as a conflict of interest if the director of behavioral health is a past employee of Idea Consulting.

Response to Recommendation #7

WILL NOT BE IMPLEMENTED. The recognized conflict of interest disclosure process in state and county government is guided by the requirements of The Political Reform Act that requires state and local government agencies to adopt and promulgate conflict of interest codes. The typical and accepted standard methodology for determining the existence of a conflict of interest is implemented in counties, including San Benito County, through the requirement that elected officials and appointed department heads (including the County Director of Behavioral Health) annually complete the information required in California Form 700, "Statement of Economic Interests".

The California Form 700 which the current County Behavioral Health Director has completed since the beginning of the Behavioral Health Directors employment with San Benito County requires the reporting of the Behavioral Health Directors investments and business positions in business entities, and all income (including gifts, loans and travel payments) from sources of the type that provide the Behavioral Health Department, services, equipment, materials, vehicles and supplies.

There are no conflict of interest disclosures identified in the Behavioral Health Directors Form 700 filings that constitute a conflict of interest for the Behavioral Health Director and the IDEA Consulting Firm. Total transparency is required of the County Behavioral Health Director in the disclosures required in the completion of California Form 700. The Form 700 completion process has and continues to be fulfilled annually by the Behavioral Health Director. The Behavioral Health Director is required to signify by his signing of the Form 700, that he is certifying under penalty of perjury under the laws of the state of California that the information required by the Form 700 and provided by the Behavioral Health Director is true and correct. The Form 700 documents are available to the public in observance of the California Public Records Act.

Additionally, the San Benito County Purchasing and Contracting Policy Manual, Section 1.0 Ethical

Standards for Purchasing Activities, Section 1.0, 1.1 Policy Statement, have been reviewed and no infractions exist for the Behavioral Health Director as pertains to the contract with IDEA Consulting.

It should also be noted, that the County Behavioral Health Director was not involved in the sourcing/procurement that originally established the contract for consulting services provided by the IDEA Consulting Firm, nor was the Behavioral Health Director affiliated with IDEA consulting in any manner when the original contract was established. The consulting firm had established a contract with San Benito County, including County Behavioral Health many years prior to the appointment of the current County Behavioral Health Director as a County employee. The establishment of the original contract with IDEA Consulting was initiated by a previous San Benito County CAO, and approved by the County Board of Supervisors based on a recommendation from the State Department of Mental Health to initiate a contract with the IDEA Consulting Firm to provide assistance with the structuring and implementation of a plan of correction for the many out of compliance Medical and program issues that had existed at the San Benito County Mental Health Department. Included in the Behavioral Health Director's many years of work history prior to becoming an employee of San Benito County is some work as an independent private consultant. The Behavioral Health Director's previous independent consultant work includes consultant work with other counties, State Departments of Mental Health in California and Washington State and also some work completed through the IDEA Consulting Firm as an independent consultant through subcontract. It is not uncommon for an independent consultant to accept work through other consulting firms when a consulting firm is involved in large projects that require involvement of subcontractor consultants with specialized expertise in specific areas. The Behavioral Health Director has never been an employee of IDEA consulting. The Behavioral Health Director has never been involved in performing any work for IDEA consulting at any time that the Behavioral Health Director has been employed by San Benito County.

Recommendation #8

The three employees should have to appear before the San Benito County district attorney for reprimand and a notation made in their employee file.

Response to Recommendation #8

WILL NOT BE IMPLEMENTED. As already stated in response to the Grand Jury Finding #8, it was common knowledge within the department that the Grand Jury was conducting an investigation for several reasons. Grand Jury members visited the department frequently for interviews with management staff and others spanning over the course of two years. When Grand Jury members would arrive at the Behavioral Health Department they would often identify themselves at the front desk as members of the Grand Jury. The Grand Jury over the span of two years requested a large number of documents, policies and procedures, forms, and other records. It was not possible for the department to respond to such volume and sometimes the complexity of fulfilling such requests without some discussion and /or explanation with staff involved in those tasks, particularly when there was often overlapping requests for information required to respond to the Grand Jury and a simultaneous other agency investigation with similarities to the Grand Jury's focus of attention.

The Grand Jury became involved in a component of their investigation involving the departments Medication Services simultaneous to an already ongoing investigation being conducted by a state law enforcement agency involving a former Behavioral Health Department County employed psychiatrist, further obfuscating the clarity to the Grand Jury determination that a violation of the admonition occurred. Obviously similar discussions to this component of the Grand Jury's investigation were occurring throughout the Department both as a component of fulfilling the law enforcement agencies request for information, the staff's participation in the law enforcement agency interviews and also

general circulation of rumor and innuendo that was occurring about a law enforcement investigation process that was quite obvious throughout the department.

