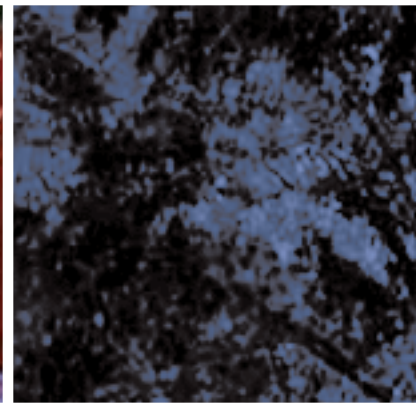


Grand Jury Final Report



2002-2003

SAN BENITO COUNTY



SAN BENITO COUNTY GRAND JURY

Honorable Judge Harry Tobias
San Benito County Superior Court
Monterey Street
Hollister, CA 95023

Dear Judge Tobias:

"Time is money" ... words of importance, for time is our most valuable asset. Some of us have budgeted hours and are banking on our savings now, others have scrimped and tithed all that they have towards an investment into the future of our community. Still others don't have enough time to spend, but have borrowed, paying high interest in order to lend support to many beneficiaries.

Time is also our most precious gift, for we never have enough it seems, certainly never too much. It is with great pride that 2002-2003 San Benito County Civil Grand Jury has given so much precious time to the residents of San Benito County, and the Final Report is the fruit of the combined efforts of the entire membership. With thrifty budgeting and generous contributions, the 2002-2003 Grand Jury will be publishing the Final Report as a newspaper insert so that all members of San Benito County may draw of the information and become more aware of the many needs of our community, thus making informed decisions about the direction for the years ahead. Perhaps our findings and recommendations will provide a catalyst for the design of change.

The goals of this Grand Jury were to become more organized and focused than ever before, and to be diligent and effective in our roles as watchdogs of the community. This year, we embarked upon the task of compiling a resource library for our members to research historical documents and Grand Jury final reports, and review the issues of the past and how they relate to the future. The fact is that many past reports hold findings and recommendations that still have not been resolved (some decades later). Since we have given so much time in a generous volunteer effort, it is the hope of this Grand Jury that considerable attention will be given to our recommendations, as they have been thoughtfully written for the purpose of progress.

This year's Grand Jury was impaneled three months earlier than previous terms so that we could actively partake in the State Grand Jury Association's training in San Luis Obispo. Our organization sent two representatives to the training conference. They returned with eager enthusiasm and provided a training format for the rest of the Grand Jury.

Our interviews with the new District Attorney established a position of understanding that will guide future Grand Jury members into duty. Additional support was provided by the County Administrative Officer who introduced our members to the history of the budget and finance within the scope of decision making at the County level. With these directions, I believe that the Grand Jury is better prepared to study the issues of the political mechanisms and guide the tour of the various committee works.

The Final Report reflects the Observations, Findings, and Recommendations of the individual committees; Law and Justice, City and County, Special Projects, and Health, Education and Welfare. It is worth noting that there were many, many hours of organized efforts to review budgets and conduct interviews

with various members of departments with thoughtful details implored to provide an overall view of general consensus of the Grand Jury as a whole body. As in every citizen interview, impartial members were absolute in their thorough queries. Truly, the beauty of the Grand Jury membership is in the individual backgrounds and experiences brought to the group.

There were some observations that fell into all categories of the findings within the overlapping functions and operations of the City and the County. Between the two entities, their ability to meet regularly, communicate, and work together was surprisingly limited. Although two representatives from each entity have formed an Intergovernmental Committee, the Grand Jury could not retrieve more than two written communications and found that the Inter-governmental Committee met only once or twice over a one year period. The Grand Jury met with the representatives and it was agreed by all parties that their effectiveness would be enhanced by great measure if the communication was at regular intervals and it would appear to catapult the progress into successful movement. It is indeed the hope of the Grand Jury that this plan of good intention will be implemented by the Intergovernmental Committee. With issues of budgets and the future growth of this county at stake, the infrastructure communication is nothing short of imperative.

San Benito County is a picture of color, home to native and new, young families and seniors alike. The care and safety of all is in the hearts of the many who devote hours in their days and years of service to the citizens of the community, whether paid or volunteered. May the citizens and future members of the San Benito County Grand Jury find the efforts of our gift of time well spent.

On a final note, I would like to express my deepest appreciation to the 18 individuals who served as members of the 2002-2003 Grand Jury for their willingness and character, for the reward has been great in the challenge to represent you. Thank you, Judge Tobias, for the opportunity to serve the community and for your support throughout this term. I look forward to seeing you all in the community.

Sincerely,

A handwritten signature in black ink that reads "Roxy Montana". The signature is written in a cursive, flowing style with a large initial "R" and "M".

Roxy Montana, Foreperson
2002-2003 San Benito County Grand Jury

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FOREWORD

ABOUT OUR REPORT

Grand Jury reports receive limited public exposure, and the public in general is unaware of the Grand Jury's watchdog function. This year we undertook an ambitious project to more widely disseminate the Grand Jury Final Report by publishing a first-time special supplement in the county-distributed edition of the Pinnacle newspaper. This edition reaches approximately 18,500 county residents. In addition, we printed our standard report which the Grand Jury has printed for years. Our supplement makes reference to departmental responses from the previous year. Those responses can be viewed on the San Benito County Grand Jury website at www.sanbenitocountygrandjury.org. With the publication of this report, the 2002-2003 Grand Jury term is completed. We express thanks to those across the county who helped in our efforts. This Final Report is the result of cooperation and dedication from each Grand Jury member who worked very hard and gave that extra effort to produce this document. We also would like to express a special thanks to local artist Shannon Grissom and to local photographer Briggs Latham for supplying the reader with their delightful views of areas located throughout San Benito County.

MAJOR ISSUES FACING OUR CITIZENS

The San Benito County Grand Jury is acutely aware of the major issues facing our citizens. Among these, we especially note: rapid growth, inadequate infrastructure (roads, sewage), substance abuse, domestic violence, gangs, graffiti, and the homeless. Progress toward solving the problems associated with each of these issues is complex. It cannot be achieved by a single Board, Council, Agency, or District working independently. It can only be achieved by genuine cooperation, honest communication, and concerted actions.

Our local governmental bodies have a history of independence and self-sufficiency. This history has served them well. However, in these days of financial restraints and resource constraints, it may be time to reassess our direction. The Grand Jury believes this direction is "Cooperative Problem Solving" which reaches across the traditional boundaries. Our hope is that our elected officials will establish this new direction and that staff support will follow their lead.

The 2002-2003 San Benito County Grand Jury

Roxy Montana, <i>Foreman</i>	Randy Andrews	Ricky Wayne Jackson
Anthony Edwards, <i>Foreman Pro Tem</i>	Irving Atlas	John Kobold
Barbara Lee, <i>Secretary</i>	Dick Culberson (resigned 2/25/03)	Daniel T. Maese
John H. Sitton, <i>Treasurer</i>	Rhonna Dias	Don Moses
Glen Cooke, <i>Sergeant-at-Arms</i>	Robert Gibson (resigned 10/22/02)	G. Rao
Jwanita Alexander	Donna Gonzales (joined 11/12/02)	Jason Stewart
	Kathleen Harris	Kim Walker

RESPONSE REQUIRED

A response is required within the time limits and form as prescribed by California Penal Code Section 933. Relevant paragraphs from Section 933 are quoted below for respondents' information and guidance.

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

CALIFORNIA PENAL CODE 933.03 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."

CITY AND COUNTY COMMITTEE

CHARTER

The City and County Committee is responsible for investigating matters pertaining to the various City and County governments, special districts, and joint-power agencies.

COMMITTEE MEMBERS

John Sitton, Chair

Randy Andrews

Irving Atlas

John Kobold

G. Rao

Jason Stewart

REVIEW OF SAN BENITO COUNTY AUDITOR'S OFFICE

BACKGROUND

The purpose of this investigation was to review how the County manages its finances and maintains control of its assets.

OBJECTIVE

The objectives of the investigation are as follows:

1. To familiarize the Grand Jury with the process the County uses to establish its budget.
2. To review the controls that are in place to monitor expenses and revenues.
3. To review what steps are taken when an expense exceeds the plan.
4. To help identify areas that could benefit from implementation of new systems and/or technology.

METHOD OF REVIEW

1. Interview with the Director of Finance, San Benito County.
2. Interview with other County department heads.
3. Written answers to a questionnaire sent to the Director of Finance and other department heads.
4. Review of the budget verses current expenses.

OBSERVATIONS, FINDINGS AND CONCLUSIONS

1. The County budget is developed by the County Administrative Officer with input from the Director of Finance and other department heads. The proposed budget is then sent to the Board of Supervisors for adoption.
2. Most of the preparation is done in the Finance office. The County's budgeting practices appear to be conservative. Historical data, current laws, and revenue estimates are used in it's development.
3. The Administrative Officer and the Director of Finance monitor the budget monthly for compliance. Departments are allowed to exceed line item allowances, but must stay within the total budget for the department.
4. For the fiscal year 2002-2003, the County budget is \$72,815,962.00. This includes \$64,629,929.00 estimated operating expenses and a reserve or designated fund amount of \$8,185,983.00.
4. The County plans to implement the Bi-Tech payroll system by the end of 2003.
6. The Public Works Department's reporting software is not compatible with that of the Finance Department.
7. The Finance Department is well organized, deals well with the public, and is looking for ways to improve its operation.
8. The Finance Department's net cost to the County in 2002 was \$635,000.00, which was \$45,811.00 under budget. The budget for 2002-2003 is \$839,296.00.

RECOMMENDATIONS

1. Complete the Implementation of the new payroll system by the end of 2003.
2. Other County departments should upgrade their reporting systems to the level of the County Finance Department, which will result in a reduction in the cost of transferring information.

AFFECTED AGENCIES

1. County Finance Department
2. County Board of Supervisors
3. Other applicable County departments

RESPONSE REQUIRED

As described by California Penal Code Section 933 (see page 6).

REVIEW OF SAN JUAN BAUTISTA AND SUNNYSLOPE WATER DISTRICTS

BACKGROUND

This investigation was initiated due to the concern expressed by previous Grand Jury members over the condition of drinking water available to the citizens of San Juan Bautista. To obtain a balanced view of the entire county's drinking water systems, we also included the Hollister and Sunnyslope Water Districts in this investigation.

OBJECTIVE

The objectives of the investigation are as follows:

1. To verify that progress is being made to improve the water system in San Juan Bautista.
2. To identify any concerns that may exist in the Hollister and Sunnyslope Water Districts and how those concerns are handled.

