

SAN BENITO COUNTY



GRAND JURY REPORT 2004-2005

Honorable Judge Steve Sanders
San Benito County Superior Court
Monterey Street
Hollister, CA 95023

June 30, 2005

Dear Judge Sanders:

The 2004-2005 San Benito County Grand Jury herewith submits its final report.

The report contains the result of investigations required by law, those selected by this years' Grand Jury, and others suggested by citizen complaints. The report is structured by presenting investigation reports by the committee that addressed them. The committees established this year was: Law & Justice, City & County, Health, Education & Welfare, and Continuity. The report contains the results of eleven investigations/reviews and corresponding recommendations for improvement. The report also contains a section discussing the citizen complaints reviewed by the Grand Jury during this term.

The Continuity Committee was new this year and was formed to conduct a review and assessment of Grand Jury investigations and citizen complaint actions over the past five years, and follow up on the implementation of recommended improvements. As a result Of the follow-ups there were a number of previous year recommendations that were not implemented, that in our opinion represent significant public safety issues or shortfalls that prevent City/County Agencies from properly serving the community. These resulted in new recommendations that have been elevated to the City/County Governments, as well as the specific agency for further review and action. The Continuity Committee also organized the Grand Jury records as well as establishing electronic files and databases to provide continuity for future Grand Juries.

There were a large number of issues and agencies in San Benito County that warrant the attention of the Grand Jury. It would be impossible to cover them all. This year, the San Benito County Grand Jury approach was to address several functions that involved more than one City/County agency. The Grand Jury selected reviews of purchasing practices in the City and County, gang controls across all law enforcement agencies as well as schools, other community activities, and City and County emergency preparedness in city/county agencies and schools. We also monitored the election process in November 2004 and reviewed the functions of the County Clerks Office. We also monitored the property tax process in April 2005 and reviewed the County Treasurer's functions. These cross-functional reviews gave the Grand Jury a much different perspective and resulted in several general as well as Inter-Government recommendations. There is a need for City/County Boards to insist on the development of effective procedures for all agencies that can be used for training and self-assessment.

The Grand Jury fully understands the budgetary constraints that exist but feel strongly that City and County agencies should work together in concert through the Intra-Gov Committee on joint and innovative solutions to systems and staffing issues.

The San Benito County Grand Jury wants to extend our appreciation and thanks to the City and County agencies for their responsiveness and support during the investigations and reviews, especially during real time monitoring. Responses were frank, honest and very professional thereby allowing the Grand Jury to satisfy the objectives of our investigations.

I want to thank the members of this years' Grand Jury. Despite a late start and being short-handed through most of the year, they worked hard, never lost their enthusiasm, and accomplished the basic goals and objectives set forth in this year's Grand Jury Business Plan. It was my privilege and honor to serve with such a great group of people.

And finally, The 2004-2005 San Benito County Grand Jury thanks you for your counsel and support during the past year, and for the opportunity to serve the citizens of San Benito County. We all came away with an increased awareness and appreciation for City and County Government and for the role of the Grand Jury in the community.

Sincerely,

Jack Cocchi, Foreperson
2004-2005 San Benito County Grand Jury

THE 2004-2005 SAN BENITO GRAND JURY

The 2004-2005 San Benito County Grand Jury was made up of professional people from different fields including education, law enforcement, real estate, aerospace and semiconductor private industry, accounting, and paralegal enterprises.

Eight Grand Jury members returned from the 2003-2004 San Benito County Grand Jury and seven members attended training provided by the California Grand Jury Association. This training was invaluable and is highly recommended for future Grand Jurors. Although the 2004-2005 Grand Jury was not sworn in until September 2004, the training we received helped us get organized quickly and establish our Business Plan for the remaining term. Despite the late start, through a lot of hard work, long hours, and dedication, the investigations and reviews received the thorough attention and scrutiny they deserved.

This report is dedicated to our fellow jury member Jim Appenzeller who passed away on February 1st, 2005 and to Rita, his wife who continued on as a jury member to the end of the term. Jim was a great asset to the Grand Jury and is sorely missed.

2004-2005 San Benito County Grand Jury Members

Jack Cocchi, Foreperson	Wayne Funk
Rita Appenzeller, Pro-Tem	Otto Leidreiter
Suzanne Gere, Secretary	Dean Rodrigues
Dorian Gonzales, Treasurer	John Sitton
Jim Appenzeller	Deborah Shamnoski
Gary Anderson	Diana Tucker
Juanita Alexander	Phillip Tucker
Steve Becerra	Cynthia Vasquez

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Time Limits for Responses

California Penal Code 933(c) requires that

“No later than 90 days after the Grand Jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the Grand Jury has responsibility Pursuant to Section 914.1, shall comment within 60 days to the presiding Judge of Superior Court, with an information copy to the Board of Supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the Mayor shall also comment on the findings and recommendations.

All of these comments and reports shall forthwith be submitted to the presiding Judge of the Superior Court who impaneled the Grand Jury. A copy of all responses to Grand Jury reports shall be placed on file with the clerk of the public agency and the office of the County Clerk, or with the Mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable Grand Jury final report by, and in the control of the currently impaneled Grand Jury, where it shall be maintained for a minimum of five years.

Form of Responses

A response is required within the time limits and form as prescribed by California Penal Code Section 933.

California Penal Code 933.05 requires that

(a) For the purpose of subdivision (b) of Section 933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the findings.
(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For the purpose of subdivision (b) of Section 933, as to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, (with a timeframe for implementation).

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe

shall not exceed six months from the date of publication of the Grand Jury report.

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

GENERAL REPORT

BACKGROUND

The Grand Jury performed a number of cross-functional reviews of City and County Agencies during the 2004-2005 Grand Jury term. These cross-functional reviews gave the Grand Jury a different perspective resulting in this general report and some general recommendations for both the City and County Governments as well as intra-government recommendations.

OBJECTIVE

The objective of these reviews is to determine if the City and County agencies are adequately and efficiently satisfying the needs of the community.

METHODOLOGY

1. Interviews with various City and County agencies
2. Follow-up to Grand Jury recommendations from the years 1999-2000 through 2003-2004.

OBSERVATIONS, FINDINGS, AND CONCLUSIONS

The Grand Jury reviewed the purchasing practices of the City and County, gang controls across all law enforcement agencies, schools, and other community organizations, and City/County emergency preparedness in city/county agencies and schools. We also monitored the election process in November 2004, reviewed the functions of the County Clerk's Office and observed the property tax process in April 2005. We examined the County's preparedness for the West Nile Virus, met with officials from other counties, and attended meetings and monitored the actions of the West Nile Task Force.

As a result of these reviews, the 2004-2005 Grand Jury noted that:

- ◆ General administrative practices were deficient
- ◆ Computer based systems and connectivity were lacking
- ◆ Intra-Government efficiencies are not being pursued

These areas will be discussed in subsequent paragraphs in general, however, they are supported in more detail in the other reports that make up this final report.

General Practices

There were three areas that most City/County agencies are deficient: procedures, training, and audits. Procedures are either non-existent or are very difficult to follow. Most training is on-the-job training, however, it is not defined and not documented. Financial and other internal audits are not being conducted routinely. These shortfalls result in inefficiency and a lack of accountability. Several of the detailed reports contained herein support the above claims.

Computer Based Systems

The use of electronic systems is lacking in most agencies. The City of Hollister is much further ahead of the County. They have an Information Technology (IT) group to service their computers and develop electronic systems. The County relies on each agency to handle their own computer services or employ outside contractors. Many agencies are using manual procedures and outdated hard-copy forms instead of systems that are more automated and less labor intensive. Additionally, some agencies are using outdated computers and software. Connectivity among law enforcement agencies is lagging although fiber-optics lines are available. All of these shortfalls result in inefficiencies in costs, as well as performance. Again, several of the detailed reports contained herein support these claims.

Intra-Government Efficiencies

The Intra-Government Committee should be looking into functional synergy between city and county agencies and also looking into unification of functions. A number of agencies exist in both the city and county performing the same or similar functions that if united, or if they worked together, could result in significant cost savings to the City, County and the community. The following are just a few examples:

- ◆ City & County Public Works – equipment & materials efficiency
- ◆ City & County Fire Departments – staffing, equipment and overall responsiveness
- ◆ City Attorney & County Counsel – staffing and reduction of significant outside attorney fees
- ◆ Information Technology- a single IT group to serve both the City and County would reduce cost and improve productivity.
- ◆ Sharing specialty functions i.e. swat team, gang team, training, etc. by City & County Law Enforcement Agencies
- ◆ Purchasing of general-purpose office supplies and equipment.

Most agencies in both the City and County are experiencing staffing shortfalls. Staffing levels of Law Enforcement Agencies is dangerously below that of other counties. Unification is a way to combine resources. It is recognized that there are different resource issues in combining City and County functions, but it is felt that the savings and efficiencies warrant a hard look by the Intra-Government Committee. The Intra-Government Committee needs to be a viable function despite positions being held by interim managers and the heavy turnover in City & County personnel.

RECOMMENDATIONS

The three areas described above need to be studied and evaluated by City and County Governments. The financial constraints on both the City and County require improvements in operating practices, in the synergism between City and County functions and in enhancing computer based systems and connectivity throughout agencies. This requires thinking and acting “outside the box” on the part of City and County Governments.

AFFECTED AGENCIES

San Benito County Board of Supervisors
San Benito County Administrative Officer
Hollister City Council
Hollister City Manager
City and County Public Works
City and County Fire Departments
Hollister City Attorney and County Counsel
Hollister Police Department
Sheriff’s Office

RESPONSE REQUIRED

California Penal Code Section 933 requires that a response to the recommendations found in this final report be delivered to the Presiding Judge of the Superior Court within 90 days of the receipt of the report. See page 4 of this report.

CITY AND COUNTY GOVERNMENT COMMITTEE

CHARTER

The City, and County Government Committee is responsible for investigating complaints, reviewing procedures and other issues related to San Benito County Government Entities.

COMMITTEE MEMBERS

Phillip Tucker -Chair
Juanita Alexander
Gary Anderson
Rita Appenzeller
Wayne Funk
Dorian Gonzales
Dean Rodriguez
Diana Tucker

SAN BENITO COUNTY CLERK / ELECTIONS OFFICE

BACKGROUND

This investigation was prompted by concerns relative to the conduct of elections in San Benito County during 2004 and reports of potential violations of the California Election Code. The investigation covered Elections Office procedures and the circumstances surrounding reported problems in administering both the primary and presidential elections.

OBJECTIVE

The objectives of the investigation were to review the operations and practices of the San Benito County Elections Office to ensure compliance with Federal and State election criteria, identify any problems and recommend appropriate improvements or corrective actions.

METHOD OF REVIEW

1. Presentation by and interview of the County Clerk / Registrar of Voters.
2. Observation at various polling places and at the Office of Elections.
3. Interviews with Elections Office staff.
4. Review of California State Elections code.
5. Review of U.S. Department of Justice report dated November 19, 2004.

OBSERVATIONS, FINDINGS AND CONCLUSIONS

The Elections Office operations that were reviewed and the findings relevant to each are summarized as follows:

1. Preparing and Mailing Ballots:

- a. Absentee ballots were mailed containing erroneous information regarding the Sunnyslope Water District Board election. This printing error was caused by a failure of the elections staff to detect the error during the proofreading of the ballot provided by the supplier prior to printing. The Elections Office staff commented that the lack of an isolated area to conduct proofreading tasks was a contributing factor.
- b. At least two voters received multiple absentee ballots for the Presidential election. The Elections Office staff reported the problem was with the address label software and that corrections to the software program had been made to prevent recurrence.

2. Provisional and Absentee Ballots:

a. There are inadequate provisions for enforcing Sections 3011 (i), (j), (k) and Section 3017 (a), (c), (d) of the California Election Code, which state in part “.... an absent voter who because of illness or other physical disability, is unable to return the ballot, may designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household as the absent voter to return the ballot to the elections official from whom it came or to the precinct board at any polling place within the jurisdiction.” Further requirements of the above sections provide that the designation of the person authorized to return the ballot for the absent voter be written on the absentee envelope and that the person so designated sign the ballot envelope. Section 3017(c) specifically states, “The provisions of this section are mandatory and not directory, and no ballot shall be counted if it is not delivered in compliance with this section.” There are no provisions for verifying the identity of a person returning an absentee ballot on behalf of the absent voter to ensure these provisions are being adhered to.

b. There was confusion regarding the proper use of provisional ballots. The polling places were not consistent in their interpretation of the provisional ballot procedures.

c. One case of a voter casting both an absentee ballot and a regular ballot was evaluated. It was determined that the voter did not recall mailing an absentee ballot and went to the assigned poll to cast a ballot on election day. The poll worker provided a regular ballot rather than a provisional ballot as required under the election code.

d. Many absent voters are unaware that an absentee ballot is only counted if the elections office receives it by the time the polls close on Election Day and not by the postmark on the envelope. The Elections Office has not taken sufficient steps to inform the public of this regulation.

3. Maintaining Voter Registration Rolls:

The Voter Registration Rolls do not accurately reflect the current population of eligible voters in San Benito County. There are several methods utilized to maintain voter rolls, however more should to be done to comply with Section 2220 of the California Elections code to ensure the accuracy of the rolls via effective voter address validation. The current methods utilized to maintain the rolls include:

- (1) Mailing 8D2 address verification cards
- (2) Buying back undeliverable ballots from the post office
- (3) Cal Voter notifies county when license renewal reveals a move.
- (4) Reports from the Secretary of State and other counties advising of potential duplications on voter rolls.

