



Superior Court of the State of California  
County of San Benito

**J. OMAR RODRIGUEZ**  
**Presiding Judge**  
450 Fourth Street, Hollister, CA 95023  
[www.sanbenito.courts.ca.gov](http://www.sanbenito.courts.ca.gov)

June 27, 2024

San Benito County Civil Grand Jury  
Roxy Montana, Foreperson



RE: 2023-2024 Final Report of the Civil Grand Jury

Pursuant to California Penal Code section 933, the Court has reviewed the Final Report of the 2023-2024 San Benito County Civil Grand Jury and finds that it complies with Title 4 of the Penal Code.

J. OMAR RODRIGUEZ  
Presiding Judge of the Superior Court

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*San Benito County Civil Grand Jury  
Consolidated Final Report – Term 2023-24*

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All members of the San Benito County Civil Grand Jury have approved the Consolidated Final Report (CFR).

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**SAN BENITO COUNTY  
CIVIL GRAND JURY  
CONSOLIDATED FINAL REPORT  
2023-2024**

**DEDICATED TO THE PEOPLE OF SAN BENITO COUNTY**



**CIVIL GRAND JUROR'S OATH**

*"I do solemnly swear (affirm) that I will support the Constitution of the United States and of the State of California, and all laws made pursuant to and in conformity therewith, will diligently inquire into, and true presentment make, of all public offenses against the people of this state, committed or triable within this county, of which the grand jury shall have or can obtain legal evidence. Further, I will not disclose any evidence brought before the grand jury, nor anything which I or any other grand juror may say, nor the manner in which I or any other grand juror may have voted on any matter before the grand jury. I will keep the charge that will be given to me by the court."*

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*June 15, 2024*

**San Benito County Civil Grand Jury  
P.O. Box 1624, Hollister, CA 95023**

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

Judge Omar Rodriguez:

It has truly been my pleasure to serve The People of San Benito County for 7 terms since 2001 and I am often asked why I keep returning to this area of community service:

*"The Civil Grand Jury is an outstanding opportunity for ordinary citizens to become extraordinary." The badge represents the trust of the Superior Court and The People. It is important to do the work as Special Investigators with pride and no prejudice.*

Each year is different from any other, but the constant factor is that working alongside the jurors to investigate the issues and literally coming to terms with what we can accomplish in a short period of one year.

*"Time flies when you're having fun",* and we do have fun learning about local government and how it relates to the bigger picture. There is a process of discovery along the way.

There are many quality-of-life issues to tackle in our rapidly growing California community: roads, hospitals and healthcare, housing, development, education, safety, water and natural resources, homelessness, and many, many more. It is often a difficult decision to make such important choices.

Traditionally, the Civil Grand Jury receives multiple complaints from our citizens, and we always try our best to seek resolve wherever we can. Some of their concerns are out of our jurisdiction and we refer the complainants to appropriate resources.

2023-2024 brought an overwhelming commitment to address a particular concern within our community: the way we manage our priorities through elected officials and vice versa.

This is a campaign year, and The People want to be heard. Voting matters.

We have managed our responsibilities with a team approach to lessen the load on individual jurors. Each meeting feels like a weekly family reunion where we can respectfully discuss hard topics amongst the nonpartisan group by organizing questions for operations managers and officials who make the decisions. Jurors study in seeking possible solutions and come together in creating the common threads of Findings and Recommendations. It is our greatest hope the readers of this Consolidated Final Report will understand the seriousness in which we tackled the challenge of seeking trust in local government. We deserve the best and we are ALL stronger together.

I highly recommend to others that community service is good for one's health to help our neighbors to improve our home. Over time, I have had the pleasure of serving with some very outstanding people within the 1,400 square miles of our San Benito County. In gratitude and grace, I thank each person who has ever made the decision to join the San Benito Civil Grand Jury. We hope to see them also return in the future.

The 2023-2024 Civil Grand Jury Report is dedicated to all who have served!

Thank you, Judge Rodriguez.

With honor,  
Roxy Montana  
Foreman 2023-2024

**CIVIL GRAND JURORS 2023-2024**

**Roxy Montana, Foreman**

**(2023-2024 2021-2022 2010-2011 2007-2008 2002-2003 2006-2007 2001-2002)**

**Robert Marden, Pro Tem**

**(2013-2014 2014-2015 2020-2021 2021-2022 2023-2024)**

**Lori Woodle, Treasurer**

**(2000-2002 2022-2023 2023-2024)**

**Natalya Gallion**

**(2017-2018 2018-2019 2021-2022 2023-2024)**

**Gene Hopp**

**(2014-2015 2015-2016 2023-2024)**

**Dr. Parveen Sharma**

**(2021-2022 2023-2024)**

**Barbara Douglas-Sherer**

**(2021-2022 2023-2024)**

**Dennis Lawn**

**(2021-2022 2023-2024)**

**Richard Perez, Sr.**

**(2022-2023 2023-2023)**

**Edward Fitzhenry**

**(2022-2023 2023-2024)**

**Brenda Smithee**

**(2022-20223 2023-2024)**

**Cathleen Scimeca, Secretary**

**David Agaliotis, Sergeant-at-Arms)**

**Denise Barton**

**Maria Isabel Horta**

**Yolanda Ramirez**

**Robert Vasquez**

## **“THE ROLE OF THE CIVIL GRAND JURY IN LOCAL GOVERNMENT”**

There exists a little-known legal entity within the arm of the Superior Court system known as the county’s Civil Grand Jury. Most people generally confuse the title of the separate entity that does not exist inside a courtroom, but instead operates independently in the highest level of confidentiality working as the eyes and ears of the taxpayers by conducting reviews, investigations, interviews, and inspections of the many various departments and agencies within the jurisdictions of the local City Council and Board of Supervisors. There are elected officials who have little knowledge of what exactly the Civil Grand Jury does. On the other hand, jurors were pleased to learn that a few officials have personally served on the community through a term on a previous grand jury and have a unique perspective through that experience.