METHOD OF REVIEW

1. Interview with the City Manager of San Juan Bautista.
2. Tour of the San Juan Bautista municipal water wells and waste facility.
3. Interview with the General Manager and one of the board members of the Sunnyslope Water District.
4. Tour of Sunnyslope water wells, storage tanks, the new membrane filtration plant and waste facility.
5. Interview with the Manager of the Hollister Public Works Water District.
6. Tour of Hollister's water wells.

OBSERVATIONS, FINDINGS AND CONCLUSIONS

1. The city of San Juan Bautista currently owns three water wells. Well number 1, recently out of service due to a serious silt problem, has been rebuilt. The water has been tested and brought back on line, and displays nitrate levels tolerable for human consumption. Chlorine is injected. Security is adequate.
2. Well number 2, the primary water well for the City of San Juan Bautista, is operating effectively after a mechanical upgrade. It displays nitrate levels tolerable for human consumption. Chlorine is injected. Security is adequate.
3. Well number 3, currently not in use by the City displays excessive nitrate levels above the state recommended parameters of safe drinking water. This well is currently slated for agricultural use. Chlorine is injected.
4. A tour of the San Juan Bautista reservoir revealed a small container encased in concrete. The roof is constructed of wood trusses and galvanized metal. Inspection of the reservoir's interior revealed large bugs swimming in the water and patches of dust and small plant-life floating on the surface of the water. The bottom of the reservoir could be clearly seen.
5. The City Manager expressed concerns that the reservoir is inadequate in the event of a major fire. Security is adequate.

6. A tour of the San Juan Bautista Waste Facility displayed a good operational system. There was no evidence of odor problems and the system was thoroughly described by the City Manager. Outgoing water is subjected to a reverse osmosis treatment prior to percolation back into the ground.
7. An interview with the General Manager of the Sunnyslope Water District disclosed that five wells were owned, maintained and operated by the Sunnyslope Water District. Five consecutive years of water reports were presented. The Sunnyslope Water District shares a state-of-the-art membrane filtration system (named the Blue Valve System) with the Hollister Department of Public Works Water District. The system filters water from the San Luis Reservoir for human consumption.
8. A tour of Sunnyslope Water District's system displayed that the five water wells it operates are in excellent working order. Each well housed in a secure structure and is surrounded by an eight foot chain link fence. A mobile electrical generation unit is available to prevent water disruption. All maintenance personnel are cross-trained to perform mechanical, electrical and chemical maintenance. All water wells are equipped with chlorine injection equipment and water quality is tested daily. Security at all wells is adequate.
9. A tour of the Sunnyslope Water District's holding tanks and shared Membrane Filtration System revealed an on-going effort to deliver quality water to consumers. Further, Sunnyslope Water District has in place a grid system whereby water can be shared with the Hollister Department of Public Works Water District in the event of an emergency.
10. The tour of the Sunnyslope Water District waste system showed it to be a very effective design. The area is clean and landscaped and there was no evidence of odor. The system was explained thoroughly by the General Manager.
11. An interview with the Utility Technician of the City of Hollister's Department of Public Works Water District disclosed that the Hollister Water District owns and operates eight water wells and shares its Membrane Filtration Plant with Sunnyslope County Water District, as well as a grid system for sharing water within the two departments. Results of recent water tests were provided.
12. The tour of Hollister Water District's water system revealed that all eight wells were in excellent working order, with each housed and surrounded by an eight-foot chain-link fence. The Grand Jury members observed that there is no filtration system from the wells prior to reaching consumers. Security is adequate.

RECOMMENDATIONS

The Grand Jury recommends that Hollister, San Juan Bautista and Sunnyslope Water Districts install a serviceable filtration system on the well site or down-line (prior to consumption), to trap any organisms (living or dead) and any possible excess chlorine.

AFFECTED AGENCIES

City of Hollister Water District and City Works Department

City of San Juan Bautista Municipal Water District and City Works Department

Sunnyslope County Water District

Sunnyslope County Works Department

RESPONSE REQUIRED

As described by California Penal Code Section 933 (see page 6).

REVIEW OF SAN BENITO COUNTY PUBLIC WORKS DEPARTMENT

BACKGROUND

The 2002/2003 San Benito County Grand Jury investigated the San Benito County Public Works Department. In the twelve months prior to the Grand Jury investigation, the Public Works Department had executed a major restructuring of their administrative function.

OBJECTIVE

The objectives of the investigation are as follows:

1. To determine why the Public Works Department restructured its administrative function.
2. To identify problems facing the department and discover how the department plans to address those problems.
3. To determine how the Public Works Department establishes priorities.
4. To discover whether there is a comprehensive improvement plan.

METHOD OF REVIEW

1. San Benito County Grand Jury Department Head Questionnaire.
(See Appendix 1, pages 44 and 45.)
2. Interview with; Public Works Administrator, Assistant Director of Public Works (Operations), Assistant Director of Public Works (Administrative Services), San Benito County Administrative Officer, San Benito County Finance Officer.
3. Tour of Public Works equipment yard and facilities.
4. Review of Public Works 2002-2003 Budget.

OBSERVATIONS, FINDINGS AND CONCLUSIONS

1. The Public Works Department restructured its administrative function because management believes the new structure provides better accountability within the Department.
2. The Public Works Department uses a different accounting system than that used by the County. The County's system does not provide the detail needed by the Public Works in order to comply with the state audit of road funds. The result is that Public Works spends a great deal of effort manually reconciling the Department financial records with County administration. The Department is working to upgrade its management information system to be compatible with the County system. In addition to being compatible with the County's system, the Public Works Department's program needs to be "work-order driven." The County Administrative Office supports this initiative.
3. The Public Works Department establishes project priorities based on a five year plan. Average daily traffic counts are made on County roads once a year. All 395.92 miles of County roads are inspected annually and rated on a mile-by-mile basis. Road maintenance is scheduled based on the results of this inspection.
4. Road maintenance scheduling would be enhanced by using MICROPAVER, a computer program which has been used advantageously by the city of Hollister for ten years. This program is already owned by the

Public Works Department, but is not being utilized. The Public Works Department stated that creating and inputting the initial database needed by the MICROPAYER system would require hiring an outside consultant at a cost of approximately \$70,000.

5. The Public Works vehicle maintenance building is old, in disrepair, obsolete, and is lacking basic equipment such as vehicle lifts.

RECOMMENDATIONS

1. The Public Works Department should aggressively follow through with its plans to upgrade its computer system in order to achieve compatibility with the County Finance Department.
2. Since using MICROPAYER would provide more efficient scheduling of road main-tenance,the Public Works Department should immediately begin to implement this system.
3. To avoid the cost of hiring outside consultants for developing the initial database, it is recommended that the Department build the initial database incrementally using the results of its annual mile-by-mile inspections and ratings of the County roads.
4. The Public Works Department should do a cost/benefit analysis to establish a priority for replacing its maintenance building.

AFFECTED AGENCIES

San Benito Public Works Department

San Benito County Board of Supervisors

San Benito County Administrator

RESPONSE REQUIRED

As described by California Penal Code Section 933 (see page 6).

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

Kim Walker, Chair

Jwanita Alexander

Irving Atlas

Rhonna Dias

Donna Gonzales

Barbara Lee

Don Moses

REVIEW OF SAN BENITO HIGH SCHOOL

BACKGROUND

The 2002-2003 San Benito County Grand Jury continued the process of monitoring the San Benito High School as recommended by the 1999-2000 Grand Jury.

OBJECTIVE

1. To determine whether information related to the Zero Tolerance Policy is disseminated to students and/or parents appropriately.
2. To review issues related to the safety of the students at San Benito High School.

METHOD OF REVIEW

1. Interviews with various San Benito High School District Board of Trustee members.
2. Interview with the former Superintendent (retired).
3. Interview with the newly appointed Superintendent.
4. Interviews with various Administrative Personnel.
5. Attendance at various San Benito High School District Board of Trustee Meetings.
6. Tour of the San Benito High School Campus (December '02).
7. Documents reviewed: San Benito High School Student/Parent Handbook for 2002-2003. San Benito High School Supplemental Handbook.

OBSERVATIONS, FINDINGS AND CONCLUSIONS

1. The "Zero Tolerance" policy was reviewed. The Grand Jury's goal was to determine if students and parents are adequately informed, up front, of the expectations and consequences of the policy. Students receive zero tolerance information in their initial physical education class and sign a statement to that effect. The Grand Jury could not identify whether measures are in place to capture students who miss the initial physical education class. Student handbooks, which are considered student contracts, are mailed to the parents. The information provided clearly defines behaviors considered unacceptable and describes the consequences of such behaviors.
2. A Supplemental Handbook, which "provides detailed information in several areas regarding policies, procedures, and consequences," has also been created. This information acts as a guide to parents and students of: 1) what to expect once the student has acted outside of school policies; and 2) what recourses are available to parents once disciplinary action is initiated. The Grand Jury's attempts to review a copy of the Supplemental Handbook became a source of frustration. Initially, it was not available since revisions were reportedly being completed. Requests for previous editions were made, but no copies were made available to the Grand Jury. A copy of the current edition was ultimately provided by the Administration. However, the Grand Jury wondered if parents encountered the same difficulties obtaining the Supplemental Handbook. When queried, Administrators could not produce information as to how parents are notified of the existence of the supplemental information. One administrator reported that parents and students usually find out about the handbook once disciplinary action has begun. On review of the Student Handbook, the Grand Jury found five referrals to the Supplemental Handbook in the areas of the "F" policy for seniors,

excessive tardies, suspension/expulsion and due process/ complaints. Since supplemental information is an important adjunct to the Student Handbook, it should either be distributed with the student handbook, incorporated into the Student Handbook, or its existence needs to be clearly communicated prior to any disciplinary action.

3. The Grand Jury was made aware of concerns that the former Superintendent was leaving mid-term, which could limit the candidates available to fill the position, due to contractual obligations with other school districts. The new Superintendent, who was interviewed in February 2003, was found to be well qualified, well-spoken, eager and an advocate for the students.
4. The former Superintendent provided a tour of the campus for several Grand Jury members. Areas toured included: administrative offices, the library, the copy center, various classrooms, various portable classrooms, outdoor areas for student socializing during breaks or between classes, locker areas, transportation facilities, the cross-walk at Nash Road and the gymnasiums. During the tour, the students and teachers were very gracious and continued their instruction, despite the disruption caused by our presence.
5. The High School is divided by Nash Road. In order to attend classes, which are located on either side of the campus, students must frequently cross Nash Road. This places the students at increased risk for injury. A cross-walk and a crossing guard are used to facilitate safe passage from one side to the other; however, it was observed that many students do not use the cross walk and walk between stopped cars waiting to proceed through the intersection. Despite the efforts of the crossing guard and the administrators, the volume of students crossing between classes makes it difficult to monitor them all as they pass. On the day of the tour, a yellow flashing caution light, located on Nash Road near the cross-walk, was not on while students were crossing. It was unknown what hours the light should be on or if it was in working condition.
6. No tamper-proof devices or locks were seen on the gas pumps, located near the students' bus loading/unloading areas.