4. **Training:**

a. There is no formal training program established at either the State or local level for the elections office staff.

a. Poll worker training is inadequate to ensure consistent application of voting laws and regulations throughout San Benito County.

5. **Elections Office Administration:**

A formal organization chart exists; however, there are no written descriptions of the duties and responsibilities of Elections Office staff.

6. **Voting System Modernization:**

a. Voting system changes are required by either Federal or State mandate which include:

(1) The introduction of a new voting system by Jan 06.

(2) The installation of at least one touch screen voting machine in each polling place for the disabled and senior citizens.

b. State and Federal funds are available to help offset the implementation cost to the county.

7. **General Observations:**

a. Bi-lingual support was vastly improved over performance during March 2004 primaries. Conscientious effort on the part of the County Clerk and the Elections Office Staff was evident.

b. Elections Office staff demonstrated a commitment to ensuring that every eligible voter has the opportunity to vote.

c. Operations at the elections office on the evening of the November 2, 2004 were professional and well-organized. Volunteers and Elections Office staff worked well together to ensure the integrity of the ballot counting process. An attorney was funded by the Board of Supervisors to oversee the election and he was present to observe the canvassing process.

d. The San Benito County Grand Jury observations closely mirrored those of the independent Department of Justice observers as reported in the DOJ letter dated November 19, 2004.

RECOMMENDATIONS

1. Preparing and Mailing Ballots:

a. An isolated area within the elections office should be provided for the purpose of proofreading ballots prior to final submission for printing. The area should be separated from where the day-to-day operations are being conducted, and free from disruptive intrusions such as telephones. The area provided must be well-lighted, and provide sufficient work surfaces for at least two proofreaders to perform their duties simultaneously, without interfering with each other. It is further recommended that a minimum of two proofreaders be utilized and that one of them be a person who was not directly involved in drafting the original ballot.

2. Provisional and Absentee Ballots:

a. Poll workers must be provided with a set of clear and concise instructions regarding the utilization of provisional ballots and describing common circumstances that would dictate their use. Case studies and examples of various situations should be used in training sessions and provided in writing to familiarize poll workers with the use of provisional ballots. Poll inspectors should be given expanded training in this area to ensure consistent application of provisional ballot procedures throughout San Benito County. The current training outlines should be expanded to cover the provisional ballot training.

b. The County Clerk / Registrar of Voters should implement procedures to ensure that the provisions of Elections Code Sections 3011 and 3017 are enforced. When a person returns an absentee ballot in person, positive identification should be presented to verify that the person returning the ballot is either the voter to whom the ballot was sent, or the person designated by the absent voter to return the ballot. When a designated person returns the ballot, the signature of that person should be verified. The requirement for identification should be posted at all voting locations.

c. The County Clerk and the Elections Office staff should take steps to verify the consistent application of poll procedures, rules and regulations through the use of trained roaming observers. This will help identify areas where additional training is required and where instructions or procedures need to be clarified in order to meet voter needs.

d. The elections office should notify the local media that the absentee ballots must be received prior to the polls closing on Election Day, regardless of when they are mailed. A notice to this effect should also be inserted into the absentee ballot mailing. The insert should also specify the amount of postage required.

3. **Maintaining Voter Registration Roles**

The following recommendations may be evaluated individually or as a set for applicability to San Benito County and implementation.

- a. The elections office should evaluate the possibility of obtaining local utility reports of both new and terminated residential connections initiated at the request of the resident. Such reports could be cross-referenced to the voter rolls and a voter registration application, or an 8D2 card could be mailed, as appropriate. The utilities that could be requested to cooperate include P`G & E, City/County Water Districts, Waste Disposal and SBC/AT&T phone services. If such an arrangement is feasible, it would permit the elections office to update the rolls continuously during the year rather than during the 90 days preceding an election.
- b. The Elections office should utilize the National Change of Address (NCOA) service as described in Section 2221 of the California Elections Code.
- c. San Benito County Elections Office staff should contact neighboring counties to determine if they use procedures for maintaining voter rolls that could benefit San Benito County.
- d. The San Benito County Clerk should send a letter to the Postmaster in Hollister, and to the Post- master General requesting that the standard U.S. Postal Service Change of Address packets be modified to include a notification card specifically for local election boards or elections offices.
- e. The Elections office should issue a quarterly report to the Board of Supervisors providing:
 - (1) The number of voters registered at the start of the quarter;
 - (2) The number of new voters registered during the quarter;
 - (3) The number of voters deleted from the rolls;
 - (4) The number of voters changing addresses within the County;
 - (5) The number of registered voters at the end of the quarter.

This report would provide the Board of Supervisors current information and improve accountability for maintaining accurate voter rolls.

4. **Training:**

- a. Training for new poll workers needs to be expanded to 3-4 hours. More detailed written training guidelines need to be established and procedures practiced in mock situations. Additional training should focus on the handling of absentee ballots and procedures covering provisional ballots. Poll workers and poll inspectors must receive increased training, along with written instructions and guidelines regarding the acceptance of completed absentee ballots at the polling place and the requirement to comply with the sections of Elections Code

sections 3011 and 3017.

b. Veteran Poll workers should be given a test to determine the level of training needed. Those achieving a satisfactory score, as determined by the Registrar of Voters, would only have to attend an abbreviated refresher training course that would include any new laws or regulations enacted and any expanded training not previously offered. Workers not achieving a satisfactory score would be required to attend the entire “New Poll worker” training.

c. Additional Poll Inspector training is also recommended. Poll inspectors must first be qualified as poll workers and pass the “Veteran Poll Workers” examination. Poll inspectors must then be trained to become proficient in interpreting and applying rules and procedures covering both receipt of Absentee Ballots and the issuing of Provisional Ballots. Mock situations should be studied and discussed to ensure a universal understanding of the material. Poll inspectors must be capable of explaining the reasons for procedures to voters who may feel they are not being treated fairly. Roaming poll observers could also be trained as poll inspectors to assist the Elections Office in maintaining consistency throughout the county. A “Veteran Poll Inspector” examination should also be considered.

d. Detailed, written training guidelines should be established for each permanent position on the Election’s Office staff. Initial guidelines should be developed by the staff in concert with their respective supervisors, and approved by the County Clerk.

e. The County Clerk should ensure that the San Benito County Elections Office take maximum advantage of election work-shops offered by either the State of California or the Federal Government.

5. **Elections Office Administration:**

The County Clerk and the Elections Office staff should develop written “Duties and Responsibilities for all permanent Elections Office staff positions, including consultants and poll inspectors. These written “Duties and Responsibilities” must clearly identify areas of accountability and those actions requiring final approval from higher authority. These documents will also serve as a set of job requirements, which can assist supervisors in preparing performance evaluations.

6. **Voting System Modernization:**

a. The County Clerk must ensure that a formal implementation plan is developed for introduction of the new voting machines and touch screen panels. This plan should be developed in cooperation with the San Benito County Board of Supervisors and include all funding requirements, implementation milestone dates and action items assigned to appropriate County departments.

b. A comprehensive training plan must also be developed in parallel with the implementation plan. The training plan should include in-depth training for all Elections

Office staff, poll workers and poll inspectors. Training must also be provided for county residents in a coordinated manner. Voter training should be offered at the County Elections Office, and other public venues, as necessary, commencing no later than 90 days before the 2006 election. Special mobile training sessions on the touch screen displays for elderly or disabled voters should be provided through civic organizations at locations accessible to citizens with special needs. At least one poll worker at each poll should be trained to provide touch screen voting instructions on Election Day.

AFFECTED AGENCIES

San Benito County Board of Supervisors

San Benito County Clerk/Registrar of Voters

RESPONSE REQUIRED

California Penal Code Section 933 requires that a response to the recommendations found in this final report be delivered to the Presiding Judge of the Superior Court within 90 days of the receipt of the report. See page 4 of this report.

SAN BENITO COUNTY TREASURER/TAX COLLECTOR/ PUBLIC ADMINISTRATOR

BACKGROUND

A review of the Public Administrator's office was undertaken as the result of a citizen complaint. After interviewing the County Treasurer/Tax Collector/Public Administrator it became clear that the functions within the County Treasurer's office were inseparable, and that the review had to be expanded to include all functions assigned to the County Treasurer/Tax Collector.

OBJECTIVES

The objectives of this review were to:

1. Assess the performance of the Public Administrator's office.
2. Assess the performance of the County Tax Collector's office.
3. Assess the performance of the County Treasurer's office
4. Examine the current management practices within the offices of the County Treasurer/Tax Collector/Public Administrator.

METHOD OF REVIEW

1. Interview of the County Treasurer/Tax Collector/Public Administrator.
2. Interviews of County Treasurer/Tax Collector Office Staff (past and/or present)
3. Examination of Public Administrator's office and off-site storage facilities
4. Examination of Public Administrator's estate property inventories
5. Examination of reports of Audits conducted of the County Treasurer/Tax Collector for 2002, 2003, and 2004.
6. Observation of the Treasurer/Tax Collector office operation during the tax collection period.
7. Examination of the current tax collection computer program.
8. Follow-up of previous Grand Jury recommendations.

OBSERVATIONS, FINDINGS AND CONCLUSIONS

The following is a summary of the areas of the Public Administrator/Treasurer/Tax Collector's Office that were reviewed and the observations, findings and/or conclusions reached:

1. The Public Administrator's management of decedent property is inefficient, lacks appropriate safeguards to prevent loss or misappropriation and does not provide for accountability of all property taken into custody or the disposition of same. The following specific problem areas were encountered:
 - a. Training for the Public Administrator and the PA staff is inadequate. There is no formal training program and the office does not routinely send representatives to State-sponsored training sessions, citing budget and/or staffing constraints. There's no written job description for the Public Administrator's staff positions from which to structure an acceptable in-house training program.
 - b. Property was held for as long as four years without being inventoried or otherwise accounted for. The absence of a complete inventory, as required by the State Probate Code, increases the potential for misappropriation. The inventory of property taken into custody by the Public Administrator is required, in part, to provide accountability of the Public Administrator to the State of California and to potential heirs.
 - c. There was little or no effort expended to locate heirs or to dispose of property in a timely manner as required by the Probate Code. This lack of action resulted in some property being stored for over four years, thus depleting estate funds to pay the cost of storage.
 - d. Records of dispositions and/or disposition procedures were not readily available and/or do not exist. There were reports of items being sold at garage sales and the proceeds not being properly accounted for. These reports cannot be validated or refuted because there is no written disposition policy and no record of dispositions that may have occurred.
 - e. Records of appraisals, as recommended by the State Probate Code, were not available. There was no indication that appraisals of estate property are obtained on a regular basis.
 - f. Estate property held in a storage room in the Treasurer's office for over four years was not adequately safeguarded. The storage area is accessible by anyone working in the Treasurer/Tax Collector/Public Administrator office, including temporary employees. Since decedent property was not inventoried and appraised, the potential for loss or misappropriation was significant.

2. The tax collection process lacks organization and supervision. Current procedures do not provide prudent safeguarding of tax payments.

a.. Training for, and supervision of, the Tax Collector's staff requires improvement. Taxpayers are given inconsistent or inaccurate information. Taxpayers calling to find out what they owe were referred to the Assessors office. In other cases, the taxpayer was advised they could look up the information in the Tax Collectors office by their name. In another instance, the taxpayers were told they could obtain free cashier's checks for their taxes from any bank in Hollister. Two banks have stated that they do not provide free cashiers checks for property taxes.

b. Unprocessed checks were left unattended on staff desks. Payments were scattered around the office in a seemingly haphazard manner, mixed with administrative papers and files.

c. The Treasurer's safe and the storage room where it is located typically remain open during operating hours with no one specifically responsible for security of the contents.

d. Refunds to taxpayers are reportedly not being processed in a timely manner.

e. All Tax Collector representatives work from the same cash drawer, which makes it difficult to trace and correct errors in receiving, recording or processing tax payments.

f. Bank deposits are not made consistently every day and in many instances the bank deposits do not balance with the deposit register.

3. The tax collection software being used is reportedly over 14 years old and out of date. The result is that too many transactions have to be done manually, greatly increasing the chance for error and resulting in excessive hard copy files to be maintained in an office already suffering from a lack of space. The software limitations exacerbate the personnel constraints already imposed by budget limitations. However, budget must be provided to hire temporary staff to supplement the permanent staff during the peak tax collection periods. In addition, current computer hardware will not support incorporation of modern accounting software. At the present time, tasks such as printing the tax bills are out-sourced to a vendor rather than being printed internally using a modern software program.

4. Annual audits of the Treasurer/Tax Collector/Public Administrator office were reviewed and found to be incomplete and inadequate to judge the fiscal performance of the office. The reports provided did not appear to meet generally accepted accounting standards and do not provide sufficient information as a basis for review.

5. The Treasurer/Tax Collector/Public Administrator office staff has suffered the loss of experienced personnel over the past few years.

6. Discussion of previous Grand Jury recommendations:
- ◆ In 1999-2000 it was recommended that an in-depth management audit be conducted. This was not done. See below for recommended audit action.
 - ◆ In 2002-2003 the Grand Jury recommended follow-up of the new payroll system. This has been completed.
 - ◆ In 2002-2003 it was recommended that reporting systems be upgraded to reduce transferring of data. This was not done. See below for recommended software upgrade recommendations.

