



COUNTY OF SAN BENITO

COUNTY ADMINISTRATIVE OFFICE

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OCTOBER 22, 2002

TO: HONORABLE BOARD OF SUPERVISORS

FROM: GIL SOLORIO, CAO

**SUBJECT: CONSIDER RESPONSES TO THE 2001-2002 SAN BENITO
COUNTY GRAND JURY FINAL REPORT**

Summary

Pursuant to Penal Code (PC) 933, the Board of Supervisors (BOS) is required to provide responses to the Grand Jury Final Report no later than 90 days following its submission to the Presiding Court Judge. In accordance with the timeline established by PC 933, BOS responses to the 2001-2002 Grand Jury Final Report are submitted for consideration and approval prior to their delivery to the Presiding Court Judge. Also included for consideration are responses by appointed and elected department heads.

Recommendation

It is recommended that the Board of Supervisors:

1. Approve responses to the 2001-2002 Grand Jury Final Report and direct staff to forward the responses to the Presiding Court Judge, Harry J. Tobias in accordance with PC 933.

Discussion

Responses to the Grand Jury's recommendations are presented according to the committee names cited within the Final Report. The order of presentation also follows the same order of appearance within the Final Report. The committee order displayed within the 2001-2002 Grand Jury Final Report is as follows:

1. City & County Committee
2. Health, Education & Welfare Committee
3. Law & Justice Committee
4. Special Projects Committee

Please note that although the 2001-2002 Grand Jury Final Report featured both *Observations and Findings* as well as *Recommendations*, both the BOS' and departmental responses are directed specifically at the *Recommendations*. This is due to the narrative form of the *Observations and Findings* presented in the Grand Jury's Final Report. A direct response by the County to any of the listed *Observations and Findings* would have necessarily required the extraction and/or summarization of the Grand Jury's intent. As can be imagined, this extrapolation would be risky and possibly result in an inaccurate interpretation.

Affiliated Agencies

The staff report was prepared by the Administrative Office while responses featured input from both Administration and the affected County departments.

Financial Impact

Approval of the responses to the 2001-2002 Grand Jury Final Report will not financially impact the County.

I

GRAND JURY 2001-2002 FINAL REPORT

CITY & COUNTY COMMITTEE

Pages 5 through 10 of the Final Report

The City & County Committee reviewed three different topics:

1. City of Hollister Building Inspection Department
2. City of San Juan Bautista
3. City of San Juan Bautista Water & Sewer Facilities

All recommendations made by the City & County Committee reflected non-County issues. Thus, as neither the Board of Supervisors nor any County department is listed as an affected agency, no responses are submitted for review.

II

GRAND JURY 2001-2002 FINAL REPORT

HEALTH, EDUCATION & WELFARE COMMITTEE ~ EMERGENCY MEDICAL SERVICES PLAN

Recommendations @ Page 13 of Final Report

GRAND JURY RECOMMENDATION #1:

"The Office of Emergency Services (OES) completes the upgrades of the 19 categories that don't meet minimum standards."

RESPONSE TO RECOMMENDATION #1:

The Emergency Medical Services Plan for 2001 referenced by the Grand Jury's recommendation was approved by the Board of Supervisors as well as the State of California with neither body suggesting modifications and/or changes to the submitted plan. However, the Board of Supervisors agrees in spirit with the Grand Jury's interest in improvement. Thus, as noted in the response of the Director of Emergency Services, virtually all of the 19 categories cited by the Grand Jury will be modified in the Emergency Medical Services Plan for 2002. It is expected that the Board of Supervisors will review the 2002 Emergency Medical Services Plan by December 2002.

(Also see Office of Emergency Services responses)

GRAND JURY RECOMMENDATION #2:

"The OES evaluate the viability of a Hazardous Material Response Team within San Benito County and report their findings to the appropriate agencies."

RESPONSE TO RECOMMENDATION #2:

The feasibility of establishing a Hazardous Material Response team within San Benito County has been reviewed by the Director of Emergency Services in collaboration with other affected agencies. The evaluation performed by the *Anti-Terrorism Working Group* resulted in a determination that a Hazardous Material Response team within San Benito County could not yet be justified. However, it is important to stress that the Board of Supervisors supports recurring review as the Grand Jury's recommendation is well founded. At subsequent intervals the *Anti-Terrorism Working Group* will reassess the feasibility of a Hazardous Material Response Team based within San Benito County. However, please also note that in the case of a hazardous material incident, local agencies will still have to hire a private hazardous materials firm to secure the contaminants regardless of whether or not San Benito County has established its own Hazardous Material Response Team.

(Also see Office of Emergency Services responses)

HEALTH, EDUCATION & WELFARE COMMITTEE ~ EMERGENCY OPERATIONS PLAN

Recommendations @ Page 14 of Final Report

GRAND JURY RECOMMENDATION #1:

"The plans be amended to include references to major emergencies."

RESPONSE TO RECOMMENDATION #1:

The Emergency Operations Plan is generic by design so as to allow application to most, if not all disasters, an umbrella plan that refers to a disaster *process* as opposed to a specific disaster. This generality is useful in that it permits for a unified command wherein all agencies within the County can come together as a single authority to protect the lives and/or property of our local citizens as well as to preserve government. Thus, it is respectfully submitted that the recommended references will not necessarily enhance the Emergency Operations Plan.

(Also see Office of Emergency Services responses)

GRAND JURY RECOMMENDATION #2:

"The blank forms be made into "clean" copies."

RESPONSE TO RECOMMENDATION #2:

The Emergency Operations Plan is under continual revision based upon a five- year cycle. The suggestion for "clean copies" will be considered for the Emergency Operations Plan to be presented to the Board of Supervisors by December 2002.

(Also see Office of Emergency Services responses)

GRAND JURY RECOMMENDATION #3:

"The 1997 plan be updated to include the findings above and be made current."

RESPONSE TO RECOMMENDATION #3:

As stated within the previous recommendation, the Emergency Operations Plan is under continual revision based upon a five-year cycle. The Director of Emergency Services is scheduled to submit a revised Emergency Operations Plan by December 2002. The Board of Supervisors supports the consideration of tsunamis and other hazards (to be inserted into the plan) based upon the recommendation of the Director of Emergency Services.

(Also see Office of Emergency Services responses)

GRAND JURY RECOMMENDATION #4:

"The OES evaluate the viability of a Hazardous Material Response Team within San Benito County."

RESPONSE TO RECOMMENDATION #4:

The feasibility of establishing a Hazardous Material Response team within San Benito County has been reviewed by the Director of Emergency Services in collaboration with other affected agencies. The evaluation performed by the *Anti-Terrorism Working Group* resulted in a determination that a Hazardous Material Response team within San Benito County could not yet be justified. However, it is important to stress that the Board of Supervisors supports recurring review as the Grand Jury's recommendation is well founded. At subsequent intervals the *Anti-Terrorism Working Group* will reassess the feasibility of a Hazardous Material Response Team based within San Benito County. However, please also note that in the case of a hazardous material incident, local agencies will still have to hire a private hazardous materials firm to secure the contaminants regardless of whether or not San Benito County has established its own Hazardous Material Response Team.

(Also see Office of Emergency Services responses)

HEALTH, EDUCATION & WELFARE COMMITTEE ~ FREMONT SCHOOL ACTIVE SHOOTER DRILL

Recommendations @ Page 15 of Final Report

The Health, Education & Welfare Committee observed an "active shooter" drill staged by law enforcement on February 7, 2002. The staged event resulted in six recommendations that were assigned to the following agencies for response:

1. Local law and fire agencies
2. County Communication
3. Emergency Medical Services

As the Board of Supervisors weren't listed as an affected agency, responses are not provided. However, the Board of Supervisors supports the responses submitted by both the Sheriff and the Director of Emergency Services.

(Also see Sheriff's Department and Office of Emergency Services responses)

III

GRAND JURY 2001-2002 FINAL REPORT

LAW AND JUSTICE COMMITTEE ~ PROBATION DEPARTMENT

Recommendations @ Page 20 of Final Report

GRAND JURY RECOMMENDATION #1:

"With the increase in the county population and subsequent increase in needed support services, a larger facility be acquired to provide room for counseling quarters and separation of juveniles and adults."

RESPONSE TO RECOMMENDATION #1:

The Grand Jury recommendation correctly assesses the impact of population growth in our County. Currently, space needs for the Probation Department are being met through judicious considerations up to and including co-location of employees at other offices (such as Juvenile Hall). Long-term space needs will literally require additional buildings and/or reallocation of existing office space. Current discussions with the Trial Courts of San Benito may yield a solution that could benefit both the community and the County/Courts. It is estimated that information regarding collaboration between the County and the Courts will be forthcoming by December 2003.

(Also see Probation Department responses)

GRAND JURY RECOMMENDATION #2:

"Increases in staffing according to the needs and population."

RESPONSE TO RECOMMENDATION #2:

Although the recommendation is a logical conclusion to be drawn from the region's dramatic population increase, the Chief Probation Officer reports that the current caseload is manageable and, therefore, there is no need for staff expansion at this point in time.

(Also see Probation Department responses)

GRAND JURY RECOMMENDATION #3:

"The department identify and acquire an updated computer."

RESPONSE TO RECOMMENDATION #3:

The Grand Jury has accurately assessed a need for an updated computer system for the Probation Department. It is candidly offered that the need exists not only as a single

computer system for Probation but also for a networked computer system that will interface several departments (such as Probation, Juvenile Hall, the Jail, the Courts, etc.) so as to streamline data processing and eliminate duplication of effort. Consideration of an updated computer system will be addressed and/or prioritized according to the Chief Probation Officer's budget request for FY2003-2004 in relation to overall financial conditions. The FY2003-2004 budget request will be submitted to the Administrative Office by March 1, 2003.

(Also see Probation Department responses)

LAW AND JUSTICE COMMITTEE ~ JUVENILE HALL

Recommendations @ Page 22 of Final Report

GRAND JURY RECOMMENDATION #1:

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

RESPONSE TO RECOMMENDATION #1:

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

(Also see Probation Department responses)

GRAND JURY RECOMMENDATION #2:

"Exposed fire sprinkler be repositioned."

RESPONSE TO RECOMMENDATION #2:

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

(Also see Probation Department responses)

GRAND JURY RECOMMENDATION #3:

"The purchase of a 'Wrap' restraint."

RESPONSE TO RECOMMENDATION #3:

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

(Also see Probation Department responses)

GRAND JURY RECOMMENDATION #4:

"Establish a padded cell."

RESPONSE TO RECOMMENDATION #4:

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

(Also see Probation Department responses)

GRAND JURY RECOMMENDATION #5:

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

RESPONSE TO RECOMMENDATION #5:

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

(Also see Probation Department responses)

GRAND JURY RECOMMENDATION #6:

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

RESPONSE TO RECOMMENDATION #6:

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

(Also see Probation Department responses)

GRAND JURY RECOMMENDATION #7:

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

RESPONSE TO RECOMMENDATION #7:

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

(Also see Probation Department responses)

GRAND JURY RECOMMENDATION #1:

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

RESPONSE TO RECOMMENDATION #1:

The Grand Jury's recommendation is based on sound logic as dramatic population increases have triggered added demands on law enforcement services. However, it should be noted that for FY2002-2003, the Board of Supervisors allocated approximately \$6.3 million between the Patrol and Jail budget units, a difficult feat considering the unstable financial conditions currently permeating the State as well as the nation. Comparatively, this \$6.3 million allocation places the Patrol and Jail budgets second only to Human Services for total financial support. Consideration of additional staff for the Sheriff's Department will be addressed and/or prioritized according to the Sheriff's budget request for FY2003-2004 in relation to overall financial conditions. The FY2003-2004 budget request will be submitted to the Administrative Office by March 1, 2003.

(Also see Sheriff's Department responses)

GRAND JURY RECOMMENDATION #2:

"Identify and acquire and updated automated computer system."

RESPONSE TO RECOMMENDATION #2:

As with the prior recommendation for the Probation Department, the Grand Jury has accurately assessed a need for an updated computer system for the Sheriff's Department. Please note that the Sheriff has already received Board of Supervisors authorization to pursue contract negotiations for the purchase of new computer hardware/software for both the Patrol and Jail divisions. It is expected that a contract will be presented to the Board of Supervisors by March 1, 2003.

(Also see Sheriff's Department responses)

GRAND JURY RECOMMENDATION #3:

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

RESPONSE TO RECOMMENDATION #3:

The Board of Supervisors is in complete agreement with the Grand Jury's recommendation and will be working with both the Sheriff and the Communications Department to establish a level of radio coverage that the Sheriff feels is sufficient. Please note that the Sheriff reported that the Communications Department has been working consistently with his department to achieve this goal.