RECOMMENDATIONS

The San Benito County Grand Jury recommends:

1. The Board of Trustees clarifies future plans for maintaining student safety on Nash Road, with consideration given to the possibility of closing the road during school hours (if not permanently).
2. The yellow caution light, located on Nash Road near the cross-walk, be checked to ensure it is working according to regulations.
3. Tamper-proof devices or locks be placed on the gas pumps, which are located near the students' bus loading/unloading areas.
4. The High School incorporate the supplemental Handbook with the Student Handbook, or clearly inform parents of: a) the existence of the supplemental handbook, and b) how to obtain the supplemental handbook
5. The High School ensure that any student, who misses the initial presentation of the Student Handbook and Disciplinary Policies, be given the information at a later date.

AFFECTED AGENCIES

The San Benito High School Board of Trustees

RESPONSE REQUIRED

As described by California Penal Code Section 933 (see page 6).

REVIEW OF SAN BENITO COUNTY CHILDRENS AND FAMILIES FIRST COMMISSION

BACKGROUND

In November 1998, Proposition 10, the California Children and Families Act, provided new funds to improve the health of children, strengthen families and help prepare children for school entry. A 50¢ surcharge tax on tobacco goods provides the money used to support early child development projects for children 0-5 years of age. Eighty percent of this revenue is distributed to commissions in each of the 58 California counties, and is based on the number of live births in that county. The remaining 20% supports statewide programs and research.

According to the 2003-2006 Strategic Plan of the San Benito County Children and Families First Commission (SBCCFC), "the San Benito County Board of Supervisors established the SBCCFC to administer and allocate the County's portion of the Proposition 10 funds.

The Board then appointed seven members to the Commission. The Commissioners represent service areas of county government, public health, social services, education, and early care and education."

OBJECTIVE

1. Perform a review of the San Benito County Children and Families First Commission as recommended by the 2000-2001 Grand Jury.
2. Determine whether the SBCCFC is accomplishing its objectives as mandated by Proposition 10.

METHOD OF REVIEW

1. Interviews with the Executive Director of the Children and Families First Commission.
2. Attendance at Commission meeting.
3. Review of documents available on Commission website, www.sanbenitocfc.org, including:
 - a) Year One Evaluation Report.
 - b) Strategic Plan of the Commission.
 - c) 2003 Funding Allocations Report.

OBSERVATIONS, FINDINGS AND CONCLUSIONS

1. Proposition 10 requires three members of the Commission to include: 1) the Director of Public Health, 2) the Director of Social Services, and 3) a member of the County Board of Supervisors.

Inherent in the administrative function is the possibility of conflicts of interest due to members on the Commission who also work for agencies requesting funds from the Commission.

2. Mini-grant applications, guidelines and evaluation documents are clear and easy to follow, and are available in both English and Spanish. Requests for Proposals are lengthy but clearly written.
3. As of May 15, 2003, the approved 2003 funding allocations totaled \$704,000.
4. The Commission's Year One Evaluation Report, performed by an independent firm, provides a demographic snapshot of San Benito County. The report indicates a 44% increase in the county population from 1990 (36,970) to 2000 (53,234). In 2000, the U.S. Census Bureau indicates 8.8% of the county population, or 4,685, was children of ages 0-5 years. The county's ethnic breakdown is 48% Hispanic/ Latino (25,516),

46% Caucasian/ White (24,513), 2.3% Asian/Pacific Islander (1,241), 0.8% African-American (475), 0.5% Native American/ Alaskan Native (279), and 0.1% Other (53). The ethnic breakdown for the 0-5 population is 60% Hispanic/Latino (2,760), 35.4% Caucasian/White (1,666), 1.9% Asian/Pacific Islander (89), 0.7% African-American (32), 0.2% American Indian/Alaskan Native (10), and 0.2% Other (8).

5. The percentage of ages 0-5 years population served, by ethnicity, mirrors the ethnic breakdown of the county in 2000 as reported by the U.S. Census Bureau.
6. Funded programs provide services to every zip code in the county, indicating that the entire county is being served. The concentration of Prop 10 providers in the county mirrors the concentration of the population within the county.
7. The Commission does not have the budget to provide public relations for its programs. A state-wide Public Relations program is available to San Benito County but additional methods are needed to reach target populations.
8. The Commission identified four Focus Areas in the 2001-2004 Strategic Plan, which include: Parent Education and Support Services, Children and Early Education, Health and Wellness Services and Improving Access and Connecting Services.
9. Overall, the Commission has successfully implemented and funded programs targeted by the Strategic Plan. All programs have measurable outcomes related to the Strategic Plan, have developed evaluation plans and evaluation instruments, and are collecting baseline data.
10. Challenges to the Commission involve difficulties experienced by newly funded agencies or programs. These include: establishing the program, hiring and training staff, developing an appropriate evaluation plan, implementing both program and evaluation components reliably, and reaching targeted, difficult-to-reach clients.
11. Future revenue from Proposition 10 is expected to drop, due to decreasing tobacco sales, and the need for services is expected to increase. There is not enough revenue to meet all of the needs of San Benito County, so the Commission strives to award programs that yield the greatest benefit to the most people. In order for programs to continue, dependency on direct services must decrease, and there must be an increase in department and/or interagency collaboration.
12. The Grand Jury was very impressed with the Executive Director, whose level of organization and commitment to the Commission's vision is commendable. The Commission members were very approachable and forthcoming when asked to clarify information.

RECOMMENDATIONS

The 2002-2003 Civil Grand Jury recommends:

1. Future Grand Juries continue to monitor the annual audit of Proposition 10 funding.
2. Future Grand Juries should evaluate whether approved funding disproportionately favors those agencies in which Commission members

AFFECTED AGENCIES

San Benito County Children and Families First Commission

San Benito County Board of Supervisors

RESPONSE REQUIRED

No response is required.

REVIEW OF THE WILLIAM & INEZ MABIE NURSING FACILITY

BACKGROUND

The William and Inez Mabie Skilled Nursing Facility is part of the San Benito Healthcare District, which is a public agency that includes: Hazel Hawkins Memorial Hospital, Hazel Hawkins Northside Convalescent Hospital, San Benito Home Health Care Agency and Hazel Hawkins Community Health Clinic. Prior to its closing in January of 2003, the Southside Skilled Nursing Facility was also a part of the District.

OBJECTIVE

1. To review the function and activity of the Southside Skilled Nursing Facility.
2. To tour the new William & Inez Mabie Skilled Nursing Facility after the residents had been relocated from the Southside facility.

METHOD OF REVIEW

1. Interview with the Director of Nursing for Southside.
2. Tours of both the Southside Skilled Nursing Facility, and the William & Inez Mabie Skilled Nursing Facility.

OBSERVATIONS, FINDINGS AND CONCLUSIONS

1. The Southside facility had 52 beds. The new Mabie facility is approved for 57 beds and is considered a long-term care facility. The waiting period for a bed is 2 months to 2 years. Those on the waiting list can be “bumped” by patients with more severe acute care needs. There were 10 people on the wait list, prior to the opening of the new facility.
2. At the time of our interview, the average age of Southside residents was reportedly 80 years, with 90% of the residents requiring 100% care. No ventilator patients are cared for at the facility.
3. The facility is Medicare and MediCal certified. All residents are charged the same rate, whether they are self-paying or are covered by insurance. Fees are assessed using one of two daily rates, determined by either semi-private or private status.
4. Members of the Grand Jury toured the new Mabie facility in May 2003 with the assistance of the Director of Nursing. On the day of the tour, the dietician, educator and kitchen manager were present for questions. Additionally, Grand Jury members met the nursing staff and nursing assistants. Permits from the various Health and licensing agencies were displayed prominently in the lobby and those displayed were current.
5. The facility was notably designed with input from the staff, volunteers, and the residents’ families. The grounds and facility were quiet and clean. Areas viewed include: a rehabilitation room for provision of physical, occupational and speech therapies, the staff lounge, a state-of-the-art kitchen with hand and eye-wash stations, staff offices, resident dining and activity rooms, nursing station, showers, clean and dirty utility rooms, and select patient rooms.
6. A Registered Nurse is available on all shifts. The Director of Nursing is also a Registered Nurse and can step in to provide patient care when needed.
7. Ombudsmen, with the Department of Aging, are available to the residents and families to hear complaints related to the skilled nursing facility.

RECOMMENDATIONS

The 2002-2003 San Benito County Civil Grand Jury recommends:

1. The 2003-2004 Grand Jury tour the Northside facility.
2. Future Grand Juries ascertain the relationship between Ombudsmen (affiliated with the Department of Aging), and the San Benito Health Care District.

AFFECTED AGENCIES

San Benito Health Care District Board of Directors

RESPONSE REQUIRED

No response required.

LAW AND JUSTICE COMMITTEE

CHARTER

The Law and Justice Committee is responsible for investigating all branches of County law enforcement agencies to assure they are being administered efficiently and honestly in the best interest of its citizens.

COMMITTEE MEMBERS

Glen Cooke, Chair
Jwanita Alexander
Randy Andrews
Kathleen Harris
Ricky Wayne Jackson
Barbara Lee
Don Moses
Kim Walker

The Grand Jury applauds and supports the San Benito County Law and Justice community on its formation, in January 2003, of the Gang Task Force. This cooperative effort can provide a creative model for problem solving in our community. If successful, it would be prudent to consider similar task force approaches to Drugs, Domestic Violence, and Graffiti. On a similar note, in the administrative area, consideration might be given to a standing committee on the integration of information technology. The current inability of the departments to share data with one another is inefficient and expensive.

REVIEW OF THE SAN BENITO COUNTY JAIL (SHERIFF'S DEPARTMENT)

BACKGROUND

San Benito County can be proud to know that the Sheriff has been recognized by the State Correctional Board for the high standards set at the Jail facility located on Flynn Road. On November 14, 2002, the Grand Jury met with the Sheriff and the Jail Commander, toured the facility and witnessed the immaculate physical conditions.

OBJECTIVE

The objectives of the investigation are as follows:

1. To assess the condition of the Jail facility.
2. To observe the general activities of the inmates.
3. To identify any problems related to management of the inmates.

