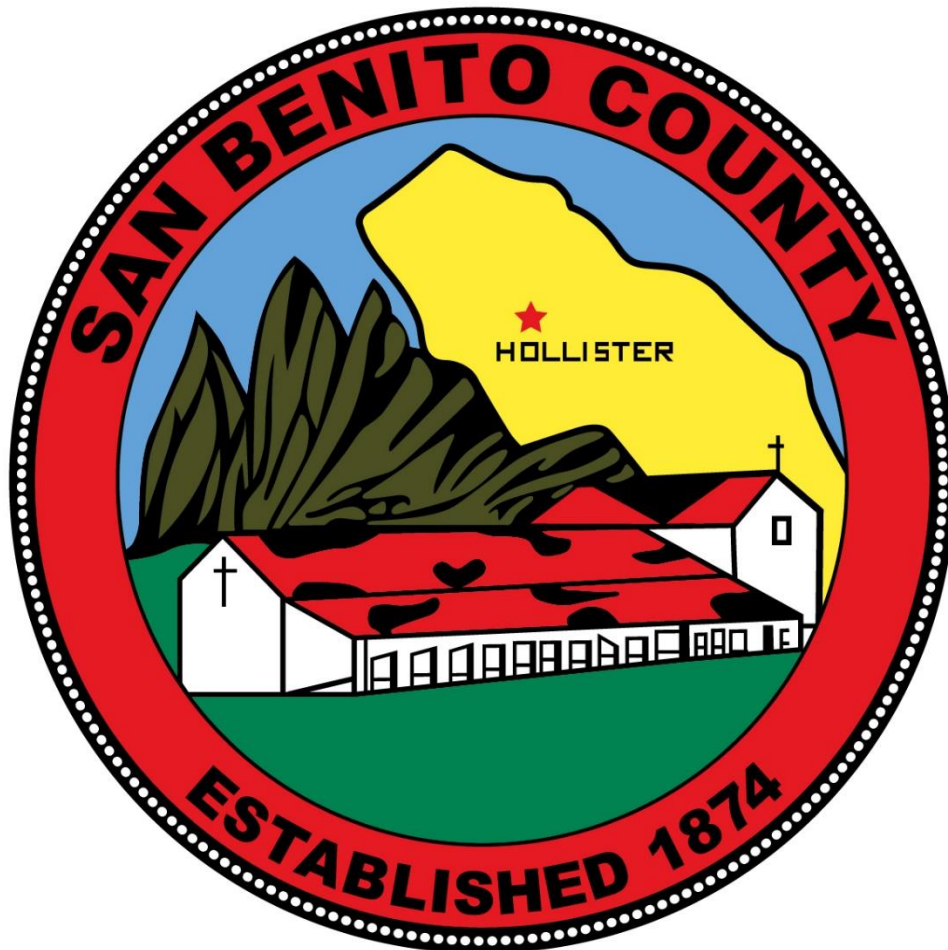


SAN BENITO COUNTY CIVIL GRAND JURY
CONSOLIDATED FINAL REPORT
2022-2023



Dedicated to Those Who Serve Others

"Volunteerism is the voice of the people put into action. These actions shape and mold the present into a future of which we can all be proud." - Helen Dyer

This report is especially dedicated to John Anthony Lemos, who served multiple terms as part of the Civil Grand Jury and was a valuable member of the Community.



January 27, 1942 - May 25, 2023

Civil Grand Jury and Sgt. At Arms
2007-2008, 2010-2011, 2011-2012, 2021-2022

Johnny Lemos, a cherished friend whose presence touched our lives profoundly. Though you are no longer with us, your spirit remains eternally alive in our hearts. Your kind words, and unwavering support continue to inspire us every day. We are forever grateful for the precious moments we shared and the indelible mark you left on our lives. Your memory will forever be a guiding light, reminding us to embrace life and love one another. Rest peacefully, Johnny Lemos, knowing you will never be forgotten.

San Benito County Superior Court
450 Fourth Street,
Hollister, CA 95023

June 26, 2023

Dear Judge Rodriguez,

As Foreperson of the 2022-2023 Civil Grand Jury, I would like to sincerely thank you for the opportunity to continue service to our amazing community.

Being selected as a member of the civil grand jury has been a tremendous opportunity for personal growth and civic engagement. Over the course of my service, I have gained invaluable insights into our local government agencies and the dedicated professionals that do the hard work every day.

The experience of serving on the civil grand jury has allowed me to delve deep into various matters affecting our society. From conducting investigations and scrutinizing public institutions to addressing community concerns, each task has been both challenging and rewarding. Through collaborative discussions with my fellow jurors and the guidance of the court, we have strived to provide thorough and unbiased recommendations to improve the systems we have evaluated.

I would especially like to extend my appreciation to the court staff for their professionalism, guidance, and support throughout my tenure on the grand jury. Their commitment to facilitating our work and addressing any concerns or questions we had is commendable and greatly appreciated.

As my term on the civil grand jury comes to an end, I reflect upon this experience with immense gratitude and pride. It has been an honor to serve my community in this capacity, and I am grateful for the opportunity to have made a meaningful contribution. I will be forever grateful for the commitment and dedication of each of the members of the Grand Jury. Their hours of investigation, deliberations and report preparation are examples of the spirit of volunteerism that continues to make our communities the very best.

Once again, I would like to express my sincere appreciation to you for your trust in selecting me as a member of the civil grand jury. Your support and confidence in me have been invaluable, and I am humbled by this experience.

With gratitude,

Stacie McGrady
Foreperson 2022-2023

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**SAN BENITO COUNTY CIVIL GRAND JURORS
2022-2023**

**STACIE McGRADY – FOREPERSON
2021-2022***

**CHERIE TOLL – PRO TEM
2013-2014, 2014-2015, 2017-2018, 2018-2019, 2021-2022***

**MICHELLE GUTIERREZ – TREASURER
2013-2014, 2014-2015, 2021-2022***

DANIELLE BOSSLER – SECRETARY

JUSTIN GREGORY – SGT. AT ARMS

**DAVE BUSCH
2021-2022***

**RAUL SANCHEZ
2021-2022***

**LORI WOODLE
1999-2000***

NANCY CARLISLE

ED FITZ-HENRY

KATHERINE FOSTER

RICHARD PEREZ

BRENDA SMITHEE

DAVID TOLL

JOHN WILLIAMS

*denotes prior service years

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HOLLISTER FIRE DEPARTMENT

SUMMARY

“The mission of the Hollister Fire Department is to enhance the quality of life in the city and our area of coverage pertaining to contractual agreements with the County of San Benito and the City of San Juan Bautista. The Fire Department is working cooperatively with the community to prevent fire, enforce the fire code and provide for a safe environment”.