At public meetings, speakers at the podium may only have but a limited 2-3 minutes to address elected officials without asking questions or receiving response. One of the advantages a Civil Grand Juror has is the ability to enter the interview process to learn the individual leader’s experience and interest levels on various issues within their purview.

A criminal trial is juried anywhere from one day, to weeks or months, but traditionally, the term for a Civil Grand Jury begins on July 1 of each year and is fiscal in duration, ending on June 30. Through the court’s recruitment process, a team of nineteen qualified non-political and unbiased applicants are selected through interviews and empaneled by the Presiding Judge of the county’s Superior Court, the legal body of the State of California. Each juror is sworn-in and given an identification badge that empowers them with equal say and vote on the issues typically brought to their attention through the citizen complaint process, inter-agency grievance, current events, or even past Grand Jury reports.

The entire membership of the plenary body meets weekly for a minimum of two-hours, but the following committees are the hands that do the work, adding an average of 2-4 hours per week:

Law & Justice, Health, Education & Welfare, City, County, and Special Districts, as well as ad hoc reviews of areas in need of specific attention. Jurors may attend any meeting of any committee, and some members attend multiple meetings as many are inter-related through common threads of public interest.

All information is verified through combined committee efforts before approval by the plenary jurors. The information brought to the public declared in an official document known as the “Consolidated Final Report” (“CFR”), which is released at the end of the Grand Jury term.



Some Grand Jury terms can utilize “early-release” reports at the discretion of the Presiding Judge. It is imperative to note that not all investigations result in a written report for publication.

The departmental reviews include a neutral Grand Jury examination of the individual organizational budgetary priorities, fair management practices, and responsibility of the public’s interests by way of Findings and Recommendations to the boards of leadership.

California law requires the local Civil Grand Jury to “look into” local prisons, or county or city detention facilities and to review the local government’s financial accounts and records on an annual basis.

“Knowledge is power” ... and the analysis of the operational outcomes; successful and unproductive, is to provide the fair assessment of what concerns The People in the community. There are over 67,000 persons in the populating all of San Benito County, and the voting members elect public servants to administer wisely on their behalf. The positive results of productivity deserve to be rewarded, or fruitless efforts beg for replacement.

If a citizen has a legitimate concern with local government authority, the Civil Grand Jury is one potential pathway towards bringing matters to the plenary jury to investigate further. Residents of the community may find a complaint form found at

***<https://www.cosb.us/departments/grand-jury>***

or by mailing a signed letter with confirmable information addressed to:

***SBC Grand Jury - P.O. Box 1624, Hollister, California 95024.***

Complainant names or identification are never shared.

It is Grand Jury policy to protect complainants and witnesses in all forms, not even identifiable by department or office. This becomes even more crucial in the case of whistleblower complaints.

An investigation process involves careful conversations and all raw evidence gathered throughout must be verified by more than one source, often multiple, to protect identities. This painstaking management of fact-finding missions requires patience and neutrality throughout the progression. Research into policy and procedures takes time to educate committee members prior to the plenary body of the jury. The development of an investigation takes weeks to plan and even months to conclude and write reports. Charging public officials requires evidence, witnesses, and an active calendar with legal consultants. Although uncommon, indictments may lead to removal from office through the momentum of the District Attorney and the courts.

**The goal of the Civil Grand Jury is to promote good government.** Jurors may investigate, evaluate, and make recommendations to any city, county, or special district agency, including some nonprofits that receive public funds of \$1 or more.

## **INFORMATION: 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' 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 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.



# The Search For Trust In Local Leadership

**TRUST**

**2023-2024**

**San Benito County Civil Grand Jury  
Consolidated Final Report**

## **THE SEARCH FOR TRUST IN LOCAL LEADERSHIP**

### **INTRODUCTION**

With its authority to investigate misconduct, gather evidence, and make recommendations, the Civil Grand Jury is crucial in uncovering unethical behavior and holding individuals or institutions accountable. This process, rooted in promoting transparency and integrity in governance, is a cornerstone in building trust within our community.

The Civil Grand Jury received citizen complaints, citing allegations of corruption, nepotistic practices, breaches of closed-session confidentiality, defamation, dissemination of misinformation, and inappropriate use of social media and other publications.

### **OBJECTIVE**

The primary objective of this investigation is to identify the key issues contributing to unproductive governance and the negative impact of these behaviors on civic engagement, policy implementation, and public perception. This report outlines a legal framework combining civil statutes, regulations, and penal codes to address corruption and ethical violations in public office.