METHODOLOGY

1. Interview with the Sheriff.
2. Interview with the Jail Commander.
3. Physical tour of the County Jail facility.
4. Departmental responses to 2001-2002 Grand Jury Final Report.
(See Appendix 2, pages 47-48.)

OBSERVATIONS, FINDINGS AND CONCLUSIONS

1. The 10-year old jail facility and its grounds are in good condition. The facility is rated to hold 104 inmates, but it is not uncommon for Mondays to open with 135 beds filled. Inmates are placed in one of four "pod" housing areas based on the level of the offense. The most serious offenders are held in a "lock-down" situation that allows for a 1-hour period for each individual to shower, exercise and make phone calls. Inmates exercise in an area that is available for handball and calisthenics. A major portion of the inmates have been charged with gang-related offenses.
2. A Correctional officer supervises the communications and activities within each pod, adjusts lighting operations, and also controls the locked doors throughout the building and outer premises. As a safety measure, inmates are handcuffed in the hallway within the view of the control room. Other safety features include: good lighting, no protruding objects that could cause injury, and cameras to monitor traffic through the facility. Cells are patrolled by officers at regular intervals.
3. The relationship between the District Attorney, the Superior Court Judges, the Probation Department, the Sheriff and the Jail Commander is critical in regulating the ratio of inmates to the available bed spaces.
4. Training certification for the San Benito Correctional Officers is mandated by the State Corrections Board. The officers are cross-trained in all areas of duties within the facility and work 12-hour shifts. Three Correctional Officers are included on each shift team. Currently, staffing is down, which leads to constant reassigning of staff members to adequately cover all shifts. The Sheriff is largely concerned with long-term staff retention. Staffing to cover security at the Superior Court is also a concern, considering the potential for catastrophe which may result from a security breach.

5. The Jail Commander and the Sheriff participate in several jail management programs within the State of California.
6. A new contract with Aramark Food Services, starting October 28, 2002, may result in a cost savings of \$6,000-\$9,000 in the annual budget. Food arrives in pre-measured portions from a large facility in Dublin CA. The meals meet national guidelines. An Aramark employee supervises the food heating and serving process and is assisted by two volunteer inmates.
7. The high volume of daily phone calls made from the Jail's pay phone generates \$5,000 to \$7,000 each month for the Inmate Welfare Fund. This fund helps pay for programs such as inmate education.
8. During the weekdays, on-site medical services are provided by a registered nurse. Each staff member is certified in first aid and cardio-pulmonary resuscitation (CPR). There is an increased need for medical personnel on weekends (a high-volume period). Whenever an inmate requests access to the hospital, a Deputy must be called to escort the inmate to Hazel Hawkins Hospital, which is typically a four hour trip.

RECOMMENDATIONS

The 2002-2003 Grand Jury recommends:

1. The department increase medical service, through direct or outsourced services, to provide medical coverage on nights and weekends.

AFFECTED AGENCIES

San Benito County Board of Supervisors

San Benito County Sheriff Department

RESPONSE REQUIRED

As described by California Penal Code Section 933 (see page 6).

REVIEW OF THE SAN BENITO COUNTY SHERIFF'S DEPARTMENT

BACKGROUND

The Grand Jury made its annual review of the San Benito County Sheriff's Department.

OBJECTIVE

The objective of the annual review is to determine if the Sheriff's Department is addressing the needs of the community, and setting measurable goals and objectives for the Department in order to better serve the community.

METHOD OF REVIEW

1. Interview with the Sheriff.
2. Review of procedural documents.
3. Inspection of facilities.
4. Ride-alongs.
5. Departmental responses to 2001-2002 Grand Jury Final Report.
(See Appendix 3, pages 49 and 50.)

OBSERVATIONS, FINDINGS AND CONCLUSIONS

1. The Department's facility continues to be inadequate. The minimum environmental conditions/ requirements are not being met. The County should be concerned about deficiencies and possible liabilities.
2. The department's neanderthal computer system has been retired. A new system which is much more effective and efficient has been installed, and department personnel are being trained on the new software and associated procedures. The new system provides bar coding technology which will greatly enhance evidence recording and tracking.
3. The Sheriff's goals for personnel include: a) continue to improve the working environment so that staff will look forward to coming to work, b) stay current with upgrades on equipment and computerized systems as well as staff training, and c) get the department into a suitable building.
4. The department is working with the City of Hollister to utilize fiber optics at the Sheriff's facility. The plan is to connect with Hollister Police Department which will greatly improve communications between the two agencies.
5. Communications between dispatch personnel and officers in the field are inadequate.

RECOMMENDATIONS

1. The Department continue to pursue the acquisition of a more suitable facility, as well as the fiber optics communications path with the Hollister Police Department.
2. The Sheriff should be diligent in his goal to improve communications and the working environment for personnel within the department.

3. Immediate steps should be taken to improve communications between dispatch and officers in the field.

AFFECTED AGENCIES

San Benito County Sheriff's Department

San Benito County Board of Supervisors

RESPONSE REQUIRED

As described by California Penal Code Section 933 (see page 6).

REVIEW OF THE SAN BENITO COUNTY PROBATION DEPARTMENT

BACKGROUND

The Grand Jury performed its annual review of the San Benito Probation Department.

OBJECTIVE

The objective of the annual review is to determine if the Department is adequately addressing the needs of the community, while setting measurable goals and objectives for the Department to better serve the community.

METHOD OF REVIEW

1. Interview with Probation Department personnel.
2. Review of procedural documents.
3. Tour of the Department facility.
4. Departmental Responses to the 2001-2002 Grand Jury Report.
(See Appendix 4, pages 51-52.)

OBSERVATIONS, FINDINGS AND CONCLUSIONS

1. The annual budget is approximately \$2.3 million, which is an increase from last year. No significant change in the caseload is reported from last year. The remainder of the observations and findings of the 2002-2003 Grand Jury mirror those documented in the 2001-2002 Grand Jury report.
2. The Grand Jury reviewed the 2001-2002 recommendations and agencies responses. Responses were submitted by the Probation Department and the Board of Supervisors.
 - a) Response 1: The response to the Grand Jury 2001-2002 report recommendation 1, "a larger facility be acquired to provide room for counseling quarters, and separation of juveniles and adults," indicates agreement with the recommendation, but requires "additional buildings and/or reallocation of existing office space" to implement it. Current discussions with the Trial Courts of San Benito County may yield a solution but information regarding collaboration between the County and the Courts is not expected until December 2003.
 - b) Response 2: Response to recommendation 2, "increase in staffing according to the needs and population," clearly indicates the recommendation will not be implemented.
 - c) Response 3: The responses are confusing. The department's response to recommendation 3, "the department identify and acquire an updated computer system," clearly states that the department has begun implementation of the recommendation. The Board of Supervisors, however, notes the recommendation will be considered according to the Chief Probation Officer's budget request for fiscal year 2003-2004, which was to be submitted in March 2003.

RECOMMENDATIONS

The 2002-2003 Grand Jury recommends:

1. The Department continue collaborative efforts with other agencies whenever possible.
2. The 2003-2004 Civil Grand Jury follow up on the discussions between the County and the Trial Courts to determine if collaborative efforts have led to a solution regarding the need for a larger facility.
3. The 2003-2004 Civil Grand Jury follow up with the status of a new computer system for the Department.

AFFECTED AGENCIES

San Benito County Probation Department

San Benito County Board of Supervisors

RESPONSE REQUIRED

As described by California Penal Code Section 933 (see page 6).

REVIEW OF THE SAN BENITO COUNTY JUVENILE HALL

BACKGROUND

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

OBJECTIVE

The objective of the annual review is to determine if the Department is adequately addressing the needs of the community, while setting measurable goals and objectives for the Department in order to better serve the community.

METHOD OF REVIEW

1. Interview with office personnel of the San Benito County Juvenile Hall.
2. Tour of the Juvenile Hall facility.
3. Review of the Board of Corrections Biennial Inspection Report.
4. Board of Corrections correspondence regarding compliance issues.
5. Departmental responses to 2001-2002 Grand Jury Final Report. (See Appendix 5, pages 53-54.)

OBSERVATIONS, FINDINGS AND CONCLUSIONS

1. The 2002-2003 Grand Jury did not identify new issues from those reported in the 2001-2002 Grand Jury report.
2. The 2001-2002 Grand Jury recommendations and agency responses were reviewed. Responses were submitted by the Chief Probation Officer and the County Board of Supervisors. The review found:
 - a) Responses 1 and 5: The responses indicate that recommendations 1 and 5 will not be implemented unless funds become available. The Board of Supervisors will consider funding for these recommendations when addressing the Chief Probation Officer's Budget Request, which is due March 1, 2003.
 - b) Recommendation 1 of the 2001-2002 Grand Jury report asked that a sally port be given priority consideration. The Board of Corrections (BOC) Report, dated January 9, 2002, identifies the current single door entrance to the facility as a security concern. The BOC recognizes that the staff "security practices seem good," but "the security of the facility could be significantly improved through the construction of a sally port." The BOC did not list this as a compliance issue, so it is not immediately clear if corrective action was required.
 - c) Recommendation 5 of the 2001-2002 Grand Jury report asked that a back-up generator be purchased and installed. This is a Title 24 requirement, but the response indicates the San Benito County Juvenile specifications have been grand-fathered under previous California Youth Authority requirements.
 - d) Response 2: The responses to recommendation 2, "exposed fire sprinkler be repositioned," do not indicate whether the recommendation will be implemented. The Board of Supervisors agrees that the recommendation should be assessed and asks that a plan of action be submitted to the Chief Probation Officer by November 15, 2003. The Chief Probation Officer indicates the recommendation will be investigated, noting "the possibility of a protective cover has been discussed in the past...and is currently being pursued." At the time of the 2002-2003 Grand Jury inspection, no changes had been made to the exposed fire sprinkler.

- e) Responses 3, 4, 6 and 7: The responses indicate the recommendations 3, 4, 6 and 7 will not be implemented.
- 3. The Grand Jury recognizes that the San Benito County Juvenile Hall operates under a philosophy of providing a home-like environment while maintaining safety and security. The policies and actions of the personnel appear to support this philosophy, but the Grand Jury is concerned that secondary plans for security problems are inadequate. Back-up plans for security problems could be verbalized or produced for the Grand Jury. While it is impressive that no minor has ever escaped or attempted to escape, the Grand Jury would like to see the Department move away from the policy that “it has not happened yet,” and become more proactive with potential security emergencies.
- 4. A Board of Corrections letter, dated October 24, 2002, reports the San Benito County Juvenile Hall is in full compliance with Title 15 regulations, Minimum Standards for Juvenile Facilities.