Hollister Fire Department 2021 Annual Report

METHODOLOGY

The investigation and interviews of the Hollister Fire Department and personnel began in 2021 and continued through the 2022-2023 term. The Civil Grand Jury toured all of the fire stations, as well as the training facility. Interviews were conducted with numerous personnel, including the most senior staff as well as recently hired firefighters. The Civil Grand Jury reviewed previous Grand Jury reports, statistical data, media releases and social media posts specific to the Hollister Fire Department.

BACKGROUND

San Benito County, and the communities therein, are divided into response areas for fire and emergency mutual aid and automatic aid agreements. These are designated as Local Response Area (LRAs), State Response Areas (SRAs) and Federal Response Areas (FRAs). Response areas are also separated by county lines and state or federal properties. San Benito County borders Santa Clara County to the north, Santa Cruz County to the west, Monterey County to the west and south, and Merced County to the east. Federal lands include Pinnacles National Park and BLM lands.

In 2013 the Hollister Fire Department entered into an agreement with the City of Hollister and County of San Benito to provide fire and emergency response support city- and county-wide, including the incorporated City of San Juan

Bautista. This redefined the role of Cal Fire, which previously provided fire services in the unincorporated areas of San Benito County. Prior to 2013, Cal Fire handled all of San Benito County except for the City of Hollister and the incorporated City of San Juan Bautista for all emergency types.

Volunteer firefighters in San Juan Bautista were decommissioned during this transition. Fire Department Administration report that training requirements instituted by the state have made it difficult to reinstate a volunteer program. Members of the Grand Jury note that volunteer fire departments continue to function in many counties in California.

Hollister Fire Department contracted service includes prevention and compliance with fire codes, emergency response to fires of all types, motor vehicle accidents, natural disasters, and emergency medical services, for roughly 1,400 square miles. The Hollister Fire Department responds to pipeline ruptures, overheating or explosive events, rescue and emergency medical services, hazardous conditions, service and “good intent” calls, false alarms, and special incidents.

During “fire season,” CalFire staffs the Fairview, Bear Valley, Antelope, and Beaver Dam stations with state resources. Through mutual aid agreements, Cal Fire or the closest resource available will respond to reported emergencies. Cal Fire began staffing these stations around May 1, 2023.

CalFire is responsible for wildland fires in SRAs, which is typically watershed. Reference the map linked here:

<https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=468717e399fa4238ad86861638765ce1>

Mutual aid or Auto aid agreements exist with Cal Fire, Tri-County Fire in Aromas, Salinas Fire for Haz-Mat response, Watsonville Fire, Gilroy Fire and others.

DISCUSSION

The Hollister Fire Department has four stations. Station #1 is located at 110 5th Street in the downtown Hollister area. Station #2 is located at 2240 Valley View. Station #3 is located at 24 Polk Street in San Juan Bautista and Station #4 is located at the Hollister Airport.

Staffing

Hollister Fire Department has 48 full time employees. Staff includes:

One Fire Chief

Three Battalion Chiefs with administrative duties as well as supporting shift coverage

One Battalion Chief assigned to fulfill the duties of the Fire Marshall

Two Fire Inspectors

Twelve Captains

Twelve Engineers

Fifteen Firefighters

Two Administrative personnel to support the department.

Each Fire Station is staffed with at least 3 personnel, 24 hours every day. Shift scheduling follows a modified “Kelly” format of four shifts on duty followed by 6 shifts off duty. In 2021 the Firefighters Union voted to change the scheduling format to a “48/96” plan. This format, not yet implemented, has a two-day consecutive shift followed by four days off. Changes in the state’s minimum training standards have resulted in an inability to maintain an active volunteer firefighter program in San Benito County. The fire department recently reactivated a Fire Explorer program with eight active explorers.

Hollister Fire Department has applied for, and received, some grant funding. One of these grants is identified as the SAFER (Staffing for Adequate Fire and Emergency Response) grant.

SAFER is a FEMA grant that takes into consideration NFPA recommendations (National Fire Protection Agency), size of jurisdiction, funding of that jurisdiction,

number of current firefighters and call volumes. Typically, FEMA will not send money if local resources are able to fund the department adequately.

Years Awarded for the SAFER Grant

2014-2016 for 3 years funding 12 firefighters

2016 request for extension denied

2018-2020 for 3 years funding 12 firefighters

2020 grant denied

Over the course of the grants, they are awarded in a dollar amount of 1st year 100%, 2nd year 75%, 3rd year 35% or some similar configuration. Each grant year may have a different set of parameters. The intent of the grant was to boost the jurisdiction's firefighting personnel and incrementally allow the jurisdiction to fund itself. The grant is managed by the Fire Chief and his assistant.

In 2010, according to the U.S. Census, the population in San Benito County was 55,269 persons. That number increased in 2020 to 64,209 and the estimate as of April 2021 is 66,677 persons. The population per square mile in 2010 is reported as 39.8 persons, and in 2020 increased to 46.2 persons. In consideration of the significant population growth in the city and county, staff report San Benito County should and could support two additional fully staffed and equipped fire stations. Based on population numbers, San Benito County and Hollister Fire Department should be minimally staffed at 100 personnel. This is double the current staffing of 48 personnel.

In 2003, the Hollister Fire Department added Station 2. Station 1 was rebuilt and remodeled in 2011. Prior to 2008, each station supported four on duty personnel for each shift. Staffing was reduced to three personnel as a result of the "dot.com" financial crash.

Fire personnel are able to respond to 90% of calls for service within 8 to 9 minutes. The California Fire Code recommends a response time of five minutes or less. Optimal response times of 4-5 minutes for 90% of all calls are desired but not currently achievable.

The intent for the ability to respond within 5 minutes is also reflected as far back as the 2001-2002 Civil Grand Jury report.

One option currently being examined to improve response times, is to relocate the airport fire station to the Cal Fire Facility with San Felipe Road access. A modernized and expanded Office of Emergency Services (OES) facility could be co-located within that secure facility. The CalFire station would transition to the Hollister Fire Station #4 to support the CalFire air units (helicopter and fixed wing aircraft used in fire suppression).