### **METHODOLOGY**

A Civil Grand Jury's investigative report results from rigorous research, jurors' observations through interviews, document inspection, and repeated reviews of video evidence.

Throughout the term, the jury's investigative interview process revealed that the challenges facing our community are mired in dysfunction and take a back seat to the inappropriate behavior of those who are elected and or appointed to leadership roles.

The data collection process for this report entailed a combination of primary and secondary research methods to determine facts. It was meticulously planned to ensure a comprehensive understanding of the political landscape in San Benito County.

**DATA COLLECTION:**

- Conducted in-depth interviews with local civic leadership.
- Observed and reviewed official proceedings.
- Gathered records, reports, archives, and previous Civil Grand Jury reports.
- Examined existing policies and regulations related to governance and ethics.
- Reviewed previous studies on political corruption.

Using this data collection method, the Civil Grand Jury uncovered evidence of unethical practices, allegations of corruption, and breaches of trust within the political sphere.

The data collected serves as the foundation for the Civil Grand Jury's Discussion (D1-5), Findings (F1-5), and Recommendations (R1-5) presented in this report. This highlights the immediate need for urgent ethical reforms, transparent governance practices, and enhanced civic engagement to restore public trust and integrity in our community's governance.

**DISCUSSION – FINDINGS and RECOMMENDATIONS**

The goal of elected or appointed officials should be to manage and uphold the business of “We the People,” such as roadways, safety, crime, health, education, and welfare, among many others. Still, the issues are delayed due to political grandstanding during official public proceedings. During the Civil Grand Jury's discussion, a continuous pattern of willful disregard of presiding leadership was observed and documented.

The prevalence of personal conflicts among elected and appointed officials highlights the urgent need for a renewed emphasis on ethical conduct, transparency, and prioritizing the public interest.

Ethical accountability is essential for maintaining public trust and ensuring the legitimacy of governmental actions. When members fail to uphold ethical standards, it undermines the principles of transparency, fairness, and impartiality fundamental to democratic governance.

Public trust is the cornerstone of a functioning and healthy democratic society. Effective decision-making, policy implementation, and civic engagement are needed to make a positive relationship between the government and the governed. This leads to increased cooperation, support for public initiatives, and a sense of participation in the democratic process.

(D1) Uncooperative tendencies among elected and appointed officials often demonstrate reluctance to collaborate or compromise on important issues, leading to individual agendas and obstacles.

**(F1) The Civil Grand Jury observed a continuous pattern of willful disregard for the presiding leadership's oversight, which has been insufficient to deter and address this behavior.**

**(R1) The Civil Grand Jury recommends strict adherence to Rosenberg's Rules of Order, professionalism, and decorum during meetings.**

(D2) Animosity among leaders exacerbates a lack of cooperation. Personal and political rivalries result in hostility, mistrust, and resentment within the local government and divide the community.

**(F2) The Civil Grand Jury finds a reluctance to cooperate, which has been observed at many levels of leadership.**

**(R2) The Civil Grand Jury recommends compliance with procedural protocols, Oaths of Office, and upholding standards of conduct are critical to changing a dysfunctional working environment and underscore the importance of training, mentorship, and citizen oversight.**

(D3) At public meetings, specific discussions have focused on personal grievances rather than the needs of the entire community. The lack of decorum detracts from the efficient functioning of the governing body. This could also deter qualified, talented residents from applying for open positions in local government. This negatively affects the quality of life in our community, e.g., highway congestion, health issues, sales tax revenue, commerce, and air pollution.

**(F3) The Civil Grand Jury finds the documented instances of disorderly conduct and unprofessional behavior highlight local leadership's lack of ethical accountability.**

**(R3) The Civil Grand Jury recommends updating or creating a public document detailing the body's current code of ethics governing inappropriate membership behavior, including consequences.**

(D4) Confidentiality within governmental contexts: officials may be required to maintain confidentiality to protect sensitive information or preserve the integrity of ongoing investigations and negotiations.

**(F4) The Civil Grand Jury finds courts have upheld public employees' speech restrictions when disclosing confidential information that could harm government operations or compromise public safety. (1)**

**(R4) The Civil Grand Jury recommends strict adherence and enforcement of procedural protocols, laws, and statutes by holding members accountable for their conduct.**

(D5) First Amendment rights, such as freedom of speech, are not absolute and may be restricted in certain circumstances, particularly when they conflict with other vital interests, such as confidentiality or preventing deception. Listed below are instances where First Amendment rights may be limited. The First Amendment does not protect knowingly false statements, particularly those made under oath intending to deceive or defraud. This may constitute perjury and is not protected speech. Courts have recognized that false statements can harm public interests and may be subject to legal consequences. (2)

**(F5) The Civil Grand Jury finds a broad range of expressive activities, including speech; it is not absolute. It may be subject to limitations where other vital interests, such as confidentiality or preventing deception, are at stake.**

**(R5) The Civil Grand Jury recommends that elected and appointed officials should be required to receive training from legal professionals, such as the District Attorney or city/county counsel(s), on navigating the balance between First Amendment rights and confidentiality requirements.**

Confidentiality obligations may arise from the nature of the information they handle, such as discussions in closed sessions or sensitive government matters. Lying or providing false information can undermine the public trust and integrity of the office, potentially violating ethical standards and legal obligations.