Behavioral Health Management Employees never participated in discussions pertaining to the Grand Jury investigation with planned and willful intent to collude and deceive the Grand Jury (assumption made by respondent that management employees are among the quote "3 employees" referenced in the Grand Jury Finding 8).

Recommendation #9

The Director needs to be advised that his job requires that he be an active role player in all phases of his department actions. He should be provided with management training courses to update his skill sets on directing, relating to, and managing employees.

Response to Recommendation #9

IMPLEMENTED. The Director is well aware that the requirements of the Behavioral Health Director position require him to be actively involved in all phases of the Behavioral Health Departments actions. The Director has very hands-on involvement with most functions in the Behavioral Health Department and meets for regularly scheduled weekly meetings with the Behavioral Health Departments middle management group as well as on as needed basis for consultation on many matters related to both client care and administrative functions. The Director is also well-versed in the laws and regulations governing both mental health and substance abuse services and knowledgeable of the State Department of Health Care Services requirements and laws governing the client complaint/grievance processes.

The Director has a Master's Degree in social work with a major emphasis in, community program administration. This requires specialization in the management of administrative functions, program design, implementation, and evaluation. Additionally the Director possesses a clinical license issued by the State Board of Behavioral Sciences as a Licensed Clinical Social Worker. The volume of formal education specific to the area of Public Services Administration/ Management that the Director has completed allow him to teach the courses that the Grand Jury recommends, as he has earned the awarding of a State of California Community College Instructors Credential, in Public Services Administration and also a California Community Colleges Instructors Credential in Counseling.

There is a consistent theme throughout the Grand Jury's Report that the Behavioral Health Management staff, including the Director need more training, implying inadequate skills and education to fulfill job responsibilities. It seems redundant to continue to repeat aforementioned responses to the Grand Jury Findings and Recommendations as relates to the Grand Jury's Report and it's overarching message for the need for management to be trained, but specific to the Grand Jury's recommendation #9; the Director must fulfill ongoing continuing education as a County requirement for all Management and Department Head levels of staff (County minimum requirement to complete at least 3 Management/Leadership courses annually). Also the state licensing boards providing the oversight for the Behavioral Health Director's clinical license requires a substantial number of continuing education units (36 hours) in various areas involving clinical skills and ethics to be completed for every licensing renewal cycle. The combination of the director's academic achievements, years of experience and the requirements for ongoing education allows the Director to continue to add to and remain current in management and counseling skills.

7. DISTRICT ATTORNEY'S DEPARTMENT

Finding #1

As opposed to the Santa Clara County DAO, the SBC DAO telephone system does not allow callers to leave messages during non-business hours.

Response to Finding #1

Agrees. A message procedure will be added to the telephone system.

Response to Finding #1 by Board of Supervisors

AGREES with the DAs response.

Finding #2

DAO staff meetings are held very infrequently. This has a negative impact on morale.

Response to Finding #2

Disagrees. Monthly meetings are scheduled the first Friday of each month. Included in the agenda are safety meetings.

Response to Finding #2 by Board of Supervisors

AGREES with the DAs response.

Finding #3

Court ordered fees received at the DAO are stored in a locked room to which almost every department member has a key.

Response to Finding #3

Disagrees. There are two safes located in the office. Any funds received will be stored in the safes.

Response to Finding #3 by Board of Supervisors

AGREES with the DAs response.

Finding #4

DAO budget preparation is mostly performed by an employee of the Sheriff's office.

Response to Finding #4

Disagrees. I do not agree with finding F4. Kellie Kennedy, Administrative Services Manager is the employee in question. Prior to transferring to the Sheriff's Office, Ms. Kennedy was the Management Analyst for the CAO's office. She was the overseer of the District Attorney's budget. Additionally, our grants are joint grants with the Sheriff's Office. It is more efficient to have one person handling the grant requirements for both departments rather than duplicating services. Further, Ms. Kennedy works with myself and my account clerk in managing my budget. She is a very knowledgeable person and is a great asset to me in budget preparation. I do not have any personnel with her expertise to assist me in this endeavor.

Response to Finding #4 by Board of Supervisors

AGREES with the DAs response.

Finding #5

The DAO has no janitorial service.

Response to Finding #5

Agrees. I agree with finding F5. I am happy to convey that the Board of Supervisors approved funding for this service and it began in June.

Response to Finding #5 by Board of Supervisors

AGREES with the DAs response.

Finding #6

DAO employees haven't received performance reviews for several years.

Response to Finding #6

Agrees. I agree with finding F6 in part. This is true as to some reviews, but not all. I have instituted a procedure to track when reviews are due so that this will be accomplished in a timely manner.

Response to Finding #6 by Board of Supervisors

AGREES with the DAs response.