Equipment

Station 1 is currently equipped with the following vehicles:

Engine E-11, a 2018 Type 1 pumper, with a replacement year of 2038

Rescue R-61, a 2001 rescue truck that should have been replaced in 2021

OES 2611, a type 1 engine on loan from CAL OES

Station 2 is assigned the following vehicles:

Engine E-12, a 2018 Type 1 pumper currently out of service with body damage

Engine E-642, a 2018 Type 6 wildland fire engine in service with replacement in 2038, suffers electrical issues due to body damage

S-65, a 2001 a light unit truck, which was due for replacement in 2021

WT-52, a 2016 Water Tender, currently in service

OES 329, a Type 1 engine on loan from CAL OES and in use to replace E-12

Station 3 in San Juan Bautista is assigned the following vehicles:

Engine E-13, a 2004 Type 1 pumper, scheduled for replacement in 2024, currently experiencing electrical issues with emergency as well as general lighting.

Engine E-643, a 2018 Type 6 wildland fire truck, scheduled for replacement in 2038

Station 4 at the airport has the following vehicles at their disposal:

Engine E-14, a 2005 Type 1 pumper, scheduled for replacement in 2025,

Currently experiencing multiple electrical issue and a malfunctioning pump primer

Engine E-332, a 1998 Type 3 wildland 4x4 that was scheduled for replacement in 2018

T-71 is a ladder truck still in the design phase. The projected date for this vehicle to come online is 2-3 years. The addition of the ladder truck will allow for multi-storied buildings to be designed and developed for business and residential occupancy.

Traffic Calming Measures

Throughout the course of the investigation, it became clear that the “Traffic Calming Measures”, including speed humps and speed bumps, recently instituted throughout the City of Hollister have had an impact on emergency response. Theoretically, the engines were to be able to straddle the speed humps. This theory did not take into consideration the different types of equipment which do not fit within the speed hump gap. Additional considerations include oncoming traffic and vehicles parked legally against the curb, reducing street availability. Slowing to safely navigate each speed hump may add 6-10 seconds for each hump, and easily thirty seconds to minutes for any emergency run. Emergency personnel expressed their concerns regarding the placement of the speed humps and realignments. During an emergency response, every second is critical. The recently added “roundabouts” cause similar concerns, presenting problems in turning and maneuvering large vehicles in a confined area. Changes on Ladd Lane have made it impossible for vehicle operators to pull to the right, as required by the California Vehicle Code, to make way for emergency response vehicles.

CRITICAL RESOURCES

The personnel employed by the Hollister Fire Department are the most critical and valued asset. Their dedication to the department, and the communities they serve, cannot be overstated.

Staffing shortages and equipment issues become constant stressors, on top of an already challenging profession. Local resources are frequently overwhelmed, triggering mutual aid and automatic response agreements on a regular basis.

For example, a motor vehicle accident on Highway 101 near San Juan Bautista, combined with a smoke investigation near Panoche and a medical aid call in Hollister would exhaust the limited resources available. The two contracted ambulances assigned to San Benito County are already insufficient. Hollister firefighters are trained to the level of Basic Life Support (BLS) EMTs, but not Advanced Life Support (ALS) or EMT-Paramedics. With only two ambulances available throughout the entire county, critical patient care is often delayed.

Firefighters and emergency responders are routinely exposed to traumatic events. They are regularly the first persons on scene at motor vehicle accidents, burn victims, industrial accidents, drownings, and death investigations. While this is known when signing on to the job, as author Bessel van der Kolk, M.D. notes “The Body Keeps The Score.” Chronic stress and trauma are cumulative; the negative effects can and do impact physical and mental health.

Scientific journals report that the life expectancy for firefighters is 10 years less than that of the average person. The CDC reports that cancer is the No.1 killer of firefighters. Cancer and other physical conditions can be greatly affected by a person's mental/emotional health. Hollister Fire has clear protocols for decontamination of environmental hazards, but systems to address psychological hazards – Critical Incident Stress Management (CISM) and a formalized peer support structure are absent. Resources are readily available and brought forth during times of particular hardship, but mental health support, or even discussions, is not “normalized” as part of the firefighter’s culture.

Staff made clear their desire for trained mental health experts to conduct critical incident stress debriefings (CISD) for response teams, individual support, and other CISM “continuum of care” services as developed and standardized by the International Critical Incident Stress Foundation and the IAFF (firefighters union).

The current practice of using a Battalion Chief to conduct a stress debrief is not well received by staff and is not recommended practice. In Santa Clara County, the Bill Wilson Center and Center for Living With Dying offers services, support and training in Critical Incident Stress Management and peer support.

Stress management debriefs are not, and should not be confused with, operational and tactical debriefs. Staff report that operational debriefs are conducted intermittently and following significant events. These are usually coordinated by the Office of Emergency Services.

Leadership

During the course of multiple interviews, additional personnel concerns were noted.

Fire Department personnel repeatedly complained of disjointed and fragmented leadership. Station captains and battalion chiefs have vastly differing priorities, incompatible styles, and incongruent expectations for their teams. This is exacerbated by the fire chief's extended absence and apparent "laissez-faire" leadership style. The lack of a cohesive and unified command staff structure has led to unnecessary stress and frustration within the ranks. Each station and each shift develops their own style and expectations. As personnel are promoted to positions with more responsibility and expectations, there is little mentoring or support to guide them in leadership development.

Policy and Procedure manuals are underutilized or non-existent. The lack of defined policies makes it difficult, even impossible, to hold personnel accountable. It might be known that an employee is abusing their sick leave, however lack of a policy makes it challenging to counsel the employee. Firefighters must achieve strict fitness standards in order to be hired. The lack of policies means there is no ongoing fitness for duty standards or incentives for the firefighters to maintain their fitness goals. It has been impossible to implement the preferred shift scheduling program, due to a lack of developed policies.

The current fire chief was appointed to his position in November 2018, as noted by Resolution No. 2018-284. The initial agreement was for a term of three years, until November 19, 2021. This agreement is automatically renewed on its anniversary date in January, and annually unless notice is given that the agreement shall terminate.

While the Agreement between the Fire Chief and the City clearly indicates that annual performance evaluations shall be completed by the employer, no such evaluations could be located for this fire chief or any city department head for the time period of January 2018-January 2023.

Lessons Learned

In 2017 and 2023, San Benito County experienced severe flooding, breaches to local levees and life-threatening hazards. Lessons were learned and incorporated from the 2017 incident. In 2023 a robust messaging system was in place, warning local residents of impending flooding to their neighborhoods. Law enforcement and Fire were unified in their response operations. Despite the best efforts of emergency personnel, some residents made the choice not to evacuate themselves for their own safety, or the safety of pets and livestock. These decisions caused significant and unnecessary risk to firefighters and emergency personnel, as well as great frustration to all involved.