While the specifics may vary depending on jurisdiction and the nature of the office, elected officials typically commit to upholding the law, serving the public interest, and adhering to ethical standards in their oath of office. Violations of these commitments, including breaches of confidentiality or dishonesty, may have consequences ranging from public censure to legal penalties, including removal from office in extreme cases.

It is highly recommended leaders set aside personal differences, prioritize the collective good, and demonstrate a commitment to cooperation in decision-making processes. Without such efforts, the cycle of unproductive behavior will likely persist, hindering local government's ability to serve its constituents' needs effectively.

(1) (e.g., *Garcetti v. Ceballos*, 547 U.S. 410 (2006)).

(2) (e.g., *United States v. Alvarez*, 567 U.S. 709 (2012)).

(3) (e.g., *New York Times Co. v. United States*, 403 U.S. 713 (1971)).



**Penal Code §929 requires that reports of the Civil Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.**

**Under Penal Code §933 and §933.05, the Civil Grand Jury requests responses:**

**From the following elected officials within 60 days:**

**From the following governing body within 90 days:**

**RESPONSES REQUIRED:**

**San Benito County Board of Supervisors**

**City of Hollister**

**2023-2024**

**SAN BENITO COUNTY CIVIL GRAND JURY**

**FINAL REPORT**

**SAN BENITO COUNTY SHERIFF'S DEPARTMENT**

## **SAN BENITO COUNTY SHERIFF'S DEPARTMENT**

### **INTRODUCTION**

"Everybody deserves the safest environment for their families."

Safety-first priorities must exist for peace of mind and an excellent quality of life when a person, property, or area is affected by crime, violence, or disaster.

A safe community is healthy for real estate values, but it's also a poignant case of "you get what you pay for." Experienced law enforcement teams provide security for peace of mind so that citizens of all ages can feel comfortable in public spaces and their neighborhoods.

The Sheriff is the highest-ranking position of law enforcement within the county.

The Sheriff's Department is responsible for crime prevention, investigation, and suspect apprehension in the county's unincorporated areas, including San Juan Bautista as a contracted city.

The SBC Sheriff's Department is responsible for responding to calls for the agricultural community, which covers 1,400 square miles and includes parts of Hollister, San Juan Bautista (SJB), and Aromas. South County residents live in the rural Tres Pinos, Paicines, and Pinoche areas.

### **METHODOLOGY**

The 2023-2024 Civil Grand Jury:

- Conducted interviews with Sheriff's Department administrative staff and sworn personnel.
- Ride along with Deputies on patrol.
- Reviewed previous Civil Grand Jury reports.

### **BACKGROUND**

The Sheriff is accountable for:

- The County Jail and
- Courtroom safety
- The duties of the Coroner
- Search and Rescue operations
- Emergency disaster response.

The coroner's vocation requires additional and extensive training regarding laws, rules, policies, and procedures specific to decedents and related statutes, as well as religious concerns and time constraints.

The Coroner's Division currently negotiates a contract with the Santa Clara County Medical Examiner to conduct San Benito County death investigations and autopsies. A removal service is contracted for the transportation of decedents.

## **DISCUSSION**

### **STAFFING**

Few people can deny that law enforcement has become a less desirable career path for young people. The job can be physically demanding and dangerous, filled with everyday risks and high exposure to injury.

Rural assignments lack backup and resources. Additionally, deputies may be called to assist Fish and Wildlife, CHP, or even the Civil Air Patrol with missing aircraft.

Through experience and vision, the Sheriff designs the best staffing protocols to manage the departments along with the community's needs. The bigger picture includes quality recruitment and administrative essentials with a team approach.

The San Benito County Sheriff's Department continually seeks qualified applicants to do the job. Consequently, the talent pool is limited.

We have a recruitment problem because of a competitive salary problem.

Law enforcement employment opportunities are highly competitive, and the lure of a \$30,000 signing bonus and a bigger paycheck is just a few miles away in neighboring counties. Candidates and their families also seek positions with advantageous benefit plans. A Captain with the Santa Clara Police Department might live in San Benito County and earn an annual salary of \$346,000. Local wages pale in comparison.

Communities with the highest priorities and expectations bid for the best candidates. San Benito County is a "bottom-tier" agency, and larger agencies steal applicants from the pool. There are multiple reasons deputies may be lured to leave San Benito County, chief among them is pay.

This is not to say that lower wages deter all department staff. Today's top administrators all relocated to San Benito County from nearby agencies. Quality of life factors were an essential part of their decision-making process.

## COMMUNICATION

The communication system in San Benito County is subpar compared to surrounding areas. Previous Civil Grand Jury reports found that the old and flawed communication systems have not been fully functioning since it was outsourced to Santa Cruz County.

This issue affects both rural and urban areas, exposing law enforcement to greater risks. The riverbed has been especially problematic, where there are known drug deals and violent crimes that occur daily, which jeopardizes the safety of law enforcement and the community, creating a liability for all.

## CONCLUSION

The San Benito County Sheriff's Department is vital to maintaining public safety. However, insufficient funding and competitive salary issues severely impact the department's ability to recruit qualified candidates and upgrade its communication systems.