Finding #7

The DAO computer system is inadequate.

Response to Finding #7

Agrees. I agree with finding F7. In particular, a case management system is greatly needed. We are in the process of obtaining such a system. This will require the computer system to be upgraded.

Response to Finding #7 by Board of Supervisors

AGREES with the DAs response.

Recommendation - 7

Recommendation #1

Phone service needs to be upgraded to allow callers to have the option to leave voicemail messages with the DAO during non-business hours.

Response to Recommendation #1

IMPLEMENTED

Response to Recommendation #1 by Board of Supervisors

IMPLEMENTED

Recommendation #2

The DA should hold staff meetings at least monthly.

Response to Recommendation #2

IMPLEMENTED.

Response to Recommendation #2 by Board of Supervisors

IMPLEMENTED.

Recommendation #3

A safe with restricted access should be provided for occasions when cash is received and daily deposits are not possible.

Response to Recommendation #3

IMPLEMENTED.

Response to Recommendation #3 by Board of Supervisors

IMPLEMENTED.

Recommendation #4

The DAO budget preparation and management should be performed by DAO personnel.

Response to Recommendation #4

WILL NOT BE IMPLEMENTED. The DA and the analyst in the Sheriff office have overlapping programs, and the coordination between the two offices is most efficient.

Response to Recommendation #4 by Board of Supervisors

This recommendation does not require a response by the Board of Supervisors, as this recommendation

is not one which the Board of Supervisors has direct decision making authority (Penal Code 933.05)

Recommendation #5

Janitorial services should be provided by an outside service.

Response to Recommendation #5

IMPLEMENTED.

Response to Recommendation #5 by Board of Supervisors

IMPLEMENTED.

Recommendation #6

Performance reviews should be given to all employees at least annually to assist in employee growth and setting personal goals.

Response to Recommendation #6

IMPLEMENTED.

Response to Recommendation #6 by Board of Supervisors

IMPLEMENTED.

Recommendation #7

Upgrade the computer system.

Response to Recommendation #7

WILL BE IMPLEMENTED. The DA is actively analyzing case management systems, and has received funding from AB109.

Response to Recommendation #7 by Board of Supervisors

WILL BE IMPLEMENTED, with an estimated completion date within the 15-16 Fiscal Year, or early 16-17. The DA is actively analyzing case management systems, and has received funding from AB109.

8. JAIL REVIEW

Finding #1

The Jail is well-run and maintained.

Response to Finding #1

Agrees. We agree with this finding, and we're pleased to read the Grand Jury's finding, particularly in light of the difficult staffing issues.

Response to Finding #1 by Board of Supervisors

The Board of Supervisors agrees with Finding No. 1 and with the Sheriff response.

Finding #2

There is an enormous amount of overtime being paid due to understaffing. Also, transport of inmates to and from court by current jail staff leaves the jail understaffed on Mondays and Fridays. Long overtime shifts adversely affect the health and safety of the correctional officers. This is a carryover issue from 2013-2014 Grand Jury Findings, and the problem still exists.

Response to Finding #2

Agrees.

Response to Finding #2 by Board of Supervisors

The Board of Supervisors agrees with Finding No. 2 partially, in that there has been significant overtime performed by employees due to understaffing and employee leave of absences. However, the Board of Supervisors disagrees that the health and safety of correctional officers is being adversely affected, although the Board of Supervisors agrees that mandatory overtime is not a

desirable situation and may adversely affect the quality of life of employees who do not desire to work such overtime.

Finding #3

The Jail does not have 24/7 on-site medical staff.

Response to Finding #3

Agrees.

Response to Finding #3 by Board of Supervisors

The Board of Supervisors agrees with Finding No. 3 and with the Sheriff response.

Recommendation - 8

Recommendation #1

No recommendations

Response to Recommendation #1

No response required

Response to Recommendation #1 by Board of Supervisors

No response required.

Recommendation #2

Additional Correctional officers need to be hired to minimize overtime expenditures.

Response to Recommendation #2

Will implement this recommendation as it is within our ability. We will continue to appeal to the County Board of Supervisors (The Board) to acquire more staffing. The Board did approve and fund a new Correctional Officer position in FY 2014/15 and another in 2015/16. Additionally our office received AB109 funding through our local Community Corrections Partnership for two Correctional Officer positions in 2015. Collectively, that is an increase of four positions in the past two fiscal years. Two of those positions have been filled, and we are currently processing candidates to fill the other two positions.

Response to Recommendation #2 by Board of Supervisors

IMPLEMENTED.

Recommendation #3

At least quarterly the Lieutenant/Watch Commander should hold medical training for all personnel, including current CPR techniques. The jail needs to display medical posters illustrating proper techniques for life saving procedures, i.e. heart attacks, seizures, choking, hemorrhaging, broken bones, and CPR.