RECOMMENDATIONS

The 2002-2003 Grand Jury recommends:

- 1. A sally port be given priority consideration, if it has not already been approved in the fiscal year 2003-2004 Chief Probation Officer’s budget request.
- 2. The exposed fire sprinkler be protected or replaced.
- 3. The 2003-2004 Grand Jury follow up on the plan of action to be submitted by the Chief Probation Officer to the Board of Supervisors by November 15, 2003.

AFFECTED AGENCIES

San Benito County Probation Department

San Benito County Board of Supervisors

RESPONSE REQUIRED

As described by California Penal Code Section 933 (see page 6).

REVIEW OF THE SAN BENITO COUNTY DISTRICT ATTORNEY OFFICE

BACKGROUND

The Grand Jury performed its annual review of the District Attorney's Office in November 2002. A follow up review was done in March 2003 after the newly elected District Attorney took office (January 2003).

OBJECTIVE

The 2002-2003 Grand Jury planned to obtain status reports on the District Attorney's Department from both the outgoing and the incoming District Attorneys. The Grand Jury sought the goals and objectives of the new District Attorney and investigated whether any obstacles exist that would impede the course of business within the department. The information was acquired to establish a baseline from which future findings could be measured.

METHOD OF REVIEW

1. Interview with the District Attorney in office in November 2002.
2. Interview with the District Attorney in office January 2003.
3. Departmental responses to 2001-2002 Grand Jury Final Report.

OBSERVATIONS, FINDINGS AND CONCLUSION

Staff consists of the District Attorney, three Deputy District Attorneys, two Investigators and four office personnel. The District Attorney suggests that the annual caseload of 1500-1600 criminal cases maximizes the efforts of the current department staff. The District Attorney has initiated several departmental changes. These include:

1. Establishing a written departmental Policies and Procedures Manual, which, at the time of the interview, was near completion.
2. Eliminating the existing evidence room after the completion of an independent audit, which is being conducted by two members of the Sheriff's Department.
3. Completing a review of the outstanding cases, which are estimated to be returned or written 10 days after our interview. The District Attorney reports domestic violence cases will no longer be diverted. Instead, all domestic violence complaints will be reviewed and prosecuted by the department.

The District Attorney's goals for 2003 include:

1. Implement a gang program. The District Attorney's office is involved with the gang suppression program, a multi-agency task force headed by the Sheriff's Department.
2. Implement a truancy program. A School Attendance Review Board "SARB" system has been created in conjunction with the San Benito County Office of Education. The Superintendent of Schools with the San Benito County Office of Education is the lead in the "SARB" program. The District Attorney would provide a mediation program for parents, students and schools to stop truancy and avoid prosecution. Currently, an estimated 100 cases go through the District Attorney's office annually with only 5 cases going through the courts.
3. Begin a consumer litigation section of the department. Consumer litigation is something the District

Attorney believes is an important duty of the office and provides important experience for the Deputy District Attorneys. At the time of our interview, the District Attorney's office was in the process of filing its first two civil cases.

The District Attorney discussed the importance of interdepartmental cooperation. To this end, the District Attorney participates in a monthly meeting comprised of the Sheriff's Department, Hollister Police Department, California Highway Patrol, Probation Department, the Marshal's Office and the Unified Narcotics Enforcement Team (UNET). Future meetings will include personnel from the Departments of Fish and Game and State Park. These meetings are designed to share current information and problems across agencies.

RECOMMENDATIONS

The 2002-2003 Grand Jury recommends that:

1. Funding be made available for the current District Attorney's stated objectives.
2. The District Attorney develop a staffing plan which provides adequate personnel to handle the workload of the department.
3. Funding be made available to implement an approved staffing plan.
4. Minimally, the addition of one paralegal would reportedly help ease the workload. The only staff increases made in the 1990s included peace officers but no attorneys.

AFFECTED AGENCIES

San Benito County Board of Supervisors

Office of the San Benito County District Attorney

RESPONSE REQUIRED

As described by California Penal Code Section 933 (see page 6).

REVIEW OF THE HOLLISTER POLICE DEPARTMENT

BACKGROUND

The Grand Jury made its annual review of the Hollister Police Department.

OBJECTIVE

The objective of the annual review is to determine if the Hollister Police Department is adequately addressing the needs of the community, and setting measurable goals for the Department in order to better serve the community.

METHOD OF REVIEW

1. Interview with the Chief of Police.
2. Review of procedural documents.
3. Inspection of facilities.
4. Ride-alongs

OBSERVATIONS, FINDINGS AND CONCLUSIONS

1. The Grand Jury notes that the Citizen Academy and Youth Academy appears to be popular and effective at involving the community with the Police Department.
2. The Hollister Police Department (HPD) should be recognized for having a detailed policy that outlines major areas of responsibility for their Information Systems.
3. HPD should be recognized for its process of acquiring Information Systems that enhance efficiency.
4. HPD deserves recognition for plans to migrate their e-mail off an external resource and to a more secure and manageable environment (summer 2003).
5. HPD has an unresolved risk in not having a dedicated resource to track and respond to the issues of their written policy. Items such as virus compliance, software compatibility, system maintenance (outside vendor specific), e-mail purging, and back-up and restores are not being addressed as routine and manageable processes.

RECOMMENDATIONS

The 2002-2003 Grand Jury recommends that the Hollister Police Department:

1. Continue with the Citizen and Youth academies.
2. Place a priority on acquiring and retaining a dedicated system support member. Their request for a System Technician should be considered a priority due to potential risks and the associated liabilities.
3. Develop and utilize an offsite storage process to ensure system recovery in system or natural catastrophe (fire/flood etc).
4. Be audited to insure compliance with their policies on document retention, destruction, and e-mail. This could be done by an outside agency or by a future Grand Jury.
5. This Grand Jury recommends that the 2003-2004 Grand Jury review the Hollister Police Department to determine whether they have addressed the issue of not having a dedicated resource to track and respond to issues of there written policy (i.e., virus compliance, software compatibility, system maintenance).

AFFECTED AGENCIES

City of Hollister

Hollister Police Department

RESPONSE REQUIRED

As described by California Penal Code Section 933 (see page 6).

SPECIAL PROJECTS COMMITTEE

CHARTER

The Special Projects Committee is responsible for investigating topics which fall outside the specific jurisdictions of the other Grand Jury committees.

COMMITTEE MEMBERS

Daniel Maese, Chair

G. Rao

Jason Stewart

REVIEW OF THE SAN BENITO COUNTY GRAND JURY FILES & RECORDS

BACKGROUND

A review of the files and records maintained by the Grand Jury was initiated to determine compliance with applicable laws, and to provide a basis for recommendations to improve Grand Jury/ government responses and Grand Jury continuity processes. The concept of the Grand Jury has been imbedded in western law for 800 years. It is considered such a fundamental right that it was incorporated within the United States Bill of Rights. The primary purposes of this institution are to protect and defend the freedoms of the people of the United States, and to provide a mechanism to limit the power of government. In California, the Grand Jury's oversight function is to review local government operations. California courts have repeatedly recognized the role a Grand Jury plays in carrying out its duties. In a 1971 California Appeals Court opinion, the court wrote:

"In our system of government, a Grand Jury is the only agency free from possible political or official bias that has the opportunity to see the operation of government on any broad basis. It performs a valuable public purpose in presenting its conclusions drawn from that overview. The public may, of course, ultimately decide that the jury's fears were exaggerated, or that its proposed solutions are unwise. But the debate which reports provoke can lead only to a better understanding of public governmental problems."

In San Benito County the Grand Jury is composed of individuals selected at random. The selection process is made by the Court from a pool of volunteer citizens. The usual term of service is one year. One year is not long to organize 19 strangers into a functional team that produces well considered and credible reports regarding oversight of sometimes complicated local government activities. As may be expected, these reports are challenged frequently on the basis that they are the work product of such a short lived panel of non-experts. Each report is subjected to intense scrutiny by government officials and the public before acceptance as credible and useful.

Although each Grand Jury must base its deliberations and reports on its own verification of the underlying facts, it is highly desirable that every Grand Jury have available a complete record of the work of its predecessors. This "continuity" from one Grand Jury to the next is not only desirable, but is mandated. Penal Code Section 933(b) directs the county clerk to maintain a file of all past Grand Jury reports and responses in perpetuity and to immediately forward a true copy to the State Archives each year. Penal Code Section 933(c) requires that a minimum of five years of past Grand Jury reports and responses shall be directly controlled by the sitting Grand Jury. Control of the files must pass between a continuous succession of Grand Juries. These records maintained by the Grand Jury are not just historical archives. They are the "working files" of current grand jurors' reference and research. These files, if properly maintained, provide each successive Grand Jury with valuable insights and background which may have bearing on current Grand Jury work.

OBJECTIVE

The objectives of the investigation are as follows:

1. To review the San Benito County Grand Jury's files and records in order to evaluate compliance with the requirements of the Penal Code.
2. To review past Grand Jury final reports to determine the degree that the reports facilitate agency responses and to recommend changes to improve the report/ response process.
3. To determine if present facilities provide the resources which allow the Grand Jury to conduct efficient and effective investigations and to write comprehensive and insightful final reports.

4. To determine how Grand Juries might better preserve continuity from one Grand Jury to the next, to enable the system to better serve the people in the county.

METHOD OF REVIEW

1. Study of past Grand Jury final reports and responses that are in the possession and control of the current Grand Jury.
2. Survey of Grand Jury reports and responses in possession of the County Clerk.
3. Study of pertinent sections of the California Penal Code.
4. Study of 2001 Edition of San Benito County Grand Jury Manual.
5. Study of California Grand Jurors' Association Training Seminar Manual, August 2002.
6. Survey of facilities used by the Grand Jury for maintaining and utilizing its files.
7. Study of Review of the *Effectiveness of The Los Angeles County Grand Jury*, prepared by The Los Angeles County Citizens' Economy and Efficiency Commission, July, 2001.