## **FINDINGS and RECOMMENDATIONS**

**F1- The Civil Grand Jury recognizes that there is great competition for recruitment of Deputy Sheriffs and support personnel.**

**R1 – The County should look at new ways to create outreach for local employment, including outreach to the high school and Gavilan College to promote career opportunities in public safety.**

**F2- Only the County Board of Supervisors can authorize a salary increase.**

**R2 – Salaries and benefits should be improved to attract and retain local talent in San Benito County.**

**F3- Salary savings due to vacancies are used up by mandatory overtime shifts thus exhausting current staff and not providing needed respite time between shifts.**

**R3 – Raising salaries to a more competitive level, including enhancing the benefits package will aid in recruitment and retention of qualified staff.**

**F4– The current infrastructure of the communication systems leaves law enforcement agencies and the community vulnerable.**

**R4- For the safety of the community and law enforcement, the current communication infrastructure needs to be improved immediately.**

**Penal Code §929 requires that reports of the Civil Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.**

**Under Penal Code §933 and §933.05, the Civil Grand Jury requests responses:**

**From the following elected officials within 60 days:**

**From the following governing body within 90 days:**

### **RESPONSES REQUIRED:**

**San Benito County Board of Supervisors**

**San Benito County Sheriff's Department**

**2023-2024**  
**SAN BENITO COUNTY CIVIL GRAND JURY**  
**FINAL REPORT**

**SAN BENITO COUNTY JAIL**

**SAN BENITO COUNTY JAIL**  
**Medium Security – Type II Correctional Facility**

**INTRODUCTION**

The Civil Grand Jury is required by law to “inquire into” the condition and management of “public prisons within the county.” (PC §919(b)) but a report is not required. If a grand jury decides to write a report, it must be based on a full investigation, not just a tour. A grand jury may not release information about their investigations or inquiries other than through a formal report, which must include findings based on verified evidence. (PC §916)

The San Benito County Jail received its annual inspection by members of the 2023-2024 Civil Grand Jury.

The county leadership should be disturbed with their budgeting deficiencies and potential liabilities by failing to provide for the safety of all incarcerated persons, employees, and the public at-large through Correctional Officer staffing deficiencies and flawed design issues.

For decades, individual leaders have been asked by members of the Civil Grand Juries to list their top three concerns, and SAFETY was the most mentioned issue of importance. Yet, over time, the Sheriff’s Department budgetary funding has been cut nearly in half, thus their ability to provide for a safe environment has been hugely compromised. Simply put, the demand for public safety in our growing community is higher, but the priorities for public safety are fewer as provided by the leaders of our local government.

**METHODOLGY**

The 2023-2024 Civil Grand Jury read the past 23 years of individual published reports on the jail facility, noting consistently recurring problems since the year 2000.

During this term, Civil Grand Jurors did the following:

- Examined the Adopted Budget.
- Conducted several visits and inspections, some unannounced, during various hours of the day and night.
- Interviews were conducted with varied staff members, including with the contracted medical healthcare provider.
- Review of prisoner complaints.



- Interviews with multiple inmates and follow-up with staff.
- Review of Policy and Procedures manuals and state reports.
- Review of local newspaper articles and other public documents
- Review of San Benito County's Jail web site and other relevant web sites.
- An exit interview was conducted with the most knowledgeable officials to review and confirm the draft report's findings.

## **BACKGROUND**

The San Benito County Jail opened on November 17, 1992, at a construction cost of \$7 million. The new addition of the Curtis J. Hill Rehabilitation Center (CJHRC) opened in 2020 at a cost of \$25 million dollars. There are two medium-security modules.

- The current rated capacity for the jail is 124 inmates.
- The average inmate population is approximately 100 persons at any given time.
- "A" and "D" pod, have (11) two-person cells and (5) single person cells.
- "E" pod (female pod) houses (4) two person cells.
- Currently, the staffing issues continue to prevent additional inmates from being moved into the 72-bed addition, where the air is cooled with A/C.

The old jail has a longstanding grievance with the antiquated and inefficient swamp cooler that has been repeatedly noted in Civil Grand Jury reports for many years. As reported in the 2021-2022 CFR, the San Benito County RMA Department received an estimate of approximately \$2,000,000. The Capital Improvement Project (CIP) would require a new roof to support updated A/C system units. At that time, the roofing project is approximately \$500,000.

The CJHRC is a 28,000 square foot two-story housing unit with 72 beds, which include a dayroom, shower and storage spaces; indoor/outdoor recreation areas; a control room; two multi-purpose classrooms; and a staff restroom.

The Intake and Release area consists of a booking area, holding cells, dress-out stations, an exterior sallyport and vehicle turnaround driveway, officer's lobby, offices, public entrance and waiting room, restrooms and a visitation room.

Medical Services area includes a doctor's/nurse's office, exam room, inmate waiting area, supply room and janitorial storage.

## Inmate Communications

To ensure the safety and security of the facility all calls are recorded, and Jail staff may monitor non-confidential telephone calls.

Unsentenced inmates in the holding cells are allowed free local calls within 3 hours of their booking.

Once housed, all calls are at the inmate's expense. Inmates who are not sentenced shall be provided free of cost local telephone calls to their attorneys upon request and as soon as it is physically possible. Long distance calls are provided at the expense of the person receiving the call. A detainee's account may be set up to accept collect calls from the County Jail through a contracted vendor or private service provider.