Response to Recommendation #3

We intend to implement R3 in part, in that medical illustration posters will be acquired and posted appropriately. However, we will not be able to implement the recommended quarterly training due to budgetary restrictions. This training cannot take place during the course of their duties, so cost prohibitive additional staff hours would be necessary. We currently provide this training every two years for every employee, which exceeds the requirement of Title 15, 1028.

Response to Recommendation #3 by Board of Supervisors

WILL BE IMPLEMENTED in part per the Sheriff's response. Currently training is provided every two years for every employee, which exceeds the requirements set forth by the State of California. Due to additional budgetary costs for quarterly trainings, quarterly staff trainings will not be implemented. However, medical posters will be acquired and posted during this fiscal year.

9. JUVENILE HALL REPORT

Finding #1

The recreation yard is divided into two parts, one half being grass and the other half being paved. The edges of the pavement next to the grass is broken and has large cracks. The gopher activity in the grass portion is so severe that the ground is completely uneven with some severe elevation changes. There was a pad on the ground that is supposed to wrap around the base of one of the basketball poles. Both these unsafe conditions could cause injury to staff and youth. California Title 15 Section 1510 calls for an "acceptable level of cleanliness, repair and safety throughout the facility."

Response to Finding #1

I agree with the finding numbered F1. The recreation area needs to be repaired to provide a more functional area for detainees.

Response to Finding #1 by Board of Supervisors

The Board of Supervisors agrees that the yard needs to be improved in order to maximize functionality. However, the Board of Supervisors would disagree with any inference that this is an "unsafe condition" akin to the definition of a "Dangerous Condition" set forth in the Government Code.

Finding #2

There are nine cameras around the Juvenile Hall facility that feed into the computer in the operation room; however there are still many areas of the facility that cannot be monitored by camera, most especially in the cell area. There are also blind spots along the fence line because of inadequate camera coverage.

Response to Finding #2

I partially agree with the finding numbered F2. There are a number of "blind spots" in the facility, for which camera coverage might be beneficial. I do not agree that camera coverage in the cells/rooms/cell area is necessary, or appropriate.

Response to Finding #2 by Board of Supervisors

The Board of Supervisors agrees with Finding No. 2 and further agrees with the CPO response, setting forth the reason by camera coverage of cells may not be appropriate.

Finding #3

The Juvenile Hall facility has been operating under an interim Juvenile Hall Superintendent since July of 2014. A line supervisor is being used to fill the interim position, thus adding to the staff shortage. If someone calls in sick, the Superintendent must either fill the vacancy himself (which violates Title 15 statutes) or hire an officer on overtime.

Response to Finding #3

I partially agree with the finding numbered F3. The Juvenile Hall Superintendent position became vacant on September 26, 2014, when the prior Superintendent retired. A line supervisor was selected to temporarily fulfill the duties of the Superintendent until a viable candidate was recruited. While on occasion, the Acting Superintendent would perform operational duties, there is nothing precluding the Superintendent from engaging in any of those activities. Pursuant to Title 15, the Superintendent or Administrator is not counted in the staff/youth ratio. While we cannot predict when staff will be ill or when we will have an influx of detainees, we have processes in place to bring in additional staff to ensure that we are in compliance with mandated staff/youth ratios.

Response to Finding #3 by Board of Supervisors

The Board of Supervisors partially agrees with the Finding No. 3 and further agrees with the CPO response. The Juvenile Hall Superintendent position became vacant on September 26, 2014, when the prior Superintendent retired. A line supervisor was selected to temporarily fulfill the duties of the Superintendent until a viable candidate was recruited. While on occasion, the Acting Superintendent would perform operational duties, the Board of Supervisors is informed that there is nothing precluding the Superintendent from engaging in any of those activities. Pursuant to Title 15, the Superintendent or Administrator is not counted in the staff/youth ratio. While the Probation Department cannot predict when staff will be ill or when Juvenile Hall will have an influx of detainees, the Probation Department has processes in place to bring in additional staff to ensure that the Department is in compliance with mandated staff/youth ratios.

Finding #4

State requirements under Title 15, Section 1321(1) mandate that juvenile hall facilities cannot have a ratio of less than one staff to ten youths during the day or one to thirty at night. It does not allow the use of administrative personnel, such as the Juvenile Superintendent, to be counted in that number (Section 1321(1)(e)). This facility has a capacity of 28, but due to the fact that there are only two floor officers on duty during the day, the facility cannot house more than 20 youth. The current population is 14, but if there were an influx of juvenile arrests for any reason that caused the population to swell beyond 20, the Hall cannot legally accept them until another officer is brought in, again on overtime. Having only two officers on duty at night could also be a safety issue for both detainees and officers.