Findings and Recommendations

Finding 1

Changes to local roadways, including speedbumps, roundabouts, realignment and “traffic calming measures” have an impact on emergency response times, and may potentially increase damage and maintenance to emergency response vehicles.

Recommendation 1

2019 California Fire Code (CFC) Section 503.4.1 states that “Traffic calming devices shall be prohibited unless approved by the Fire Code Official”. The city, county and Hollister Fire administration must *communicate and work collaboratively* on any changes to local roads in order to minimize negative impacts to fire and emergency response personnel and the community.

Finding 2

Over 12 months ago, the Fire Department Union members voted to implement the “48/96” schedule plan. This plan is favored especially by those staff with significant commute times. Additionally, it will likely have a positive effect on the ability to recruit as well as retain firefighting staff.

Recommendation 2

The “48/96” scheduling management plan, as approved by the union, should be implemented as soon as possible and certainly within the next 6 months, including necessary updates and modifications to the policy and procedure manual.

Finding 3

Emergency personnel are exceptionally exposed to both physical and mental health stressors. Staff are highly aware of the toll their chosen career exacts on the body and mind. Mental health services and peer support are available however participation is not encouraged, and resources are underutilized.

Recommendation 3

Mental health services, critical incident stress management and a formal peer support team should be implemented as the highest priority.

Mental health professionals must be incorporated into regular stress management debriefing. **Discontinue the current practice of using ranking staff to conduct stress management debriefs, a practice that is deeply contrary to internationally recognized CISM standards because it fails to create an environment in which personnel can speak freely.**

Finding 4

Policy and Procedure manuals are not updated, maintained, clear and available to all personnel. Management lacks continuity between shifts as well as stations causing dissent amongst personnel.

As staff members are promoted to management positions, there is a lack of training and mentoring for those newly promoted persons.

Recommendation 4

Policy and Procedure manuals should be clear, regularly maintained, and readily available to all personnel. The Chief and Battalion Chiefs should reference these materials to support their troops and the mission regularly. The Chief and Battalion Chiefs would benefit from additional leadership training courses.

RESPONSE REQUIRED

California Penal Code §933 requires that a response to the recommendations found in this final report be delivered to the presiding judge of the San Benito County Superior Court. The Grand Jury requests responses as follows:

From the Hollister City Council within 90 days.

Affected Agencies:

Hollister City Council

Hollister Fire Department

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HOLLISTER ANIMAL SHELTER CONTINUITY REPORT

SUMMARY

The City of Hollister Animal Shelter, located at 1331 South Street, Hollister, is the only government funded animal care service provider for the city of Hollister and San Benito County. The Shelter is funded by both the City of Hollister and San Benito County, according to contract. San Juan Bautista does not contract for services and does not provide any animal care services.

According to the City of Hollister website:

“The City of Hollister Police Department's Animal Care & Service Bureau was established in 1982.

The Animal Care & Service Bureau provides animal control services within the City of Hollister and the County of San Benito. The City of Hollister Police Department's Animal Care & Service Bureau is responsible for impounding stray or lost animals, cruelty investigations, rabies control, dog license sales, lost pet reports, 24-hour emergency services, enforcing local and state ordinances, operation of the animal shelter, educational programs, and administering the animal adoption program. The Animal Shelter serves as a safe haven for thousands of domestic animals who are lost, abandoned, neglected, or unwanted. The shelter cares for approximately 3,500 animals each year.”

PURPOSE OF INQUIRY

On occasion, the Civil Grand Jury may choose to do a follow-up on a previous year's investigation. Known as “Continuity Reports” these can help shed light on the entire Grand Jury process. It may identify whether the Findings of the Grand Jury merit the same weight as the community, or the city or county governments. It may identify what changes, progress or setbacks have occurred during the year.

The 2021-2022 Civil Grand Jury conducted an investigation of the Hollister Animal Shelter. This investigation was prompted primarily by community concerns expressed at Hollister City Council meetings, through social media, and local news articles. Prior inspections of the shelter were infrequent. Reports were submitted through the 2007-2008, 2008-2009, and 2016-2017 Civil Grand Juries. This continuity report was based on the 2021-2022 findings and recommendations, with special attention to the responses provided by the City of Hollister.

METHODOLOGY

The Grand Jury conducted interviews with city staff employees, managers and government officials regarding the operations and management of the Animal Shelter. Previous reports were reviewed. Budget reports and documents were requested and reviewed.

Media articles regarding the Grand Jury report specific to the animal shelter were consulted and discussed. Members of the Grand Jury made unannounced visits to the animal shelter and were given access to all areas of the shelter. Online resources, Hollister City's maintained website and social media pages were reviewed.

DISCUSSION

The 2021-2022 Civil Grand Jury noted the following areas of interest with the Hollister Animal Shelter. Findings and recommendations were made, and responses received from the City Council.

The first finding addressed shelter staffing issues. The Shelter was then, and is now, understaffed. The hiring process takes at least three months and usually close to six months before a new hire is brought on board. The Animal Control Officer position requires a complete background investigation, including a polygraph, psychological evaluation and physical evaluation. Previous Grand Jury reports have recommended, and continue to recommend, increasing staffing at the shelter. Additional kennel attendants and administrative support would allow the specially trained Animal Control Officers more time for community engagement and

educational opportunities, investigations, and enforcement. The shelter is currently budgeted for three Animal Control Officers (ACO's). One officer resigned in January 2023, leaving the staffing reduced by 33%. As of May 2023, that vacancy has not been filled.

The second finding articulated concerns regarding the lack of volunteers, and the general unwillingness of city staff to invest time and energy into developing a more robust volunteer program. The response by then City Manager Miller, as printed in the BenitoLink article, was that volunteers are inconsistent and do not commit to a regular schedule. They make it difficult to support the shelter and staff, and volunteers are “selective, doing the tasks they wish to perform instead of the tasks that are needed.”

While the application to volunteer is still listed on the website, there is little actual outreach or energy directed to enhancing the volunteer program.

The contact person listed on the Hollister Animal Shelter web page regarding volunteering left the department over six months ago. While volunteers do require supervision, management, and energy, considering the chronic staffing shortages it is apparent that additional volunteers would be a benefit.