## ADDITIONAL INFORMATION: REALIGNMENT AB 109

California Assembly Bill 109, called the Public Safety Realignment Act, was signed by then Governor Jerry Brown in 2011. Known as Realignment AB 109, legislation was later modified by a series of other laws amended about 500 criminal statutes to eliminate the possibility of state prison time.

The Realignment AB 109 transfers responsibility for supervising lower-level felony offenders and state prison parolees from state prisons and state parole agents to local county jails in which they serve their sentences.

The statute says AB 109 was not created to relieve overcrowding issues in state prisons but meant to reduce recidivism. People convicted of more serious felonies, such as violent felonies or major sex crimes, are still eligible for sentencing to prison terms. It's a controversial issue, and California law enforcement officials have criticized AB 109. Los Angeles County District Attorney Steve Cooley wrote a letter to the Board of Supervisors stating that realignment poses "a grave threat to public safety."

What is known is AB 109 impacts the local understaffed county probation system and chronically understaffed mental healthcare services.

## STAFF

The Civil Grand Jury Consolidated Final Reports have consistently noted that staffing levels "did not meet minimum standards set by California Board of Corrections."

However, the staff at the facility are positive in attitude, friendly, and respectful.

“Stress, injury, and illness due to excess overtime” cause the department to exceed the allocated payroll budget and lose officers. Work shifts are 12 hours and if staff are held over, the length of overtime shift can add up which is of great concern.

In 2021, the Jail Commander retired, and a new commander took over after having worked at the facility for several decades before retiring in 2023.

The current Commander has been in the position since November 2023.

There are approximately 19 Correctional Officers, including 2 transport officers, in addition to Sergeants, and Administrative and Maintenance support staff within the Corrections Division.

\*An exit interview revealed that one Sergeant had resigned, leaving a very important position open, and two officers out of that 19 on light duty or total disability.

The jail does not have maintenance staff assigned to the Correctional facilities. Maintenance requests are made through the County of San Benito’s Resource Management Agency for any repairs.

There are also Correctional Deputies assigned to Prisoner Transportation. The Sheriff does have a limited number of retired annuitants and reserve deputies to assist with Court Security.

## **DISCUSSION**

Between the City of Hollister Police Department and the County Sheriff’s Department, and other local law enforcement agencies all individuals taken into custody are secured at the San Benito County Jail.

1. This detention center is operated locally by the San Benito County Sheriff’s Office and
  - a. holds inmates: awaiting trial, or sentencing, those who are serving out their sentence.
- Training of SBC Corrections Officers is mandated by the State Corrections Board.
- Many incarcerated persons are in jail due to an alleged crime that may be the result
- Drugs and alcohol, and addiction issues are also common factors leading to incarceration.
- Inmates are segregated by multiple factors including gang affiliations and/or their criminal history.

- Detainees are examined and questioned upon intake and any medical issues, medications, dietary restrictions or concerns are noted by trained staff.
- Nursing staff are provided by vendor contracting with experienced and caring staff whose goal is to balance poor health choices with alternative positive options during the period of the inmate's incarceration at the jail facility.
- Mental Healthcare professionals are regularly available for examinations and observations of compromised individuals.

Other methods of supervision include:

- House Arrest
- Minimum Sentences
- Electronical Monitoring Devices /Bracelets
- CUSTODY ALTERNATIVE PROGRAM (C.A.P.)

The Inmate C.A.P. is in lieu of incarceration. To qualify, persons must have received a jail sentence of 30-days or less, present all paperwork and pay all fees at the time of their registration appointment.

Historically, the SBC County jail housed inmates sentenced to one year or less in custody. Since AB-109 outlined sentence restructuring models, the jail is forced to house inmates convicted of serious felony crimes for extended periods of time and presents challenges and threats to staff and other inmates.

To maintain cleanliness, the Jail uses some inmates to do housekeeping, including ground maintenance. Some of the work was done outdoors during night hours, but low staffing levels coupled with the physical and mental extremes of overtime hours do not always provide for complete supervision of incarcerated persons.

Recruitment and Retention:

From the 2021-2022 Civil Grand Jury Jail Report:

"It is common knowledge that the County Supervisors have not adequately funded the Sheriff's Department with competitive salaries to recruit and retain dedicated deputies. The report highlighted the salaries by comparison with surrounding counties. Hence, the Officers travel to work in communities elsewhere."

In 2023, nothing has changed, but crime has gone up!

## **FINDINGS AND RECOMMENDATIONS**

Since 1999, each Civil Grand Jury term has written their Annual Consolidated Final Report (CFR) with recurring Findings and Recommendations brought to the attention of county leadership regarding the policy and funding priorities for public safety.