Response to Finding #4

I partially disagree with the finding numbered F4. The San Benito County Juvenile Hall does have a physical capacity of 28 youth and an administrative capacity of 20 youth. Our staff ratio meets the Title 15 standards. If necessary, we call in additional staff, primarily part-time/extra-help, when additional resources are needed.

Response to Finding #4 by Board of Supervisors

The Board of Supervisors partially agrees and partially disagrees with Finding No. 4 and further agrees with the CPO response. The Grand Jury correctly sets forth the staffing limits of the Juvenile Hall. The Board of Supervisors disagrees that the staffing at the jail is a safety issue for detainees and officers as the staffing always complies with State regulations.

Finding #5

In spite of being short-staffed and short-budgeted, Juvenile Hall continues to operate efficiently by existing personnel, as long as nothing out of the ordinary occurs.

Response to Finding #5

I mostly agree with the finding numbered F5. Staffing was short at Juvenile Hall and we are going through a period of transition. The staff members at Juvenile Hall have been admirable throughout this period. I review all incident reports from the Juvenile Hall and am confident that with the proper training and leadership, they would be able to handle almost any contingency.

Response to Finding #5 by Board of Supervisors

The Board of Supervisors agrees with Finding No. 5 in that it indicates that the Juvenile Hall continues to operate efficiently, and agrees with the CPO response's that staff is able to handle almost any contingency.

Finding #6

Currently there is a paper journal kept to track the nightly round in the cell area.

Response to Finding #6

I agree with the finding numbered F6.

Response to Finding #6 by Board of Supervisors

The Board of Supervisors agrees with Finding No 6 and agrees with the CPO response.

Recommendation - 9**Recommendation #1**

The recreation yard should be repaired. The asphalt should be repaired or replaced and the grassy area should be leveled and replanted with new grass. Gopher control should be implemented to protect the repaired area.

Response to Recommendation #1

I agree with the recommendation numbered R1. We examined various strategies for the repair and possible upgrade. In discussion with the interim Director of Public Works, repair of the recreation yard is to occur as soon as practical in the 2015-2016 fiscal year.

Response to Recommendation #1 by Board of Supervisors

WILL BE IMPLEMENTED in FY 15-16.

Recommendation #2

According to staff, nine new security cameras should be added to the existing system to provide better coverage around the external perimeter of the facility and better coverage within the facility.

Response to Recommendation #2

I disagree with the recommendation numbered R2. While I agree that the camera coverage could be improved. The addition of new cameras creates additional needs such as monitoring systems and protocols on how those systems are observed. We are considering other options which include changing the configuration of the current cameras to maximize coverage. Any proposal must be vetted for ancillary impact on the staff and operation of the facility. In any regard, while technology needs be used to enhance the safety of staff and the youth, safety should primarily be vested in the department policies & procedures, and the training and professionalism of the staff.

Response to Recommendation #2 by Board of Supervisors

WILL NOT BE IMPLEMENTED at this time. The CPO indicates that in the alternative, the Department is considering changing the configuration of current cameras to maximize coverage.

Recommendation #3

A permanent Juvenile Hall Superintendent should be hired as soon as possible.

Response to Recommendation #3

I agree with recommendation numbered R3. Following an active recruitment, which included applicants from across the nation, and a robust selection process, a new Juvenile Hall Superintendent has been hired. The new Superintendent started on July 20, 2015.

Response to Recommendation #3 by Board of Supervisors

IMPLEMENTED.

Recommendation #4

Funding for two additional staff member positions should be allocated.

Response to Recommendation #4

I partially disagree with recommendation numbered R4. Over the past year, the Juvenile Hall population has been as low as 6 and as high as 20. The fluid nature of the population necessitates flexibility from the department. There are vacancies in the JIO series which the Probation Department is actively working to fill. We are also actively increasing the pool of part-time/extra-help staff at Juvenile Hall. This strategy allows for flexibility given the varying in Juvenile Hall population, allows those new to working in a secure facility to gain insight in the field, and creates a pool of experienced staff from which we can recruit full-time employees.

The addition of staff members creates a permanent and fixed burden upon limited county resources. However, the addition on one (1) full-time staff member would assist with transport to and from Court, facility care and maintenance, filling in for scheduled and un-scheduled leave of staff, and programming for youth. The Probation Department will work with the County to examine the feasibility of increasing full-time staffing by one (1) Juvenile Institutions Officer.