RECOMMENDATIONS

1. The Public Administrator (PA) should be thoroughly familiar with the California Probate Code as it applies to the duties of the public administrator, and should follow the provisions of the Probate Code in the handling of property in the PA's custody. To that end the following is recommended:
- a. Written job descriptions for all members of the PA staff should be developed and contain the minimum training requirements to be met. A formal training program should be established for all PA office personnel. The PA's office should take maximum advantage of California State seminars and work-shops for Public Administrators.
 - b. In accordance with Probate Code Section 8800, the PA should provide the Superior Court with an inventory and appraisal of any decedent property in the PA's custody within 4 months of receipt.
 - c. The PA should establish written policies and procedures governing efforts to locate heirs to property held by the PA's office. If no heirs can be located, the PA should advise the Superior Court that no heirs can be located and establish a date on which property disposal will commence. This notification should be made not later than one year after receipt of the property, unless additional time is authorized by the Superior Court.
 - d. A permanent record of all property disposals should be maintained and available for Superior Court review.
 - e. Decedent's property should be held in a secure area, with limited access and not stored in an area that is routinely utilized on a daily basis for general business activities. A log sheet for the secure property storage area should be maintained to record the date and time of each entry and the name of the official entering.

2. The Tax Collector's office should:

a. Develop written policies and procedures to cover day-to-day activities. Daily tasks, such as making bank deposits, and procedures for safeguarding tax payments should be described to ensure that everyone is aware of such requirements. Of particular concern is the practice of leaving tax payments unattended and unaccounted for on various working surfaces throughout the office.

b. Each member of the Tax Collector's staff who is authorized to accept over the counter tax payments should have an individual cash drawer. The cash drawers should be locked in a secure location when not in use, such as on lunch breaks. After business hours the cash drawers should be balanced against the tax receipts accepted by the individual clerk prior to being returned to the vault to be locked up for the night. This process should follow the standard procedures followed by bank tellers to avoid mistakes and permit the location of errors more easily. Individual cash drawers will also provide greater accountability of those handling tax payments and promote more cautious handling of county funds.

c. Prepare written job descriptions for each permanent staff position. These job descriptions should contain minimum training requirements for the position and delineate accountability for the accuracy of payment records and bank deposits, as well as other critical tasks that affect the proper safeguarding of County funds.

d. Develop and Implement a formal training program which includes minimum training requirements established in the above recommended job descriptions.

3. The Tax Collector should submit a written initiative to the San Benito County Board of Supervisors to obtain updated/new computer hardware. The initiative should include the purchase and installation of a modern Tax Collection software program that will automate many of the tasks now done manually. The selection of a software program should be coordinated with the Assessor's office to ensure compatibility.

4. The San Benito County Board of Supervisors should select and fund an outside, independent auditor to conduct an in-depth fiscal and management audit of the Treasurer/Tax Collector/Public Administrator office and provide a detailed report to the Board of Supervisors. Annual audits conducted by the State of California should be more thorough and provide visibility into all fiscal and procedural elements reviewed.

5. The San Benito County Board of Supervisors should request that the County Human Resources Department evaluate the high attrition rate among senior personnel in the Treasurer/Tax Collector/Public Administrator Office experienced during the past 2-4 years, and advise the County Treasurer/Tax Collector and the Board of Supervisors of any trends or institutional problems which may be contributing to the loss of experienced personnel.

AFFECTED AGENCIES

San Benito County Treasurer/Tax Collector/Public Administrator

San Benito County Superior Court

San Benito County Board of Supervisors

San Benito County Human Resources Department

RESPONSE REQUIRED

California Penal Code Section 933 requires that a response to the recommendations found in this final report be delivered to the Presiding Judge of the Superior Court within 90 days of the receipt of the report. See page 4 of this report.

SAN BENITO COUNTY AND CITY OF HOLLISTER PURCHASING PRACTICES

BACKGROUND

The budget problems faced by both San Benito County and the City of Hollister prompted the Grand Jury to evaluate their current purchasing practices and to determine if current spending habits meet current regulations and represent the most efficient use of taxpayer funds.

OBJECTIVES

Determine whether purchasing activities meet regulations and policies. Review major expenses to determine if proper bidding requirements are being followed and whether effective purchasing strategies are being employed to ensure the most cost effective use of taxpayer funds.

METHOD OF REVIEW

1. Interview with the Hollister City Manager (acting).
2. Interview with the Finance Director of San Benito County
3. Review of San Benito County and Hollister purchasing policies and procedures
4. Examine vehicle purchasing documents provided by the Sheriff's office
5. Examine vehicle purchasing documents provided by the City Manager's office
6. Interview with the San Benito County Counsel
7. Review of the San Benito County Budget reports

OBSERVATIONS, FINDINGS AND CONCLUSIONS

The following is a summary of the areas reviewed and resulting observations, findings and/or conclusions.

1. City of Hollister

- a. The purchasing policy of the City of Hollister was reviewed to ascertain the level of expenditure authority delegated to individual departments for both routine and capital expenses. Resolution number 2002-286, passed in December 2002, stipulates that purchases less than \$2,500 are left to Department Head discretion for approval. Purchases more than \$2,500 but less than \$5,000 require two (2) telephone quotations and are subject to verification of budget by the Finance Director. Purchases over \$5,000 but less than \$15,000 require two (2) written quotations. The City Manager is authorized to approve all non-capital purchases and capital purchases up to \$15,000. Purchases over \$15,000 must be awarded by competitive bidding. Capital purchases over \$15,000 require City Council approval. This policy is consistent with the

Government Accounting Standards Board recommended standards and are sufficient for controlling City of Hollister expenditures.

b. Several Hollister vehicle purchases in 2002-2003 were reviewed and found to be in compliance with the purchasing policy in force. Written bids were requested and obtained followed by a proposal for City Council approval, recommending purchase of the selected vehicle. It was noted that during 2002 a review of utilization rates for several vehicles was conducted which seemed to indicate that the vehicles were severely under-utilized.

c. Contracts for legal services were reviewed and discussed with the City Manager. The City Attorney reviews all contracts for legal services and audits invoices to ensure that billings represent fair value to the work performed. The contracts for legal services reviewed were awarded in compliance with the City purchasing policy.

d. The City of Hollister has consolidated their computer services into a single Information Technology (IT) department consisting of 2 people. The IT department provides all computer technical services to city departments, effectively eliminating outside Computer Consulting Service contracts. The IT department is managed by the City Administrative Services Officer (ASO) and has an annual budget of approximately \$150,000 per year. This approach appears to provide continuity and consistency of service to all departments. In addition, inter-departmental information exchange problems can be more efficiently addressed with a common support structure.

e. The purchasing of general office supplies are made by the Cal-Card system and monitored by supervisors. The City ASO will also be reviewing the potential for executing volume-pricing agreements for common use items. The Hollister School District currently buys cleaning supplies on a bulk basis and sells supplies to other city agencies. The City Manager will encourage the city to consider purchasing through the California Department of General Services for common supplies and goods when cost savings can be realized.

2. San Benito County

a. The San Benito County Purchasing Policy (County Code Section 13) was reviewed and does not distinguish between capital and non-capital expenditures. The Purchasing Policy, as amended by Ordinance No. 782 on 12/7/04, authorizes each agency head to purchase supplies and equipment for his or her agency in amounts of \$10,000 or less. Such purchasing authority may be further delegated to a deputy or assistant with Board of Supervisors approval. An agency head may award technical services contracts subject to dollar limits. The dollar limitations imposed by Ordinance 782 are vague and do not specify if limits are cumulative or for individual contracts. All technical services contracts and consultant agreements over \$5,000 and the rental of equipment or machinery, requires three competitive bids, with one selected/recommended by the agency head, to be submitted to the Board of

Supervisors who may then negotiate a contract. There are numerous exemptions to the competitive bidding requirement, including the services of attorneys and litigation related experts. The Purchasing Policy reviewed specifically excludes the purchase of motor vehicles under Section 13-3, but does not provide reference to the authority for vehicle purchases.

b. County purchasing code and policies require that county agencies go out for bid, or use the California State contract, for the purchase of motor vehicles. The Sheriff's Department leased five (5) Crown Victoria Police Interceptors in 2004, under a Master Lease Agreement executed 3/1/2000, at a price of \$128,675.15 (\$25,735.03 ea). The 3-year lease included \$1,645 per vehicle for a power train warranty. A review of the bid package for this transaction failed to show that the required bid procedure was utilized. There were no other bid submissions or solicitations shown in the purchase documentation received, although there was a statement signed by County Counsel on 12/20/04 that "all public bidding procedures regarding the award of the Master Agreement and the purchase of the equipment have been followed...". Under the California State Motor Vehicle contract, the same vehicles could have been purchased, including the power train warranty for \$120,705.84 (\$24,141.16 ea), and would have resulted in a savings to San Benito County of \$7,969.31.

A new Coroner's van was purchased by the Sheriff's office in January 2005. The van was purchased locally for a base purchase price of \$21,110.00. The bid package reviewed did not contain the solicitation of bids as required by County Code. The California State contract for Motor Vehicles offered the same van for a base price of approximately \$18,000, a potential savings potential of \$3,000.

From the documentation provided it was difficult to determine cost differences and to determine that the Sheriff's Department followed San Benito County policies as they apply to the purchase of motor vehicles.

c. Contracts for legal services on behalf of the County or County Officials are not routinely administered by County Counsel. Reconciliation and evaluation of billings are not reviewed by County Counsel to ensure that the hours billed are reasonable for the tasks performed. Legal services contracts have been placed for services that appear to be within the scope of County Counsel's responsibility. All contracts for legal services that were provided for review are administered by the affected department heads and there is no County Counsel oversight.

d. Computer Consultant services is left to each department head. There is no central County office or official responsible for ensuring the Information Technology needs of all County Offices are met in a consistent and economical manner. There appears to be very little cooperation between departments to ensure that data and records are easily accessible to authorized personnel, and to further ensure software compatibility between departments.

e. The purchase of office supplies is managed at the Department Head level. While the County Finance Director and the Board of Supervisors monitor departments' budget performance, there is no mechanism in place to evaluate the cost effectiveness of the current approach or to evaluate other methods of meeting the administrative office supply needs of county offices. There is no evidence of any effort to combine office supply purchases with any other governmental body or enter into any volume pricing agreements to reduce operating costs in the county.

C. General observations

a. There is little or no cooperation between City and County officials in the purchasing area. In these days of stringent budgets and forecasted layoffs, day to day operating costs and the efficiency of routine purchases receives little or no attention, especially when crossing governmental boundaries.

b. San Benito County's expenditures on outside legal services is excessive given the size of the county. There is a propensity to enter into an outside agreement for any legal issue involving County employees or officials.

c. The city of Hollister has implemented several initiatives to increase efficiency and reduce city operating costs. The city has established a spirit of cooperation between departments that should be emulated by other governmental bodies.

RECOMMENDATIONS

The following is a compilation of the Grand Jury recommendations regarding purchasing practices in San Benito County and the City of Hollister.

1. City of Hollister:

a. While the purchase history of the vehicles reviewed revealed that such purchases are being made in accordance with the City purchasing procedures, the data reviewed indicated that several Public Works vehicles are being under utilized. The Hollister City Council and the Public Works Department should evaluate whether the under utilized vehicles could be put to better use, or leased to other governmental bodies and/or agencies to provide much needed revenue to the city.

b. The City ASO should evaluate the possibility of combining Hollister's office supply needs from all departments with those of San Benito County, San Benito High School District and Hollister School District. A feasibility report should be provided to the City Manager outlining the potential savings under a county-wide volume pricing agreement with a major supplier such as Staples or Office Depot. Other mail order office supply outlets should also be considered. The City Manager should ensure that any assessment of cost savings is compared to both current purchasing costs and the equivalent cost if purchases are made through the California Schedule of General Services.

c. The City Manager should evaluate the possibility of having all city departments order common office supplies from a single source. The city could then negotiate more favorable pricing for all commonly used supplies.

2. **San Benito County:**

a. The San Benito County Board of Supervisors should modify County Code Section 13 to provide reference to the appropriate section of the County Code for Capital and Fixed Asset expenditures (reference finding 2a above). Additionally, the limitations on the value of technical service contracts needs to be clarified as to whether the limitation applies to each individual order, an accumulation of orders to the same firm or individual, or a total expenditure limitation for the same services.

b. The San Benito County Board of Supervisors should amend County Code Section 13 to include a requirement that copies of all solicitations for, and receipt of, bids for a particular purchase be maintained in the procurement file for that purchase. This is particularly important when making high dollar or motor vehicle purchases for which bids are required.

c. The San Benito County Sheriff's Department should provide the Board of Supervisors with rationale to justify the 3-year lease of five (5) Crown Victoria Police Interceptors when the same vehicles could have been purchased outright through the State of California Motor Vehicle Contract for less money. The rationale provided should include an explanation of exact process followed. In addition, stand-alone records should be kept for each leased or purchased vehicle.

d. The San Benito County Sheriff's Department should provide the Board of Supervisors with rationale to justify the purchase of a Coroner's van from a local outlet when the same vehicle was available through the State of California Motor Vehicles Contract for less money, and provide an explanation of the specific process followed. Again stand-alone records should be kept.

e. The County Auditor should immediately implement special "Motor Vehicle" audits of those departments purchasing motor vehicles to ensure that the bidding policies of the County are being followed. Such audits should be conducted annually,

and be combined with the annual audit of the department. When conditions warrant, the “Motor Vehicle” audit should be conducted on a stand-alone basis.

f. The County Counsel should administer all legal services contracts issued by San Benito County or its agencies. The administration of such contracts should include reviewing and approving all invoices with respect to the work accomplished for the amount invoiced. Department Heads or Individuals for whom the services are being provided should confirm to the County Counsel that the work being billed was, in fact, accomplished.

g. The San Benito Board of Supervisors and the County Counsel should ensure that, as new attorneys are hired into the County Counsel’s office, a wide range of legal expertise is maintained. Hiring attorney’s who have expertise in areas such as Labor Relations and Civil Litigation could reduce the number of contracts for outside legal services.

h. The Board of Supervisors, with the support of the County Administrative Officer (CAO), should establish a County Information Technology (IT) office to handle all computer and software services required by the county. An IT office would not only handle the day-to-day service requirements, but also serve to assist the CAO and the Board of Supervisors in planning to meet future computer based communications and operations requirements. This action would ensure that intra- and inter-departmental communications would meet county needs and provide the most cost effective utilization of new technology and software.

i. The CAO, in concert with the County Finance Director, should evaluate the cost savings potential of 1) requiring all county departments to purchase common office supplies through a volume pricing agreement negotiated on behalf of the county; and 2) combining the office supply needs of all county offices with those of the City of Hollister, the San Benito High School District, Hollister School District and other governmental bodies as appropriate, under one Office Supply volume pricing agreement with a major office supply outlet. The potential cost savings should also be based on comparable purchases through the California State Schedule of General Services.