The 2023-2024 Civil Grand Jury Finds and Recommends the following:

- (F-1) County leadership needs to appreciate fully the many and varied demands placed upon the Sheriff's Department.  
of the Sheriff's Department's oversight responsibilities of the two facilities.**
- (R-1) The Civil Grand Jury urges the Board of Supervisors to tour the jail  
At least once a year at various times/shifts at the jail facility to observe the working environment firsthand.**
- (F-2) Correctional Officers quit work at the jail facility due to higher pay and benefit enhancements available in neighboring counties.**
- (R-2) The Supervisors should increase pay and benefits for Correctional Officers.**
- (F-3) The lack of secondary perimeter fencing makes the jail vulnerable to future incidents which might endanger the public.**
- (R-3) To better prevent future escapes from occurring, a second perimeter fence should be installed immediately.**
- (F-4) Outdoors maintenance increases security risks without sufficient supervising staff.**
- (R-4) All outdoor maintenance should only be done during daylight hours and under direct supervision.**
- (F-5) All San Benito County Civil Grand Juries have found the County Jail has kept the highest standards of order and cleanliness.**
- (R-5) Jail staff are commended for continuity in keeping high standards.**

Penal Code §929 requires that reports of the Civil Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

Pursuant to Penal Code §933 and §933.05, the Civil Grand Jury requests responses:

From the following elected official within 60 days:

From the following governing body within 90 days:

**RESPONSES REQUIRED:**

San Benito County Board of Supervisors

San Benito County Sheriff's Department

**Civil Grand Jury Sheriff's Correctional Officer Comparable**

	ANNUAL
CO I/II (Actual CO I Starting)	\$ 52,353.60
(Actual CO II Top Step)	\$77,376.00
SBC Salary Schedule Range:	
CO I	\$52,361.30
	\$70,162.98
SBC Salary Schedule Range:	\$57,728.11
CO II	\$77,384.32
Oct 1, 2024 MOU Pay increase 6% 1.06	
SBC Salary Schedule Range:	
CO I	\$55,502.98
	\$74,372.76
SBC Salary Schedule Range:	\$61,191.80
CO II	\$82,027.38
Starting Salary Comparable:	
City of Hollister	\$100,608.56
Recruit	\$ 64,634.44
City of Gilroy	\$103,317.90
Recruit	\$103,317.96
City of Watsonville	\$ 94,663.50
Recruit	\$ 94,663.50
City of Marina	\$102,689.64
Recruit (not found)	- - -
City of Salinas	\$ 96,312.00
Recruit	\$ 86,676.00
County of Santa Cruz	\$ 78,516.00
Recruit (not found)	- - -
County of Santa Clara	\$110,032.00
Recruit	\$103,018.24
County of Monterey (Deputy)	\$ 84,276.00
Recruit (Deputy)	\$ 72,324.00

There are not enough staff and vehicles to patrol and manage people disregarding the law of the land that covers nearly 1,400 square miles.

The area around the jail is in proximity to a municipal airport and commercial businesses with delivery vehicles coming and going constantly on a State Highway at the edge of town.

A recent escape incident at the San Benito County Jail drew the attention of statewide news, punctuating the need for changes in priorities. During a few-minute span without supervision, an incarcerated person quickly scaled the chain link fencing topped with a double row of razor wire, and quickly found freedom into the night. Due to only 2 CO's and 1 officer at the command post, the escapee could not be effectively pursued. It is important to note that the escaped inmate was returned to custody in San Benito County Jail within 48 hours.

San Benito Sheriff's Department maintains mutual aid partnerships with surrounding counties' Task Force units, canine teams, State and Federal agencies, including the US Marshalls, US Customs and Border Protection, and relationships between local Law Enforcement Agencies, the District Attorney, Judges, and the Probation Department.

A command post was set up at the jail, communications between dispatch and patrol personnel "in the field" were established, as was overt tracking and use of technology; cameras and drones, social media channels (such as Facebook- Instagram).

Whenever an escape event occurs, the priorities are to track and capture the escapee(s), return them to custody at the jail, study and resolve any preventable failures for the future. Internal Investigations reveal deficiencies, but it has been long forecasted that San Benito County is resource poor and lacks necessary staffing due to inadequate wages.

There is an urgent need to increase the compensation of the Sheriffs Enforcement and Corrections staff to recruit individuals to fill the chronic vacancies.

#### Funding

The Board of Supervisors controls the budget appropriations and the salary schedules of the Sheriff's Department and dictates the funding available to keep the community safe, and yet the County leadership is unfamiliar with the day-to-day operations at the Jail site.

**2023-2024  
SAN BENITO COUNTY CIVIL GRAND JURY**

**CITIZEN COMPLAINTS**

**Citizen Complaints were received and requests for Grand Jury action were resolved or did not result in formal action; thus, much of the time and efforts of the Jury are not reflected in the Final Reports.**

**The Civil Grand Jury may also forward the matters to appropriate agencies for resolution.**



## **CITIZEN COMPLAINT #1**

### **INTRODUCTION**

The San Benito County Civil Grand Jury received an inquiry into the San Benito County Water District's (SBCWD) annual billing of a voter approved ballot measure from 1977 that was thought to have expired. This measure created an assessment to property owners to A. Enter into a water service contract with the Bureau of Reclamation of the United States Department of the Interior (United States) and B. 1 Borrow \$19.9M from the United States to provide funds to build a system to distribute imported water locally in Zone 6 of said District; 2. Levy charges and taxes sufficient to operate and maintain said system and to re-pay said loan; and 3. Also, levy charges sufficient to re-pay the United States for said District's share of the cost of the construction of the Federal facilities portion of said project and the cost of operation and maintenance of said facilities, the Engineer's estimate of charges and taxes sufficient to re-pay the above being as follows, but does not include unknown increases in cost that must be paid and that may occur from time to time during the 40 year repayment.

