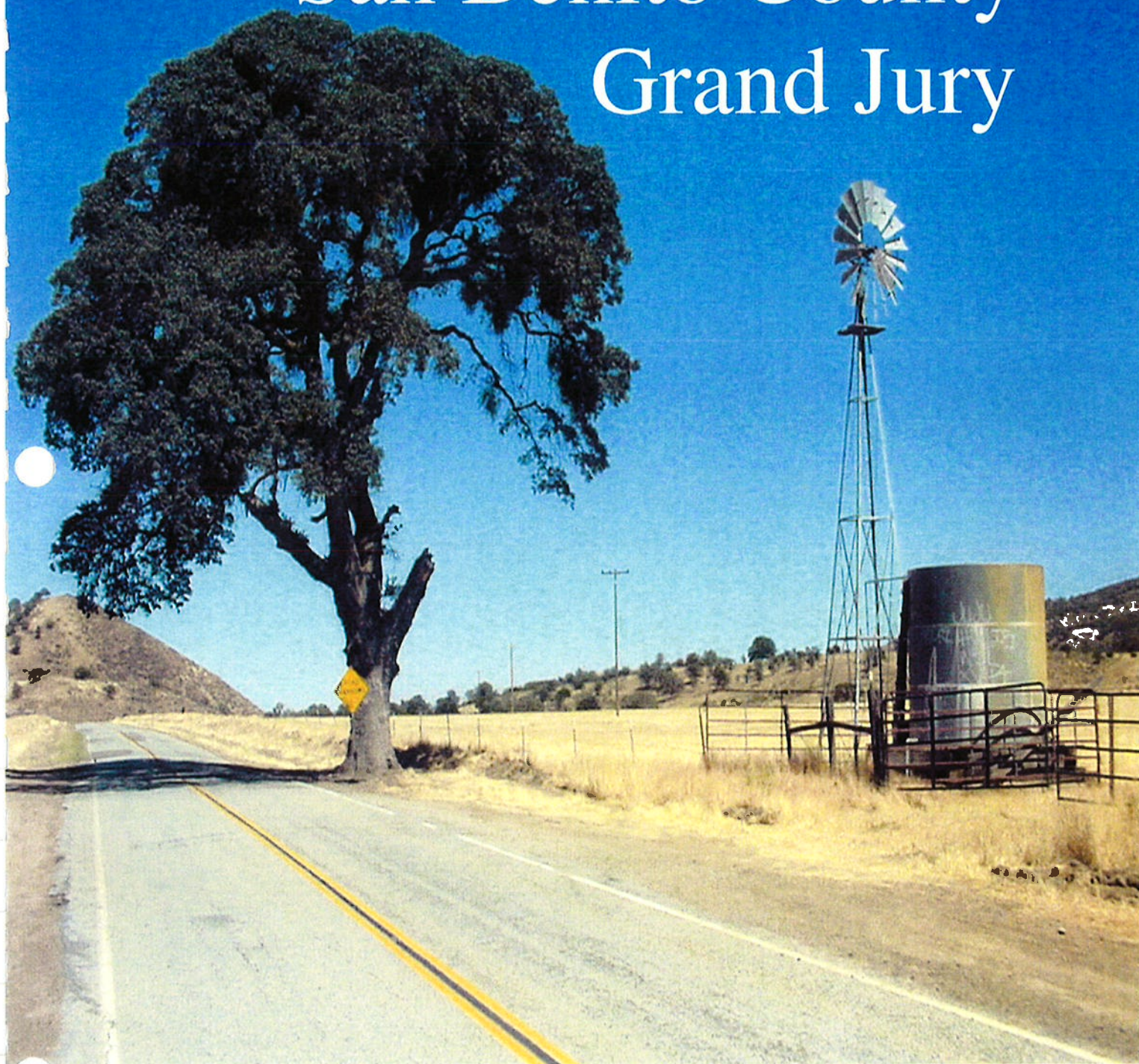




# San Benito County Grand Jury



## Final Report 2003-2004

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

June 30, 2004

Dear Judge Tobias:

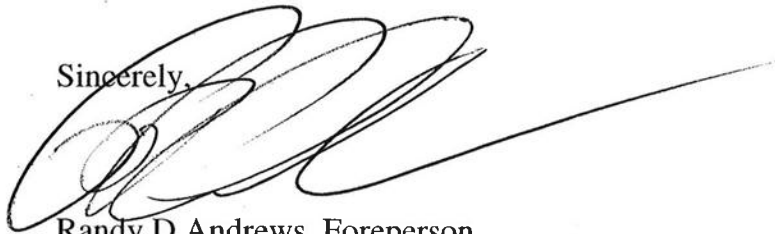
The 2003-2004 San Benito County Civil Grand Jury, has completed the required annual report of inspections conducted during the 2003-2004 session. San Benito County Government was responsive and cooperative in furtherance of these inspections. City Government was also responsive to inquiries and supportive of our inspection efforts.

The Grand Jury found no major issues in the departments we inspected. We received eight (8) complaints that were reviewed and sent to committees for investigations. The Grand Jury found no actionable transgressions as alleged in these complaints. We retained one complaint from the 2002-2003 Grand Jury. The assigned committees provided some recommendations to address areas of confusion and citizen concerns; these are reflected in the individual committee reports.

Overall the Grand Jury was responsive and well informed; however, the membership has struggled with fully understanding the Grand Jury's responsibilities and the tools available to meet those responsibilities. As an effort to prepare the 2004-2005 Grand Jury, some returning members are attending special training during the summer that will address this concern.

Thank you, Judge Tobias, for the opportunity to serve this community.

Sincerely,

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Randy D Andrews, Foreperson  
2003-2004 San Benito County Grand Jury



# Contents

Foreword *page 3*

<b>City &amp; County Committee</b> .....	5
San Benito County Marshal's .....	6
San Benito County Public Works Department .....	8
<b>Education, Health &amp; Welfare Committee</b> .....	10
Cienega School Board. ....	11
San Benito High School .....	13
Panoche School .....	15
San Benito Environmental Health Department .....	18
<b>Law &amp; Justice Committee</b> .....	20
San Benito County Sheriffs Department .....	21
San Benito County Jail (Sheriff's Department). ....	23
Hollister Police Department .....	25
Evidence Lockers .....	27
San Benito County Juvenile Hall .....	29
<b>Special Projects Committee</b> .....	31
San Benito Airport .....	32
<b>Citizen Complaints Committee</b> .....	34
Investigation of Complaints ....	35

# Foreword

## ABOUT OUR REPORT

Grand Jury reports receive limited public exposure, and the public in general is unaware of the Grand Jury's watchdog function. We express thanks to those across the county who helped in our efforts. This Final Report is the result of cooperation and dedication from each Grand Jury member who worked very hard and gave that extra effort to produce this document.

## MAJOR ISSUES FACING OUR CITIZENS

The San Benito County Grand Jury is acutely aware of the major issues facing our citizens. Among these, we especially note: rapid growth, inadequate infrastructure (roads, sewage), substance abuse, domestic violence, gangs, graffiti, and the homeless. Progress toward solving the problems associated with each of these issues is complex. It cannot be achieved by a single Board, Council, Agency, or District working independently. It can only be achieved by genuine cooperation, honest communication, and concerted actions. Our local governmental bodies have a history of independence and self-sufficiency. This history has served them well. However, in these days of financial restraints and resource constraints, it may be time to reassess our direction. The Grand Jury believes this direction is "Cooperative Problem Solving" which reaches across the traditional boundaries. Our hope is that our elected officials will establish this new direction and that staff support will follow their lead.