The third finding addressed concerns regarding training. In addition to assisting the public with licensing issues, barking dog complaints and feral cats, ACO's frequently encounter sick, injured, and aggressive animals. Medical and behavioral assessments are critical in providing care. Investigations regarding neglect or abuse, documents, pre- or post-seizure hearings, evidence collection and storage, and submitting criminal cases for prosecution all require specialized skill sets.

The 2021-2022 Civil Grand Jury report noted the lack of training and experience necessary to conduct complete and thorough investigations. Participation in the 80-Hour Animal Law Enforcement Training Academy was strongly encouraged. As of May 2023, only one officer had attended the 80-hour academy training. Shortly after completing the academy, that officer relocated to work at another shelter.

Interviews revealed a strong intention to send ACO's to the recommended training. These investigations also revealed that shelter management likewise lacked understanding of the administrative requirements articulated in Penal Code section 597.

In the City's response to the 2021-2022 Grand Jury recommendation, they stated "ACO's have investigated numerous animal crime reports throughout the year. Every case has been successfully prosecuted. As we continue to hire new staff, we will continue to explore new trainings to enhance their knowledge."

According to the San Benito County District Attorney's office, between January 2020 to December 2022, 17 criminal cases were submitted for the filing of misdemeanor or felony charges by Animal Control Officers. These cases were identified as either Penal Code section 597, Cruelty or Neglect to a domestic animal, or Health and Safety Code section 122335, Illegal Tethering. City municipal code violations were not viewed.

Of the 17 criminal cases submitted, 10 were filed by the D.A.'s office and 7 were rejected for filing. Of the 7 that were rejected, 4 were rejected due to a lack of sufficient evidence, 1 was sent back for additional investigation, in 1 case the statute of limitations had expired, and 1 was rejected "In the interest of Justice." Of the 10 cases that were filed, four were resolved through either diversion or dismissal, 3 cases are still pending, and 3 cases resulted in conviction.

The Hollister Shelter has begun a partnership mentoring program with the County of Santa Clara Animal Services, as recommended by the previous Civil Grand Jury. This mentorship program has already led to improvements in the Hollister Shelter. These changes include, but are not limited to, separating from viewing the adoptable or stray animals from those in care as part of an investigation.

The fourth finding reported concerns as there is no licensed veterinarian at the shelter facility. While this is still the case, the shelter has improved access to regular veterinary services by entering into a contract with a local veterinarian.

Finding five observed that the current shelter facility is too small and outdated. Specifically, intake rooms, medical quarantine areas and workspaces are overfull and limited in usefulness. The City and County need to consider the real necessity of expanding or relocating and rebuilding a modern shelter facility.

The last finding expressed concerns regarding the minimal community outreach from the shelter. The lack of staffing and volunteers limit opportunities for shelter staff to attend community events, post on social media, visit dog parks and build relationships with the residents they serve. There have been delays in updating the shelter web page, especially in regard to the monthly statistical reports.

During the course of this investigation positive changes have been observed. The website has been updated. Monthly statistical reports are available again, and the volunteer application site indicates that the city is accepting applications. The “WeTip” link is also prominently linked on the shelter website to allow for anonymous or confidential complaints regarding animal abuse or neglect.

The Hollister Animal Shelter does not accept feral cats. Local rescues such as Pet Friends and Cat Crew are regularly overwhelmed with adoptable cats and kittens. Trap, neuter, and release programs (TNR) are only successful when all of the cat colony has been altered.

Currently there are many dozens of feral cat colonies throughout Hollister, the City of San Juan Bautista, and San Benito County. Many of these cat colonies are fed and minimally cared for by well-intended community members who lack the means to alter or provide necessary veterinary care for the entire colony. Feral cats do not live long and healthy lives. Instead, their lives are cut short by a lack of veterinary care, chronic infection and disease, predators or being hit by cars, (HBC). Feral cats are responsible for the decimation of wild songbird populations. In the United States alone, outdoor cats are responsible for the deaths of 2.4 billion wild birds annually.

There are many articles and studies regarding the effect of feral cats on songbirds. This article from the World Animal Foundation is dated February 2023.

<https://worldanimalfoundation.org/advocate/how-many-birds-do-cats-kill/>

The decision not to accept feral cats at shelters is largely related to public perception. Feral cats are not easily adoptable, and shelters are not designed for long term warehousing of animals. Neither are animals designed to be warehoused. Unfortunately, there are few options, with humane euthanasia being one of them. Public pressure and outcry regarding euthanasia statistics has led this shelter and others to the difficult decision of refusing to accept feral cats unless they are sick or injured. Allowing cats and kittens to live unhoused, without regular vet care and vaccinations, avoiding predators and motor vehicles, is not compassionate care.

HELEN M. ROSS FUND

In 2017 the City of Hollister accepted a \$375,000 restricted donation from the Helen M. Ross Living Trust. In addition to the initial donation, the City of Hollister received a 16.67% ownership interest in the Ross Building at 345 5th St., Hollister. As of June 30, 2022, the Helen M. Ross Fund had a balance of \$463,952.

These funds cannot be used for any services outside of the Hollister Animal Shelter. They have not been allocated to a specific project or used to increase staff salaries. An ad-hoc committee or study session has been requested by the City Council, open to the public, to engage in discussion and recommendations regarding the shelter and funds.

SUMMARY

The Animal Shelter is an essential and valuable resource for the community. The current staff and volunteers are hardworking and dedicated to their mission. They care for the animals entrusted to them to the best of their ability. The facility remains clean and well organized.

One of the outside exercise yards recently received a gift of landscape and labor improvements from a local scout troop.

Visits to animal shelters can be uncomfortable, emotional, and difficult. Local government officials have not conducted necessary inspections or site visits to the Hollister Animal Shelter.

Police management are unfamiliar with the particular and specific requirements necessary to enforce Penal Code section 597.1. The shelter supervisor, responsible for the day-to-day operations of the shelter, is not included in budget discussions. Decision makers abdicate their leadership requirements and the challenges of euthanasia by refusing to accept feral cats.

The 2021-2022 response to the Civil Grand Jury report indicates a municipal ordinance regarding the care and management of feral cats is being developed. No such ordinance is yet listed on the Hollister City website.

FINDINGS AND RECOMMENDATIONS

The Grand Jury hereby makes the following findings and recommendations:

Finding 1

The shelter remains critically understaffed. Staffing issues negatively impact the ability to provide necessary services to the community, as well as the opportunity to attend required ACO training. Hiring requirements and background investigations may take three to six months to complete for new hires.