### **METHODOLOGY**

The Civil Grand Jury met with the San Benito County Treasurer Tax Collector (TTC) to ask about the item that remains on the annual property tax bill. The item is listed as SB WATER-SAN FELIPE. This assessment is calculated at the rate of .25 per \$100.00 of Land value.

### **BACKGROUND**

The TTC acknowledged the line item and stated it was the Auditor's office who would have additional information as they oversee setting rates for various districts and putting direct charges on the tax bills. The Auditor quickly responded and stated that in 2017 they received several calls from concerned taxpayers that felt the charge should have come to an end. The Auditor was very concerned about this, and asked County Counsel for an opinion, who in turn advised it was SBCWD's responsibility to provide legal support.

The attorney for the SBCWD responded there was nothing in the ballot measure that indicated the land tax expires, and in fact the ballot measure specifically authorizes the land tax for the continued operation and maintenance of the system.

#### **FINDINGS AND RECOMMENDATIONS**

**F1: The item on the tax bill appeared to have expired.**

**R1: the Auditor's Office add verbiage such as "ongoing O&M" to the line item to denote there is no actual end date for the Operations and Maintenance (O&M) of the system while it services the agricultural community of San Benito County.**

**F2: The ballot measure in question was not worded so that the voting public was made aware of actual end dates and items that will remain in perpetuity.**

**R2: Ballot measures should be written with clear language and provide an opportunity for the public to examine the language and possible outcomes.**

**Penal Code §929 requires that reports of the Civil Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.**

**Under Penal Code §933 and §933.05, the Civil Grand Jury requests responses:**

**From the following elected officials within 60 days:**

**From the following governing body within 90 days:**

#### **RESPONSES REQUIRED:**

**San Benito County Board of Supervisors**

**San Benito County Treasurer Tax Collector**

**San Benito County Department of Elections**

## **CITIZEN COMPLAINT #2**

### **INTRODUCTION**

The 2023-2024 San Benito County Civil Grand Jury received a complaint about the handling of the County's Other Post Employment Benefits (OPEB) Fund. There were 2 clear areas of concern:

- 1) the transfer of funds from one savings and investment institution to another, and
- 2) the way the County Board of Supervisors had assigned oversight.

### **METHODOLOGY**

The Civil Grand Jury met with the County Auditor-Controller (Auditor) to learn about the management and oversight of the OPEB Fund.

### **BACKGROUND**

In 2009 the Governmental Accounting Standards Board (GASB) issued standard 75 that updated the handling of OPEB retiree benefits. These benefits may include medical, dental and vision, prescription drugs, hearing and certain other benefits. The County introduced an actuarial report that identified the need as well as the legal foundation for establishing a Section 115 Trust of the Internal Revenue Code dedicated to prefunding employer contributions to a defined benefit pension systems for eligible California public agencies. Funds were deposited with the California Employee Retirement Benefit Trust (CERBT) and remained there until an actuarial report demonstrated moving the account to Public Agency Retirement Services (PARS) would yield higher returns. PARS is a private company that offers investment strategies and asset management to public agencies to meet their liabilities such as OPEB obligations. To adequately compare the 2 institutions the County moved 50% of the funds from CERBT to PARS to study the outcomes. After 2 years PARS had significantly outperformed CERBT, so the County decided to consolidate all funds with PARS. Since then, the investment has fared much better resulting in a significant increase to the Section 115 Trust. While the cost of PARS is higher, their management strategies and oversight have clearly benefited the County and its long-term liability to retirees.

The County has 3 main functionaries regarding financial matters. The Board of Supervisors is the only body that can set policy. The Auditor-Controller audits and records transactions, applying adopted policies. The Treasurer Tax Collector has fiduciary custody and presents an annual investment policy to the Board of Supervisors for consideration. This creates a system of checks and balances. The complaint stated the Auditor had too much oversight over the Section 115 Trust. Given the legal definition of the Auditor, it is the determination of the Civil Grand Jury that the Auditor is the most appropriate custodian due to the level of financial expertise required to manage the funds from within. There are legal consequences for acting outside of the Boards authority and policy decisions. The Civil Grand Jury was unable to find any malfeasance or collusion to suggest there was internal mismanagement of Section 115 Trust.

#### **FINDINGS AND RECOMMENDATIONS**

**F1 - The Civil Grand Jury finds Section 115 Trust is in fact more than adequately funded to meet future and long-term OPEB obligations.**

**R1 - The Civil Grand Jury recommends funds remain with PARS and the biannual actuarial report should be the instrument to consider future performance, including what entity is most appropriate to manage the funds.**

**F2 - The Civil Grand Jury finds oversight of the PARS account is appropriately placed under the purview of the County Auditor-Controller.**

**R2 - The Civil Grand Jury recommends that the Auditor continue to manage PARS utilizing bi-annual actuarial reports and take future action if PARS does not continue to perform in a manner that benefits retirees and the County.**

**Penal Code §929 requires that reports of the Civil Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.**

**Under Penal Code §933 and §933.05, the Civil Grand Jury requests responses:**

**From the following elected officials within 60 days:**

**From the following governing body within 90 days:**

#### **RESPONSES REQUIRED:**

**San Benito County Board of Supervisors**

**San Benito County Auditor-Controller**