3. General Recommendations:

a. The San Benito County Board of Supervisors and the Hollister City Council should commission the intra Government Committee (IGC) to study areas of operation that could be made more efficient and cost effective by combining the resources and requirements of both the County and the City. The IGC should address areas where the needs of both governmental entities can be more efficiently met by either expanding the role of an existing department or by creating a new combined office. The IGC should report its findings and recommendations to the San Benito County Board of Supervisors, the Hollister City Council, and other governmental bodies as appropriate.

b. San Benito County Counsel should immediately commence efforts to expand the professional expertise of the County Counsel staff to ensure that adequate legal support is readily available for virtually all normal and predicted activities. This would minimize county funds expended on outside legal assistance. The County Counsel, as well as the Board of Supervisors, should ensure that any member of the County Counsel's legal staff assigned to represent a county employee can do so without being burdened by conflict of interest concerns. This will require a change in culture within the county that should be jointly embraced by both the County Counsel and the Board of Supervisors.

AFFECTED AGENCIES

San Benito Board of Supervisors
San Benito County Sheriff's Department
San Benito County Counsel
San Benito County Administrative Officer
San Benito County Finance Department
San Benito County Auditor
Hollister City Council
Hollister City Manager
Hollister Administrative Services Officer
Hollister Information Technology Department
San Benito High School District

RESPONSE REQUIRED

California Penal Code Section 933 requires that a response to the recommendations found in this final report be delivered to the Presiding Judge of the Superior Court within 90 days of the receipt of the report. See page 4 of this report.

HEALTH, EDUCATION AND WELFARE COMMITTEE

CHARTER

The Health, Education and Welfare Committee is responsible for investigating complaints and other issues related to the health, education and welfare of the citizens of San Benito County.

COMMITTEE MEMBERS

John Sitton, Chair

Wayne Funk

Suzanne Gere

Otto Leidreiter

Deborah Shamnoski

Cynthia Vasquez

CITY OF HOLLISTER & SAN BENITO COUNTY EMERGENCY PLAN AND PROCEDURES REVIEW

BACKGROUND

Because of the many disasters nationally that have occurred over the past few years (fire, earthquakes, floods, shootings, and the possibility of terrorist attacks), the Grand Jury felt it would be prudent to review how well prepared the City of Hollister and San Benito County are to handle major emergencies. The Grand Jury also wants to check and see if the agreed upon recommendations of the 2001-2002 Grand Jury have been implemented.

OBJECTIVES

The objectives of the investigation are as follows:

- ◆ To verify that each of the major government agencies in the county have an updated emergency plan. This includes the County Office of Emergency Services, Hollister Police and Fire Departments, The County Office of Education and the three largest school districts in the county.
- ◆ To identify the level of communication and cooperation among the different agencies.
- ◆ To verify that emergency plans meet and comply with both the State and Federal guidelines.

METHODOLOGY

1. Interview of the Director of County Emergency Services
2. Interviews with the City of Hollister Fire Chief and Police Chief
3. Interview with the Superintendent of the County Office of Education
4. Interviews with the Superintendent of the Aromas-San Juan Unified School and the San Benito High School Districts
5. Interview with a representative of the Hollister School District
6. Interview with the manager of the contract bus service for the Hollister School District
7. Review of the emergency manuals for content and when they were last updated
8. Verify that all members of the agencies affected are aware of the plans and their responsibilities to it
9. Observation of the fire drill at one school
10. Follow-up to previous years Grand Jury recommendations

OBSERVATIONS, FINDINGS, CONCLUSIONS

1. Each entity that was observed had a detailed plan to cover a multitude of emergency situations. All plans were current and met the State of California guidelines.
2. The plans all follow the State format, which makes it clear who is responsible for each task.
3. Each emergency plan we reviewed was well thought out and should allow the entity to react quickly and positively to emergency situations. The major obstacle in making the best use of these plans is the minimal amount of training given to teachers and students, county and city employees, and all transportation managers and bus drivers.
4. The school bussing plans follow the CHP guidelines. In most cases they need to be clearer as to how the bus drivers should set priorities if or when they had an accident with a number of children injured.
5. Each school district has a training program for the staff to ensure that they and their students know what to do in an emergency situation. This usually takes place at the beginning of the school year.
6. The police and fire departments are in the process of updating their written plans. They have a clear understanding as to who to call if they need mutual aid. They both have a cooperative relationship with the County Office of Emergency services.
7. It was not clear if the county and city staffs were well versed in what they should do if there were a fire or other emergency in their building.
8. The one school fire drill that we witnessed showed a lack of staff understanding of how the process should work. We saw no attendance being taken and in the case of one of the staff members, they were not aware that a fire drill was in progress.
9. Previous Grand Jury recommendations were followed up and are considered closed.

RECOMMENDATIONS

1. Training should be conducted no less than twice a year for all County, City, and School district staffs to reinforce how to respond to emergency situations
2. Standards need to be set as to how often and how many practice drills are to be conducted each year for schools and city/county buildings.
3. Every year there should be at least one “hands-on” training situation in all schools and city/county building that would require more than just responding to an alarm. An example would be setting up a triage event.
4. All transportation employees need to be involved in a training exercise every year which would require them to set priorities in handling multiple injuries that may occur on a school bus.
5. Although we were unable to visit every school district in the county, we feel that the above recommendations should apply to all school districts in the county.

AFFECTED AGENCIES:

San Benito County Office of Emergency Services
Hollister City Council
San Benito Board of Supervisors
County Office of Education
Hollister School District
San Benito High School District
Aromas-San Juan School District

RESPONSE REQUIRED

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WEST NILE VIRUS AND MOSQUITO ABATEMENT

BACKGROUND

The 2004 Grand Jury recommended follow up by the 2005 Grand Jury in its report concerning West Nile disease and vector control/mosquito abatement in San Benito County

OBJECTIVE

1. To review the response of the 2003/2004 Grand Jury recommendations regarding West Nile Disease and Mosquito Abatement.
2. To determine if the County of San Benito is aware of the potential West Nile problem.
3. To discover how adjacent counties are handling the problems of mosquito abatement and West Nile disease.
4. To determine if the County of San Benito has taken steps to prevent this problem, and if so, what department is in charge, and what funds have been allocated to preventing West Nile.

METHODOLOGY

1. Interview with Health and Human Services Director
2. Interview with Santa Cruz Mosquito Abatement Director
3. Interview with North Salinas Valley Mosquito and Vector Control Director
4. Interview with San Benito County Agriculture Department Director
5. Observation of West Nile Task Force meetings
6. Observations of Board of Supervisor meeting regarding Mosquito Abatement.
7. Review of Mosquito and Vector Control Programs, Agencies and other readily available Federal and State information.

OBSERVATIONS, FINDINGS AND CONCLUSIONS

1. As stated by the director of the county's Health and Human Services Department, in the response to last year's Grand Jury Report, the County had neither "the time nor the resources to implement a comprehensive mosquito abatement program" in time to stop the expected infestation of mosquitoes for the summer of 2004. A county West Nile task force was started in May of 2004, which combined representatives from many pertinent departments of the county to supposedly analyze the problem areas of the county, determine the best solution to this potentially hazardous problem and to prepare the county for the following summer infestation (2005). It should be noted that no one department in this county has been designated or has accepted responsibility for mosquito abatement and no county funds have been allocated to any department to for this purpose. Citizens making phone calls to the Department of Environmental Health concerning reports of dead birds are told to call an 800 number to the State of California as San Benito County has neither the staff nor the facilities to pick up bodies or analyze the possible presence of West Nile disease.

2. After considerable research in the area of mosquito infestation and the spread of West Nile disease in the United States, the members of the Grand Jury have concluded that San Benito County may be the site of a large infestation of mosquitoes carrying West Nile disease. Several positive cases from dead birds in the area last year proved that the disease is present and active in this county. Based on figures obtained from the Bureau of Vector Control, State Department of Public Health, and neighboring counties Mosquito Abatement Departments, there is usually a very large surge of reported cases for the summer following the first reported cases in an area. It is therefore very probable that San Benito County will experience a dramatic increase in reported positive cases of infected birds and horses, and probably also its first cases of infected humans this summer. The major concern is that West Nile disease can be fatal for humans, although most cases are non-lethal.

3. The nearby Santa Cruz County and North Salinas Valley Mosquito Abatement and Vector Control Districts programs were investigated and personal interviews were done with the directors of each program:

The members of the Grand Jury noted that the department head of the North Salinas Valley Mosquito Vector Control Program, who has this directed this department for the past 20 years, and has an extremely well equipped, well staffed and supplied program, was not only aware and concerned with San Benito County's lack of preparedness, but had already surveyed the county with members of the SBC Environmental Health Department and had already determined the problem areas that needed treatment. His department could and would be able to provide any services that our county thought necessary on a contract basis, if desired. Both counties are very aware of the lack of services in San Benito County and are very concerned, as mosquitoes don't seem to recognize county borders.

The estimated costs of forming and operating a county wide mosquito abatement program would be prohibitive, easily costing \$75,000.00 or more just to survey the county residents to see if the residents wanted such a program. If wanted then another \$450,000 to \$1,000,000 to start and maintain such a program would be required. This is based on cost estimates from a county approximately the same size as San Benito County. San Benito County does not have the time or the funds to start a Mosquito Abatement Department or a Vector Control center in time to prevent this summer's expected infestation.

4. The County of San Benito formed a West Nile Task Force in 2004 and there were several meetings during 2004. However the task force did not meet from November 2004 until February 16, 2005 when the new acting Health and Human Services Director called another meeting. The following agencies were represented:

Public Health

Environmental Health

Agricultural Commission

County Veterinarian

County Supervisor

County Administrative Officer

Director of Emergency Services

Not in attendance and not a part of the task force were any representatives from the City of Hollister, the City of San Juan Bautista, Hazel Hawkins Hospital or any school district Superintendents. The objectives of this task force were to explain what each department was doing about mosquito abatement and to determine what was necessary to protect the county from West Nile disease. Upon request by the attending County Supervisor, a sub-committee was formed to determine a plan of action for the county to present to the Board of Supervisors. The acting Health & Human Services director presented a plan with several options of treatment to the Board of Supervisors in April of 2005. The request was denied. The Board of Supervisors made it very clear that they need a detailed plan of preventative treatment and control coupled with a request for a specified amount of funds to implement such treatment before releasing any funds for mosquito abatement. It was observed by the Grand Jury that the Board does not seem to be against preventive action regarding West Nile, however, the Board was not satisfied with the first request from the task force.

5. The 2003-2004 Grand Jury recommended that a mosquito abatement program to control the spread of West Nile disease be planned, and implemented by the county in time for the following summer's infestation of mosquitoes, and that additional education of the public be started. Also recommended was that the 2005 Grand Jury follow up on the actions recommended. As described above, the 2005 Grand Jury has determined that the county did not implement the first two recommendations.

CONCLUSIONS

As of May 25, 2005 no formal plan for mosquito abatement in San Benito County is in place. The Health and Human Services Department has reported to the local newspapers that estimated preliminary abatement controls for Hollister, San Juan Bautista and the rest of the county would cost approximately \$109,000 to \$119,000. This amount would only cover the cost of purchasing larvicide's pellets and for the services of trained mosquito abatement workers to place them in the county storm drains. Unfortunately there are no trained technicians in the county, no money in the county budget, no plans for any public education programs and there are many other potential breeding sites other than storm drains (90% of which are located in the city of Hollister - not in the county)

The mosquito season started over one month ago and as foreseen by the 2003/2004 Grand Jury, the county will now have to try to react to the West Nile problem instead of preventing any problems with care and forethought.

As of the date of writing this report, two county employees have been selected to test to be certified to treat reported infestations of mosquitoes. The Grand Jury unhappily feels that the county is doing too little, too late. Without ongoing and effective vector control, substantial mosquito activity this summer may significantly and adversely affect the human environment of San Benito County as well as the avian and equine population. A mosquito abatement control program, which includes the monitoring of potential mosquito infestation sites, chemical control of these sites and a county wide educational program will be crucial to keep the local population of mosquitoes at some kind of tolerable level this summer.

It must be noted that several county departments, including the San Benito County Health and Human Services Agency, Environmental Health, and the Public Health Department, with absolutely no funds or formal support, have recognized the potential West Nile problem and have tried to educate the public somewhat by distributing some pamphlets, literature and bookmarks. All county and city employees received information pamphlets with their pay envelopes several months ago. The local papers also have published many well-written and informative articles to the public. Hopefully San Benito County will not be too late in providing its citizens with the means to combat this potentially deadly problem. Unfortunately, even one human death as a result of West Nile disease will be too many.