(Also see Sheriff's Department Response)

GRAND JURY RECOMMENDATION #1:

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

RESPONSE TO RECOMMENDATION #1:

The Board of Supervisors will accommodate all requirements mandated by law regarding medical services to the Jail population. Consideration of additional medical staff for the Jail Department will be addressed and/or prioritized according to the Sheriff's budget request for FY2003-2004 in relation to overall financial conditions. The FY2003-2004 budget request will be submitted to the Administrative Office by March 1, 2003.

(Also see Sheriff's Department responses)

GRAND JURY RECOMMENDATION #2

"A new wing for those requiring isolation."

RESPONSE TO RECOMMENDATION #2:

The Board of Supervisors supports the Sheriff's response regarding delivery of medical care at the hospital rather than building a new wing to the existing Jail structure. As indicated by the Sheriff, there is greater cost efficiency by delivering medical service at the hospital site.

(Also see Sheriff's Department responses)

GRAND JURY RECOMMENDATION #3:

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

RESPONSE TO RECOMMENDATION #3:

Similar to the previous recommendation, the Board of Supervisors supports the Sheriff's response regarding the delivery of medical care at the hospital site as opposed to constructing a special and/or separate medical room/wing.

(Also see Sheriff's Department responses)

GRAND JURY RECOMMENDATION #4:

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

RESPONSE TO RECOMMENDATION #4:

As reported by the Sheriff, the Jail is currently operating with a minimum of three Correctional Officers per shift. According to Administrative records, shift staffing of three Correctional Officers per shift has been in effect for several years.

(Also see Sheriff's Department responses)

GRAND JURY RECOMMENDATION #5:

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

RESPONSE TO RECOMMENDATION #5:

The Board of Supervisors confirms the Sheriff's statement that a request for the bus was made and denied upon the CAO's recommendation. However, it should be noted that the size of the suggested bus is likely incompatible with the current Courthouse entrance areas. Consideration of the suggested bus for the Jail Department will be addressed and/or prioritized according to the Sheriff's budget request for FY2003-2004 in relation to overall financial conditions. The FY2003-2004 budget request will be submitted to the Administrative Office by March 1, 2003.

(Also see Sheriff's Department responses)

GRAND JURY RECOMMENDATION #6:

"Hiring of a file clerk to help control the paperwork overload."

RESPONSE TO RECOMMENDATION #6:

Consideration of additional clerical staff for the Jail Department will be addressed and/or prioritized according to the Sheriff's budget request for FY2003-2004 in relation to overall financial conditions. The FY2003-2004 budget request will be submitted to the Administrative Office by March 1, 2003.

(Also see Sheriff's Department responses)

LAW AND JUSTICE COMMITTEE ~ ANIMAL CONTROL

Recommendations @ Page 27 & 28 of Final Report

GRAND JURY RECOMMENDATION #1:

" With the increase in county population and the subsequent increase in needed support services, the department increase staff both full-time and part-time. A total of eleven staff members are needed to efficiently run the Shelter."

RESPONSE TO RECOMMENDATION #1:

The Board of Supervisors contracts with the City of Hollister for animal control services in the unincorporated areas of the County. As referenced by the recommendation, population growth has triggered greater service demands on an already taxed animal control staff. However, census data reveals that over the past ten years, the City of Hollister expanded in population by 79% while the unincorporated area expanded by just 8%. Thus, any recommendation made by the Grand Jury is supported by the Board of Supervisors so long as the total cost distribution reflects two fundamental points:

1. All revenues are deducted from applicable expenditures prior to a distribution of total costs by percentage

2. The cost distribution percentage accurately reflects animal control service allocated to the unincorporated region

The Board of Supervisors recognizes the hard, efficient work of the Animal Control staff and hopes to establish a new contract with the City of Hollister by the end of the FY2002-2003.

GRAND JURY RECOMMENDATION #2:

"The Shelter should be provided with a more spacious location for staff, volunteers and animals, possibly on the Public Works property located next door. Parking should be ample for staff, official vehicles, and visitors. The site should have sprinklers, and a holding area for released animals in case of fire or emergency. Ventilation systems should be adequate to prevent respiratory diseases from infecting other animals and a darkened area provided for quarantined animals. Additionally, there should be a separate adoption area for the public."

RESPONSE TO RECOMMENDATION #2:

As previously stated, the Board of Supervisors contracts with the City of Hollister for animal control services in the unincorporated areas of the County. The Grand Jury thoroughly delineates needs for a deserving animal control staff and/or program. However, the Board supports the Grand Jury's recommendations so long as the aforementioned two qualifications are considered and implemented.

LAW AND JUSTICE COMMITTEE ~ DISTRICT ATTORNEY

Recommendations @ Page 29 of Final Report

GRAND JURY RECOMMENDATION #1:

"A method be adopted to track files in use; propose bar code reader."

RESPONSE TO RECOMMENDATION #1:

Consideration of a bar code reader for the District Attorney will be addressed and/or prioritized according to the District Attorney's budget request for FY2003-2004 in relation to overall financial conditions. The FY2003-2004 budget request will be submitted to the Administrative Office by March 1, 2003. Please note that if financially feasible, the Board of Supervisors supports purchase of the bar code reader earlier than the next fiscal year.

(Also see District Attorney's responses)

GRAND JURY RECOMMENDATION #2:

"There should be off-site electronics records keeping."

RESPONSE TO RECOMMENDATION #2:

Consideration of off-site record keeping for the District Attorney will be addressed and/or prioritized according to the District Attorney's budget request for FY2003-2004 in relation to overall financial conditions. The FY2003-2004 budget request will be

submitted to the Administrative Office by March 1, 2003. Please note that if financially feasible, the Board of Supervisors supports implementation of off-site record keeping earlier than the next fiscal year.

(Also see District Attorney's responses)

GRAND JURY RECOMMENDATION #3:

"An increase in proven diversion programs."

RESPONSE TO RECOMMENDATION #3:

Consideration of additional diversion programs for the District Attorney will be addressed and/or prioritized according to the District Attorney's budget request for FY2003-2004 in relation to overall financial conditions. The FY2003-2004 budget request will be submitted to the Administrative Office by March 1, 2003. Please note that if financially feasible, the Board of Supervisors supports implementation of additional diversion programs earlier than the next fiscal year.

(Also see District Attorney's responses)

GRAND JURY RECOMMENDATION #4:

"Consider redesign of the atrium at the current location to connect the two buildings or a new building for the District Attorney office."

RESPONSE TO RECOMMENDATION #4:

If understood correctly, the Grand Jury is recommending a new building next to the existing District Attorney / Probation building and that an atrium connect the two. If accurate, the suggestion is worthy of exploration. However, such a review will necessarily need to assess other departments in addition to the District Attorney. As previously mentioned within the Probation section, long-term space needs will literally require additional buildings and/or reallocation of existing office space. Current discussions with the Trial Courts of San Benito may yield a solution that could benefit both the community and the County/Courts. It is estimated that information regarding collaboration between the County and the Courts will be forthcoming by December 2003.

(Also see District Attorney's responses)

GRAND JURY RECOMMENDATION #5:

"Funding be provided so staffing salaries are competitive with nearby counties."

RESPONSE TO RECOMMENDATION #5:

As reported by the District Attorney, lower level attorneys have competitive salary levels to those of surrounding counties. The Board of Supervisors has attempted and will continue to attempt to align salaries with those of Monterey and Santa Cruz counties. However, fluctuations in comparativeness will always exist due to differing bargaining intervals.

(Also see District Attorney's responses)

LAW AND JUSTICE COMMITTEE ~ DRUG ABUSE PROGRAM

Recommendations @ Page 32 of Final Report

GRAND JURY RECOMMENDATION #1:

"Re-evaluate program length to see if a better option would be 90-120 day program with six months to one year being even better."

RESPONSE TO RECOMMENDATION #1:

As reported by the Substance Abuse Program Administrator, the local drug abuse program has already initiated 90 day residential treatment programs.

(Also see Substance Abuse Program responses)

GRAND JURY RECOMMENDATION #2:

"Funding for women and children's "Perinatal Program" a 3-month program currently treating 3-5 cases within the county. Needs are 6 months at a cost of \$150 /day."

RESPONSE TO RECOMMENDATION #2:

As reported by the Substance Abuse Program Administrator, the local drug abuse program has already initiated a six-month program for a mother and her children.

(Also see Substance Abuse Program responses)

GRAND JURY RECOMMENDATION #3:

"Expand evening programs to two nights with one men's and one women's group each."

RESPONSE TO RECOMMENDATION #3:

The Board of Supervisors concurs with the Substance Abuse Program Administrator response and supports expansion whenever possible.

(Also see Substance Abuse Program responses)

GRAND JURY RECOMMENDATION #4:

"Employment of a grant writer/analyst."

RESPONSE TO RECOMMENDATION #4:

Although the Grand Jury's recommendation is sound, there are ancillary issues to the hiring of a grant writer. It is respectfully pointed out that the hiring of a grant writer does not automatically benefit the County, especially when there are local matches tied to an award. Thus, the Board of Supervisors supports the Substance Abuse Program Administrator's exploration of using staff to secure grant funds.

(Also see Substance Abuse Program responses)

GRAND JURY RECOMMENDATION #5:

"Funding to provide additional counselor training."

RESPONSE TO RECOMMENDATION #5:

The Board of Supervisors supports the Substance Abuse Program Administrator's accessing of various training options to further expand training for our local counselors.
(Also see Substance Abuse Program responses)

IV

GRAND JURY 2001-2002 FINAL REPORT

SPECIAL PROJECTS COMMITTEE ~ IMPOSED FINES AND FEES

Recommendations @ Page 35 of Final Report

Although there aren't any specific recommendations presented by the Grand Jury, it is necessary to respond to the Observations and Findings presented.

Succinctly, on behalf of both the Board of Supervisors and the County Administrative Office, it is necessary to thank the Grand Jury for prompting action on a long standing, unresolved issue between the County and the Courts. Through the diligence of the 2001-2002 Grand Jury as well as previous Grand Juries, the County and Court are prepared to enter into a contractual agreement regarding the collection of past-due court fines.

It is estimated that by January 1, 2003, the County and Court will embark on a collection program that will attempt to return any revenue collected back to the system for the benefit of the community. It is also the intent of the County and Court to implement a collection system that observes rules of courteous contact so that community members aren't subjected to excessive demands.

SUMMARY

The Board of Supervisors and the County Administrator wish to thank the 2001-2002 Grand Jury not only for their considerable efforts in publishing the Final Report but also for the professional manner in which they conducted their investigations. Although there may have been disagreements during the course of their investigation, the entire roster of Grand Jury members exhibited a level of diplomacy that deserves mention. San Benito county looks forward to working alongside the Grand Jury empanelled for 2002-2003 by Presiding Court Judge Harry Tobias.

**SAN BENITO COUNTY
OFFICE OF EMERGENCY SERVICES/
COMMUNICATIONS**

**RESPONSES TO
FY 2001-2002**

GRAND JURY FINAL REPORT



COUNTY OF SAN BENITO
OFFICE OF EMERGENCY SERVICES

471 Fourth Street - Hollister, CA 95023

Emergency Services
Emergency Medical Services
Communications

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Date: October 9, 2002
To: Harry Tobias, Superior Court Judge
San Benito County Superior Court
From: Margie M. Riopel
Director of Emergency Services
RE: Response to Grand Jury Report 2001/2002

On behalf of the County of San Benito Office of Emergency Services, Emergency Medical Services and Communications, I am forwarding my responses to the Grand Jury Report 2001/2002. I am responding to the report submitted by the Education, Health & Welfare Committee. I will be addressing the following items:

- II. San Benito County Emergency Medical Services (EMS) Plan - page 13
- III. Emergency Operations Plan, San Benito County Operational Area – page 14
- IV. Fremont School "Active Shooter" Drill – page 15

II: San Benito County Emergency Medical Services (EMS) Plan –page 13

Recommendation #1: The Office of Emergency Services (OES) completes the upgrades of the 19 categories that don't meet minimum standards.

Response:

San Benito County Emergency Medical Services agency is required to submit an EMS Plan to the State Emergency Medical Services Authority (EMSA) each year. The EMS Plan submitted provides an overview of the EMS System in San Benito County. The EMS System is made up of all fire, law, and EMS emergency medical responders. It also includes the ambulance provider, the hospital and the EMS Agency. The State provides the county with EMS System Standards and Guidelines to assist us in the development of our EMS System and those are referenced throughout the plan. The 2001 EMS Plan was approved by the Board of Supervisors on October 9, 2001 and submitted to the State in January 2002. State EMSA accepted our plan and made no changes.

The EMS agency is developing the EMS Plan for 2002, to be submitted to the Board of Supervisors by December 2002. The minimum standards referenced by the Grand Jury have been collectively accomplished with the exception of one category. This will be reflected in the 2002 EMS Plan.

Recommendation #2: The OES evaluate the viability of a Hazardous Material Response Team within San Benito County and report their findings to the appropriate agencies.