Recommendation 1

The City could enter into a provisional hiring agreement for a kennel attendant or other staff member, with limited duties and responsibilities, once a preliminary background investigation is complete. This provisional agreement may be terminated or made permanent once the entire background process is completed.

Finding 2

The lack of formal training for Animal Control Officers and their supervisors and managers has negatively affected the ability of the District Attorney's office to prosecute criminal cases.

Recommendation 2

The City must aggressively pursue all reasonable opportunities for shelter staff to engage in training. The Humane Law Enforcement Academy, available by ZOOM in October, and Report Writing Update, offered through South Bay Regional Training Academy in August are two examples of relevant upcoming training. Mentorships, ride-alongs and resource sharing with other local shelters are invaluable learning opportunities as well.

Finding 3

Feral cats suffer from a lack of regular care and vaccinations, early death from predators and environmental hazards. The shelters' practice of refusing to accept feral cats due to the vocal concerns of a few do not reflect humane care and community expectations.

Recommendation 3

A municipal code reflecting the requirements to spay/neuter all feral community cats should be developed and enforced. The shelter should accept all animals, regardless of the ability to adopt, foster or rehome the animal. Euthanasia is an unfortunate consequence of irresponsible ownership- we can no longer spay, neuter, foster and hope our way our way out of animal overpopulation.

Responses

California Penal Code §933 and §933.05 require that a response to the recommendations found in this final report be delivered to the presiding Judge of

the San Benito County Superior Court. The Grand Jury requests responses as follows:

From the City Council of the City of Hollister within 90 days of this report.

Affected Agencies

City of Hollister

Hollister Police Department

San Benito County Board of Supervisors

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CITY OF HOLLISTER TRAFFIC CALMING MEASURES

BACKGROUND

Going back as far as 2018, the City of Hollister has taken steps to mitigate speed concerns, including but not limited to racing and side shows, bicycle and pedestrian safety, and school zones. Grants were obtained to make communities more bicycle friendly, and additional grants to encourage traffic calming measures. The City should be commended for attempting to be proactive in their response.

With the best of intentions, an extreme example of intentions gone awry exists on Ladd Lane and Southside Road. Traffic calming measures were recommended, incorrectly installed and reinstalled. Ladd Lane and Southside Rd. currently exist in a confusing state which still presents safety issues for emergency response vehicles, pedestrians, and cyclists. These traffic calming measures to Ladd Lane and Southside Rd. made national news.

Concerns were expressed about the possible negative effects of traffic calming methods to emergency response vehicles as well as response times. These concerns were articulated to the City Council in October 2019 in a power point presentation from the contracted engineer, Kimley-Horn (reference KH power point slides #18 and 22 et al:

[KHA-TrafficCalmingDevicesPresentation_20221118\(00000002\)](#)

Research with surrounding communities revealed that prior to installation of traffic calming measures such as speed cushions humps or tables, required fire department approval. California Fire Code (CFC) section 503.4.1 also demands approval of traffic calming measures prior to installation. Questions about transparency, fairness and the decision-making process led to this investigation.

METHODOLOGY

The Civil Grand Jury conducted interviews with numerous local officials from many agencies of local government and emergency response. We observed city

council meetings, reviewed past meetings, reviewed corresponding agendas and documents, and attached power point presentations. Interviews were conducted with representatives from Kimley-Horn and City engineering staff. Data was received and reviewed from Kimley-Horn representatives who made multiple presentations and were available for supplemental questions from City Council members.

California Fire Code, as related to streets and traffic were examined. We researched online sources such as National Traffic Safety Engineering standards and California traffic statutes. The Grand Jury members investigated what neighboring cities and communities such as Gilroy, Monterey, Santa Cruz, and Salinas were doing in regard to traffic concerns.

As residents of the city and county, Grand Jury members took many opportunities to drive the impacted roads and experience the effects.

DISCUSSION

The previous process for installing a traffic calming measure was as follows:

1. A citizen complaint was made to a City Council member about unsafe conditions on a particular road. (We were unable to obtain records or specifics of how many complaints were made or which Council members received complaints.) City Council members and Kimley-Horn concurred that this was the first step of the process.
2. One or more Council members would request a “traffic study” which was then conducted by Kimley-Horn. The specific data collected was the number of vehicles and their speed along the street. Residential streets with speed limits of 25 or 35 miles per hour were studied as National and State standards for traffic flow only apply to residential streets with these speed limits. New residential developments would also trigger a traffic study.
3. The traffic study data had to show at least 85% of the traffic was driving 5 or more mph above the designated speed limit to trigger a recommendation from Kimley-Horn. A plan would be developed to determine which types of traffic calming methods would be most effective and appropriate under the

circumstances, according to National and State standards. This would be presented to the City Council.

4. The City Council members would then vote on whether to follow the recommendation and install the calming measures.

SUMMARY

California Fire Code section 503.4.1 states that “traffic calming devices shall be prohibited unless approved by the fire code official.” While all parties acknowledge the existence and importance of this requirement, it was unclear as to whether or not the fire department had been adequately involved in the process. One thing undeniably evident was the lack of a formal process for eliciting fire department input and record keeping of such feedback. Community recommendations were also limited.

The City began implementing the traffic calming measures in 2019. While reportedly effective in slowing traffic, the calming measures impacted emergency response services. No data has been collected to verify whether or not any of the traffic calming measures violate California Fire Code section 503.4.1. The Hollister Fire Department-Traffic Calming Devices Guidelines state that “roadways will not be obstructed in a way that increases emergency response times beyond 5 minutes”. Nearly all north-south streets have some form of traffic calming measures, impeding the major response routes for emergency services.

The changes to Ladd Lane and Southside Rd. have created an outcry from many local residents, emergency response professionals and the national media. Several of the measures available have been implemented including traffic circles, lane narrowing, visual bulb outs, and roadway delineators. This has created a very wide space between the drive lane and the sidewalk. These changes also prohibit drivers from complying with California Vehicle Code section 21806 which states that drivers in California must yield to emergency vehicles when they are using sirens or at least one visible red light.

The measures on Ladd Lane prohibit any vehicle from pulling to the curb for any reason. Located at the southeast corner of Ladd Lane and Southside Road is Ladd Lane Elementary school.

Ladd Lane is a dead-end street to the south and Southside Road is a dead-end street to the east. The boundaries of the adjoining neighborhoods end at Ladd Lane and Southside Road.