OBSERVATIONS, FINDINGS AND CONCLUSIONS

1. The Grand Jury does have in its control, a file containing the minimum five years of past reports as required. The Grand Jury does not have on file (or in its control), a minimum of five years of past agency responses as required by law and therefore, is not in compliance with the law.
2. The Grand Jury presently keeps its files in file cabinets (in a conference room) located in the building in which their regular meetings are held. This room is usually available to the Grand Jury only on weekday evenings before 9pm. Because the Grand Jury has limited access, maintenance of the files is difficult. Similarly Grand Jurors are unable to make effective use of these files. Present facilities used by the Grand Jury for maintaining and using its files are unsatisfactory.
3. Three years of Grand Jury final reports are published on the Internet. No agency responses are published on the Internet. (see www.sanbenitograndjury.org.)
4. Grand Jury Final Reports are on file in the county clerk's office. A file of Final Reports and corresponding Responses from the Board of Supervisors is maintained by the Assistant Clerk of the Board of Supervisors. There is no record that copies of final reports and responses have been sent to the State Archivist.
5. Past Grand Jury final reports have not consistently been formatted and organized to facilitate agency responses. The absence of a consistent format with clear presentation of the Grand Jury's FINDINGS and RECOMMENDATIONS in the Grand Jury's final reports makes it difficult for the government respondents to conform to PC 933.05. In fact the Board of Supervisors in its response to the 2001-2002 Grand Jury Final Report noted that although the 2001-2002 Grand Jury Final Report featured both Observations and Findings as well as Recommendations, both the BOS and departmental responses are directed specifically at the Recommendations. This is due to the narrative form of the Observations and Findings presented in the Grand Jury's Final Report. A direct response by the County to any of the listed Observations and Findings would have necessarily required the extraction and/or summarization of the Grand Jury's intent. As can be imagined, this extrapolation would be risky and possibly result in an inaccurate interpretation.
6. The Grand Jury has not developed and maintained an *Index of Past Investigations and Reports* as is done by many Grand Juries, and is highly recommended to guide future Grand Juries.

RECOMMENDATIONS

1. To bring the files in its possession and control into conformance with Penal Code Section 33.05, the Grand Jury should contact the Assistant Clerk of the Board of Supervisors to obtain the necessary copies of agency responses.
2. The Grand Jury should be provided a suitable room in which to maintain its files. This room should be available exclusively to Grand Jurors so that in addition to maintaining Grand Jury records, the jurors may conduct necessary research of those records in a confidential manner. The room should be available at reasonable times during normal working hours, and evenings and weekends. It should be of a size to accommodate several file cabinets, a library table, chairs, a copier/ printer, shredder, computer, scanner, and a telephone. The Grand Jury should create an historical, electronic, and searchable file that would allow an incoming Grand Jury to easily review the reports and responses developed by previous Grand Juries and, as appropriate, to follow-up earlier recommendations and responses. In addition to assisting the Grand Jury in its investigations, an electronic file of reports and responses published on the web would provide the public convenient access to Grand Jury reports and agency responses.
3. The County Clerk should set up procedures to ensure that true copies of all final reports and responses are sent to the State Archivist as required by Penal Code Section 933(b).
4. The Grand Jury should, in cooperation with the County Administrative Officer and the presiding Judge, develop a final report style guide and agency response format which conforms to the requirements of California Penal Code Section 933.05, and which facilitates the agency's response. This style guide, in addition to providing consistency that promotes a comprehensive response to Grand Jury findings and recommendations, would also allow for orderly follow-up of responses and filing of Grand Jury records, and would improve the continuity of the Grand Jury system. This process should incorporate the use of an electronic copy of the report and responses. *Agency Response to Grand Jury Findings*, and *Agency Response to Grand Jury Recommendations*, (Appendices 6 and 7 on pages 55 and 56), represent suggested style guides.
5. The Grand Jury should develop an "Index of Past Investigations." This index would inform incoming Grand Juries of those agencies that have been investigated (and when), and the major recommendations resulting from the investigations.
6. As the "watchdog of local government," the Grand Jury needs to continually and vigorously monitor its own activities and methods to assure itself and the public that it is in conformance with the laws. This would also insure that its investigations and reports assist the investigated government agencies in their efforts to be more effective and in compliance with applicable laws.

AFFECTED AGENCIES

San Benito County Grand Jury

San Benito County Board of Supervisors

San Benito County Administrative Officer

San Benito County Clerk

RESPONSE REQUIRED

As described by California Penal Code Section 933 (see page 6).

REVIEW OF THE HOLLISTER/SAN BENITO COUNTY ANIMAL CONTROL DEPARTMENT

BACKGROUND

Follow up of 2001-2002 Grand Jury report, on the Animal Control Department.

OBJECTIVE

The objectives of the investigation are as follows:

1. To determine if Animal Control Department is in compliance with applicable laws and codes.
2. To investigate the relationship between the City of Hollister and the County regarding the funding for Animal Control.
3. To determine if Animal Control staffing and facilities are adequate to provide the necessary level of service.
4. To determine if plans are being made to expand the facility to accommodate future growth.

METHOD OF REVIEW

1. Interview with Animal Control Supervisor.
2. Inspection of Animal Shelter.
3. Interview with Hollister Director of Management Services.
4. Interview with San Benito County Administrative Officer.
5. Interview with County Board of Supervisors.
6. Interview with Hollister City Council members.
7. Review of City and County budgets.
8. Review of Animal Control operational procedures.
9. Review of City and County, and State codes for Animal Control.
10. Review of the Animal Control contract between City and County.
11. Departmental responses to 2001-2002 Grand Jury Final Report

OBSERVATIONS, FINDINGS AND CONCLUSIONS

1. The Animal Control shelter remains in the same deplorable condition as found in the 2001-2002 Grand Jury Report.
2. The City of Hollister has failed to provide detailed financial data for the operation and funding of the Animal Control Facility, as requested by the County. The 2002-2003 Grand Jury should revisit this issue and compel the City to provide full disclosure of all related financial documents. Such disclosure would facilitate a resolution to the contractual issues presently facing the City and County.
3. The contract between Hollister and the County for Animal Control services was written in 1981. It is currently being administered on a monthly basis.
4. It is not clear who in County Administration is assigned the responsibility of administering the Animal Control contract with the City.

RECOMMENDATIONS

1. The Animal Control shelter should be relocated to a new and larger facility, incorporating separate areas for offices, staff and volunteers, animal holding, examination, laundry, etc. This new facility should also include:
 - a) A separate adoption area for the public.
 - b) Adequate parking for employees, volunteers, public and other visitors.
 - c) Adequate ventilation systems which would provide a more wholesome atmosphere for employees and animals, and would aid in preventing infection of healthy animals.
2. The City should establish a cooperative process to ensure timely and accurate financial and other data be available upon requests from the County or other applicable agencies.
3. County and City officers should meet and negotiate a new Animal Control contract that would reflect the realities of the present and arrive at an equitable distribution of costs.

AFFECTED AGENCIES

San Benito County Board of Supervisors

City of Hollister Animal Control Department

RESPONSE REQUIRED

As described by California Penal Code Section 933 (see page 6).

CITIZEN COMPLAINTS COMMITTEE

CHARTER

The Citizen Complaints Committee reviews citizens' complaints for evaluation and possible investigation. If appropriate, the committee refers the complaint to the appropriate committee for investigation and resolution.

COMMITTEE MEMBERS

Anthony Edwards, Chair

Randy Andrews

Glen Cooke

Kathleen Harris

Jwanita Alexander (alternate)

INVESTIGATION OF COMPLAINTS

BACKGROUND

It is the right of all San Benito County citizens to bring to the attention of the San Benito County Grand Jury those matters about which they have concern. The 2002-2003 San Benito County Grand Jury received eight complaints, or requests for investigation. These communications were from the general population, and were received directly by the Grand Jury.

Citizen complaints must be submitted to the Grand Jury in writing, and on a Citizen Complaint form. This form has been studied and revised by the 2002-2003 Grand Jury, and is available on the website (www.sanbenitogrand-jury.org.) Included with this report, (Appendix 8, pages 57 and 58) is a copy of the Citizen Complaint form.

A *Response Letter* from the Grand Jury to a complainant was designed by the 2002–2003 Grand Jury to further clarify to the complainant what other information might be needed, or to explain the reasons for possible rejection of the complaint. A copy of the response letter can be found on page 59 (Appendix 9). A complete listing of citizen complaints received by the San Benito County Grand Jury 2002-2003 is shown below.

OBJECTIVES

The Grand Jury Citizen Complaints Committee was formed to review each citizen's complaint received for evaluation and possible investigation. If appropriate, the committee then referred it to a jury committee for further investigation and resolution. If the citizen complaint was inappropriate for the Grand Jury, the complaint could be returned to the complainant with referrals to the appropriate agency.

METHODOLOGY

Upon receipt of a complaint, the committee chairperson directed the jury staff to send an acknowledgement to the complainant. There was no other communication from the Grand Jury to the complainant unless additional information was desired. Further action on the complaint was dependent on a vote by the entire Grand Jury.

The Chairperson of the Citizen Complaints Committee logged in each complaint, reviewed the file, and circulated it among members of the committee for their review. The complaint was discussed in committee and appropriate action was determined. If legal advice was deemed necessary, the committee chairperson asked the Grand Jury foreperson to request assistance from the District Attorney or County Counsel. Before final disposition, the file with the committee's recommended action was presented to the Grand Jury. The complaint might then be referred to another committee. If found to be of a criminal nature, the complaint would be forwarded to the District Attorney's Office with concurrence of counsel. If there was no appropriate action to be taken by the Grand Jury, a file was closed.

Pursuant to the governing limitations of statutes, there was limited communication between the Grand Jury and the complainant. An acknowledgement letter sent to the complainant recognized only the receipt of the complaint. The communication could not indicate the resolution of the complaint, whether it was determined to be founded or unfounded, or how it was acted upon, except if these matters were discussed in a final report.

FINDINGS

There were complaints received that were not under the jurisdiction of the Grand Jury, and some were otherwise inappropriate for investigation. Some were vague and made no actual complaint. In some instances, there were insufficient facts to support the complaint. Other complaints concerned cases that were pending in the courts and could not be reviewed by the Grand Jury.

Due to the limited ability to communicate directly, the complainant might have the impression that the complaint was receiving attention through investigation, when in fact that was not the case. This limited ability to communicate directly with the complainant may have, at times, been a source of frustration for the Grand Jury. A revision of the acknowledgment letter to the complainant was instituted. If the complaint was not appropriate for Grand Jury investigation, the acknowledgement letter so stated, and indicated that no further action would be taken on the matter.

The Citizen Complaints Committee

CITIZEN COMPLAINTS RECEIVED BY THE 2002-2003 SAN BENITO COUNTY GRAND JURY

- 06/02/02Complaint against Sheriffs Department
- 06/12/02Complaint against San Benito County Code Enforcement
- 06/12/02Complaint against San Benito County and City of Hollister Code Enforcement
- 09/09/02Complaint against Family Support Division
- 10/08/02Complaint against School Board, San Benito High School
- 12/10/02Complaint against Hollister Chief of Police and City Manager
- 01/06/03Complaint against Sheriff Department
- 04/08/03Complaint against Panoche School Board

APPENDICES

SAN BENITO COUNTY GRAND JURY DEPARTMENT HEAD QUESTIONNAIRE

Please provide the Grand Jury with the information requested below. We would appreciate your written response by (date) _____. Please provide your response on separate sheets of paper, and not written on the questionnaire. Thank you in advance for your cooperation.