RECOMMENDATIONS

Based on the lack of action from the San Benito County Board of Supervisors, we feel that the following recommendations should be implemented as quickly as possible:

1. The West Nile Task Force needs to provide a detailed plan of preventative treatment and control coupled with a request for a specified amount of funds to implement such treatment to the Board of Supervisors immediately. Such treatment needs to be implemented quickly and efficiently in order to try to mitigate the already breeding mosquitoes.
2. The San Benito County Board of Supervisors must communicate with the City Council of Hollister to negotiate the appropriate percentages of financial responsibilities for treatment of county and city infestation sites.
3. Public education must be intensified, immediate and ongoing. An educational outreach program to disseminate information for treatment and prevention must be made to as many citizens of the county as possible by every possible means. Notification to schools and children will only improve the county's ability to investigate and treat infestation sites. Santa Cruz County effectively utilizes a simple reward system when

children report possible sites of infestation.

4. If San Benito County decides to implement its own mosquito abatement program, it must determine which department will be responsible. Said department must train and certify its own technicians as soon as possible. Employees of that department must be trained to properly answer questions regarding dead animals/birds and the proper state or county responses to concerned citizens, just not refer complaints or inquiries to some state 800 number. As of the writing of this report, no one agency has accepted responsibility or has been designated as the primary contact for treatment of mosquito infestation and information for the citizens of the county.

AFFECTED AGENCIES:

San Benito County Board Of Supervisors
San Benito County Environmental Health Department
San Benito Agriculture Department
San Benito County Health and Human Services
Hollister City Council

RESPONSE REQUIRED

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Law and Justice Committee

CHARTER

The Law and Justice Committee is responsible for investigating complaints, reviewing procedures and other issues related to San Benito County Law Enforcement Entities.

COMMITTEE MEMBERS

Rita Appenzeller –Co-Chair

Steve Becerra -Co-Chair

Jim Appenzeller

Juanita Alexander

Gary Anderson

Dean Rodrigues

Diana Tucker

SAN BENITO COUNTY GANG CONTROLS CRIMINAL STREET GANGS OF SAN BENITO COUNTY

BACKGROUND

The 2004-2005 San Benito County Grand Jury is concerned about the proliferation of gang violence occurring within San Benito County. As a result, a detailed questionnaire was developed and sent out to affected law enforcement, schools and community groups.

OBJECTIVE

Obtain and review information pertaining to the scope of Criminal Street Gang activity occurring within San Benito County.

Provide to the community an informational overview of gangs so that they may have a better understanding of gang issues and recognize gang activity.

Review countywide law enforcement approaches and to identify school and community based prevention and intervention resources presently available.

METHODOLOGY

1. Obtain information from law enforcement, schools and community groups via questionnaire.
2. Attendance of Gang Task Force and Community meetings.

OBSERVATIONS, FINDINGS AND CONCLUSIONS

See attachment "Exhibit A" for detailed discussion of observations, findings and conclusions.

RECOMMENDATIONS

1. The Hollister Police Department should continue with its gang prevention and suppression strategies. The Chief of Police should pursue funding of his crime prevention position/programs and a full-time gang suppression team. A multi-jurisdictional team (Hollister Police, San Benito County Sheriff, and San Benito County Probation Department) would likely be optimal due to the size of the county.
2. The Hollister City Council should make every effort to cooperate and find appropriate funding for the police departments prevention programs and fund a full time gang suppression team. The ever-increasing gang problem in San Benito County should be addressed and fully funded by city government, sooner rather than once it has reached epidemic levels.

3. The Sheriff's Department of San Benito County did not provide any detailed information to the grand jury regarding its strategies. Based on the lack of information provided, the Sheriff's Department should embrace the gang problem and develop a detailed and formal Gang Prevention, Intervention and Suppression strategy. Once the plan is formulated it should be implemented. Additionally, The Grand Jury observes that the Sheriff does not take part in the Gang Task Force Advisory Board. The Sheriff's Department needs to become involved in this important community effort and play a role in finding answers to the gang problem. The Grand Jury recommends the 2005-2006 Grand Jury follow-up on the Sheriff Department's progress.

4. The San Benito County Probation Department should also continue with its gang strategies. As mentioned in the body of this report the Probation Department has a number of talented Probation Officers who possess a good working knowledge of gangs and gang trends. The Probation Department should pursue with local law enforcement a position within any gang suppression team that may be formed in the future. The Probation Department should pursue additional funding from the Board of Supervisors and research potential grants that would enable them to further address the gang problem.

5. The San Benito County Board of Supervisors should support and fund additional resources requested by the San Benito County Probation Department in its efforts toward gang prevention, intervention and suppression. The Grand Jury recommends that 2005-2006 Grand Jury follow-up with this issue.

6. The San Benito County District Attorney's Office should continue its efforts prosecuting gang members pursuant to section 186.22 of the Penal Code. The District Attorney is in need of additional attorneys to handle an ever-increasing caseload of criminal cases pending prosecution in San Benito County. The Grand Jury is aware that the District Attorney has, in the past and is currently seeking, additional funding from the San Benito Board of Supervisors. This additional funding is paramount to a successful gang suppression effort.

7. The San Benito County Board of Supervisors should support an increase in staffing for the District Attorney Office. Although budgetary issues abound within the county, public safety should be a primary concern for the Board of Supervisors. The alarming rate of gang-related crime occurring within San Benito County is a real threat to public safety. The Grand Jury recommends that the 2005-2006 Grand Jury follow up with the Board of Supervisors progress of funding in this area.

8. The Grand Jury found that the extent of gang prevention and intervention varied from school to school and district to district. Little formalized programs were in place to educate students about the hazards of gang lifestyle. No formal programs exist that provide meaningful information or training to parents relating to gang prevention or identification. The Grand Jury recommends that the Hollister School District, San Benito High School, San Benito County Office of Education, Aromas – San Juan Unified School District address this issue and develop a plan to approach this issue. The Grand Jury recommends that the 2005-2006 Grand Jury follow-up with each school district.

9. Local community groups such as LULAC and the YMCA have made it clear that they want to help address the gang issue within San Benito County. All involved in addressing the gang problems within the county should take full advantage of the resources these groups have to offer. The Grand Jury encourages other local groups, private schools, religious organizations and all citizens to get involved, volunteer and take a stand against gang violence.

AFFECTED AGENCIES

Hollister Police Department
San Benito County Sheriff's Office
San Benito County Probation Department
San Benito County District Attorney's Office
Hollister City Council
San Benito County Board of Supervisors
Hollister School District
San Benito County Office of Education
Aromas- San Juan School District
San Benito High School and Board of Trustees

RESPONSE REQUIRED

California Penal Code Section 933 requires that a response to the recommendations found in this final report be delivered to the Presiding Judge of the Superior Court within 90 days of the receipt of the report. See page 4 of this report.

Exhibit “A”

An Overview of Street Gangs And Public Agencies and Programs of San Benito County

INTRODUCTION

One of the 2004-2005 Grand Jury’s top priorities continues to be maintaining focus on the enormous street gang problem concerning the populous of San Benito County. During the past several years, momentum has continued to build with law enforcement, community groups and many concerned citizens, who all are striving to bring the gang issue under control and prevent our youth from participating in gangs. The Grand Jury applauds and encourages the City of Hollister Gang Task Force Advisory Board for its recent efforts to involve the community and develop a successful strategy to combat the street gang issue. These community meetings help educated and encourage input from the community. Success of this effort depends largely on community involvement and participation. The Hollister Gang Task Force Advisory Board meets every fourth Wednesday at 5 PM at the Hollister City Council Chambers. The public is encouraged to attend.

In an effort to understand the scope of the criminal street gang problem, review countywide law enforcement approaches and identify resources presently available to combat gangs. The 2004-2005 Grand Jury developed a questionnaire that was sent to Law Enforcement, Schools and Community groups identified as leading participants in developing solutions to the street gang problem. The Grand Jury found that the groups questioned are moving in many positive directions in an effort to address this very serious problem plaguing our community. The Grand Jury also discovered some areas of concern and hope by approaching these shortcomings. All involved will make positive steps forward to correct them. Before the Grand Jury discusses the results of the questionnaire we felt that an overview of gangs may be of assistance.

I. Gang Awareness

A. What is a criminal street gang?

Criminal street gangs means any ongoing organization, association, or group of three or more person, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts enumerated in paragraphs (1) to (25), inclusive, of subdivision (e) having a common name or identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal activity. (Section 186.22(e) of the California Penal Code)

Effective September 23, 1988 Penal Code Section 186.22 was enacted as part of the Street Terrorism Enforcement and Prevention Act, also known as S.T.E.P. Act which intends “to seek the eradication of criminal activity by street gangs by focusing on patterns of criminal gang activity and upon the organized nature of street gangs.” (Section 186.21 of the California Penal Code)

The enactment of the S.T.E.P Act gave law enforcement and prosecutors an additional tool by which to incarcerate gang members for longer periods of time by filing enhancements to crimes committed by gang members.

B. Overview of gang identifiers and colors

San Benito County gang members align themselves either with “Northern” or “Southern” Hispanic Street gangs. Often times using the number or letter “14” and “13.” Below is an overview what these numbers mean and how that came about.

Street and prison gang members from Northern California began to use the number 14 as an identifier. It represents the 14th letter of the alphabet, the letter “N.” The letter stands for Norteno, the Spanish word for northerner. The term Norte was used to show that a person was from the north. Individuals from Southern California were automatically considered rival, both inside and outside the prison and on the streets. Often gangs members tattoo themselves with the number “14” or the word Norteno/Norte along with the name of their gang.

Southern California gang members began using the number 13 as an identifier. The 13th letter of the alphabet is the letter “M.” and the word for the this letter in Spanish is “Eme.” Southern California members started using words like sureno, which means “southerner.” Often, this term was abbreviated as sur/SUR. Gang members also started to tattoo themselves with the number 13 and with the terms Sureno or Sur along with the name of their gangs.

Often you may see gang members wearing the colors red or blue. This includes shirts, belts, hats, shoestrings or other items of clothing that have the color red or blue somewhere on the clothing item. Below is a brief explanation of why this occurs.

Inmates in the state prison system were given bandannas in a railroad print, and could select from two colors-red or blue. Hispanic street and prison gangs from northern California claimed the color red to identify themselves. They used this color because most of the southern California Hispanics in state prison had chosen to wear a blue-colored railroad handkerchief. These colors are still “claimed” by gang members in San Benito County and the State of California.

C. Why do young people join gangs?

Young people join gangs for many different reasons, including low self-esteem, peer pressure, protection, the excitement of gang activity, fear they instill in others, attention, financial benefit, family tradition, to identify with prison gangs, and the lack of awareness of the hazards involved. However, the Grand Jury found the following four factors provide an excellent job of summation.

First; youth experience a sense of alienation and powerlessness because a lack of traditional support structures, such as family and school. This can lead to feelings of frustration, anger, and a desire to obtain support outside of traditional institutions.

Second; gang membership gives youth a sense of belonging and becomes a major source of identifying for its members. In turn, gang membership affords youth a sense of power and control, and gang activities become an outlet for their anger.

Third; the control of turf is essential to the well-being of the gang, which often will use force to control both its territory and members.

Finally, recruitment of new members and the expansion of territory are essential if a gang is to remain strong and powerful. Both “willing” and “unwilling” members are drawn into gangs to feed the need for more resources and gang members

Taken together, these four factors interact to produce gangs that become powerful and ruthless as they work to maintain and expand their sway over territory and youth. (William Gladden Foundations, 1992)

D. Signs of gang activity and involvement

Prevention is an important key to controlling gang activity within the community. It is important for all of us to learn the warning signs of gang membership in order to better direct children away from involvement. It is important to note that many of the following indicators may be “innocent” by themselves, but when put together they may be a strong signal of gang involvement.

- ◆ Changes in the child’s behavior
- ◆ Not associating with long time friends and being secretive about new friends and activities
- ◆ Changes in hair and/or dress style and/or having a group of friends who have the same hair or dress style
- ◆ Changes in normal routines with new friends, such as not coming home after school or staying out late at night with no explanation
- ◆ Suspected drug use, such as alcohol, inhalants and narcotics
- ◆ Unexplained material possessions such as expensive clothing, jewelry, money, etc.
- ◆ The presence of firearms, ammunition or other deadly weapons
- ◆ Changes in attitude about school, church, or other normal activities
- ◆ Discipline problems at school or other attended functions
- ◆ Lower grades at school or skipping school
- ◆ Change in behavior at home –increase in confrontational behavior, such as talking back, verbal abuse, name-calling, and disrespect for parental authority
- ◆ A new fear of police
- ◆ Phone threats to the family from rival gangs (or unknown callers) directed against your child
- ◆ Photographs of your child and others displaying gang hand signs, weapons, cash, drugs or gang-type clothing.
- ◆ Graffiti on or around your residence, especially in your child’s room such as on walls, furniture, clothing, books etc. This may also include drawings of gang-related figures, themes of violence or gang symbolisms.
- ◆ Physical signs of being in a fight, such as bruises and cuts, and secrecy on the child are part as to how they were received
- ◆ A new sense of bravery-brags that he/she is too tough to be “messed” with
- ◆ Use of a new nickname
- ◆ A newfound sympathy or defending gangs activity by your child
- ◆ Tattoos or “branding” with gang related symbols

E. Graffiti

Graffiti is often the first indication that a town or city is affected by gang activity. Graffiti is a form of vandalism and is used by gang members to mark their “turf” or area. Often opposing gang members deface the other gang graffiti as an act of disrespect and a challenge. Often gangs spray paint or mark their alliances such as “13” “14”, “Sur/SUR”, “Norte” or individual gang member street monikers. Graffiti decreases property value in residential areas and negatively affects industrial and commercial areas. Graffiti is not only destructive, but an extremely expensive problem for taxpayers.