Response:

An evaluation of a Hazardous Material Response Team was completed through the Office of Emergency Services with the cooperation of the County Anti-Terrorism Working Group. It is made up of county/city Fire, county/city Law, EMS, Public Health, Hospital, Environmental Health, Integrated Waste Management, and Communications. It was determined by this group that a Hazardous Material Response Team was not justified at this time. This decision has already been discussed with the appropriate agencies at the meetings. For more information about this decision, see the response to recommendation #4 under - III Emergency Operational Area Plan, San Benito County Operational Area.

III. Emergency Operations Plan, San Benito County Operational Area – page 14

Recommendation #1: The plans be amended to include references to major emergencies.

Response:

The San Benito County Operational Area Emergency Operations Plan provides a generic blueprint for responding to all large scale disasters. It is a guidance document for county response during a disaster and does not address day-to-day emergencies. It is an all hazard emergency plan and therefore does not address each specifically.

There are several plans developed that reference major emergencies and are referred to throughout the umbrella county plan. Some of these plans include the City of Hollister Emergency Operations Plan, City of San Juan Bautista Emergency Operations Plan, San Benito County Hazard Materials Area Plan, San Benito County EMS Multi-Casualty Plan, County Communications Plan and many more. In addition, Fire, Law, EMS, Communications, Public Works, Health & Human Services and others have policies and/or standard procedures that are linked to the county plan.

Recommendation #2: The blank forms be made into "clean copies"

Response:

The blank forms that are referred to are (Response Information Management System) RIMS forms and were included for reference. These are forms that are filled out via the internet over our RIMS State link. Your suggestion in regard to "clean copies" will be considered during the review process of the updated Emergency Operations Plan.

Recommendation #3: The 1997 plan be updated to include findings above and be made current.

Response:

The Emergency Operations Plan is continually in revision. The county is required to submit an updated plan to the State Office of Emergency Services every 5 years. The County Office of Emergency Services has just completed an updated Emergency Operations Plan. We are currently in the review process. I expect to have it ready for Board of Supervisors approval by December 2002. Upon approval, it will be submitted to the State Office of Emergency Services.

Suggestions made by the Grand Jury, in regard to hazards: aircraft accidents, mega-tsunamis and aircraft hijacking and/or landing will be considered during the review process of the updated Emergency Operations Plan.

Recommendation #4 The OES evaluate the viability of a Hazardous Material Response Team within San Benito County.

Response:

The evaluation of a Hazardous Material Response Team has been reviewed periodically. Most recent, it was evaluated collectively with the County Anti-Terrorism Working Group. This group includes both county and city agencies. It includes Fire, Law, Health, Public Works, Integrated Waste Management, Hospital, EMS and Communications. This group assisted in the development of a risk, needs and capabilities assessment of the county. One of issues discussed was the option of a Hazardous Materials Response Team. During the course of the meetings we discussed justification for a

Hazardous Material Team. The group reaffirmed that a Hazardous Material Response Team would require justification in the following areas:

1. Level of Response
2. Risks
3. Personnel
4. Number of Incidents
5. Funding

1. Level of Response:

The current level of response the county provides is referred to as a Level III - Hazardous Material Response. That level of response requires all Fire personnel to be trained at a First Responder Operational level of response. It also requires Law Enforcement to be trained to a First Responders Awareness and Incident Command levels. Environmental Health maintains a level of training in operations that is referred to as Haz Wopper. EMS and Public Works personnel maintain a First Responder Awareness level of training. Although we do not have a Hazardous Material Team, all agencies assist the Hazardous Response Team contracted. In the past, we have utilized teams from Salinas, Seaside and Watsonville. This level of response appears to be serving our needs.

2. Risks:

Through the risk assessment we identified the risks. At the top of the list were the businesses that store, handle, and use chemicals or explosives. Those businesses were readily identified. County Environmental Health maintains the Certified Unified Program Agency (CUPA) and is responsible to collect inventories from all businesses that fall into this category. Businesses are required to submit a Hazardous Material Business Plans to the Environmental Health Department every year. In addition upon inspection, the businesses are required to assure the CUPA that all state and federal regulations are followed. The plan must be available for review. It includes a list of all chemicals stored, handled or used. Businesses are required to provide training and records of personnel training for employees, and maintain a plan to respond to a chemical release or spill. They are also required to have personnel on sight that are trained to First Responder Operational level. In addition, because of the Terrorism threat, they are required to enhance security at all levels. Those same security enhancements and rules regulated by local, state and federal agencies are required of all public agencies as well.

Another risk identified included hazardous material spills and/or abandonment of wastes on the city or county roads or highways or property. The county's response to hazardous material incidents is described in the San Benito County Hazardous Materials Area Plan. It is currently under revision by Environmental Health department. The plan describes the current level of response to incidents. It describes all the agencies involved and what role each has. It describes the current level of training provided and personal protection required per agency. It also includes a current list of hazardous waste companies and Hazardous Material Response Teams available for assistance.

3. Personnel:

More personnel would be required to perform a higher level of response. The required training for the current level of response already provided is substantial. An upgrade to a Hazardous Material Response Team would require more personnel, training and specialized equipment for the higher level of response. A Hazardous Material Team is usually made up of fire personnel. The management of a Hazardous Material Response Team would fall on the fire agency wishing to take on that responsibility and has the ability to fund it. In addition other agencies may be required to enhance levels of training as well.

4. Number of Incidents:

The number of hazardous material incidents we experienced in San Benito County for fiscal year 2001/2002 is at 8. These incidents were primarily on the highway. Two cases involved drug labs. The incidents were handled by local or state emergency responders and/or agencies having jurisdiction. We contracted with hazardous waste collection agencies for disposal. It was not necessary to request the assistance of a Hazardous Material Response Team in any of these cases. These numbers and incidents do not substantiate the need for a Team.

5. Funding:

Funding for a Hazardous Material Response Team is a very expensive endeavor. A conservative estimate can be as high as \$750,000 just to get started. There are ongoing maintenance costs for training and equipment associated with having a higher level of response. For a complete list of requirements see CFR 29. Some funding may be available through grants for equipment and training, but currently there is no funding for personnel. The cost of personnel remains the highest factor to an agency considering this option..

Summary Response to Recommendation #4:

Based on the information reviewed, the County Anti Terrorism Working Group agreed that we could not justify the need or the costs to maintain a Hazardous Material Response Team. It was decided that our continued objective would be to provide support to the teams that respond to our county. At our current level of response, fire personnel are required to have full decon capabilities for the teams that respond. The group collectively decided to use our last round of State Domestic Preparedness Equipment Funding on decon equipment for those purposes.

IV. Fremont School "Active Shooter" Drill – page 15

Recommendation #1: Agencies involved resolve what frequencies to use, whether clear test (no codes) will be used or under what conditions, and whether codes should ever be used.

Response:

The agencies agreed that units responding to an "Active Shooter" situation should use CLEMARS. Officers have been advised to use clear text to avoid confusion. If CLEMARS cannot be used, officers would use the primary channel.

Recommendation #2. Protocols be developed to standardize the role of the dispatcher during multi-agency emergencies.

Response:

Please note that the primary role for communications is to gather and disseminate information to the field unit personnel and coordinate response based on the request from the field. The role of the dispatcher is already defined in the communications policy manual and training manual.

Recommendation #3: Make a distinction between command and operational control within multi-agency emergencies, and clear methods of determining how these roles will be filled.

Response:

Command and operational control within multi-agency emergencies rests with the incident commander in the field and is contingent on the incident involved.

Recommendation #4: Clarify methods of moving from a single organization where a single person may have command and operational control to a larger organization where these functions may be split between two or more individuals.

Response:

Unified command is a method that already exists and expansion of that command rest with the incident commander and, is contingent on the incident involved.

Recommendation #5: Expand training for agency staff in the use of ICS, and clarify how ICS will be used in incidents within the county.

Response:

The use of SEMS (Standardized Emergency Management System) is a standard that is recognized and mandated by the State of California. The Incident Command System (ICS) is one of the elements of SEMS. Training has been offered by

County OES and is also available from the State and private agencies. It is the responsibility of each agency to ensure their staff is trained.

Recommendation #6: Ensure that plans expand coverage to include incidents such as aircraft crashes, hijackings mega-tsunamis (if they constitute a real threat to any part of the county), and any other mass-casualty incidents.

Response:

The San Benito County Operational Area Emergency Operations Plan provides a generic blueprint for responding to large-scale disasters. It is a guidance document for county response during a disaster and does not address day-to-day emergencies. It is an all hazard emergency plan and therefore does not address each specifically.

There are several plans developed that reference major emergencies and are referred to throughout the umbrella county plan. Some of these plans include the City of Hollister Emergency Operations Plan, City of San Juan Bautista Emergency Operations Plan, San Benito County Hazard Materials Area Plan, San Benito County EMS Multi-Casualty Plan, County Communications Plan and many more. In addition, Fire, Law, EMS, Communications, Public Works, Health & Human Services and others have policies and/or standard procedures that are linked to the county plan.

**SAN BENITO COUNTY
PROBATION DEPARTMENT-
JUVENILE HALL**

**RESPONSES TO
FY 2001-2002**

GRAND JURY FINAL REPORT

COUNTY OF SAN BENITO
Office of
PROBATION DEPARTMENT

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

8-6-02

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

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

Dear Judge Tobias:

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

Probation Department Recommendation Number One: With the increase in the county population and subsequent increase in needed support services, a larger facility be acquired to provide room for counseling quarters and separation of juveniles and adults.

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

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

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

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

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

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

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

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

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

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

Juvenile Hall Recommendation Number Seven: Emergency escape procedures be reviewed and updated to include additional approved egress routes: Every egress in the facility is utilized as an emergency evacuation egress depending on the location of the emergency. Evacuation procedures and fire drills must be conducted on a monthly basis and documented in the logbook. This is part of the regular inspection process by the Fire Marshall, the Juvenile Hall Management Team, and the Board of Corrections. According to the Fire Marshall, the current number of egresses satisfies the requirements for the current occupancy level and also passes muster with the Board of Corrections.

Departmental Summary: The Probation Department was impressed and pleased with the attention to detail provided by the Grand Jury, as well as the recommended improvements and identified needs. It is evident that they devoted a significant amount of time to fully understanding the broad scope of responsibilities of our department and understood the limited resources with which probation programs operate. We value the recommendations and will certainly utilize this information to improve our service to the public.

Most of the issues related to the juvenile hall were related to differing philosophy. Therefore, the Superintendent will be charged with ensuring that staff understand the mandate to operate the facility in as homelike an environment as possible while maintaining safety and security. Reinforcement of the notion that the Juvenile Institutional Officers are employed to provide supportive and educational programs in a secure environment, instead of acting as adversarial guards, should resolve the philosophical differences.

Thank you for the opportunity to apprise the Court of the issues addressed in the Grand Jury Final Report and steps being considered to remedy these concerns.

Sincerely,



Deborah A. Botts
Chief Probation Officer

**SAN BENITO COUNTY
SHERIFF'S DEPARTMENT**

**RESPONSES TO
FY 2001-2002**

GRAND JURY FINAL REPORT

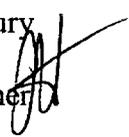


SAN BENITO COUNTY SHERIFF-CORONER
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CURTIS J. HILL
SHERIFF-CORONER

October 14, 2002

TO: San Benito County Grand Jury

FROM: Curtis J. Hill, Sheriff/Coroner 

RE: **2001 – 2002 Grand Jury Report and Response, Sheriff's Department**

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

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

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

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

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

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

MISSION STATEMENT:

TO SERVE THE PUBLIC BY ESTABLISHING A PARTNERSHIP WITH THE COMMUNITY; TO PROTECT LIFE AND PROPERTY,
PREVENT CRIME AND SOLVE PROBLEMS

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

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

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

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



CURTIS J. HILL
SHERIFF-CORONER

October 14, 2002

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

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

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

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

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

2. A new wing for those requiring isolation.

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

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

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

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

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

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

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

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

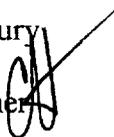
The growth of the Sheriff's Office will be continuous in the future. Additional staff will be requested and subsequently approved by the Board of Supervisors, when fiscally possible.



Curtis J. Hill
SHERIFF-CORONER

October 14, 2002

TO: San Benito County Grand Jury

FROM: Curtis J. Hill, Sheriff/Coroner 

RE: **2001 – 2002 Grand Jury Report and Response, Fremont School**
“Active Shooter” Drill

On February 7, 2002, the Grand Jury was invited to observe an “Active Shooter Drill” at the vacant Fremont School. Staff at the San Benito County Sheriff’s Department was responsible for the planning and implementation of the event.

Active Shooter training is in response to the potential of an assault on a facility in the county, in this case a school, in which there is the report of use of force by an individual(s) causing the potential for great bodily injury or death.

When a shooting incident occurs at a school, we expect our children to be safe, the media attention and public emotions run much higher. These events are not isolated to large populated cities and those of us in public safety must be prepared to respond. Recent active shooter incidents at schools include:

01/29/79, San Diego, CA

Cleveland Elementary School – Brenda Spencer, 2 killed, 9 children wounded, one police officer wounded.