A. BACKGROUND INFORMATION

1. **Department or Unit Name:**

2. **Department Head:**

3. **Major Department Responsibilities:**

Provide a brief summary description of the major responsibilities and functions of the department or unit.

4. **Organization:**

Describe how the department or unit is organized and attach an overall top-level organization chart, including the ration of department administrators to staff.

Provide a list and a description of the functions of each major sub-unit within the department.

5. **Salary of Head of Department:**

Is this position elected or appointed?

If appointed, by whom?

6. **Summary of Personnel:**

Summarize (table) the number of budgeted positions and the actual number of personnel at the end of the past three fiscal years, together with an estimate for the end of year _____. Explain any significant changes during each period.

7. **Recent Major Changes (past 12 months):**

Describe any major changes which have occurred during the past 12 months that are important to properly understand the department's or unit's status today.

8. **Planned Major Changes:**

Describe any major planned changes that are important to properly understand the department's or unit's status today.

a. Next 12 months:

b. Next three years:

9. **Key Indicators of Activity:**

Provide a summary for the past three fiscal years and an estimate for the various key indicators that best reflect the volume of the department's or unit's activities.

B. BUDGET SUMMARY AND ANALYSIS

This section should be completed separately for each segment or sub-unit that is separately budgeted by the county/city. Each separate budget for which the responding department is responsible should be shown.

10. Budget Summary:

List the following budget information for each of the past three fiscal years (both budgeted and actual) and the budget only for _____(year).

- a. Salaries and employee benefits for (1) Administrative management, and (2) Staff.
- b. Services and supplies
- c. Equipment
- d. Other (describe)

Gross
Less transfers and reimbursements
Net
Less Revenue
Net county/city cost

11. Explanation of Changes:

Please explain the cause for any significant differences between the budgeted and actual amounts by individual line item in 10 above.

12. Analysis of Transfers and Reimbursements:

Provide a breakdown of transfers and reimbursements indicating where they were charged. This breakdown should cover both the budgeted and actual reimbursements for previous years and the estimated reimbursements for the current year.

13. Analysis of Revenue:

Provide a breakdown of revenues by source, covering both the estimated and actual revenue for the prior three years and the estimated revenues for the current year.

C. IMPROVEMENT PROJECTS IN PROGRESS

14. Plans

Describe any plans you have underway or under consideration for correcting any deficiencies or effecting improvements in the operation of the department with respect to the following areas:

- a. Administrative controls, accounting controls and procedures.
- b. Procedures for safeguarding county/city assets held in trust.
- c. Compliance with statutory requirements and established administrative policies and procedures.
List federal, state, and local statutory limitations which apply to your department.
- d. Quality and use of management information systems.
- e. Cost effectiveness in terms of utilizing assets and financial resources.
- f. Other areas where potential efficiencies may be available.

D. OTHER QUESTIONS

15. Recent Department/Unit Audits:

Provide a list of all audits performed during the past two years, indicating whether management or fiscal audits. Identify the agency performing the audit (federal, stat, in-house), date of the audit, and whether it is an annual, statutory, or special audit.

16. Interdepartmental/Unit Procedures:

Are any problems presently being encountered with the interface of procedures that involve both your department and other departments in the county/city? If so, give a brief description of the nature of the problems and an action planned or underway to deal with them.

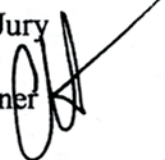
- a. What are the main problems in your department?
- b. Are facilities and staff adequate?
- c. What changes would members of your department like to see?



San Benito County Sheriff-Coroner
Post Office Box 100000, San Benito, CA 95070-0000
Phone: (408) 338-4400 Fax: (408) 338-4416

CURTIS J. HILL
SHERIFF-CORONER

October 14, 2002

TO: San Benito County Grand Jury
FROM: Curtis J. Hill, Sheriff/Coroner 
RE: **2001 – 2002 Grand Jury Report and Response, County Jail**

The following is my response to the conclusions and recommendations of the Grand Jury:

- 1. An additional nurse to assist in providing 24-hour care (including weekends), as well as a Physician's Assistant for two hours per day.**

Due to the ever increasing demands placed on medical care within the corrections facility and the liability associated with corrections based medical care, I have begun discussion with various private sector vendors who deal exclusively with corrections health care. Inmate health care in local adult facilities is a specialized field and I am interested in raising the bar of medical care.

Additionally, the dialog with corrections health care providers will be expanded to include the needs of healthcare within the Juvenile Hall. Chief Probation Officer Deborah Botts is in concurrence, as she has the same issues and concerns.

- 2. A new wing for those requiring isolation.**

I do not recommend any type of dedicated medical infirmary at the county jail. It is more cost effective to treat an inmate at a hospital (with a guard) than it would be to build and maintain a separate medical wing.

- 3. An isolation room/small infirmary is needed for contagious inmates. At the time of this inspection there were two inmates diagnosed with tuberculosis.**

I do not recommend any type of dedicated medical infirmary at the county jail. It is more cost effective to treat an inmate at a hospital (with a guard) than it would be to build and maintain a separate medical wing.

3. The issue of inadequate radio coverage must be addressed, especially in South County. *This must be a priority project.*

The County Communications Department consistently works with the Sheriff's Department to ensure good coverage throughout the county. Regarding southern San Benito County, the Call Mountain repeater site has recently been rebuilt. The Sheriff's Office still has unresolved coverage issues relative to South County, however, County Communications continues to place a priority on resolving these coverage issues.

4. A new larger facility which should include a locker room for female personnel.

As Sheriff of San Benito County, I consider the building of a new Sheriff's Office a high priority within the next four years. During the next year, I am planning to submit to the County Board of Supervisors a business plan outlining the type of facility needed and the estimated costs related with such a project.



SAN BENITO COUNTY SHERIFF'S DEPARTMENT
Post Office Box 1000, Hollister, California 95024-0700
Phone: (408) 938-4000 Fax: (408) 931-5000

CURTIS J. HILL
SHERIFF-CORONER

October 14, 2002

TO: San Benito County Grand Jury
FROM: Curtis J. Hill, Sheriff/Coroner
RE: **2001 – 2002 Grand Jury Report and Response, Sheriff's Department**

For the 2001 – 2002 fiscal year, the staff of the San Benito County Sheriff's Department worked with the Grand Jury in an open manner. I would like to thank all the members of the Grand Jury who spent many hours with the staff and myself, looking at the operation of the department.

The following is my response to the conclusions and recommendations of the Grand Jury.

- 1. With the increase in county population and the subsequent increase in needed support services, the departments will require an increase in deputies, vehicles, and an additional position, such as administrative deputy to supervise the non-sworn office staff and to perform grant writing.**

All of the recommended increases in support services and personnel were made during the 2002/03-budget process. Due to the uncertainties of the California State budget, the Board of Supervisors did not approve new positions. The Board of Supervisors did a good job in providing funding for public safety this year, in spite of the state budget issues.

- 2. Identify and acquire an updated automated computer system.**

As of this date, the Sheriff's Office is in final contract negotiations with the Abbey Group for software and related hardware systems. The implementation will include a PC based system for crime reports within the patrol division and a corrections management system for the county jail.

4. A minimum of three officers on shift at all times.

The San Benito County Jail has operated with a minimum staffing level of at least three Correctional Officers, since the opening of the facility on Flynn Road, on November 17, 1992.

5. Acquisition of a larger bus to hold a minimum of 20 inmates traveling to court appearances, medical appointments, etc.

This request for this size vehicle was made for fiscal year 2002/03 and was not approved. The transportation demands are ever increasing. The request for this type of vehicle will be made in future budget requests.

6. Hiring a file clerk to help control the paperwork overload.

The growth of the Sheriff's Office will be continuous in the future. Additional staff will be requested and subsequently approved by the Board of Supervisors, when fiscally possible.

COUNTY OF SAN BENITO
Office of
PROBATION DEPARTMENT

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

8-6-02

The Honorable Harry Tobias
Presiding Judge of the Superior Court
Courthouse
Hollister, CA 95023

Re: Grand Jury Final Report
Response Pursuant to Section 933 of the California Penal Code

Dear Judge Tobias:

The San Benito County Probation Department is in receipt of the 2001-2002 Grand Jury Final Report which asserted several recommendations. The recommendations and responses from the Probation Department are as follows:

Probation Department Recommendation Number One: With the increase in the county population and subsequent increase in needed support services, a larger facility be acquired to provide room for counseling quarters and separation of juveniles and adults. The preference for the future, if funding were available, would be to add office space to the Juvenile Hall in order to consolidate services and eliminate contact issues between adult and juvenile offenders in the Probation lobby. The Probation Department acknowledges that we are outgrowing our office; however, by collocating with our agency partners such as the school and the Substance Abuse Program, the longevity of the office space is extended. Further, collocating reduces barriers to services by providing "one-stop shopping" for clients who lack the coping skills to manage multiple meeting sites. It also permits for shared philosophies and reduces service duplication which saves the taxpayer and the client in the long run.

Probation Department Recommendation Number Two: Increases in staffing according to the needs and population. While we appreciate the recommendation for increased staff, caseload sizes are currently manageable. If funding sources become available and the need is evident, additional staff will be pursued

Probation Department Recommendation Number Three: The Department identify and acquire an updated computer. The Board of Supervisors approved the purchase of a new server to be shared between the Probation Department and Juvenile Hall. This will alleviate the department's computer problems. If this issue was in reference to the department's need for a case management system such as Synovation, we continue to seek funding for a system that will meet the financial, institutional, and supervision related needs.

GRAND JURY RECOMMENDATION #4:

"Establish a padded cell."

RESPONSE TO RECOMMENDATION #4:

The Board of Supervisors supports the Chief Probation Officer's analysis of the lack of need for a padded cell. As reported by the Chief Probation Officer, if a minor's behaviour suggested mental health difficulties, the individual would be referred to another facility at the recommendation of the Mental Health Department. It is again respectfully suggested that, if so desired, the Grand Jury continue a dialogue on the subject in order to erase any possible misconceptions by either agency.

(Also see Probation Department responses)

GRAND JURY RECOMMENDATION #5:

"The purchase and installation of a back-up generator."

RESPONSE TO RECOMMENDATION #5:

The Grand Jury's recommendation for greater power security is appropriate. Consideration of a back-up generator will be addressed and/or prioritized according to the Chief Probation Officer's budget request for FY2003-2004 in relation to overall financial conditions. The FY2003-2004 budget request will be submitted to the Administrative Office by March 1, 2003.