F. Gang Dress

In a general sense, gang members often wear clothing that is baggie or loose fitting. Members often wear or display “colors” associated with its gang affiliation (red or blue/north or south). Due to increase law enforcement pressure many gang members have stopped wearing “colors” on a daily basis and often wear gang colors when out to engage in criminal acts including gang fights or violence against rival gang members. Gang members often flash hand signs when confronted by rival gangs displaying “14” or “13” or shouting gang affiliation such as “norte” or “sur”. Often time gang members will take and collect photos of fellow gang members together flashing hand signs and/or possessing weapons.

II. Street Gangs Of San Benito County

In an effort to determine the scope and number of actual gang members and gangs active within San Benito County, the Grand Jury asked the following questions of local Law Enforcement. (Hollister Police Department and San Benito County Sheriff Office)

- 1. How many validated criminal street gang members are active in San Benito County as of February 2005?**
- 2. Describe each gang completely by name and include how many validated gang members are in each.**
- 3. How many associates or non-validated gang members are in each gang?**

Based on information received from the Hollister Police Department (HPD) there are two dominate street gangs active in San Benito County- the Norteno criminal street gang and the Sureno criminal street gang. Subsets that are aligned to the Norteno criminal street gang are BHT (Barrio Hollister Territory), WSL (Westside Locos), ESN (Eastside Nortenos), and CSP (Crestside Players).

The Hollister Police Department currently tracks 100 Norteno gang members. In addition to identified gang members the department also tracks approximately 200 Norteno gang associates.

According to HPD, the local Sureno subset is known as SSL (Southside Locos) and has approximately 30 members.

Based on information received by the San Benito County Sheriff's Office the Norteno criminal street gangs known to the department are "Westside Nortenos", Eastside Noretanos", and "Barrio Hollister". The Sureno criminal Street gang is know as "Southside Surenos"

In response to questions regarding the number of gang members and associates active in San Benito County the Sheriff's Office responded "unknown".

In an effort to determine the strategies currently underway by law enforcement the Grand Jury asked the following questions of the Hollister Police Department, San Benito County Sheriff's Office, San Benito County Probation, and the San Benito County District Attorney's Office.

4. Please describe in detail your department's gang prevention, intervention and suppression strategy.

In response to the question the **Hollister Police Department** indicated that in previous years the department has provided several prevention programs. These programs included DARE, Crime Prevention, Neighborhood Watch and Citizen Youth Academies. However, due to financial restraints, staffing for these important programs was eliminated in 2004.

In absence of funding for essential prevention programs the HPD is continually seeking ways to provide prevention strategies in special cases. As an example, after an increase in gang activity at a local apartment complex, representatives of the Police Department, Probation Department, San Benito High School, Hollister Youth Alliance, Rancho San Justo Middle School and South County Housing and others, met and developed a solution to address the problem. Based on these efforts, tutoring program for at-risk youth that live in the complex was instituted. There are plans to expand the program with additional classes and programs on topics such as gang prevention and other relevant subjects.

Intervention efforts have continued at the HPD and include the departments "Juvenile Impact Program". This 11-week program provides participating juveniles with training on leadership, decision-making and team building. Parents also participate in a segment of the program called "family wellness" Parents are introduced to topics such as drug abuse recognition, parenting skills and information about gangs is provided. A new aspect of the program "career guidance" pairs graduates of the program with community members that help them develop vocational and recreation skills. According to HPD the program is conducted in partnership with the San Benito County Probation Department, San Benito County Substance Abuse Program, the YMCA and the San Benito High School District. Other community-based organizations provide support with representations and materials.

All Hollister Police Officers are tasked with gang suppression efforts. In addition, the department has formed an in-house gang suppression team consisting of five officers and one sergeant who have received additional training in gang enforcement. However, because of limited staffing issues these duties are collateral assignments and performed in addition to the officer's primary patrol and duty assignments. However, having officers trained in gang enforcement enables them to testify as experts in gang-related cases. According to information provided, the department has four officers who have qualified as "gang experts" in San Benito County.

These officers assist the District Attorney in preparing gang enhancement charges for specific gang-related crimes. Additionally, these gang officers receive training from the Northern California Gang Investigators Association and the Central Coast Gang Investigators Association. The officers also attend monthly meetings with other central coast law enforcement agencies that provide valuable training and intelligence sharing. The gang officers are also tasked with providing gang training to other sworn members of the department. This training includes gang member identification, officer safety and gang crime investigation.

In response to the prevention, intervention, and suppression questions the **San Benito County Sheriff's Office** did not provide any detailed information regarding its strategies. The department did, however, indicate in response to this question that a deputy is currently attending monthly meetings with the Hollister Police Department and the San Benito County Probation Department and a monthly meeting with other central coast counties gang investigators. During these meetings officers trade information on gangs and gang-related crimes occurring in each jurisdiction.

The San Benito County Probation Department provided the following information regarding its prevention, intervention and suppression strategy. The San Benito County Probation Department prevention attitude is focused on replacing the attraction of gangs with a sense of cultural pride, a sense of belonging, knowledge of a world outside of their neighborhood that instills a hope for the future. Probation officers have for many years assisted youth by providing transportation to attend a number of cultural events. Examples of these activities include attending Teatro Campesino plays, whale watching, San Jose Tech Center, visits to state prisons and employment preparedness events. In addition to the cultural events, the Probation Department provides some gang presentations at local county schools. Many times due to lack of funding, Probation officers participate on their own time and at their own expense.

In the area of gang intervention, in 1994 the Probation Department established a juvenile gang caseload in order to better serve the needs of the minors and hold them accountable for their actions. Although these minors assigned to the gang caseload go through the same risk/needs assessment and case plan assessment as others, no gang related offenders, and/or their parents are referred to one or more programs. Required programs include substance abuse, mental health, anger management, COPS class, system of care, the impact program, parenting classes, young parents program. Many probation officers

working with gang related offenders have them remove graffiti as part of their required community service hours. The department assigns a Probation Truancy Officer who oversees the program at the Santa Ana Opportunity School, San Andres School and Pinnacles School. In this position, the officer closely monitors any gang-related activity. A major part of the intervention process for the probation department is the “Early Intervention Program” funded through the State of California’s Juvenile Justice Prevention Act.

The Early Intervention Program provides supervision for 20 minors who are fifteen years or younger at the time they commit their first criminal act, and who have three or more profile factors that place them at risk of becoming chronic offenders. These factors include:

- ◆ Family problems (abuse, criminal family members, a lack of parental supervision and control).
- ◆ Significant problems at school (truancy, failing more than one course, or recent suspension or expulsion).
- ◆ A pattern of drug and/or alcohol use.
- ◆ Delinquent peers, chronic runaway or a pattern of stealing.

Two probation officers are assigned to this program and provide participants immersion in programs and activities to discover and bring out competencies and interests. Recently a comprehensive summer reading program was instituted which has been a tremendous success having not only increase individual reading levels but also provided confidence and willingness to participate in other workshops and exercises. The largest challenge for the probation department is a **20% decrease** in funding by the state for 2005/2006. Additional funding cuts are anticipated.

The Probation Department is strong in the area of gang expertise. The department follows through with its commitment to provide gang related training for officers and is a leader in this area within the San Benito County law enforcement circle. At this time, the Probation Department has one officer who has qualified as an gang expert in Superior Court and three others that would likely qualify if called upon to do so. Several members of the Probation Department regularly participate in the Hollister Gang Task Force Meetings.

Suppression is accomplished primarily via monitoring and searches of Probationer’s persons, residences, and vehicles. Each Probationer is open to search by probation and law enforcement. The Probation Department is especially diligent when supervising gang- related individuals. Often probation officers are contacted by local and outside law enforcement agencies for assistance when they are conducting gang-related investigations

During the year 2004, 928 minors where referred to the Probation Department for action and supervision. Examples of those referred included violations such as drug possession, traffic offenses, robbery, assault with a deadly weapon, drunk in public, gang conditions and many other crimes. Currently the Probation Department has 32 minors who have

court-ordered gang conditions. In the years 2003 and 2004 there was an average of 30 minors on the department's gang caseload.

A number of questions were asked of the **San Benito County District Attorney Office** relating to gang issues.

Please describe in detail the district attorneys strategy on the prosecution of criminal street gang members in San Benito County.

Since January 2002, how many gang members have been prosecuted under section 182.22? Please provide a breakdown per year.

In the current financial situation of the city and county what is your plan to fund your gang strategy over the short term and long term? Please be specific and provide documents as needed.

The San Benito County District Attorney's Office reports that it has a standing practice of filing gang-sentencing enhancements under Penal Code section 182.22 for gang-related offenses. By utilizing the gang enhancement sections when prosecuting gang members and associates, the District Attorney is able to send offenders into custody for longer periods of time. As a prerequisite to charging, the District Attorney needs the assistance from law enforcement, which provided verified information the suspect is a gang member or that the crime was committed for the benefit of a street gang. For law enforcement this makes the documentation of gang membership and activities extremely important, as without this documentation no such filing would occur. The District Attorney indicates that he believes vigorous prosecution of gang members helps to prevent further acts of violence by those gang members and helps to deter others gang members by example. In addition, the District Attorney enforces the truancy law in conjunction with the Office of Education. This assists by keeping children in school and out of gangs. The District Attorney believes that a combined effort of prevention and enforcement is the most effective way to combat gangs over the long term.

The District Attorney reported that a number of 2002 gang enhancement cases were filed in the year 2003 due to a backlog of cases to be filed. He indicated that in 2003, 30 gang enhancements filing were charged against criminal defendants. Some defendants were charged with more than one subsection 186.22PC. In the year 2004 the District Attorneys office filed 28 gang enhancement charges.

The District Attorneys largest obstacle that prevents his office from addressing the gang problem in San Benito County is budgetary. The District Attorney is under the budgetary control and direct oversight of the San Benito County Board of Supervisors. When compared to other counties of similar size, his office is below staffing. Of course with additional staffing the District Attorney could become even more aggressive when combating and prosecuting gang members. Attempts have been made by his office to have the Board of Supervisors increase funding to no avail. The lack of funding is in the district attorneys opinion, a direct threat to public safety. The District Attorney indicates

that he will attempt to secure additional funding during this year's budget requests. The Grand Jury firmly agrees and strongly supports additional staffing for the District Attorney's Office. The District Attorney is, however, completely committed to pursuing the prosecution to the best of his abilities.

III. Community Organizations and Schools

The Grand Jury sent out questionnaires to 16 local school and community groups. The questionnaire was an effort to obtain information as to the scope of gang prevention efforts in progress. Additionally, the questionnaire was an effort to document various gang prevention programs/resources available both in the school setting and through community groups that the youth of San Benito County and obtain a picture of how many gang-related incidents were taking place on school property. According to numbers provided, specifically when asking schools for accurate numbers on gang related incidents during the last three years, approximately 144 gang-related incidents has occurred on school property during this time. The Grand Jury believes that this number is rather understated as some schools provided a narrative answer to the question and did not provide accurate numbers. The largest number of gang-related incidents during the past three years occurred at San Benito High School (115). Based on the numbers provided, many more incidents of gang violence occur once students have reached high school age. This seems to support the studies that indicate elementary age students will benefit by gang prevention efforts if provided and properly administered. While no community has completely been able to removed gang elements for affecting some youth, focused prevention and intervention efforts at the youngest possible age can pay large dividends.

Based on a question asked a list of resources available to students has been assembled. This information was obtained in response to a question asked in the questionnaire.

What programs are presently in place to educate youth/students about the hazards of gang lifestyle? Please describe the program(s) in detail.

Based on the information received, one issue seemed to stand out across the board. Local elementary and the high school have no formal program(s) in place to provide gang prevention or intervention training and/or information of substance for students and parents. Efforts within all school districts seem to focus on those who have already been involved in some type of criminal act, discipline issue or truancy. Based on numerous studies the elementary age group of youth is where prevention and intervention efforts pay large dividends by helping youth avoid the perils of gang involvement. San Benito County School Districts need to come together and focus their efforts on developing core programs and efforts to address this shortcoming. Principals of local elementary schools are for the most part, doing everything they can to combat the gang problem on campus as each issue arises. Some schools are fortunate to have teachers and administrators with strong experience in gang prevention from previous employment. Those without such experienced personnel are especially in need of a formal program addressing the gang problem. A majority of the schools indicated they have after school sports and other activities not directly addressing gang involvement. These programs and activities do

play a role in keeping some students from participating in gangs. As one can see from the list below more resources targeting gang prevention are needed in the community.

Resources:

Tres Pinos Union School “Second Step” programs address violence prevention through the development of empathy, impulse control, and problem solving skills and anger management techniques. Although this program is not specific “gang prevention” program is program helps students develop skills needed to become successful young adults.