01/17/89, Stockton, CA

Patrick Purdy, fire bombed his car and entered a school playground armed with a Chinese-made assault rifle and a 9mm pistol. He killed 5 children, wounded 29 additional children and a teacher, and then killed himself.

12/18/89, University of Montreal

Over the course of 20 minutes, Marc Lepine methodically stalked the cafeteria, the classrooms and the corridors of the school. In four separate locations scattered around

three floors of six-story structure, he gunned down a total of 27 people, leaving 14 of them dead. Finally, he turned his weapon against himself.

05/01/92, Olivehurst, CA

Eric Houston, 20, killed four people and wounded 10 in an armed siege at his former high school in Olivehurst, CA. Prosecutors said the attack was in retribution for a failing grade. Houston was convicted and was given the death sentence.

03/24/98, Jonesboro, AK

Four girls and a teacher are shot to death when two boys, ages 11 and 13 activate a fire alarm then open fire on exiting students.

08/01/66, Austin, TX

Texas Tower incident – For over an hour, Charles Whitman fired on University of Austin students, some over 500 yards away. He killed 14 and wounded 30.

07/18/84, San Diego, CA

James Huberty walked into the San Ysidro McDonalds Restaurant and opened fire. 21 dead, 19 wounded. Huberty was killed by a SWAT sniper.

This is certainly not a complete list. I would imagine each of us could think of other similar incidents occurring including the Columbine High School incident in which suspects killed 13 and wounded dozens. The common thread throughout was the suspect(s) willingness to continue harming others until stopped by the police or his suicide.

As you can see, the typical systematic SWAT approach to critical incidents, while insuring proper information exchange as well as command and control, can take valuable time to implement and deploy resources. Emergency Deployments cut out several steps of typical SWAT deployments. Based on magnitude or exigency of the incident, an emergency deployment can place personnel in critical positions extremely quickly in an effort to stop the threat to life.

Active shooters often intend to kill, as many people as possible and very well have no plan of escape. The active shooter may intend to do as much damage as possible and then commit suicide by his/her own hand (i.e., Columbine High School). The suspect may confront the police and force action on the part of the agency. Infrequently, the suspect may attempt to escape the crime scene. The suspect can be expected to be heavily armed with more than one weapon and a large amount of ammunition.

Law enforcement priorities are clear and inarguable:

- ✓ The lives of those in proximity to the active shooter
- ✓ The lives and safety of citizens in the area of the event
- ✓ The safety of police officers

- ✓ The capture or neutralization of the suspect, as soon as possible
- ✓ Containment
- ✓ Communications and multi-officer multi-agency response
- ✓ After-event investigation and return to normalcy of the affected area

Based upon the order of priorities, it is obvious that patrol officers, detectives and special units such as K-9 and narcotic teams must respond as quickly as possible to the scene. These events are not usually resolved by SWAT. SWAT team activation from an outside agency through mutual aid requires 90 minutes at best from notification to arrival and deployment. Therefore, it is of utmost importance that the first officers at the scene make a rapid assessment and move to spot the active shooter with speed and aggression. There is an ethical requirement that the first responding patrol officers take aggressive steps to intercede. An example of this was the response of the police officers at the Jewish Day Care Center in Los Angeles and at the Columbine High School in Colorado. The fact that victims are being killed in a circumstance where law enforcement is physically present requires officers at the scene to confront the suspect and use deadly force to stop the suspect(s), if necessary. Failure to aggressively insert officers, as soon as possible, into the location would be an abrogation of the ethical position that law enforcement has historically professed to uphold – to protect and save lives.

The alternative is to establish a containment perimeter, unified command, and attempt to initiate a dialogue to interrupt the suspect. This is obviously the wrong response. It is, however, a response that has occurred, and the suspect has killed every person inside the location while police waited outside.

The Active Shooter Drill held at Fremont School on February 7, 2002 was implemented to test the response and interaction of multiple law enforcements agencies and their officers being able to identify the threat and neutralize the threat. There were several pre-established conditions for the drill such as radio frequencies, traffic control and ICS that were not an objective of the drill but have been issues recognized by the agencies involved.

It is the intent of this department to insure its personnel are trained and equipped as best as possible to be able to respond to and interact with other responding agencies as efficiently as possible.

The following is the response to the recommendations of the Grand Jury:

- 1. Agencies involved resolve what frequencies to use, whether clear text (no codes) will be used or under what conditions, and whether codes should ever be used.**

The individual frequency chosen in any major emergencies needs to be determined by the incident commander at the time the event is occurring. Time of day, location, duration of event and seriousness of the event are all factors in determining the frequency. Clear text versus coded traffic is problematic when you begin to have multiple agencies involved in these events.

This scenario was also effected because dispatch was unable to be a true participant, due to their need to stay active in actual day to day radio traffic.

2. Protocols be developed to standardize the role of the dispatcher during multi-agency emergencies.

Due to the nature of this scenario, the dispatch component had the disadvantage of being somewhat on the sidelines. The communications department will continue to be a part of the ongoing training regarding active shooter.

3. Make a distinction between command and operational control within multi-agency emergencies, and clear methods of determining how these roles will be filled.

All first responder agencies within the county are trained in the Incident Command System (ICS). In the event of an active shooter incident, the ranking member of the law enforcement agency of jurisdiction will be in charge. All other agencies will work within the ICS framework to meet operational goals.

4. Clarify methods of moving from a small organization where a single person may have command and operational control to a larger organization where these functions may be split between two or more individuals.

San Benito County public safety agencies work with the Incident Command System (ICS). Included in the procedural capability of ICS is the ability to have a unified command when appropriate.

5. Expand training for agency staff in the use of ICS, and clarify how ICS will be used in incidents within the county.

All Deputies are trained in ICS, as is the command staff. We use ICS on an ongoing basis.

6. Ensure that plans expand coverage to include incidents such aircraft crashes, hijackings, mega-tsunamis (if they constitute a real threat to any part of the county), and any other mass-casualty incidents.

The county of San Benito adheres to ICS, and state mutual aide policies and procedures which are outlined in the County of San Benito Operational Area Emergency Operations Plan. This document was updated on October 1, 2002 under the direction of County Administrative Officer Gil Solorio and Margie Riopel, Director of Emergency Services.

***SAN BENITO COUNTY
DISTRICT ATTORNEY'S OFFICE***

***RESPONSES TO
FY 2001-2002***

GRAND JURY FINAL REPORT



DISTRICT ATTORNEY SAN BENITO COUNTY

Harry J. Damkar
District Attorney

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Criminal Division
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October 9, 2002

San Benito County Grand Jury
Gil Solorio, CAO, San Benito County
San Benito County Board of Supervisors
481 Fourth Street
Hollister, CA 95023

Re: District Attorney Response to 2001-2002 Grand Jury Report

1. Recommendation: A method to track files in use, such as a bar code reader be used.

Response: We agree. An inexpensive bar code reading system such as one used in inventory control should be considered and if not cost prohibitive, purchased and integrated with exiting computer software to be used to track files within the office.

2. Recommendation: Records should be kept off-site.

Response: We agree. As with recommendation 1 above, backup copies of crucial records should be made on CD-ROM. This is particularly true of criminal history and calendar logs. A backup duplication CD-Rom system should be considered and if not cost prohibitive, purchased and integrated with existing computer software. An off-site location should be found to store the duplicate records. Frequency of record backup should be accomplished quarterly.

3. Recommendation: Proven diversion programs should be increased.

Response: The District Attorney strongly agrees with this recommendation. The effectiveness of programs is beneficial to reduce justice system costs, jail overcrowding, court congestion and to promote the best interests of community, public safety and to accomplish a primary goal of rehabilitation and education of offenders. During my almost 20 years as District Attorney I have established diversion programs in the following areas: NSF checks, domestic violence, and welfare fraud. While some critics have asserted that the use of these programs reduces the District Attorney's overall conviction rate in felony cases; I have preferred to place the welfare of the community ahead of the political agenda of obtaining a "statistically high conviction rate". As a result, our office has been successful in working with our partner justice agencies in controlling many of these types of crimes, reducing court congestion, reducing jail overcrowding and promoting public safety. The next administration in this office would be well advised to follow this recommendation.

4. Recommendation: Build a new criminal justice building on the site of the current health department and connect the two buildings with a common atrium.

This should be referred to CAO and Board of Supervisors for long-term study. As the county grows over the next several years, it will be necessary to explore many potential options to increase the size of the physical plant housing not only the District Attorney, but the Probation Department, Sheriff and other justice agencies. Courthouse construction will almost certainly be affected as well. The Grand Jury has explored this concept, which was discussed during the construction of the present building. In essence the architect discussed the placement of an elevator at the west end of the building to facilitate expansion of the justice complex by also serving an adjoining building that could be built in the future to house Probation Department, District Attorney, Sheriff and other county personnel. The space committee of the Board will consider the space needs of county personnel together with construction funding issues and priorities at the appropriate time.

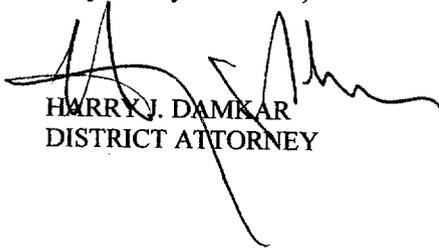
5. Recommendation: Funding be provided to make staff salaries competitive with nearby counties.

This is a meet and confer issue that the Board addresses at the end of each successive labor contract. Employee labor groups and affected department heads bargain independently with the Board, CAO and county labor negotiator. Comparable salary surveys have been conducted in past years as part of the process and will certainly be used again during future contract negotiations. From past experience lower level attorneys have competitive salary levels to those of surrounding counties,

while senior attorneys salaries are less competitive. That is because surrounding counties have a larger bureaucracy that contains more "supervising" attorneys, (who rarely practice in the courtroom). This creates an additional level and in some cases multi-levels of mid-management. Due to the small size of the county and the correspondingly small size of the office this salary differential will and should remain for some time. Each attorney, from the Elected District Attorney , to the newest Deputy D.A. should maintain a caseload and practice in the courtroom. San Benito County cannot afford highly paid "figureheads" at the helm of its departments or a multi-level mid-management bureaucracy. Employees must pull their own weight.

Conclusion: The District Attorney agrees completely with recommendations 1,2, and 3 and believes that recommendations 4 and 5 deserve further study by the Board and CAO. It has been a pleasure to work with the 2001-2002 Grand Jury, Board of Supervisors and CAO.

Respectfully Submitted,



HARRY J. DAMKAR
DISTRICT ATTORNEY

***SAN BENITO COUNTY
SUBSTANCE ABUSE PROGRAM***

***RESPONSES TO
FY 2001-2002***

GRAND JURY FINAL REPORT



San Benito County Substance Abuse Program

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Administrator***

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TO: Gil Solorio, CAO

FROM: Marc Narasaki

RE: Response to Grand Jury Report 2001-2002

DATE: October 10, 2002

Substance Abuse Advisory Board

Diana Garcia - Chairperson

Eva Reyna - Vice Chairman

Christine Armer

Charron Contival

Kim Dryden

Maria Hinds

Susan Woltzen

I have addressed the recommendations made by the Grand Jury as follows:

1. Re-evaluate program length to see if a better option would be 90-120 day program, with six months to one year being even better.

The Substance Abuse Program currently has contracts with two 90 day residential treatment programs, one for women and one for men. Substance Abuse also has a contract with a six month residential treatment program for men. Substance Abuse refers clients to two other six month programs that do not charge for services, one is for men and the other accepts males and females.

2. Funding for women and childrens' "Perinatal Program", a 3 month program currently treating 3-5 cases within the county. Needs are 6 months at a cost of \$150/day.

The Substance Abuse Perinatal Program has been awarded a grant for \$27,180 from the San Benito County Children and Families Commission. This grant was awarded July 1, 2002. The grant will pay for six months of treatment for one woman and her 2 children. The Substance Abuse Program has entered into a contractual agreement with Door to Hope, located in Salinas, to provide this service.

3. Expand evening programs to two nights with one men's and one women's group each.

Additional groups have been considered and will eventually occur when each of the current groups exceed 15 members.

4. Employment of a grant writer/analyst.

The Perinatal Program Coordinator has expressed interest in attending grant writing workshops. She wrote the grant proposal for the Perinatal grant that was awarded by the Children and Families Commission. The Substance Abuse Program Administrator has recently submitted a grant proposal for a Safe and Drug Free Schools and Communities grant. The Administrator will consider seeking other state and local grants. Federal grants will also be considered though the reporting requirements can be problematic as far as staff time is concerned.