(Also see Probation Department responses)

GRAND JURY RECOMMENDATION #6:

"A review of the existing key control policy and appropriate changes applied."

RESPONSE TO RECOMMENDATION #6:

A review of the Juvenile Hall key control system has been conducted and approved by the Board of Corrections without any suggested modifications. However, the Board of Supervisors agrees in spirit with the Grand Jury recommendation and will accord consideration for modification of the key control system based on subsequent review by the Chief Probation Officer.

(Also see Probation Department responses)

GRAND JURY RECOMMENDATION #7:

"Emergency escape procedures be reviewed and updated to include additional approved egress routes."

RESPONSE TO RECOMMENDATION #7:

A review of the Juvenile Hall emergency escape procedures has been conducted by Probation / Juvenile Hall in collaboration with the Fire Marshall and the Board of Corrections. As reported by the Chief Probation Officer, the Fire Marshall is satisfied with the current number of egresses.

(Also see Probation Department responses)

LAW AND JUSTICE COMMITTEE ~ JUVENILE HALL

Recommendations @ Page 22 of Final Report

GRAND JURY RECOMMENDATION #1:

"A 'sally port' be given priority consideration to secure processing."

RESPONSE TO RECOMMENDATION #1:

The Grand Jury's recommendation for greater security at the Juvenile Hall is appreciated. Consideration of a 'sally port' will be addressed and/or prioritized according to the Chief Probation Officer's budget request for FY2003-2004 in relation to overall financial conditions. The FY2003-2004 budget request will be submitted to the Administrative Office by March 1, 2003.

(Also see Probation Department responses)

GRAND JURY RECOMMENDATION #2:

"Exposed fire sprinkler be repositioned."

RESPONSE TO RECOMMENDATION #2:

The Grand Jury's recommendation is appropriate for assessment and, if necessary, action by the Chief Probation Officer. The Board of Supervisors supports the most efficient method available for addressing/securing the exposed sprinkler head. It is expected that the Chief Probation Officer will offer a plan of action to the Administrative Office by November 15, 2003.

(Also see Probation Department responses)

GRAND JURY RECOMMENDATION #3:

"The purchase of a 'Wrap' restraint."

RESPONSE TO RECOMMENDATION #3:

The Board of Supervisors supports the Chief Probations Officer's practical and philosophical objection to the use of wrap restraints at the Juvenile Hall. It is respectfully suggested that, if so desired, the Grand Jury continue a dialogue with the Chief Probation Officer so as to erase any possible misconceptions either agency may have on this particular issue.

(Also see Probation Department responses)

Juvenile Hall Recommendation Number One: A “sally port” be given priority consideration to secure processing. The interview room which is used as a staging area for Court movement is currently used as a secure processing area instead of the past practice of processing at the front door. If funds become available, a secure sally port that is not exposed to Flynn Road will be pursued in addition to housing for the probation staff assigned to the juvenile unit to improve service to the public.

Juvenile Hall Recommendation Number Two: Exposed fire sprinkler be repositioned. The Superintendent will investigate the feasibility of moving the sprinkler. The possibility of a protective cover has been discussed in the past, as well, and is currently being pursued.

Juvenile Hall Recommendation Number Three: The purchase of a “wrap” restraint. The Probation Department is opposed to the use of this device on practical and philosophical levels. Typically, restraints are used for minors who are harming themselves rather than demonstrated violence toward others. Holding these minors on a mattress and talking quietly to them about choices is a much more appropriate and calming response. Restraints rarely occur in this facility, so the expense would be difficult to justify.

Juvenile Hall Recommendation Number Four: Establish a padded cell. These types of cells are for minors who fit the criteria for a locked mental health facility rather than an unruly minor. Juvenile Hall staff lack the training and ability to manage the type of minor that would fit the placement criteria for a padded cell. Additional staffing would also be necessary to be in compliance with the Board of Corrections’ requirements for these types of cells.

If a minor’s behavior warranted this type of housing, the Superintendent would be required to make a 4011.6 PC referral. The minor would then be subjected to a 72 hour mental health assessment and moved to a locked mental health facility upon approval of the Mental Health Department.

Juvenile Hall Recommendation Number Five: The purchase and installation of a back-up generator. The Juvenile Hall currently relies on battery packs for extended power which have, thus far, been sufficient. If a generator becomes available, however, it will certainly be pursued. Although this is a current Board of Corrections requirement pursuant to Title 24, the juvenile hall specifications have been “grandfathered” under the previous California Youth Authority requirements.

Juvenile Hall Recommendation Number Six: A review of the existing key control policy and appropriate changes applied. The most noteworthy statistic available to address this concern is the fact that no minor has ever escaped, or attempted to escape, from this facility. This is an issue that is managed through the classification system. Minors who represent a maximum security risk are only permitted out of their room with two staff escorting and all other minors in their room. Typically, juvenile facilities either have a keyless entry system or carry keys on their person. If the keys are carried on their person, they are for perimeter and interior doors and are attached to a lanyard to prevent loss or taking. The Board of Corrections has approved the current key control system, and it is considered appropriate.

Agency Response to Grand Jury Findings

Grand Jury 2002 to 2003 Final Report

Name of Respondent: _____

Grand Jury Final Report Title: _____

Grand Jury Finding No. _____

Agency Response to Grand Jury Finding No. _____

(Select one)

Respondent agrees with the Finding.

Respondent disagrees wholly or partially with the Finding. Specify the disputed portion of the Finding and explain why.

Agency Response to Grand Jury Recommendations

Grand Jury 2002 to 2003 Final Report

Name of Respondent: _____

Grand Jury Final Report Title: _____

Grand Jury Recommendation (No.) _____

Response to Recommendation (No) (select one)

The recommendation has been implemented. Summarized below is the implemented action:

The recommendation has not yet been implemented but will be implemented in the future. The time frame for implementation is:

The recommendation requires further analysis. An explanation of the scope and parameters of an analysis or study, and a timeframe (not to exceed six months from the publication of the grand jury report) for the matter to be prepared for discussion by the officer or head of the agency is summarized below:

The recommendation will not be implemented because it is not warranted or is unreasonable. An explanation is provided below:

SAN BENITO COUNTY GRAND JURY COMPLAINT FORM

NOTICE TO CITIZENS WHO WISH TO ISSUE A COMPLAINT: Among the many powers and responsibilities of the San Benito County Grand Jury is the investigation of citizen complaints to assure that all branches of county and city government are being administered efficiently, honestly and in the best interest of its citizens. It is not the function of the Grand Jury to help to settle disputes between private citizens and/or groups.

CONFIDENTIALITY: All complaints submitted to the San Benito County Grand Jury are required by law to be treated in the strictest of confidence.

COMPLAINT PROCEDURE: ALL COMPLAINTS FORMS MUST BE COMPLETED AND MAILED TO:

**SAN BENITO COUNTY GRAND JURY
Post Office Box 1624
Hollister California 95024**

PHONE CALLS AND FAXES ARE NOT ACCEPTED. THIS PROCEDURE IS TO ASSURE THAT ALL COMPLAINTS REMAIN STRICTLY CONFIDENTIAL. PLEASE TYPE OR PRINT CLEARLY.

NAME OF PERSON PRESENTING THIS COMPLAINT _____

PERSON OR AGENCY ABOUT WHICH COMPLAINT IS MADE _____

NAME _____ PHONE _____

POSITION OR OFFICE HELD BY PERSON NAMED IN COMPLAINT _____

IS COMPLAINT WITH A GOVERNMENT AGENCY AND NOT ONE PERSON? YES NO

IF YES, WHAT GOVERNMENT AGENCY? _____

NATURE OF COMPLAINT _____

Note: if you need more space, please use the back of this form or attach additional page(s).

COMPLAINT CONTACTS: What other persons or agencies have you contacted about this problem?

ACTION REQUESTED: Please describe in detail, what action you would like the San Benito County Grand Jury to take.

"This information is true, correct and complete to the best of my knowledge."

NAME _____ DATE _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

PHONE _____ SIGNATURE _____

Please see reverse side for additional instructions

COMPLAINT GUIDELINES

Communications from the public can provide valuable information to the Grand Jury. Receipt of all complaints will be acknowledged. If the Grand Jury determines that a matter is within the legally permissible scope of its investigative powers and would warrant further inquiry, additional information may be requested. If a matter does not fall within the Grand Jury's investigative authority, or the jury determines not to further investigate a complaint, no action will be taken and there will be no further contact from the Grand Jury.

The findings of any investigation conducted by the Grand Jury can be communicated only in a formal final report, which is normally published at the conclusion of the Grand Jury's term of empanelment (June 30th).

The Grand Jury has no jurisdiction or authority to investigate federal agencies, state agencies, or the courts. Only causes of action occurring within the County of San Benito are eligible for review. The jurisdiction of the Grand Jury includes the following:

- Consideration of evidence of misconduct against public officials within San Benito County.
- The inquiry into the condition and management of the jails within the county.
- Investigation and report on the operations, accounts, and records of the officers, departments or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts.
- Investigation of the books and records of any incorporated city or joint powers agency located in the county.



SAN BENITO COUNTY GRAND JURY

Date

Name

Address

Dear _____,

Your letter to the Grand Jury, dated _____ has been received and is being reviewed.

The Fact that members of the Grand Jury are reviewing this mater does not mean that the Grand Jury is conducting an investigation into your complaint. Rather, a review is being done to assist the Grand Jury in deciding what further action, if any, to take. By law, the Grand Jury is precluded from communicating the result of its investigation except in one of its public reports.

All communications are considered, but may not result in any action or report by the Grand Jury.

Please note that the San Benito County Grand Jury has no jurisdiction or authority to investigate Federal agencies, State agencies or the courts. Only causes of action occurring within the County Government of San Benito are eligible for review.

Please review the checked items in the list below for additional comments concerning your specific complaint.

- Request for more specific facts:** Your complaint contained insufficient facts. If you wish the Grand Jury to further review your complaint, we will need more specific information.
- Request for additional information:** In order to further consider your complaint, the Grand Jury requests the following additional information:
- No jurisdiction (State or Federal):** The Grand Jury does not have jurisdiction over the subject matter of your complaint.
- Referral to another agency:** The Grand Jury does not have jurisdiction over the subject matter of your complaint. You may wish to contact _____.
- Suggestion for legal counsel:** The matter you describe in you complaint dated _____, appears to be an issue which may require you to obtain legal advice which the Grand Jury is not empowered to provide.
- Matter is before the courts:** The matter referred to is pending before the court. If you believe that the court has incorrectly resolved the matter, you may consider appealing to a higher court.
- Other:** _____

Sincerely,
Grand Jury Staff