LULAC (League of United Latin American Citizens): Sponsors a **Young Adult and Youth origination** that address a large number of topics affecting the Latino youth today. LULAC young, adults and youth are committed to helping others avoid entering gangs and is successful in reaching out to at-risk youth. LULAC Young adult and youth organization has been a strong supporter of the Hollister Gang Task Force. The Young Adult and Youth organization participates in Graffiti clean up throughout the county. 1-877-87LULAC Email: sbclulac@hollinet.com

Aromas-San Juan Unified School District: SMARTS Program- an after school drama class that teaches students to make positive choices. Class taught by the SBC Drug and Alcohol Abuse Prevention Department. **Life Skills Health Curriculum-** program teaches students to make positive choices. **SBC Sheriff Department Partnership-** An officer is a guest speaker to all 3rd thru 8th grade classes. **Center for Non-Violence Partnership-** Program teaches students to make positive choices.

San Benito High School: Juvenile Impact Program is an 11-week program supported by the Hollister Police Department, San Benito County Probation Department, San Benito County Office of Education and many local community organizations that targets youth that have been identified by their high-risk activities.

YMCA- Although they do not have a direct gang prevention programs in place, The YMCA provides fee based supervised activities including snack, recreation and homework assistance for over 105 students at four after school recreation/child care locations (Sunnyslope School, Ladd Lane School, Spring Grove School and San Juan School). The San Benito County YMCA supervised a **Teen Club** that meets on Friday nights for three hours to socialize, plan activities and plan for upcoming community service. During the summer months the YMCA runs a **9-week summer day camp** from 7:30 am to 6:00 PM. Through a variety of activities, both sport and social the YMCA hopes to provide alternatives to gang involvement. 831-637-8600

SAN BENITO COUNTY CHILD PROTECTIVE SERVICES

BACKGROUND

The 2004-2005 received a complaint with regard to the San Benito County's Child Protective Services. The complaint was filed originally in the year 2003.

OBJECTIVE

Based on the complaint the Grand Jury determined that the following policies and procedures be reviewed: Removal of a minor from a parent's custody; San Benito County Sheriff's Office departmental policy in the removal of a child; San Benito County's Child Protective Services policy in the removal of a child; Child Protective Services policy in placing the minor into temporary foster care with a family member.

METHODOLOGY

1. Interview complainant
2. Interview appropriate witnesses
3. Review Child Protective Services policies
4. Review San Benito County SO policies
5. Follow-up of previous year's open recommendations

OBSERVATIONS, FINDINGS AND CONCLUSIONS

The Grand Jury conducted an extensive interview and found that the complainant had numerous issues with the Child Protective Services (CPS). In addition to the complaints regarding CPS, the complainant felt that the San Benito County Sheriff's Office acted outside of departmental policy in the removal of the minor child. Many of the complaints were not within the scope of this grand jury and the complainant was encouraged to pursue these issues via other means. The Grand Jury did, however, feel that an investigation should be conducted into the following two areas of complaint: (1) The initial removal of the minor from the home, and (2) the initial placement of the minor into temporary foster care.

The Grand Jury obtained and reviewed current copies of the San Benito County Sheriff's Office departmental policies and procedures and necessary reports of the incident. Based on a review of these documents the Grand Jury believes that the Sheriff's Office acted properly and within departmental policy and State Law. No inconsistencies or deviations of department policy were noted.

The Grand Jury interviewed a number of CPS employees along with the present interim director and deputy director. The Grand Jury learned that the San Benito County Child Protective Services operates for the most part via policies and procedure mandated by the State of California. Specifically, incidents involving child abuse were covered by Division 31 regulations of the Child Welfare Services “Manuel of Policies and Procedures.” This document is continuously updated via “All County Letters” which make changes and /or additions to the regulations that counties need to follow. The changes can and do include all of the sections or divisions of the manual. Management level employees of CPS are tasked with decimating any changes of policy. The Grand Jury found that changes are taking place so often that it is likely that all CPS employees are not up-to-date on many of the changes. It would be beneficial for each member of CPS be issued an updated copy of Division 31 regulations and a local policy developed requiring each employee to maintain updated manuals.

The Grand Jury investigated the complaint that CPS acted outside of policy and state law when removing the minor from the parent. The Grand Jury reviewed Division 31 regulations, interviewed appropriate employees and witnesses and reviewed available documents. The Grand Jury believes that the minor was removed within all policies, guidelines, procedures and state laws. The Grand Jury believes that Child Protective Services acted appropriately in facilitating this minor’s removal from the parent.

Regarding the issue of the initial temporary placement, the complaint focused on a prior felony conviction of a family member to whom the minor was placed. The complainant felt that the minor should not have been placed with the family member. Based on the Grand Jury’s investigation and a complete review of **Division 31 regulations at the time of placement**, and information provided by the complainant, the Grand Jury believes that the placement would have been procedurally allowable. It should be noted, however, that shortly after the placement, Division 31 regulations changed and based on the type of felony the family member was convicted of, the family member would have no longer qualified for placement. Because the entirety of the minor’s case file is deemed confidential and was not available for review, the Grand Jury recommends that the interim director conduct a complete review of the file to confirm issues of placement.

During the investigation and while interviewing other witnesses, additional complaints were made that particular CPS employees were unnecessarily rude and unprofessional with family members. The Grand Jury interviewed and reviewed other written statements from those involved in this complaint. The Grand Jury found that those involved felt strongly that on a number of occasions CPS staff was less than professional when dealing with them.

During the investigation the Grand Jury had the opportunity to speak at length with employees regarding several issues that currently need to be addressed. The Grand Jury noted that San Benito County has an enormous shortage of available foster homes and families. In the county only two county-based foster families are available for child placement. CPS often utilizes the Foster Family Agency (FFA) to place a minor of the county when no family members are available or willing to provide shelter. Often FFA

foster homes are in surrounding counties and away from the minor's family support base. CPS also utilizes services of other out-of-county foster home agencies. CPS makes every attempt to place minors with immediate family members locally, although they often find themselves utilizing out-of-county homes.

In fact, the majority of placements occur in homes and families outside the county in a variety of surrounding cities, sometime as far away as Modesto, in Stanislaus County. These placements are more costly for the county and deplete available funds rapidly. Funding for foster care would be better served if the number of foster homes could be increased in the community. Out-of-county placements are costly to the county and it would better serve the minor to be placed in his/her community.

There were four open Grand Jury recommendations from 1999-2000 that required follow-up:

- ◆ CPS should fill open positions
- ◆ CPS needs to appoint a Director
- ◆ The Board of Supervisors request a Management audit by the State
- ◆ CPS should upgrade their training and institute a formal program.

The first two have been implemented and there a new Director has come on board in 2005. The last two were not implemented are in the Grand Juries opinion are still valid recommendations. See recommendations below.

RECOMMENDATIONS

1. The Grand Jury recommends that an upper management audit of Child Protective Services be conducted to ensure compliance with Division 31 requirements and the Grand Jury concerns above regarding initial temporary placement of minor including compliance of criminal history checks. This should include a random review of previous temporary placements..
2. The Grand Jury recommends that each employee be given an updated copy of Division 31 requirements and mandate that each employee maintain this updated copy as new "All County Letters" are issued.
3. The Grand Jury recommends that CPS staff develops and maintain an updated policy and procedure manual of locally issued directives and that all CPS personnel be trained to these policies and procedures.
4. The Grand Jury recommends that CPS management ensure that all employees treat everyone contacted with respect and maintain the utmost level of professionalism at all times.

5. The Grand Jury recommends that a focused effort needs to be made by CPS to recruit foster care families within the county. This would require the San Benito
6. County Board of Supervisors to fund appropriate recruitment efforts. The Grand Jury encourages the Board of Supervisors and CPS to explore funding options to address this issue.

AFFECTED AGENCIES

San Benito County Health & Human Services Agency- Child Protective Services

San Benito County Board of Supervisors

RESPONSE REQUIRED

California Penal Code Section 933 requires that a response to the recommendations found in this final report be delivered to the Presiding Judge of the Superior Court within 90 days of the receipt of the report. See page 4 of this report.

SAN BENITO COUNTY JAIL

BACKGROUND

The Grand Jury performed its annual review of the San Benito County Jail.

OBJECTIVE

The objective of the annual review is to determine if the San Benito County Jail is adequately addressing the needs of their facility, personnel, inmates, and the community.

METHODOLOGY

1. Interview with the San Benito County Jail Staff.
2. Inspection of the Sheriff's County Jail Facility (used CGJA Prison Inspection Form)
3. Follow up to previous years' recommendations.

OBSERVATIONS, FINDINGS AND CONCLUSIONS

1. The County Jail correctional sergeant was interviewed and was found to be most accommodating and provided all the information requested by the team.
2. The jail facility was inspected and found to be extremely clean and well managed.
3. The Jail Administration is working hard to improve efficiency and reduce costs although they are understaffed. There are not enough correctional officers for the number of inmates.
4. The capacity of the County Jail is 124, however, they are overcrowded and at the time of the inspection by the Grand Jury the population was 140 inmates.
5. A new video camera surveillance system helps to monitor all the inmates in their respective pods at all times.
6. Inmates are classified by a using a specialized computer system to categorize them by criminal history, crime type, and then determine what type of security risk they may be per State Penal Code and what type of detention pod they will be assigned.
7. Food is provided by Aramark and prepared to instructions from the County Nutritionist. Meals are prepackaged and served individually to the inmates.
8. A registered nurse is on duty on site. A physician comes once a week and a dentist comes twice a month. In case of an emergency and on orders by the physician the inmate is transported to Hazel Hawkins Hospital.

9. The jail staff is bilingual, which is a cost savings as there is no need for an interpreter.
10. The inmates do laundry – women do their own laundry at separate times.
11. Recreation is provided to the inmates including one-hour handball, chin-up bars and a sit-up bench in some cells.
12. Inmates give each other haircuts with equipment provided by the Jail. Daily showers with privacy are available.
13. Alcoholic Anonymous and Narcotic Awareness counseling programs are available. Access to religious services, bible study, and mental health counseling is also provided upon request.
14. Visitation schedules for family members are adjusted to meet their work schedules. There is adequate space for visitations.
15. A copy of the CGJA prison inspection form is on record in the San Benito County Grand Jury files.
16. A retired credential teacher provides classes for preparation to acquire their G.E.D.
17. The Department of Corrections (DOC) conducts a yearly audit of the jail facility. This year's annual DOC inspection report is also on file in the Grand Jury files. Noted deficiencies by the DOC have been responded to and the response accepted.
18. The following open Grand Jury follow-ups were reviewed:
 - a. In 1999-2000 it was recommended that medical services be extended to cover 7 days a week. Medical and mental health services are in place 7 days per week and on call 24 hours.
 - b. In 2002-2003 it was recommended that a bigger bus be procured for transporting prisoners. The Board of Supervisors approved the purchase of a 24-passenger bus for inmate transportation to courts, medical, etc. Delivery of bus is scheduled for June 2005.
 - c. In 2002-2003 it was recommended that additional clerical help be provided. The request for an additional clerical help to help control the paperwork overload was denied by the Board of Supervisors. See recommendation number 2 below.

RECOMMENDATIONS

1. Since the present population exceeds the current facility capacity, the Grand Jury recommends that at least two additional pods be built.
2. The Grand Jury feels that additional staff is required. Staffing levels need to be re-assessed and critical skills and support skills funded and authorized. Additional personnel are required to adequately support the control room and also to provide visual surveillance of the inmates. Clerical support is required to relieve officers from tasks that take away from their primary functions.

AFFECTED AGENCIES

San Benito County Board of Supervisors
San Benito County Sheriff's Department

RESPONSE REQUIRED

California Penal Code Section 933 requires that a response to the recommendations found in this final report be delivered to the Presiding Judge of the Superior Court within 90 days of the receipt of the report. See page 4 of this report.

Continuity Committee

CHARTER

The Continuity Committee is responsible for the follow-up of previous Grand Jury investigations and complaints to ensure that the Grand Jury process is satisfactorily serving as the watchdog of the community. The Continuity Committee's responsibility is to continue the effective use of the database developed by this year's Grand Jury and ensure that it is kept current for use by subsequent Grand Juries.

COMMITTEE MEMBERS

Deborah Shamnoski –Chair
Jack Cocchi
Gary Anderson
Juanita Alexander
Otto Leidreiter
Dean Rodrigues
Diana Tucker
Cynthia Vasquez

CONTINUITY COMMITTEE RECOMMENDATIONS, RESPONSES AND IMPLEMENTATION FOLLOW-UP REVIEW

BACKGROUND

The Grand Jury performed a follow-up review of previous recommendations, responses, and subsequent actions by City and County Agencies to develop a baseline and database for subsequent Grand Juries.

OBJECTIVE

The objective of the follow-up review is to determine if the City and County Agencies satisfactorily implemented proposed actions to Grand Jury recommendations from 1999-2000 through 2003-2004.

METHODOLOGY

The 2004-2005 Grand Jury reviewed the past five-year's reports of the San Benito County Grand Jury and structured a database summarizing recommendations, responses and follow-up verifications. Recommendations that had no evidence of being followed up were identified and categorized by department, office, and/or program and given a priority ranking of either A, B, or C. The "A" items were those of a more severe nature and in need of immediate and thorough analysis and follow up. Those interviews were scheduled first, followed by the "B" items, and subsequently the "C" items. The Continuity Committee then scheduled a meeting with the appropriate Department Manager, Office Manager, and/or Program Coordinator. We reviewed the open items with them and based on their answers and documentation, we either recorded the item as closed or open. Those "Open Items" that the committee felt that required further action are contained in the recommendations portion of this report.

1. Interview with the City and County Agencies
2. Follow-up to Grand Jury recommendations from 1999-2000 through 2003-2004.