5. Funding to provide additional counselor training.

The State Department of Alcohol and Drug Programs has recently entered into an agreement with the University of California Los Angeles, Addiction Technology Transfer Center (ATTC) to provide training to service providers in California. The ATTC has contacted the Administrator regarding the training needs of the counseling staff. Regional trainings will be scheduled by the ATTC on the treatment of persons dependent on methamphetamine. A recent study of substance abuse clientele in California indicated that fifty percent of that population were methamphetamine abusers.

The Santa Clara Valley Substance Abuse Training Center also offers low cost training. The sites differ but they are usually within 90 minutes from Hollister.

The EMT organization has a contract with the State Department of Alcohol and Drug Programs to provide training throughout the state. San Benito County has sponsored 2 of these trainings in the past 12 months. We have tentatively scheduled a training on treatment issues with Gay, Lesbian and Bisexual client populations for Fall 2002.

Summary of Response

The Substance Abuse Program Administrator would like to express his appreciation for the hard work that went into the Grand Jury Report. There are a few points that he would like to address to bring clarity to the Substance Abuse Program segment of this year's Grand Jury Report.

The San Benito County Substance Abuse Program has three components, the Outpatient Counseling Program, the Prevention Program and the Perinatal Program. The total expenditures for FY 2001-2002 was approximately one million dollars. The approved budget for FY 2002-2003 is \$1,142,397.

The Perinatal Program operates on a budget of \$85,000 (State and Federal funds). This program serves women with children. The Perinatal Program Coordinator is a Master's level therapist who is bilingual and bicultural. The Perinatal Program provides outpatient counseling, referral to inpatient programs, medical referrals, transportation and child care.

The Outpatient Program consists of two male and two female counselors. Gender specific groups are provided for our clients. A significant number of clients are referred from the San Benito County Probation Department (85%) while the rest of the referrals come from various other agencies e.g. Child Protective Services, Calworks, Mental Health, Parole and the schools. Counselors may refer clients to an inpatient program if that "level of care" is indicated by the assessment. After completion of the inpatient program the client typically returns to the Substance Abuse Program for "aftercare" counseling. A sliding fee schedule is used to determine cost of services, clients are charged according to their ability to pay for services.

Proposition 36 became a statute July 1, 2001. The emphasis of Proposition 36 is to provide treatment for non violent drug offenders. For FY 2001-2002 San Benito County received an allocation of \$251,000. The Probation Department received \$31,000 for eligibility screening and supervision of offenders. The implementation of Proposition 36 has been on-going process. Seventy eight Proposition 36 offenders were enrolled as clients by the Substance Abuse Program. Ten of the 78 were transferred to San Benito County from neighboring counties. Seven of the 78 clients were Parolees. Statewide approximately 50% of the offenders enrolled under Proposition 36 preferred methamphetamine as their drug of choice. In San Benito County nearly 75% of the Proposition 36 clientele indicated that methamphetamine was their drug of choice. Such a high incidence of methamphetamine use is disturbing since methamphetamine use increases the potential for violent and aggressive behavior. Furthermore, research has shown that it takes approximately 12 months for the brain to regain normal functioning.

The profile of the Proposition 36 clientele differed somewhat from the expectations of the authors of the statute. Instead of the first time offender San Benito County, as well as programs across the state have seen the more seasoned drug abuser. These clients have typically been in their 30's with prior felony convictions on their record. Most have extensive poly-drug use histories. These clients also have employment and housing problems.

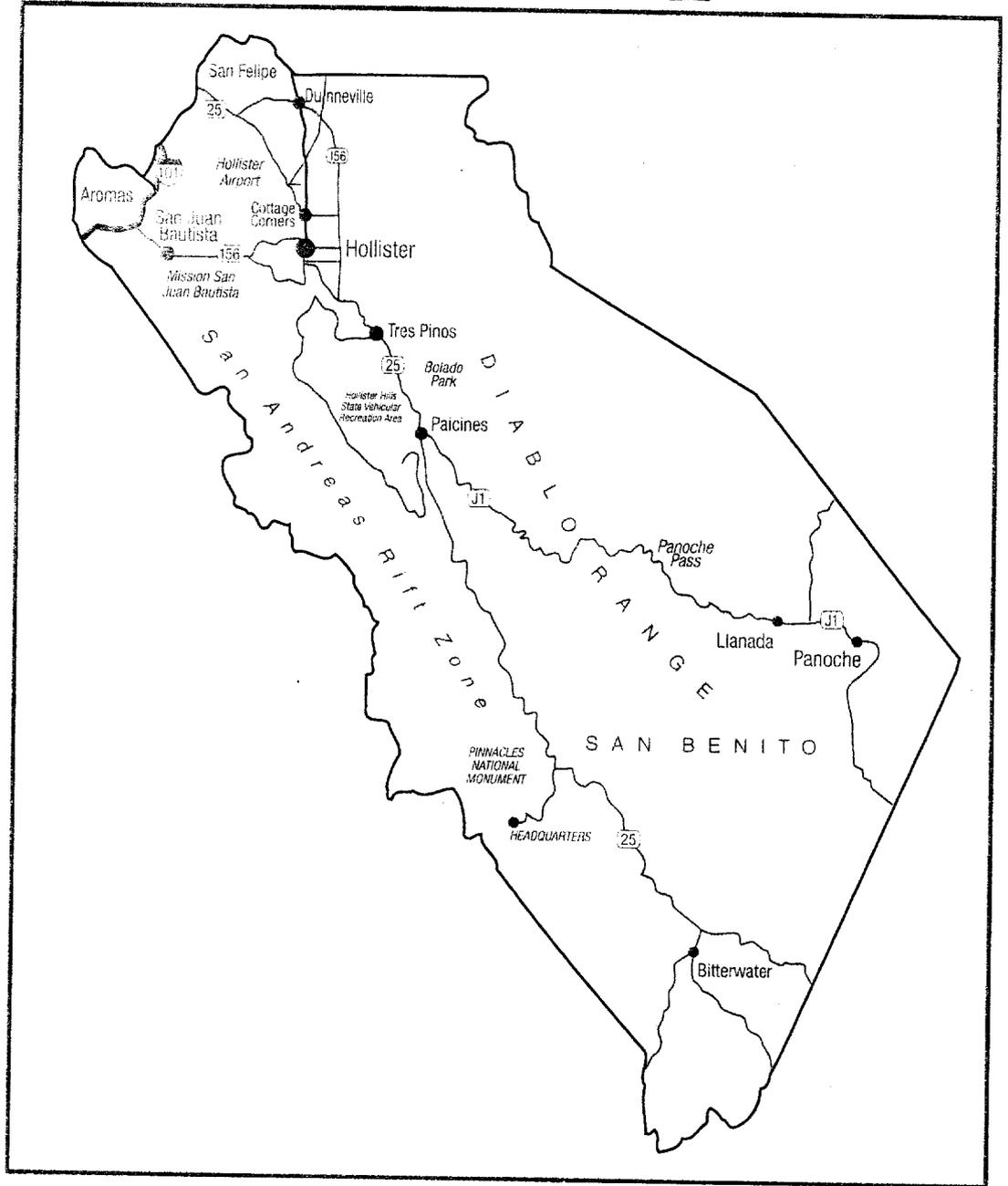
The Substance Abuse Program sent eleven Proposition 36 clients and twenty six non-Proposition 36 clients to inpatient treatment in FY 2001-2002. Two of these clients completed a program for individuals with mental

disorders and substance abuse disorders. The Substance Abuse Program also sent two youth to adolescent treatment programs. The cost of sending these clients to inpatient treatment programs is still less than the cost of establishing a stand alone inpatient program in San Benito County.

The Prevention Program is budgeted at approximately \$100,000. The prevention staff is very active in the local schools. They conduct after school programs and youth development activities such as Friday Night Live and Club Live. The prevention staff participates in health fairs, the County Fair, Red Ribbon Week, Recovery Happens Month and provides informational forums for a variety of groups. The Prevention Coordinator has served in an advisory capacity for the Prevention Coalition which implemented the Life Skills Management Program in the local schools.

The fiscal outlook for the next 3 years is uncertain. Projected cuts in revenue are 20% of the base allocation for FY 2003-2004 and the same 20% for FY 2004-2005. The level of services, especially referrals to inpatient programs, will be reduced. Services may be maintained at current levels if positions are left vacant.

Grand Jury Final Report



SAN BENITO COUNTY



SAN BENITO COUNTY GRAND JURY

2001-2002 Grand Jury Foreman's Report

Honorable Judge Harry Tobias:

As required per sections 928 and 933 of the California Penal Code, on behalf of the San Benito County Grand Jury, we take great pride and pleasure in presenting to you our final report. We are honored to have served the citizens and officials of San Benito County.

We, the Grand Jury, would like to extend our sincere thanks to those citizens, political leaders, administrative officers and their staffs who have cooperated with us in our effort to complete the investigations.

It has been my pleasure to serve on the present Grand Jury, as well as the 2000-2001 Grand Jury along with repeat members Mike Sheldon, Diana Tucker and Mark Gillaspie. I have had the good fortune to become acquainted with many outstanding people who brought a wealth of knowledge to this panel. All of the Grand Jury members have dedicated an enormous amount of time to their community throughout this project.

This Grand Jury, which was comprised of nineteen members, met twice monthly and each of the various committees met at least that often. The committees made visits to various departments within the County of San Benito, City of Hollister and City of San Juan Bautista.

This Grand Jury was given the opportunity to observe the Sheriff's Department "Active Shooter" exercise and follow-up review on February 7, which was held at the former Fremont School site. Additionally, two members of the Sheriff's Department and one member of the Hollister Police Department presented a final evaluation of this exercise to our membership in April. We were extremely honored and grateful to have been included as observers to this exercise. It is my sincere hope that other Government Agencies will continue to utilize future Grand Juries in projects such as these.

I would like to thank you, Judge Tobias, on behalf of the entire 2001-2002 San Benito County Grand Jury, for assistance during the past year.

Respectfully submitted,

Jean Gillaspie, Foreperson
San Benito County Grand Jury

RECEIVED

JUL 30 2002

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THE 2001-2002 SAN BENITO COUNTY GRAND JURY

Jean Gillaspie, Foreman

Mike Sheldon, Foreman Pro Tem

Roxy Montana, Secretary

Mark Gillaspie, Sergeant-at-Arms

Randy Acosta (resigned 11/07/01)

Jwanita Alexander (joined 02/05/02)

Art Borland

Patricia Carpenter (resigned 10/28/01)

Glen Cooke

Anthony Edwards

Kathleen Harris

Kenneth Hulick

David Jackson

John Kobold

Barbara Lee (joined 10/01/01)

Daniel T. Maese

Patrick Mulcahy

Rosa Rivera Sharboneau (resigned 09/18/01)

John H. Sitton

Richard Smith

Diana Tucker

Kim Walker

CITY AND COUNTY COMMITTEE

CHARTER

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

COMMITTEE MEMBERS

John Sitton, Chair

Jwanita Alexander

Kathleen Harris

John Kobold

Anthony Edwards

Barbara Lee

CITY OF HOLLISTER BUILDING INSPECTION DEPARTMENT

BACKGROUND

The 2001-2002 Grand Jury received a citizen complaint alleging that the Hollister Building Inspection Department is "selective" in its code enforcement by not applying the building code fairly and equally to all homeowners and builders, and that complainant is being unfairly "singled" out and threatened with a \$1,000/day fine for alleged "code violations."

METHOD OF REVIEW

1. Interview of complainant
2. Interview with the City Manager and other officials responsible for the Hollister City building codes enforcement.

OBSERVATIONS AND FINDINGS

After interviewing the complainant and personnel of the Hollister Building Inspection Department, the Grand Jury finds no evidence of "selective" issuance of code violations or enforcement. It also finds that the complainant has failed to follow up on the requests of the Grand Jury and our repeated efforts at further communication. The Grand Jury has sent a letter to complainant stating no further action will be taken.

RECOMMENDATIONS

No further action.

AFFECTED AGENCIES

City of Hollister Building Inspection Department

RESPONSE REQUIRED

None required.

CITY OF SAN JUAN BAUTISTA

BACKGROUND

Based on the recommendations of the 2000-2001 Grand Jury, the current Jury reviewed the operations of the San Juan Bautista City Government.

METHOD OF REVIEW

1. Interview with the Mayor of San Juan Bautista in January of 2002.
2. Interview with the City Manager in April of 2002.
3. Interview with three San Juan Bautista City Council members in May of 2002.
4. Review of the city budget and expenditures reports for the fiscal year 2001-2002 through February 2002.

OBSERVATIONS AND FINDINGS

1. City Council members have no specific responsibilities to oversee or become expert in any segment of the city government operations.
2. Monthly budget and expense information is not provided to the council in a timely manner. In addition, the budget format prohibits easy review and management.
3. Published minutes of the City Council meetings are very brief. This inhibits providing the public with a complete record of what transpires at a council meeting.
4. There is no formal job description, nor is there a list of duties for the City Manager.