There are no other surface streets accessible to the school for cars to park. On-site school parking is critically limited. This creates a challenge for parents and caretakers when dropping off and picking up students. Typically, the drop off/pick up window is 20-30 minutes daily due to limited onsite parking and now no access to parking on Ladd Lane. This has caused overwhelming frustration for school personnel, drivers, neighbors, and pedestrians alike.

Financial concerns of \$23,000 for each speed cushion studies, estimated \$11,000 for installation of each speed cushions, bumps or tables location, as well as \$687,000 for traffic calming measures for Ladd Lane and Southside Road. Kimley-Horn made Power Point presentations regarding traffic calming measures at the March 6, 2023, and March 27, 2023, City Council Meetings. Mayor Mia Casey and the current City Council have recently taken steps to pause ongoing traffic calming measures.

Kimley-Horn presented the following Power Point at the March 6, 2023, City Council Meeting:

[KHA-TrafficCalmingDevicesPresentation_20221118\(00000002\)](#)

Kimley-Horn presented the following Power Point at the March 27, 2023, City Council Meeting:

[2023-03-24 Traffic Calming](#)

FINDINGS AND RECOMMENDATIONS

The Civil Grand Jury makes the following findings and recommendations:

F-1 The previous Hollister City Council did not comply with CA Fire Code section 503.4.1, when they did not elicit input from the Fire Chief or his designee prior to the installation of any and all traffic calming measures.

R-1 The Hollister City Council and the Hollister Fire Department should develop a formal policy and procedures for working collaboratively and transparently regarding installation of all traffic calming measures for a positive outcome for the community.

F-2 The City Council has taken steps to conduct community outreach in regard to traffic concerns on Avenida Cesar Chavez and Memorial Drive.

R-2 The City Council should continue to engage with the community regarding traffic concerns on City streets.

F-3 According to the Fire Department, Ladd Lane, Buena Vista Road, and Sally Street have all received a mixture and overabundance of traffic calming measures.

R-3 The Fire Department, the City Council and Traffic engineers should work collaboratively and transparently to review all existing and proposed traffic calming measures and mitigate concerns before the end of this calendar year.

F-4 The previous City Council did not have a formal policy or procedure for implementing traffic calming measures.

R-4 The Hollister City Council should develop a formal policy and procedures regarding installation of future traffic calming measures, that includes canvassing

residents of streets proposed for installation of traffic calming measures, as well as residents of ancillary streets.

Responses

California Penal Code § 933 and § 933.05 require that a response to the recommendations found in this final report be delivered to the presiding judge of San Benito County Superior Court. The Grand Jury request responses as follows: From the City Council of the City of Hollister within 90 days of this report.

Affected Agencies

City of Hollister City Council
City of Hollister Fire Department
City of Hollister Engineering Department

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SAN BENITO COUNTY JAIL REPORT

SUMMARY

The Civil Grand Jury is mandated by the State of California to conduct inspections into local prisons and jails annually to ensure the care and status of the incarcerated population. The San Benito County Sheriff Corrections Division administers the Jail system in San Benito County.

There are 37 authorized positions to staff the jail. These include correctional deputies, sergeants and administrative personnel. A recent addition to the jail staff is the labrador dog, Ned, who works with his handler and is trained to sniff out contraband.

The 28,000 square foot jail facility, at 710 Flynn Road, Hollister, opened on November 17, 1992, at a construction cost of \$7 million. In June of 2021 the new \$25 million rehabilitation section was brought online. The rated capacity for the jail is 124 inmates.

The jail consists of two maximum-security modules with a capacity of 27 inmates each and two medium security modules with a maximum of 35 inmates each. The jail also houses female inmates in two separate housing units. One unit can house up to 10 medium security female inmates. There is one maximum security unit that can house up to 8 females. San Benito County's inmate population averages 100 persons at any given time.

BACKGROUND

The 2022-2023 inspection of San Benito County's Jail noted several of the same unresolved issues continued from previous Grand Jury reports dating back to 2013.

METHODOLOGY

During the 2022-2023 term:

- Jurors visited the facility on two different occasions.
- Interviews were conducted with personnel from the San Benito County Sheriff's Office and Corrections Division and with other individuals knowledgeable regarding conditions at and operations of the County Jail.
- Reviewed Policy and Procedures including CPR Training Manual, Evacuation Binder, Well Path documents, Warrant File cabinet, Transportation Procedures, Inmate Release Procedures, Translation Services, 911 Dispatch procedures, SCBA (Self Contained Breathing Apparatus) procedures, K9 Program
- Reviewed local newspaper articles and other public documents
- Reviewed San Benito County's Jail website and other relevant websites
- Reviewed San Benito County Civil Grand Jury Reports and Responses from 2013-2022.

DISCUSSION

Understaffing and Overtime

The Jail Commander retired in 2021 and the new commander took position in 2022 after having worked at the facility for several decades, according to the 2021-2011 CGJ report.

Currently, San Benito County Jail has 6 Correctional Officer vacancies. Correctional staff are scheduled for 12-hour shifts. The jail requires a minimum staffing level of 5 officers per day shift, and 4 per night shift. Employees assigned to transportation work 10-hour shifts.

Due to staff vacancies, there is significant overtime. Deputies are frequently required to work shifts that are 16 or more hours long. This has resulted in excessive budget expenses as well as exhausted personnel.

Overtime is frequently mandatory in order to cover shifts. Staff can earn more vacation time than they can use. Correctional staff incomes are higher in surrounding counties but come with a commute. Staff indicate they are overworked and feeling "burned out."

Multiple studies indicate that understaffing and excessive overtime of Jail Corrections Officers exposes the Sheriff Department, jail inmates and residents to serious health, mental health, safety, legal and other potentially dangerous unintended consequences.

The San Benito County Board of Supervisors response to previous Grand Jury reports identifying understaffing and overtime as critical issues has been: “This recommendation will not be implemented.”

Facilities, Programs, Equipment

The swamp cooler is inefficient to provide moderate temperatures and a secure environment, keeping the inside air temperature comfortable for all who work and are housed within the facility. A new roof is required to support a new cooling system. In addition, there is a noticeably offensive odor in a hallway area of the jail due to the aging plumbing system.

The Grand Jury has reported over the years from 2013 to present that the San Benito County Board of Supervisors should make a new air conditioning system a top priority as soon as possible to moderate conditions that impact unintended consequences of safety and security.

According to recent nationwide studies, lack of adequate HVAC presents a risk to safety and security for both jail personnel and inmates.