OBSERVATIONS, FINDINGS, AND CONCLUSIONS

The following table lists the number of open issues from 1999-2000 to 2003-2004 by agency, the number closed in 2005 and the number that remains open. Open actions are discussed in the recommendations section of this report. For those agencies that follow-

up was not conducted, they are identified by follow-up required in the open portion of the table and next year's Grand Jury will be requested to conduct the follow-up.

By way of summary, at the beginning of this Grand Jury term there were 116 issues considered open, 95 were reviewed by this year's Grand Jury, 81 were closed, and 14 are still considered open and require action.

Subsequent Grand Jury Continuity Committees should review the recommendations and open items each year to maintain timely follow-ups of these items. The database and metrics should also be updated annually so subsequent juries have adequate and updated information from which to determine their investigations

2004-2005 Follow-Up Table

Committee/Agency	Open Issues July 2005	Closed in 2005	Open-See Recommendations
LAW & JUSTICE			
Hollister Police Department.	6	6	0
Juvenile Hall	4	2	2
County Probation	0	0	0
County Jail	4	3	1
Sheriff's Department	3	3	0
Animal Control	3	0	Follow-up Required
Evidence Lockers	7	7	0
District Attorney	6	5	1
Hall of Records	0	0	0
Child Protective Services	4	2	2
Substance Abuse	3	3	0
Family Support	0	0	0
Victim Witness Program	0	0	0
Courthouse Security	9	8	1
Grand Jury	3	3	0
County Clerk/Recorder	0	0	0
Narcotics Task Force	0	0	0
CITY & COUNTY			
Auditor/Controller/Treasurer	5	3	2
County Planning & Roads	0	0	0
City Planning & Roads	0	0	0
County Personnel Dept.	2	0	Follow-up Required
County Waste Management	1	0	Follow-up Required
City Building Inspector	0	0	0
County Public Works	6	5	1
City Public Works	2	0	Follow-up Required
City of San Juan Bautista	2	2	0
County Building Dept.	3	0	Follow-up Required
City/County Sewers	5	5	0

SJB Water & Sewers	2	0	Follow-up Required
Sunnyslope Water	0	0	0
Marshall's Office	0	0	0
City & County Preparedness	6	6	0
Hollister Airport	5	4	1
County Fire Dept.	2	0	Follow-up Required
County Code Enforcer	0	0	0
HEALTH, ED, & WELFARE			
San Benito High School	6	5	1
Children's Family Comm.	3	0	Follow-up Required
Hollister School District	1	0	Follow-up Required
Rural Schools	2	2	0
Mabie Nursing Home	2	0	Follow-up Required
Panoche School	6	6	0
Paicines School Board	0	0	0
SBC Health Department	3	1	2

RECOMMENDATIONS

The following recommendations are made based on the follow-ups by the 2004-2005 Grand Jury and represent issues that affect public safety/security, critical staffing needs, or major inefficiencies all of which need to re-addressed. In many cases the recommendation has been addressed to the City or County Governing Board for action.

JUVENILE HALL

OPEN ACTION:

Since 2001 the Grand Jury has recommended that a Sally Port be constructed to improve safety and security at Juvenile Hall. Although the Board of Supervisors and Juvenile Hall and Probation agreed it to, it keeps getting put off. It is once again planned for 2006.

RECOMMENDATION:

The Grand Jury strongly recommends that the Sally Port be funded and constructed.

OPEN ACTION:

Due to budget constraints, the Juvenile Hall has not been able to replace their transport officer. They cover this function using their extra help budget, however, they have had to reduce weekend activities due to the loss of this position.

RECOMMENDATION:

A full trade off study is recommended to not only look at cost tradeoffs but also efficiency and lost programs that were covered by the transport officer.

AFFECTED AGENCIES:

Board of Supervisors
Probation Department

SAN BENITO COUNTY JAIL

See Recommendations in the San Benito County Report in this Final Report.

DISTRICT ATTORNEY

OPEN ACTION:

Staffing has been an open action in the past years Grand Jury reports. The present staffing of nine personnel is not adequate for a county the size of San Benito County. The District Attorney has submitted budget requests for increased staff but it has not been approved.

RECOMMENDATION:

It is recommended that the Board of Supervisors review the staffing needs and budget requested by the District Attorneys Office. Reference this years report on Gang Controls on page 42 of this report for a similar recommendation.

AFFECTED AGENCIES:

Board of Supervisors

CHILD PROTECTIVE SERVICES

See Recommendations in the Child Protective Services Report in this Final Report

COURTHOUSE BUILDING SECURITY

OPEN ACTION:

A number of safety and security issues were raised back in 1999-2000. Several upgrades were accomplished as well as restructuring the use of the courts. However, since the building belongs to the county, the courts are not able to implement proposed building modifications to improve overall security and safety.

RECOMMENDATION:

Safety and security of Superior Court staff, in-custody's, and the public continue to be a major concern at the existing courthouse facility. This has been recognized by the State as San Benito ranks 10th out of over 200 court facilities in the States Court Facilities Master Plan. However, this will not be implemented for six to ten years.

In the interim, it is recommended that the Board of Supervisors re-visit the proposals submitted by the Superior Court to install a door at the back wall to the jury room and create a secure entrance to the courtrooms to provide for screening and security.

AFFECTED AGENCIES:

Board of Supervisors

TREASURER/TAX COLLECTOR OFFICE

See Recommendations in the Treasurer/Public Administrator/Tax Collector Report in this Final Report

COUNTY PUBLIC WORKS

OPEN ACTIONS:

A manpower shortage exists preventing the use of tools and software and to complete projects

RECOMMENDATION:

See the General Report for discussion of unification of City and County Agencies for improved utilization of resources.

AFFECTED AGENCIES:

Hollister City Council
San Benito County Board of Supervisors

HOLLISTER AIRPORT

OPEN ACTION:

Actions taken in 2004 to improve the issue of leases and the collection of revenues were only partially implemented. A database was established identifying the leases and their status, to the best of the new Airport Manager's ability with the records he has. The City Clerk has all the official leases, and many in the Manager's files are expired. However, very limited action has been taken to review the leases, establish fair market value and issue new contracts. Most leases of buildings and hangars are open at present and most are significantly below market value. The Manager is reluctant to renew or renegotiate many of the existing leases due to the age of the hangars and buildings. Many of the wood hangars are well beyond their economic life and may need to be demolished to make way for new ones. The leases on the newer buildings, however, should be reviewed for status of lease and lease rate.

In addition, as one of the City's largest enterprises, proper support should be provided to the Airport Manager. Even maintenance requests for the airport must go through many channels to effect, making it difficult to maintain the airport. An administrative staff person is needed to efficiently bill the FAA for grants and funds for the improvements as delineated in the Hollister Airport Master Plan. In the past, grant monies have been forfeited due to the expiration of time periods for implementing the project and filing for grant monies. All projects for the improvement of the airport are fully funded by the

federal government via grants, and 20% of federal grant money received can be used for engineering and administration of the airport.

RECOMMENDATION:

It is recommended that the Airport Manager be provided with dedicated support to review and update all leases, to review and account for all receivables and to secure federal monies to fund the planned and necessary improvements to the airport in a timely manner. In addition, a complete up-to-date file of all leases should be located in the Airport Managers Office to facilitate the above.

AFFECTED AGENCIES:

Hollister City Council
Hollister City Manager

SAN BENITO HIGH SCHOOL

OPEN ACTIONS:

Since 2002 the Grand Jury has raised the safety concern for student crossing on Nash Road. San Benito High School has made a number of recommendations to the City of Hollister, however it remains an open issue again in 2005.

RECOMMENDATION:

It is again recommended that the City of Hollister step up and establish and implement both short term and long term solutions to the student safety issues at Nash Road.

AFFECTED AGENCIES:

Hollister City Council
San Benito High School

SAN BENITO COUNTY HEALTH DEPARTMENT

See Recommendations in the West Nile Report in this Final Report.

RESPONSE REQUIRED

California Penal Code Section 933 requires that a response to the recommendations found in this final report be delivered to the Presiding Judge of the Superior Court within 90 days of the receipt of the report. See page 4 of this report.

CITIZEN COMPLAINTS

CHARTER

The Grand Jury is responsible for receiving and evaluating complaints, offering recommendations to the full jury

PROTOCOL

San Benito County citizens may submit complaints to the Civil Grand Jury. Complaints must be in writing and on a Citizen Complaint Form. The form is available in the office of the Superior Court and on line [www.sanbenitograndjury.org].

Upon receipt, the complaints are assigned to their respective Committee for review, acknowledgement letters are sent to the complainants, and recommendations for disposition are made to the full Grand Jury. Complaints deemed to be within the purview of the Grand Jury are assigned to an appropriate committee for investigation. Results of these investigations are found elsewhere in this Final Report. Complaints deemed to be outside the purview of the Grand Jury are not investigated and the complainants are so notified.

To provide a better tracking and reporting of citizen complaints, a new Summary form was designed to track and document all activities and actions by the Grand jury. Also a database was established as a reference to aid future Grand Juries.

CITIZEN COMPLAINTS RECEIVED

The 2004-2005 San Benito County Civil Grand Jury received nine Citizen Complaints and One Complaint was re-opened from 2003-2004:

1. Complaint relating to Child Protective Services & Sheriff's Office
2. Complaint relating to County Treasurer
3. Complaint relating to the Superior Court
4. Complaint relating to San Benito County Mental Health
5. Complaint relating to the Hollister Police Department & US Government
6. Complaint relating to the District Attorney & Board of Supervisors
7. Complaint relating to the District Attorney
8. Complaint relating to the City of Hollister & San Benito County
9. Complaint relating to the Sheriff's Office

A database of complaints was developed covering the time period from 1999-2000 to 2004-2005. The database is contained in the Grand Jury's laptop computer and can be readily used by subsequent Grand Juries. Several metrics and spreadsheets were developed to assess the effectiveness of the complaint process and are provided in the Appendix A to this Final Report.

- ◆ During this period there have been 36 citizen complaints filed with the Grand Jury. There has been a significant increase the past few years.
- ◆ The breakout of complaints by agency is provided in the Appendix A.
- ◆ Over 50% of the complaints were not acted on or there was no evidence or records of any action taken by the Grand Jury.
- ◆ Where there was evidence or records of complaints, 50% resulted in no action being taken. The other 50% were investigated and reported by the Grand Jury in their Final Report.

In general, it is felt that the Grand Jury must do a much better job of responding to and documenting the complaint process. The 2004-2005 Grand Jury took the following actions to improve the process:

1. The complaint form was simplified and the simplified form is located on the Grand Jury website.
2. A Grand Jury Action Record was developed to track and document actions conducted by the Grand Jury on the complaint throughout the process.
3. The database was updated and can now be maintained electronically for use by subsequent Grand Juries.

APPENDIX A

REVIEW OF INVESTIGATIONS, RECOMMENDATIONS, RESPONSES, GRAND JURY FOLLOW-UPS & COMPLAINTS

A database of investigations, recommendations, responses and follow-ups was developed covering the time period from 1999-2000 to 2003-2004. The database is contained in the Grand Jury's laptop computer and can be readily used by subsequent Grand Juries. Several spreadsheets and metrics were developed to assess the effectiveness of the Grand Jury process and are provided in this Appendix.

Assessment of the data shows:

- ◆ 81 reviews/investigations have been conducted by the Grand Jury, and a total of 245 recommendations were made.
- ◆ 40 of these recommendations were repetitive from previous years.
- ◆ Agency/Department responses to Grand Jury recommendations were very good at 89%.
- ◆ 54% of responses stated that the recommendation was already being done or action would be taken. 26% stated that they did not agree with the recommendation or that no action was required. 9% required further analysis.
- ◆ 59% of the recommendations were directed at systems, procedures, and personnel. Another 20% were related to facility or equipment issues,
- ◆ 49% of recommendations that should have been followed up were not followed up by subsequent Grand Juries.

What can be gathered from above?

In general, the Grand Jury has done a good job of reviewing and investigating agencies in the community. However, the reviews have been focused on the agency only and not on functional issues that cut across city and county agencies. There also needs to be a much better effort in conducting follow-ups to verify that agency responses are implemented in a timely and satisfactorily manner.

Response by all agencies has been very good as evidenced by the high percentage. However, responses must be timely and also must be clear and specific and finally, implemented as stated. Responses must satisfy the requirements of the penal code. The Grand Jury should scrutinize the responses to assure that they fully address the recommendation and when not satisfied with the response they should request additional information or clarification.

The following metrics tables & charts backup the observations made above.

- ◆ Investigations and Complaints Spreadsheet
- ◆ Investigations by Year (1999-2000 to 2004-2005)*
- ◆ Investigations Table (1999-2000 to 2004-2005)*
- ◆ Recommendations, Responses, & Repetitive Recommendations
- ◆ Recommendations Summary
- ◆ Response Summary
- ◆ Recommendations Versus Follow-Ups
- ◆ Follow-Up Summary
- ◆ Complaints by Year
- ◆ Complaints by Agency
- ◆ Complaints Disposition

* Included numbers for 2004-2005 for information however they were not used in the analysis.

APPENDIX B
CONTINUITY RECOMMENDATIONS, RESPONSE, &
IMPLEMENTATION FOLLOW-UP SUMMARIES

This appendix contains the details that support the Continuity Report starting on page 64 of this Final Report. These detailed summary forms describe the open recommendation/responses by agency/department that had not been followed up and/or not documented by previous Grand Juries as of the beginning of the Grand Jury term of 2004-2005. These forms were used to discuss the open issues with the agencies and the results entered in the Grand Jury follow-up portion of the form.