RECOMMENDATIONS

1. Each City Council member should be assigned the responsibility of monthly reviewing the activity and budget compliance for one or more of the city departments.
2. The monthly financial statement should be published prior to the following month's City Council meeting.
3. A section should be added to the City Council minutes for listing public comments and indicate whether more detail is required.
4. Make public aware that an auditory tape of the full open meeting is available.
5. The City Council should work with the City Manager to develop a list of clear expectations for each city department.
6. The City Council should develop, with the help of the City Manager, a list of duties and responsibilities for the City Manager position.

AFFECTED AGENCIES

City Council of San Juan Bautista.
City staff of San Juan Bautista.

RESPONSE REQUIRED

California Penal Code s/s 933 requires that a response to the recommendations found in this final report be delivered to the presiding judge of the Superior Court within 90 days of the receipt of the report.

CITY OF SAN JUAN BAUTISTA WATER AND SEWER FACILITIES

BACKGROUND

This investigation is continued from the 2000-2001 Grand Jury.

METHOD OF REVIEW

1. Interview with the City Manager and employees of San Juan Bautista.
2. Tour of San Juan Bautista waste-water facility.
3. Tour of San Juan Bautista municipal water wells.
4. Tour of San Juan Bautista water reservoir.
5. Tour of San Juan Bautista municipal water and sewer facilities with the City Manager.

OBSERVATIONS AND FINDINGS

The city of San Juan Bautista currently owns three wells. The capacity of a well is measured in gallons per day (GPD). Each well is measured and given a rated capacity that is based on highest demand. Findings of the Grand Jury investigation of the three wells are as follows:

1. Well number 1 is permanently out of service due to silt.
2. Well number 2 is the city's primary source of potable water and displays a low Nitrate count. In September of 2001, the Grand Jury observed that well number 2 was pumping an adequate amount of water per day for city usage. A locked housing structure is protecting the well, equipment, and chlorine barrel and pump. Security for this well is adequate.
3. Due to excessive levels of Nitrate, well number 3 cannot be used as drinking water and is currently slated for emergency use only. This well is currently being rented for agricultural purposes. Security of well number 3 is clearly inadequate.

The tour of the city sewer facility revealed that it is carefully controlled and there is no evidence of overflow or spillage from the treating ponds. The treated water is channeled through an osmosis system before flowing into a settling pond. Security is adequate.

At the north end of town on San Juan Highway, a manhole cover was lifted and inside were a couple of pumps and a lifting station for water. The City Manager pointed out areas of deteriorated sewer lines that were being considered for replacement (due to raw sewage seepage), and proposed improvements to the flood areas. Water escapement ditches were clean and ready for winter.

RECOMMENDATIONS

1. The city of San Juan Bautista order a thorough testing of the wells, checking for levels of contaminants and parasites as prescribed by the Environmental Protection Agency (EPA), and publish these findings.
2. The city purchase and install an after-reservoir filtering system to catch debris and organisms, as well as excess chlorine.

AFFECTED AGENCIES

City Council of San Juan Bautista.
City Manager of San Juan Bautista.
San Juan Bautista Public Works Department.

RESPONSE REQUIRED

California Penal Code s/s 933 requires that a response to the recommendations found in this final report be delivered to the presiding judge of the Superior Court within 90 days of the receipt of the report.

HEALTH, EDUCATION AND WELFARE COMMITTEE

CHARTER

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

COMMITTEE MEMBERS

Richard Smith, Chair

Kim Walker, Vice Chair

Ken Hulick, Secretary

Mark Gillaspie

Barbara Lee

Diana Tucker

EMERGENCY PLANS AND PREPAREDNESS OF CITY AND COUNTY AGENCIES

BACKGROUND

The Grand Jury believed it was appropriate to look into the preparedness of various city and county agencies in their ability to perform emergency functions. To this end we reviewed a number of plans, attended an emergency drill, and spoke with a number of individuals responsible for emergency operations. Following is a summary of findings for four of those plans which include:

- I. San Benito County and Hollister School District Safe School Plans
- II. San Benito County Emergency Medical (EMS) Plan
- III. Emergency Operations Plan, San Benito County Operational Area
- IV. Fremont School "Active Shooter" Drill.

I. SAFE SCHOOL PLANS

METHOD OF REVIEW

The following schools' Safe School Plans were reviewed by the committee:

1. San Benito Joint Union High School District.
2. San Benito County School District.
3. Hollister School District.

The following individual was contacted and emergency planning was discussed:

1. Superintendent of San Benito County Schools.

OBSERVATIONS AND FINDINGS

Members of the committee did a comparison of various plans, discussed the strengths and weaknesses of each plan and identified several gaps in the plans.

The schools receive guidelines from the district on what should be included in an emergency plan. However, the preparation of some individual plans was incomplete. A comparison among the Hollister City school plans shows several discrepancies as shown in the chart to the right.

SCHOOLS	Calaveras	★	★	★	★	★	★	★
	Maze	★	★	★	★	★		★
	Sunnyslope	★	★	★	★		★	★
	Ladd	★	★	★	★		★	
	Cerra Vista	★	★	★	★	★	★	★
	Hardin	★	★	★			★	★
			Policy	Telephone No.	Containment	Earthquake	Fire	Assignment
		SECTION						

Note: A star indicates that a section is adequately covered in school plan.

RECOMMENDATIONS

The Grand Jury recommends that:

1. Schools review their plans to ensure that all sections are covered in accordance with the guidance from the Office of Education.

AFFECTED AGENCIES

Hollister School District
San Benito County Office of Education

RESPONSE REQUIRED

California Penal Code s/s 933 requires that a response to the recommendations found in this final report be delivered to the presiding judge of the Superior Court within 90 days of the receipt of the report.

II. SAN BENITO COUNTY EMERGENCY MEDICAL SERVICES (EMS) PLAN

METHOD OF REVIEW

The Grand Jury reviewed the San Benito County EMS Plan.

OBSERVATIONS AND FINDINGS

This "plan" is an evaluation of all of the planning efforts that have been conducted related to the county Emergency Medical Services (EMS) function. The plan includes an excellent summary which shows the county does not meet the minimum standard in 19 categories of approximately 103. The 19 categories have either short term (up to one year) or long term (more than one year) time frames for bringing the category up to minimum standard.

The plan is stamped as a draft, dated September 2001, with no indication that it was approved by the Board of Supervisors.

According to the plan, two ground ambulances are assigned to San Benito County. They have a contractual response time of between 4 and 10 minutes in 90% of cases. EMS backup for the south part of the county comes from King City. The EMS agency has a mass casualty management plan. Additionally, there are no hazardous materials response teams in the County.

A number of recommended guidelines, as opposed to minimum standards referred to above, are not met. The plan addresses what is being done to raise performance levels to meet minimum standards and recommended guidelines.

The plan is complete, and there are no gaps visible in the planning process. However, there are some questions regarding level of service, specifically the number of assigned ambulances and Hazardous Material Response Team availability.

RECOMMENDATIONS

The Grand Jury recommends that:

1. The Office of Emergency Services (OES) completes the upgrades of the 19 categories that don't meet minimum standards.
2. The OES evaluate the viability of a Hazardous Material Response Team within San Benito County and report their findings to the appropriate agencies.

AFFECTED AGENCIES

Office of Emergency Services (OES).
San Benito County Board of Supervisors.

RESPONSE REQUIRED

California Penal Code s/s 933 requires that a response to the recommendations found in this final report be delivered to the presiding judge of the Superior Court within 90 days of the receipt of the report.

III. EMERGENCY OPERATIONS PLAN, SAN BENITO COUNTY OPERATIONAL AREA

METHOD OF REVIEW

The Grand Jury reviewed the San Benito County Emergency Operations Plan.

OBSERVATIONS AND FINDINGS

The plan is well written and appears to cover most of the emergencies that could affect the county, with the exceptions described below.

The hazard identification section does not include reference to major emergencies such as commercial aircraft accidents, mega-tsunamis, and aircraft hijacking and/or landing within the county.

Many of the "blank forms" contained in the Annexes were partially filled out with names, dates and status update dates, rendering them unusable as source documents.

No mechanism to pay claimants or vendors is included in the plan. The fiscal units merely record costs, claims, and time reports.

The plan sent to the Grand Jury was written in 1997.

According to the plan no hazardous materials contractors exist in the county. The closest contractor is in Gilroy.

RECOMMENDATIONS

The Grand Jury recommends that:

1. The plans be amended to include references to major emergencies.
2. The blank forms be made into "clean" copies.
3. The 1997 plan be updated to include the findings above, and be made current.
4. The OES evaluate the viability of a Hazardous Material Response Team within San Benito County.

AFFECTED AGENCIES

San Benito County Board of Supervisors
Office of Emergency Services (OES)

RESPONSE REQUIRED

California Penal Code s/s 933 requires that a response to the recommendations found in this final report be delivered to the presiding judge of the Superior Court within 90 days of the receipt of the report.

IV. FREMONT SCHOOL "ACTIVE SHOOTER" DRILL

METHOD OF REVIEW

Members of the Grand Jury observed the February 7, 2002, Active Shooter drill.

OBSERVATIONS AND FINDINGS

Most of the comments related to communications, dispatch, command and control, takeover of command, and organizational structure.

Communication: During the drill, several Grand Jury members were able to monitor radio communications. Following the drill, an informal review was conducted at the Community Center. There was considerable discussion about communication, in particular, issues related to radio frequencies, lines of communication, and methods of communication (codes, clear text, etc.).

Dispatch: The role of dispatch varies between fire and law enforcement agencies.

Command versus operational control: Confusion exists among field level staff about "who is in charge."

Methods of takeover of command of an incident: Use of Incident Command System (ICS): The disaster drill had five objectives, four of which related to multi-agency operation. Most of the problems observed resulted from the multi-agency nature of the incident.

We didn't look at the laws and guidelines under which the plans were written, so we don't know if all of the required issues are addressed, and therefore issues may exist that are not addressed by our conclusions and recommendations. Laws and guidelines from higher levels of government are beyond the scope of our review.

RECOMMENDATIONS

The Grand Jury recommends that:

1. Agencies involved resolve what frequencies to use, whether clear text (no codes) will be used or under what conditions, and whether codes should ever be used.
2. Protocols be developed to standardize the role of the dispatcher during multi-agency emergencies.
3. Make a distinction between command and operational control within multi-agency emergencies, and clear methods of determining how these roles will be filled.
4. Clarify methods of moving from a small organization where a single person may have command and operational control to a larger organization where these functions may be split between two or more individuals.
5. Expand training for agency staff in the use of ICS, and clarify how ICS will be used in incidents within the county.
6. Ensure that plans expand coverage to include incidents such as aircraft crashes, hijackings, mega-tsunamis (if they constitute a real threat to any part of the county), and any other mass-casualty incidents.

AFFECTED AGENCIES

Local law and fire agencies
County Communications
Emergency Medical Services.

RESPONSE REQUIRED

California Penal Code s/s 933 requires that a response to the recommendations found in this final report be delivered to the presiding judge of the Superior Court within 90 days of the receipt of the report.

RURAL SCHOOLS

BACKGROUND

The Grand Jury reviewed rural schools of San Benito County to ensure they were being provided ample resources and funds, and that they were receiving ample support from their districts and school boards.

METHOD OF REVIEW

The Grand Jury conducted a series of inspections of the following schools:

1. Bitterwater-Tully
2. Jefferson
3. Southside
4. Willow Grove
5. Tres Pinos
6. Cienega
7. Panoche

At each school the inspection began with introductions. Then, members of the Grand Jury explained the goals and purpose of the Grand Jury. The Principal of each school was invited to tell the committee members about the school, its budget, staff, facilities and plans for the future. This was generally followed by a tour of the facility and a question and answer period where committee members would ask questions of the staff about the school. Staff members were uniformly open and willing to discuss all aspects of the school. The inspections were generally completed in less than two hours, and included looks into the classrooms and incidental discussions with a few students. In several cases we presented to the students a program about what the Grand Jury is and how it functions.

OBSERVATIONS AND FINDINGS

Commensurate with the size of the school (as measured by numbers of students) we found a variety of services provided. The largest of the schools, such as Southside and Tres Pinos, had the most inclusive list of services and facilities. The smaller schools, such as Panoche and Jefferson, had limited resources. Arts and science enrichment programs, and interaction with surrounding schools were less likely to occur at smaller schools.

Bussing is not provided at six of the seven schools (exception is Bitterwater-Tully). Busses are available for field trips, but are seldom used because of budgetary constraints. Private vehicles are usually used, but liability is an issue.

Jefferson, Cienega and Panoche presently have credentialed staff-to-student ratios from 1-7 to 1-14. Cienega may face a reduction in staff if enrollment doesn't increase. Panoche has faced closure in the past due to low enrollment.

One pervasive finding was the uniformly high regard that the school staff had for the staff of the Office of Education (O of E). The support of the O of E seems to be very consistent and timely, and their professional insight is greatly appreciated by the schools' staff.