Response to Recommendation #4 by Board of Supervisors

WILL NOT BE IMPLEMENTED at this time. Due to budget constraints at this time and the fact that filling existing vacancies will assist in alleviating staffing issues, the needs for additional staffing will be further evaluated in FY 16-17. Even in FY 15-16, the County would further evaluate the feasibility of any staffing proposal brought forth by the Department, but cannot commit to implementation at this time.

Recommendation #5

No Recommendation.

Response to Recommendation #5

No response required.

Response to Recommendation #5 by Board of Supervisors

No response required.

Recommendation #6

A key card system tied into the existing security system should be implemented to keep better track of the rounds.

Response to Recommendation #6

I disagree with recommendation numbered R6. The Probation Department was exploring the use of key cards, wands, and other automated systems for the tracking of rounds in the Juvenile Hall. In our review, each system raised concerns regarding reliability, interoperability with existing systems, and/or other issues which would also require additional resources such as maintenance costs, staff time, or significant repair/upgrades at a later stage. While we endeavor to seek out available technology to create efficiencies, enhance accountability, and provide better services, we will also vet each system to ensure it is the best for us.

Response to Recommendation #6 by Board of Supervisors

WILL NOT BE IMPLEMENTED as the CPO does not recommend the installation of a key card system at this time. The Department has researched this issue and has not located a system that it would recommend acquiring for the reasons further set forth in the CPO's response.



County of San Benito
District Attorney's Office
Candice Hooper, District Attorney

TO: Ray Espinosa, CAO
County of San Benito

RESPONSE BY: Candice Hooper, District Attorney *CHooper*

REPORT TITLE: San Benito County District Attorney's Office To San Benito County
Grand Jury 2014-2015

RESPONSE DATE: July 23, 2015

CC: San Benito County Board of Supervisors

Finding No. 1:
F1. As opposed to the Santa Clara County DAO, the SBC DAO telephone system does not allow callers to leave messages during non-business hours.

Response to Finding No. 1:
A message procedure will be added to the telephone system.

Finding No. 2:
F2. DAO staff meetings are held very infrequently. This has a negative impact on morale.

Response to Finding No. 2:
Monthly meetings are scheduled the first Friday of each month. Included in the agenda are safety meetings.

Finding No. 3:
F3. Court ordered fees received at the DAO are stored in a locked room to which almost every department member has a key.

Response to Finding No. 3:

There are two safes located in the office. Any funds received will be stored in the safes.

Finding No. 4:

F4.

DAO budget preparation is mostly performed by an employee of the Sheriff's Office.

Response to Finding No. 4:

I do not agree with finding F4. Kellie Kennedy, Administrative Services Manager, is the employee in question. Prior to transferring to the Sheriff's Office, Ms. Kennedy was the management analyst for the CAO's office. She was the overseer of the District Attorney's budget. Additionally, our grants are joint grants with the Sheriff's Office. It is more efficient to have one person handling the grant requirements for both departments rather than duplicating services. Further, Ms. Kennedy works with myself and my account clerk in managing my budget. She is a very knowledgeable person and is a great asset to me in budget preparation. I do not have any personnel with her expertise to assist me in this endeavor.

Finding No. 5:

F5.

The DAO has no janitorial service.

Response to Finding No. 5:

I agree with finding F5. I am happy to convey that the Board of Supervisors approved funding for this service and it began in June.

Finding No. 6:

F6.

DAO employees haven't received performance reviews for several years..

Response to Finding No. 6:

I agree with finding F6 in part. This is true as to some reviews, but not all. I have instituted a procedure to track when reviews are due so that this will be accomplished in a timely manner.

Finding No. 7:

F7.

The DAO computer system is inadequate.

Response to Finding No. 7:

I agree with finding F7. In particular, a case management system is greatly needed. We are in the process of obtaining such a system. This will require the computer system to be upgraded.



SAN BENITO COUNTY SHERIFF'S OFFICE

2301 TECHNOLOGY PKWY • HOLLISTER, CALIFORNIA 95023
PHONE: 831-636-4080 • FAX: 831-636-1416

DARREN THOMPSON
SHERIFF-CORONER

August 14, 2015

Honorable Harry J. Tobias, Presiding Judge
San Benito County Superior Court
450 Fourth Street
Hollister, CA 95023

Dear Judge Tobias:

Please find attached the San Benito County formal response to the Grand Jury Report for FY 2014-2015. The Sheriff's Office is responding at this time to reports addressing the Sheriff's Office Corrections Division (jail). This response fulfills Penal Code Section 933 that mandates a response to the Grand Jury Report within 60 days of the report.

Please extend our appreciation to the Grand Jury for their continued dedication and service to the community.

Sincerely,

Darren Thompson, Sheriff-Coroner
San Benito County Sheriff's Office

A handwritten signature in black ink, appearing to read "D Thompson", written over a horizontal line.