Safety concerns include but are not limited to:

- Elevated Blood Pressure
- Asthma
- Irritability and an increase in violence
- Dehydration
- Officers’ ability to focus and concentrate
- Heat exhaustion
- Communicable disease/Staph infections

A hot and uncomfortable environment will add to staff and inmate anxiety. Stressed or angry inmates can be difficult to manage. With the challenges and competition in today's labor market of finding and retaining qualified staff, a reliable HVAC system can be an instrumental tool in retaining staff.

Security is the top design priority for every aspect of a corrections facility. Keeping everyone safe - whether facility staff member, inmate, outside maintenance personnel, or visitor - dictates how the facility is designed and built, right down to every floor, wall, door, window, roof, system, and fixture detail imaginable. Nothing is too small to be overlooked. Any weakness represents a dangerous opportunity for residents who attempt to exploit it.

Though the Board of Supervisors has agreed to the necessity of making these repairs, their most recent response to the Grand Jury 2021-22 Report states: "The recommendation will not be implemented at this time."

FINDINGS AND RECOMMENDATIONS

The Civil Grand Jury makes the following findings and recommendations:

F-1. The Grand Jury finds the County Jail keeps the highest standards of order and cleanliness despite a significantly inadequate airflow system.

R-1: Jail staff should be commended for maintaining high standards regarding inmate care and facility cleanliness.

F-2: The ongoing understaffed status of the Correctional Officers exposes San Benito County, jail inmates and staff to serious health, mental health, safety, legal and other potentially dangerous unintended consequences. For well over 10 years, the Civil Grand Jury has reported the same concerns, with no noted improvements.

R-2: Recruitment activities specific to correctional staff should be prioritized. The Board of Supervisors should direct Human Resources to implement a realistic and aggressive hiring strategy to fully staff the jail.

- F-3 Long standing facilities deficiencies, specifically the swamp cooler and the smells from the sewage system may lead to health and safety issues for both staff and inmates.
- R-3. Action should be taken straightaway to fund long known necessary repairs/replacement of swamp cooler, roof, and plumbing facilities.

RESPONSE REQUIRED

California Penal Code sections 933 and 933.05 require a response to the recommendations found in this final report be delivered to the presiding judge of the San Benito County Superior Court. The Grand Jury requests responses as follows:

From the San Benito County Sheriff within 60 days

From the San Benito County Board of Supervisors within 90 days of the receipt of the report

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COUNTY SERVICE AREAS

SUMMARY

This investigation and report is in response to a complaint regarding management, operation, and failure to provide ongoing services for CSAs, mailed to the Civil Grand Jury dated January 2, 2023.

The creation of County Service Areas (CSA) is approved by the San Benito County Local Agency Formation Commission (LAFCO). There are currently thirty-one CSAs throughout San Benito County. The County is to provide services to each CSA depending on the formalized agreement for each CSA, Services may include and are not limited to the following:

- a. Extended police protection
- b. Extended fire protection
- c. Maintenance of streets and roads
- d. Maintenance of street lighting
- e. Street sweeping
- f. Maintenance of water treatment services
- g. Maintenance of wastewater treatment
- h. Maintenance of storm drainage facilities
- i. Maintenance of open space
- j. Maintenance of recreation facilities
- k. Maintenance of landscaping

The individual homeowners in each CSA are assessed a fee that is collected with their property taxes. Each CSA is assessed fees depending on what services the county is providing. No taxpayer funds are spent for any services provided to CSAs. The San Benito County Resource Management Agency (RMA) oversees providing such services.

METHODOLOGY

The investigation of the complaint includes interviews with three members of the Board of Supervisors, two employees of the RMA, the county CAO, the individual filing the complaint, who resides in a CSA service area and information gleaned from county website: www.cosb.us.

BACKGROUND

On the county's website, under the RMA tab, is a CSA link, listing the various CSAs. On that same link is a County Service Area Property Related Fee Report, link that is dated March 9, 2010, for fiscal year 2010/2011, which details a description of boundaries each CSA, number of parcels in each CSA, details of services provided to each CSA, the fees assessed to individual homeowners in each CSA and a budget sheet for services provided to each CSA.

Currently the accounting of each CSA is included in the approved county annual budget for 2022/2023. Unless one knows where to research the individual CSA budgets, this is exceedingly difficult to find. The current 2022-2023 CSA information starts on page 125 of a 195-page budget report. (See attached)

The fees that are collected from the collective CSAs are to pay for a full-time county employee, to oversee the services to each CSA. Each CSA has differing required services. The county is severely understaffed and unable to attract quality employees for long-term employment. For the last three years, there have been five RMA directors, including turnover of several CSA coordinators.

DISCUSSION

The complainant has reached out to the CSA Coordinator, RMA Director, County Board of Supervisors, and county Counsel, with little or no response. At the time of the filed complaint, the complainant cited that the prior CSA coordinator had been unresponsive for six months.

FINDINGS and RECOMMENDATIONS

The Civil Grand Jury makes the following findings and recommendations:

Finding 1

Each CSA has projects that need to be completed and are long over-due.

Recommendation 1

The new CSA Coordinator needs to focus on the completion of over-due projects.

Finding 2

In the county's approved budget, Schedule 12, \$543,546 is budgeted for CSA operations, which is more than three times the previous year's budget.

Recommendation 2

Provide documentation and rationale for CSA operations totaling \$543,546.

Finding 3

The CSA Property Related Fee link in the RMA website is date March 9, 2010, which detailed many aspects for each CSA and is relevant to the homeowners in a CSA.

Recommendation 3

The CSA coordinator needs to update the CSA Property Related Fee link as soon as possible. This will provide homeowners in the individual CSA's access to information of budgeting and cost associated with each CSA.

Finding 4

Complaints were not addressed in a timely manner.

Recommendation 4

Provide an avenue for resolving complaints.

Finding 5

Collectively the CSA residents don't have a voice for CSA concerns and are not advised of scheduling of when service projects are to be performed.

Recommendation 5

The CSA Coordinator should create a forum, either semi-annually or quarterly, to inform CSA homeowners when the service projects will be scheduled and completed, and post information to the County website so residents of CSAs can find information regarding their CSA without having to rely on staff.

Response Required:

California Penal Code sections 933 and 933.05 require that a response to the recommendations found in this final report be delivered to the presiding judge of San Benito County Superior Court. The Grand Jury request responses as follows:

From the San Benito County Board of Supervisors within 90 days

Affected Agencies:

San Benito County Supervisors
San Benito County RMA Director

Attached Exhibit: San Benito County Approved Fiscal Budget for 2022/2023.