The Grand Jury was pleasantly surprised to find "zero crime rate" and students who are so well behaved. We were also quite impressed with the devotion and commitment the schools' staff and the Office of Education has made to San Benito County rural schools and to the students' education. Interestingly, San Benito County has two of the smallest rural schools in the state of California.

RECOMMENDATIONS

It is the recommendation of the Grand Jury that the deficiencies in these smaller schools be remedied in the near future by the following means:

1. As a means of increasing interaction with a wider range of students and teachers, have periodic days where smaller schools visit larger schools.
2. The School Board consider providing guest speakers and resource people (volunteers), on a regular basis, who can offer first-hand knowledge and experience in the many career possibilities.
3. Where private vehicles are used in place of bussing, the school boards jointly develop a liability policy and disseminate it throughout all districts.

AFFECTED AGENCIES

San Benito County Office of Education
Bitterwater-Tully School District
Jefferson School District
Southside School District
Willow Grove School District
Panoche School District
Tres Pinos School District
Cienega School District

RESPONSE REQUIRED

California Penal Code s/s 933 requires that a response to the recommendations found in this final report be delivered to the presiding judge of the Superior Court within 90 days of the receipt of the report.

LAW AND JUSTICE COMMITTEE

CHARTER

The Law and Justice Committee is responsible for investigating all branches of County government to assure they are being administered efficiently and honestly in the best interest of its citizens, and to report on the operations, books, records and accounts of all County offices.

COMMITTEE MEMBERS

David Jackson, Chair

Glen Cooke

Kathleen Harris

Roxy Montana

Mike Sheldon

Diana Tucker

SAN BENITO COUNTY PROBATION DEPARTMENT

BACKGROUND

The Grand Jury made its annual review of the Probation Department in December 2001.

METHOD OF REVIEW

Interview with the Chief Probation Officer and Senior Probation Officer.

OBSERVATIONS AND FINDINGS

The Department shares a common philosophy, the spirit of hope: "people can change." Their practice is to treat kids as kids, and not to label them as offenders. The primary goals of the Probation Department are victim restoration, community protection, offender rehabilitation, and enforcement of court orders/assessments.

The annual budget is \$2 million. The department has an annual caseload of 800 adult and 200 juvenile cases (county probation rate is 2%). There has been a 300% increase in juvenile caseloads, with the largest percentage representing drug and alcohol abusers. Gangs are a severe problem, and the staff benefits from working with a training team on violence and gang prevention/suppression.

There is the issue of tracking charges; restitution to victims, fines, fees, and supervision for juvenile hall (cost is \$135/day including uniforms, food, and drug tests), that are currently difficult to collect.

The department is in need of larger quarters.

RECOMMENDATIONS

The Grand Jury recommends that:

1. With the increase in the county population and subsequent increase in needed support services, a larger facility be acquired to provide room for counseling quarters, and separation of juveniles and adults.
2. Increases in staffing according to the needs and population.
3. The department identify and acquire an updated computer.

AFFECTED AGENCIES

San Benito County Probation Department
San Benito County Board of Supervisors

RESPONSE REQUIRED

California Penal Code s/s 933 requires that a response to the recommendations found in this final report be delivered to the presiding judge of the Superior Court within 90 days of the receipt of the report.

HOLLISTER POLICE DEPARTMENT

BACKGROUND

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

METHOD OF REVIEW

Interview with the Chief of Police and two Captains. Also present were a Lieutenant and Sergeant.

OBSERVATIONS AND FINDINGS

Operating with a total annual budget of \$4.5 million, including grants written by the Chief, nearly \$2 million goes to personnel and \$160 thousand is invested in patrol cars.

On a normal shift, there are three officers and one supervisor. At minimum, a shift consists of two officers and one supervisor. The most critical task at hand is writing detailed reports necessary to obtain convictions. The Chief acknowledges a staffing deficit (reflecting the salary issue), compounded by the high cost of training at the academy. Noting shortfalls in the State budget, the Chief predicts the department probably won't be able to bring on new people. While it is critical to maintain the force, there are definite morale issues with the records management system.

RECOMMENDATIONS

The Grand Jury recommends that:

1. Emphasis be placed in maintaining qualified personnel by offering a competitive salary.
2. Each officer be provided a lap-top computer with internet access and an email address. These computers could be recycled to other city areas when matured.
3. Identify and procure a report generation system compatible with Uniform Crime Report format.
4. Develop a mechanism for evaluating report submissions and prosecution results.
5. Improve formal feedback procedure on reports, i.e., provide details on unsuccessful prosecution and provide remediation based on trend analysis.
7. Provide training that broadens patrol officers' skills at policing Hollister communities.

AFFECTED AGENCIES

Hollister City Council
Hollister Police Department

RESPONSE REQUIRED

California Penal Code s/s 933 requires that a response to the recommendations found in this final report be delivered to the presiding judge of the Superior Court within 90 days of the receipt of the report.

SAN BENITO COUNTY JUVENILE HALL

BACKGROUND

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

METHOD OF REVIEW

Interview with office personnel of the San Benito County Juvenile Hall.

OBSERVATIONS AND FINDINGS

There is no secure, confined entry area (known as a "Sally port") for processing incoming juveniles. Without a "Sally port" there is a direct access to the facility or to freedom when the front door is opened.

The entry holding cell has an exposed fire sprinkler within reach of a person of average height. This could be tampered with causing damage, and is also a safety issue.

The facility does not have a "Wrap" restraint which is used to put an individual into a "position of maximum restraint" when the level of violence dictates.

The facility does not have a padded holding cell for unruly juveniles. It's possible, they may injure themselves on hard surfaces.

This facility does not have a back-up generator.

Currently, the keys to all doors (perimeter and interior) are carried by staff into the housing areas. Should the keys be taken by force, juveniles could escape through any door.

There are too few methods of approved emergency egress routes from the facility.

RECOMMENDATIONS

The Grand Jury recommends that:

1. A "Sally port" be given priority consideration to secure processing.
2. Exposed fire sprinkler be repositioned.
3. The purchase of a "Wrap" restraint.
4. Establish a padded cell.
5. The purchase and installation of a back-up generator.
6. A review of the existing key control policy and appropriate changes applied.
7. Emergency escape procedures be reviewed and updated to include additional approved egress routes.

AFFECTED AGENCIES

San Benito County Probation Department - Juvenile Hall
San Benito County Board of Supervisors

RESPONSE REQUIRED

California Penal Code s/s 933 requires that a response to the recommendations found in this final report be delivered to the presiding judge of the Superior Court within 90 days of the receipt of the report.

SAN BENITO COUNTY SHERIFFS DEPARTMENT

BACKGROUND

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

METHOD OF REVIEW

Interview with the Sheriff.

OBSERVATIONS AND FINDINGS

The entire department budget of \$5.5 million for operations includes the departments of the Jail, Coroner, Unified Narcotics Enforcement Team (UNET), a Secretary, and also a part-time Drug Tester.

1. As of this review (December 2001) the staff appears well-trained and is one deputy short of authorized staffing levels.
2. The current computer system is 11 years old; "an inflexible old dog" and is inadequate for current needs.
3. Radio communications are inadequate, especially in South County.
4. The department is in need of a larger facility. The County has a designated site for the Sheriff's Department at Flynn Road.

RECOMMENDATIONS

The Grand Jury recommends that:

1. With the increase in county population and the subsequent increase in needed support services, the departments will require an increase in deputies, vehicles, and an additional position, such as an administrative deputy to supervise the non-sworn office staff and to perform grant writing.
2. Identify and acquire an updated automated computer system.
3. The issue of inadequate radio coverage must be addressed, especially in South County. *This must be a priority project.*
4. A new larger facility which should include a locker room for female personnel.

AFFECTED AGENCIES

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

RESPONSE REQUIRED

California Penal Code s/s 933 requires that a response to the recommendations found in this final report be delivered to the presiding judge of the Superior Court within 90 days of the receipt of the report.

SAN BENITO COUNTY JAIL (SHERIFF'S DEPARTMENT)

BACKGROUND

The San Benito County Grand Jury conducted the annual inspection of the County Jail in December 2001.

METHOD OF REVIEW

Interview with the Jail Commander.

OBSERVATIONS AND FINDINGS

The San Benito County Jail is a Type II Facility with 100 beds available and operates with an annual budget of \$1.4 million. There are thousands of bookings per year and in the summer months, the population rate increases to an average of 120 inmates per day. In the winter months, the population decreases to approximately 90 inmates per day. Sixty-five percent of the inmates are considered to be high risk, and are prone to physical violence. There were two female inmates at the time of this inspection, although the summer average is 15-20 female inmates with mostly drug/alcohol offenses. Work opportunities for inmates include laundry, food prep/service, maintenance, plumbing, concrete work, tile work, and linoleum installation.

Alternative sentencing methods relieve overcrowding conditions and may effect 10% of the population with less than 90 days to serve, allowing for a 5 day early release. A Work Alternative Service is designed for inmates with sentences of 30 days or less. Bracelets monitor probation for approximately 30 people.

Nearly 50 volunteers provide nightly religious counseling and an AA group. The pay telephone generates a 10% commission that goes into the inmate welfare fund yielding a profit of approximately \$6-7 thousand per month.

The staff works 12-hour shifts and has an entry level salary of \$2,800 to \$3,400 per month, with a 29% raise over 3 years. Each correctional officer acts as a "rover" for 4 hours per shift and checks on each inmate once every hour.

The county taxpayers pay the benefits (providing medical/dental treatment) for an average 17-day incarceration. The county has Risk Management insurance, since MediCal and Social Security benefits cannot be used to pay for the medical/dental care of inmates. The nurse's workload is extremely heavy. She handles all the paperwork/documentation of intake evaluations, triple-checks and dispenses all medical prescriptions, attends to daily medical supervision, and performs drug tests every two weeks. Hazel Hawkins Hospital provides care to mental-health patients, drug addicts, and those diagnosis with Hepatitis C. A dentist is contracted to provide services such as extracting teeth and treating with antibiotics.

Video arraignments for court appearances are a big improvement.

RECOMMENDATIONS

1. An additional nurse to assist in providing 24-hour care (including weekends), as well as a Physician's Assistant for two hours per day.
2. A new wing for those requiring isolation.
3. An isolation room/small infirmary is needed for contagious inmates. At the time of this inspection there were two inmates diagnosed with tuberculosis.
4. A minimum of three officers on shift at all times.
5. Acquisition of a larger bus to hold a minimum of 20 inmates traveling to court appearances, medical appointments, etc.
6. Hiring of a file clerk to help control the paperwork overload.

AFFECTED AGENCIES

San Benito County Board of Supervisors
Sheriff's Department

RESPONSE REQUIRED

California Penal Code s/s933 requires that a response to the recommendations found in this final report be delivered to the presiding judge of the Superior Court within 90 days of the receipt of the report.

HOLLISTER CITY/SAN BENITO COUNTY ANIMAL CONTROL DEPARTMENT

BACKGROUND

The Grand Jury made its annual review of the Animal Control Department.

METHOD OF REVIEW

Interview with the Director of the Animal Control facility.

Tour of the facility at 375 South Street.

OBSERVATIONS AND FINDINGS

The Hollister Animal Control Department operates within the city and also has a contract with the county. All dogs within the city are required to be licensed, and must have a rabies vaccine. The County requires a rabies vaccine, but no license. Microchip identification is now being used successfully. The Department handles all strays and due to new state mandates, there is an increase in holding time and consequently an increase in expenses. Nuisance and Complaint policies & procedures were reviewed and found acceptable.

The staff includes six employees with 15 volunteers. There is one bilingual staff member who makes field calls and handles all dog-bite cases. All personnel appeared well prepared and efficient.

The current site is in emergent need for a larger building. Extensive termite damage is apparent and the office space so cramped it is nearly impossible to enter the office when occupied by more than two people. There is room for only one staff member to work efficiently behind the counter. Parking is almost non-existent and turn-around space is quite limited. There are no sprinkler systems installed (jeopardizing the safety of the animals and personnel), and the ventilation system is woefully inadequate.

There have been several cases of fighting roosters in the county, and housing such large numbers of these animals at the facility is impossible.

All complaints are logged with the names and addresses of the complainants, and warnings are issued to the pet owners. Repeat offenders are issued official citations/fees/fines and sent to the Court. Currently, the Animal Control Department has no legal representation available for court appearances, whereas plaintiffs are usually represented by counsel.

RECOMMENDATIONS

The Grand Jury recommends that:

1. With the increase in county population and the subsequent increase in needed support services, the department increase staff, both full-time and part-time. A total of eleven staff members are needed to efficiently run the Shelter.
2. The Shelter should be provided with a more spacious location for staff, volunteers and animals, possibly on the Public Works property located next door. Parking should be ample for staff, official vehicles, and visitors. The site should have sprinklers, and a holding area for released animals in case of fire or emergency. Ventilation systems should be adequate to prevent respiratory diseases from infecting other animals, and a darkened area provided for quarantined animals. Additionally, there should be a separate adoption area for the public.