Attachment: San Benito County Sheriff's Office Responses.
Cc. County Counsel, County Administration

The San Benito County Sheriff's Office is pleased to reply to this year's Jail Review from our Grand Jury. Please find below your Findings and Recommendations, and my Responses.

F1) The Jail is well-run and maintained.

R1) No recommendation

Response) We agree with this finding, and we're pleased to read the Grand Jury's finding, particularly in light of the difficult staffing issues.

F2) There is an enormous amount of overtime being paid due to understaffing. Also, transport of inmates to and from court by current jail staff leaves the jail understaffed on Mondays and Fridays. Long overtime shifts adversely affect the health and safety of the correctional officers. This is a carryover issue from 2013-2014 Grand Jury Findings, and the problem still exists.

R2) Additional Correctional officers need to be hired to minimize overtime expenditures.

Response) We agree with this finding, and will implement this recommendation as it is within our ability. We will continue to appeal to the County Board of Supervisors (The Board) to acquire more staffing. The Board did approve and fund a new Correctional Officer position in fy 2014/15 and another in 2015/16. Additionally our office received AB109 funding through our local Community Corrections Partnership for two Correctional Officer positions in 2015. Collectively, that is an increase of four positions in the past two fiscal years. Two of those positions have been filled, and we are currently processing candidates to fill the other two positions.

F3) The Jail does not have 24/7 on-site medical staff.

R3) At least quarterly the Lieutenant/Watch Commander should hold medical training for all personnel, including current CPR techniques. The jail needs to display medical posters illustrating proper techniques for life saving procedures, i.e. heart attacks, seizures, choking, hemorrhaging, broken bones, and CPR.

Response) We agree with this finding. We intend to implement R3 in part, in that medical illustration posters will be acquired and posted appropriately. However, we will not be able to implement the recommended quarterly training due to budgetary restrictions. This training cannot take place during the course of their duties, so cost prohibitive additional staff hours would be necessary. We currently provide this training every two years for every employee, which exceeds the requirement of Title 15, 1028.



San Benito County Probation Department

400 Monterey Street
Hollister, CA 95023
831-636-4070
831-636-5682 FAX

R. Ted Baraan
Chief Probation Officer

TO: Honorable Harry Tobias, Presiding Judge
Superior Court of California, County of San Benito

RESPONSE BY: R. Ted Baraan, Chief Probation Officer 

REPORT TITLE: San Benito County Probation Department Response to San Benito County Grand Jury 2014-2015 in Reference to San Benito County Juvenile Hall Review

RESPONSE DATE: July 23, 2015

Cc: San Benito County Board of Supervisors

Finding No. 1:

F1) The recreation yard is divided into two parts, one half being grass and the other half being paved. The edges of the pavement next to the grass is broken and has large cracks. The gopher activity in the grass portion is so severe that the ground is completely uneven with some severe elevation changes. There was a pad on the ground that is supposed to wrap around the base of one of the basketball poles. Both these unsafe conditions could cause injury to staff and youth. California Title 15 Section 1510 calls for an "acceptable level of cleanliness, repair and safety throughout the facility."

Response to Finding No. 1:

I agree with the finding numbered F1. The recreation area needs to be repaired to provide a more functional area for detainees.

Finding No. 2:

F2) There are nine cameras around the Juvenile Hall facility that feed into the computer in the operation room; however there are still many areas of the facility that cannot be monitored by camera, most especially in the cell area. There are also blind spots along the fence line because of inadequate camera coverage.

Response to Finding No. 2

I partially agree with the finding numbered F2. There are a number of "blind spots" in the facility, for which camera coverage might be beneficial. I do not agree that camera coverage in the cells/rooms/cell area is necessary, or appropriate.

Finding No. 3:

F3) the Juvenile Hall facility has been operating under an interim Juvenile Hall Superintendent since July of 2014. A line supervisor is being used to fill the interim position, thus adding to the staff shortage. If someone calls in sick, the Superintendent must either fill the vacancy himself (which violates Title 15 statutes) or hire an officer on overtime.

Response to Finding No. 3:

I partially agree with the finding numbered F3. The Juvenile Hall Superintendent position became vacant on September 26, 2014, when the prior Superintendent retired. A line supervisor was selected to temporarily fulfill the duties of the Superintendent until a viable candidate was recruited. While on occasion, the Acting Superintendent would perform operational duties, there is nothing precluding the Superintendent from engaging in any of those activities. Pursuant to Title 15, the Superintendent or Administrator is not counted in the staff/youth ratio. While we cannot predict when staff will be ill or when we will have an influx of detainees, we have processes in place to bring in additional staff to ensure that we are in compliance with mandated staff/youth ratios.

