

2001-2002

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

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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	Map
	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 Parental 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.