3. The County is urged to limit the number of roosters kept within its limits.
4. Provide legal representation for the Department's court cases.

AFFECTED AGENCIES

San Benito County Board of Supervisors
Animal Control Department
City of Hollister

RESPONSE REQUIRED

California Penal Code s/s 933 requires that a response to the recommendations found in this final report be delivered to the presiding judge of the Superior Court within 90 days of the receipt of the report.

SAN BENITO COUNTY DISTRICT ATTORNEY OFFICE

BACKGROUND

The Grand Jury made its annual review of the District Attorney's (D.A.) Office in December 2001.

METHOD OF REVIEW

Interview with the District Attorney and office personnel.

OBSERVATIONS AND FINDINGS

The staff consists of 12 full-time employees. The annual budget is approximately \$700 thousand. The budget is audited both quarterly and annually. For fiscal 2001-2002, there have been mid-year adjustments due to homicide trials (\$500 thousand + \$250 thousand) and a \$980 thousand award.

Other than a grant obtained from Hollister Police Department & Corbin to sublease color photo copy equipment, the District Attorney's office does not have the caseload to justify a grant writer. However, there is a state grant offered through circuit prosecutors that provides two free prosecutors for four days each month to handle environmental cases. Part-time personnel would require staff/office space. The Victim Witness Program operates 100% on grants (about \$200 thousand annually).

Only the District Attorney and one senior officer have access to the fortified evidence locker. Photos are kept on CD with the originals held at the Police Department. Files "in use" are difficult to keep track of and hard copies have no CD back-up. There is a need for computer tie-in to the Department of Motor Vehicles.

Caseloads include seven homicides for 2001; four homicide cases prepared for trial in January 2002.

A Bad Checks Diversion Program is in effect and small check offenses (no warrant) must pay the amount of the check plus a \$25 administration impact fee. A letter is written to repeat offenders as a court complaint which includes probation and restitution orders. There are problems with complex cases (3-Strikes Law) and cases like the county's first "sexually violent predator" case.

With the increase in county population, there is a need for more diversion programs. It is believed that the 1978 "murder trend" of eight homicide cases was due to 85-90% growth. There is also a need for better pay for staff, as it is difficult to recruit and train new staff. A new building is needed and should be located close to the courthouse because the D.A.'s office is most closely connected to court business.

RECOMMENDATIONS

The Grand Jury recommends:

1. A method be adopted to track files in use; propose bar code reader.
2. There should be off-site electronics records keeping.
3. An increase in proven diversion programs.
4. Consider redesign of the atrium at the current location to connect the two buildings, or a new building for the District Attorney office.
5. Funding be provided so staffing salaries are competitive with nearby counties.

AFFECTED AGENCIES

San Benito County Board of Supervisors
Superior Court
District Attorneys Office

RESPONSE REQUIRED

California Penal Code s/s 933 requires that a response to the recommendations found in this final report be delivered to the presiding judge of the Superior Court within 90 days of the receipt of the report.

DRUG ABUSE PROGRAM

BACKGROUND

The Grand Jury reviewed the office of the San Benito County Drug Abuse Program.

METHOD OF REVIEW

Interview with the Program Director.

OBSERVATIONS AND FINDINGS

The Drug Abuse Program operates on an annual budget of \$1.2 million. Eighty-five percent of the budget is dedicated to the Prenatal Program (women with children parenting), \$100 thousand towards prevention, and \$251 thousand for Proposition 36 (of which 25% goes to the Probation Department). The staff consists of: one director, five counselors, two prevention workers and one secretary. The facility barely meets operational needs.

The program is divided into two separate groups; one for men and one for women. Drugs and alcohol abuse are treated as the same progressive disease, and the Program Director determines the treatment programs offered. Currently, 100 people are treated per year. Although it is a court referral program (D.U.I. offenders) which is contracted through the county, the incarcerated are not treated until after jail time is served. Proposition 36 ("treatment over incarceration" meant for first-time or lightweight users) is also being provided for the habitual user. It has had a negative effect. Jail is not necessarily considered a bad alternative program for some seasoned inmates, however, it is less expensive to buy bed space for 28 days from other programs. Proposition 36 anticipated 50 clients (currently 26) and started in July 2001. With county population growth expected, there is an anticipated increase in service needs.

There is scientific proof that the "Life Skills Management Program" has a remarkably high level of success for first time offenders. This is a privately funded training program in Colorado which costs \$18,000 per person for a 3- week course.

Methamphetamine abuse cases are referred to the mental health agency. Research data indicates that it takes approximately one year before the brain readapts from methamphetamine use. "CalTops" research data (UCLA/ State/13 counties) records statistics: race-history assessment, type of treatment/length/family counseling/employment issues (now follow-up after 9-month treatment). Statistics show that 70% are men in their 30's, with a late high school education and typically locals who live with family members so they are considered "temporarily- transient." Fifty percent are unemployed, uneducated, and homeless. Only 8-10% of the people who need to be in treatment are seen. Thirty percent have other diagnosis such as depression, bi-polar disorder, domestic violence, and are referred to the mental health agency. Thirty to forty percent are repeat clients with line drawn-level failure (criminal/anti-social) considered to be a genetic disorder. Female prostitution involving sex for drugs (sex with dealer and dealer's friends) is an increasing problem.

At the time of the Grand Jury interview, there were 16 youths being treated with a counselor/prevention worker at a cost of \$12 thousand dollars per client who is charged on a sliding scale (approximately \$16 per visit). Only 30% are able to pay for the 3-month program (10-12 sessions) and follow-up depends on parental willingness. There are school intervention referrals (conduct disorders) and it is believed that there is a need for continual revisits rather than a "one shot-one age" approach.

The "Friday Night Live" program has received cooperation and distributes drug-free ribbons and gift baskets and also provides after-school art/drama and one field trip per semester with the Western Stage Group (Hartnell) or Teatro Campesino.

RECOMMENDATIONS

1. Re-evaluate program length to see if a better option would be 90-120 day program, with six months to one year being even better.
2. Funding for women and childrens' "Parenatal Program," a 3-month program currently treating 3-5 cases within the county. Needs are 6 months at a cost of \$150./day.
3. Expand evening programs to two nights with one men's and one women's group each.
4. Employment of a grant writer/analyst.
5. Funding to provide additional counselor training.

AFFECTED AGENCIES

Board of Supervisors
Superior Court
County Drug Abuse

RESPONSE REQUIRED

California Penal Code s/s 933 requires that a response to the recommendations found in this final report be delivered to the presiding judge of the Superior Court within 90 days of the receipt of the report.

COMPLAINT AGAINST CITY OF HOLLISTER ANIMAL CONTROL DIVISION

BACKGROUND

The 2001-2002 Grand Jury received a citizen complaint requesting an investigation into the procedures for issuing citations concerning nuisance complaints.

METHOD OF REVIEW

Inspection of the Animal Control facility, and interview with the Department Supervisor and Staff members.

Interview with the Director of the Department of Management Services.

Grand Jury meeting to discuss approach and depth of investigations to be undertaken.

OBSERVATIONS AND FINDINGS

After interviewing the persons connected with the subject agencies and after reviewing procedures at the Department field level as well as the Managerial level, the Grand Jury was able to relate the procedures to the complainant as requested. The Grand Jury did find consistency within the Department in the interpretation and execution of the procedures regarding filing and issuing animal nuisance complaints. It was learned by the Grand Jury that the process of these complaints is more involved than one unaccustomed would assume. In conclusion, a letter of the Grand Jury's findings was sent to the complainant. The Grand Jury considers the matter regarding this complaint closed.

RECOMMENDATIONS

The Grand Jury recommends the Animal Control Division create and publish a document or pamphlet explaining the procedure for filing a nuisance complaint, clearly defining the necessary steps to complete the process. This information would be beneficial as well as educational to the public.

AFFECTED AGENCIES

City of Hollister Animal Control Division
The Hollister Department of Management Services

RESPONSE REQUIRED

None.

SPECIAL PROJECTS COMMITTEE

CHARTER

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

COMMITTEE MEMBERS

Art Borland, Chair

Anthony Edwards

Ken Hulick

John Kolbold

Daniel Maese

Patrick Mulcahy

UNCOLLECTED COURT-IMPOSED FINES AND FEES

BACKGROUND

Based on recommendations of the previous Grand Jury, the 2001-2002 Grand Jury continued investigating the loss of revenue due to uncollected court-imposed fines and fees in San Benito County.

METHOD OF REVIEW

Interview with the County Counsel
Interview with the County Administrator
Interview with the Superior Court Judge

OBSERVATIONS AND FINDINGS

A collection contract has been approved by County Counsel and Judges, and is currently with County Counsel awaiting Judges signatures. The contract will generate a position for one full-time local employee with the salary being paid by the collection agency. In addition, the collection agency will provide, at their expense, one of their employees on a part time basis. It is anticipated that the collection program will be up and running by July 1, 2002.

The Court is responsible for imposing fines and fees, while the County is responsible for supervising the collection of fines and fees. There is no statute of limitations on the collection of overdue fines and fees. The collection agency audited overdue fines and fees going back to 1990 and 1991. They can go back further in time if they choose.

The outstanding dollar amount of uncollected fines and fees at this time is unknown. It is believed that the collection agency has an idea of the dollar amount and is committed to starting the collection process as soon as possible.

The collection agency will receive 30% of all fines and fees collected, and the Court and County will split equally (50/50) the balance collected by the agency. Failure to pay fines and fees will result in an additional penalty of \$175.00. The fines and fees are for moving violations only. Parking citations are handled by the City of Hollister and are a separate matter.

There will be a public information and awareness program, which will provide an amnesty period for paying overdue fines and fees. After the amnesty, the collection agency will impose the \$175.00 penalty for those fines and fees which remain outstanding.

AFFECTED AGENCIES

San Benito County Board of Supervisors
San Benito County Superior Court
San Benito County Administration Office

RESPONSE REQUIRED

California Penal Code s/s 933 requires that a response to the recommendations found in this final report be delivered to the presiding judge of the Superior Court within 90 days of the receipt of the report.

INVESTIGATION OF COMPLAINTS

A. COMPLAINT AGAINST DISTRICT ATTORNEY OFFICE

BACKGROUND

The Grand Jury received a complaint from a citizen requesting an investigation of the San Benito County District Attorney Office.

METHOD OF REVIEW

Reviewed documents from complainant
Review of Hollister Police report
Review of Court documents

FINDINGS

The Grand Jury found that the District Attorney Office, and all other associated agencies acted appropriately. No further action was taken and a letter was sent to the citizen.

B. COMPLAINT AGAINST CITY OF HOLLISTER BUILDING INSPECTION DEPARTMENT

BACKGROUND

The Grand Jury received a complaint from a citizen requesting an investigation of the Hollister Building Inspection Department.

METHOD OF REVIEW

Reviewed the complaint
Interviewed the complainant
Interviewed Hollister Building Inspection Department staff members
Interview the Hollister City Manager

FINDINGS

It is the opinion of the Grand Jury that the Building Inspection Department staff is maintaining a uniform policy as stated in the City Building Code.

C. COMPLAINT AGAINST THE CITY OF HOLLISTER ANIMAL CONTROL DIVISION

BACKGROUND

The 2001-2002 Grand Jury received a citizen complaint requesting an investigation into the procedures for issuing citations concerning nuisance complaints.

METHOD OF REVIEW

Inspection of the Animal Control facility, and interview with the Department Supervisor and Staff members.

Interview with the Director of the Department of Management Services.

Law and Justice Committee meeting to discuss approach and depth of investigations to be undertaken.

FINDINGS

After interviewing the persons connected with the subject agencies and after reviewing procedures at the Department field level as well as the Managerial level, the Grand Jury was able to relate the procedures to the complainant as requested. The Grand Jury did find consistency within the Department in the interpretation and execution of the procedures regarding filing and issuing animal nuisance complaints. It was learned by the Grand Jury that the process of these complaints is more involved than one unaccustomed would assume. In conclusion, a letter of the Grand Jury's findings was sent to the complainant. The Grand Jury considers the matter regarding this complaint closed.

D. COMPLAINT AGAINST THE SAN BENITO COUNTY SHERIFF'S DEPARTMENT

BACKGROUND

The Grand Jury received a citizen complaint of the San Benito County Sheriff's Department. Acknowledgement of receipt was mailed to complainant and investigation pending at time of this final report.

E. COMPLAINT AGAINST THE ANIMAL CONTROL DEPARTMENT

BACKGROUND

The Grand Jury received a citizen complaint of the Animal Control Department. Acknowledgement of receipt was mailed to complainant and investigation pending at time of this final report.

F. COMPLAINT AGAINST THE SAN BENITO COUNTY CODE ENFORCER

BACKGROUND

The Grand Jury received a citizen complaint of the San Benito County Code Enforcer. Acknowledgement of receipt was mailed to complainant and investigation pending at time of this final report.