Finding No. 4:

F4) State requirements under Title 15, Section 1321(1) mandate that juvenile hall facilities cannot have a ratio of less than one staff to ten youths during the day or one to thirty at night. It does not allow the use of administrative personnel, such as the Juvenile Superintendent, to be counted in that number (Section 1321(1)(e)). This facility has a capacity of 28, but due to the fact that there are only two floor officers on duty during the day, the facility cannot house more than 20 youth. The current population is 14, but if there were an influx of juvenile arrests for any reason that caused the population to swell beyond 20, the Hall cannot legally accept them until another officer is brought in, again on overtime. Having only two officers on duty at night could also be a safety issue for both detainees and officers.

Response to Finding No. 4:

I partially disagree with the finding numbered F4. The San Benito County Juvenile Hall does have a physical capacity of 28 youth and an administrative capacity of 20 youth. Our staff ratio meets the Title 15 standards. If necessary, we call in additional staff, primarily part-time/extra-help, when additional resources are needed.

Finding No. 5:

F5) In spite of being short-staffed and short-budgeted, Juvenile Hall continues to operate efficiently by existing personnel, as long as nothing out of the ordinary occurs.

Response to Finding No. 5:

I mostly agree with the finding numbered F5. Staffing was short at Juvenile Hall and we are going through a period of transition. The staff members at Juvenile Hall have been admirable throughout this period. I review all incident reports from the Juvenile Hall and am confident that with the proper training and leadership, they would be able to handle almost any contingency.

Finding No. 6:

F6) Currently there is a paper journal kept to track the nightly round in the cell area.

Response to Finding No. 6

I agree with the finding numbered F6.

Recommendation No. 1:

R1) The recreation yard should be repaired. The asphalt should be repaired or replaced and the grassy area should be leveled and replanted with new grass. Gopher control should be implemented to protect the repaired area.

Response to Recommendation No. 1:

I agree with the recommendation numbered R1. We examined various strategies for the repair and possible upgrade. In discussion with the interim Director of Public Works, repair of the recreation yard is to occur as soon as practical in the 2015-2016 fiscal year.

Recommendation No. 2:

R2) According to staff, nine new security cameras should be added to the existing system to provide better coverage around the external perimeter of the facility and better coverage within the facility.

Response to Recommendation No. 2:

I disagree with the recommendation numbered R2. While I agree that the camera coverage could be improved. The addition of new cameras creates additional needs such as monitoring systems and protocols on how those systems are observed. We are considering other options which include changing the configuration of the current cameras to maximize coverage. Any proposal must be vetted for ancillary impact on the staff and operation of the facility. In any regard, while technology needs be used to

enhance the safety of staff and the youth, safety should primarily be vested in the department policies & procedures, and the training and professionalism of the staff.

Recommendation No. 3:

R3) A permanent Juvenile Hall Superintendent should be hired as soon as possible.

Response to Recommendation No. 3

I agree with recommendation numbered R3. Following an active recruitment, which included applicants from across the nation, and a robust selection process, a new Juvenile Hall Superintendent has been hired. The new Superintendent started on July 20, 2015.

Recommendation No. 4:

R4) Funding for two additional staff member positions should be allocated.

Response to Recommendation No. 4:

I partially disagree with recommendation numbered R4. Over the past year, the Juvenile Hall population has been as low as 6 and as high as 20. The fluid nature of the population necessitates flexibility from the department. There are vacancies in the JIO series which the Probation Department is actively working to fill. We are also actively increasing the pool of part-time/extra-help staff at Juvenile Hall. This strategy allows for flexibility given the varying in Juvenile Hall population, allows those new to working in a secure facility to gain insight in the field, and creates a pool of experienced staff from which we can recruit full-time employees.

The addition of staff members creates a permanent and fixed burden upon limited county resources. However, the addition on one (1) full-time staff member would assist with transport to and from Court, facility care and maintenance, filling in for scheduled and un-scheduled leave of staff, and programming for youth. The Probation Department will work with the County to examine the feasibility of increasing full-time staffing by one (1) Juvenile Institutions Officer.

Recommendation No. 5:

R5) No Recommendation.

Response to Recommendation No. 5:

No response.

Recommendation No 6.:

R6) A key card system tied into the existing security system should be implemented to keep better track of the rounds.

Response to Recommendation No. 6:

I disagree with recommendation numbered R6. The Probation Department was exploring the use of key cards, wands, and other automated systems for the tracking of rounds in the Juvenile Hall. In our review, each system raised concerns regarding reliability, interoperability with existing systems, and/or other issues which would also require additional resources such as maintenance costs, staff time, or significant repair/upgrades at a later stage. While we endeavor to seek out available technology to create efficiencies, enhance accountability, and provide better services, we will also vet each system to ensure it is the best for us.