## *The 2003-2004 San Benito County Grand Jury*

Randy D. Andrews, Foreman  
Don Moses, Foreman Pro Tem  
Suzanne Gere, Secretary  
Dorian Gonzales, Treasurer  
Charles M. Andrews, Sergeant-at-Arms  
Irving Atlas  
Rhonna Dias  
Donna Gonzales  
Don Moses

Dean Rodriguez  
Gary Anderson  
Rita Appenzeller  
Jack Cocchi  
Chuck Gansen  
Cynthia Vasquez  
Richard Vasquez  
Dawn Walters  
Deborah Shamnoski

## **Time Limits for Responses**

### **California Penal Code 933(c) requires that**

“No later than 90 days after the Grand Jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the Grand Jury has responsibility pursuant to Section 914.1, shall comment within 60 days to the presiding Judge of Superior Court, with an information copy to the Board of Supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the Mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding Judge of the Superior Court who impaneled the Grand Jury. A copy of all responses to Grand Jury reports shall be placed on file with the clerk of the public agency and the office of the County Clerk, or with the Mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable Grand Jury final report by, and in the control of the currently impaneled Grand Jury, where it shall be maintained for a minimum of five years.

## **Form of Responses**

A response is required within the time limits and form as prescribed by California Penal Code Section 933.

Relevant paragraphs from Section 933 are quoted above for respondents' information and guidance.

### **California Penal Code 933.03 requires that**

(a) For the purpose of subdivision (b) of Section 933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the findings.  
(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For the purpose of subdivision (b) of Section 933, as to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding implemented action.  
(2) The recommendation has not yet been implemented, but will be implemented in the future, (with a timeframe for implementation).  
(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the Grand Jury report.  
(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.”

# **CITY AND COUNTY GOVERNMENT COMMITTEE**

## **CHARTER**

The City, and County Government Committee is responsible for investigating complaints, reviewing procedures and other issues related to San Benito County Government Entities.

## **Committee Members**

Charles Andrews-Chair

Jack Cocchi Co-Chair

Dean Rodriguez

Gary Anderson

Chuck Gansen

CYNTHIA VASQUEZ

# **SAN BENITO COUNTY MARSHAL'S OFFICE**

## **Background**

The Grand Jury performed its annual review of the San Benito County Marshal's office.

## **Objective**

The objective of the annual review is to determine if the Marshal's Office is adequately addressing the needs of their facility, personnel, and the community.

## **Methodology**

Interview with the Marshal on 14 May 2004.

## **Observations, Findings, and Conclusions**

1. The Marshal's Office staff consists of the Marshal, a Deputy Marshal, a Clerk, and five part time reserve Deputy Marshals. The Marshal is on call 7 days a week.
2. The reserve deputies require the same training as deputy sheriffs and only receive pay through the courts when they serve as bailiffs. All other functions they perform are voluntary.
3. The functions of the Marshal's Office include:
  - Serve as bailiff for the lower courts
  - Serve warrants, eviction notices, small claims notices
  - Escort Tax Collector to Bank
  - Escort prisoners from court to court/court to jail
  - Administer wage garnishments
  - Provide support to the Hollister Police Department, Sheriff's Department, and Highway Patrol
4. The Marshal does not receive a salary nor does he receive benefits. His pay is derived from revenue generated from service fees. All revenues are recorded and logged by the Marshal's Clerk and are subject to county audits.
5. Debtor's fees go into county trust fund and require county administrative approval for the release of any monies for maintenance of vehicles, gas, etc.
6. The Marshal has an evidence locker but the size is limited. Only one item of evidence is being held in the locker at present. Evidence that is too extensive is sent to the Sheriff's Department for secure storage retention.

7. There have been several articles in the local newspapers regarding the viability of the Marshal's Office. The primary concern is possible cost savings if the office were consolidated with the Sheriff's Department.

## **Recommendations**

1. With regard to the continued viability of the Marshal's Office and services:
  - The community must be assured that the services provided by the Marshal's Office continue to be provided, by the Marshal or by an alternative entity.
  - A detailed cost evaluation should be made to determine what cost savings if any could be recognized if the Marshal's Office was merged with the Sheriff's Department. An additional area that should be evaluated is outsourced services contracted to private service providers and related cost savings that would be realized in any change of status of the Marshal's Office.
  - A premature change in the status of the Marshal's office risks a significant impact to San Benito tax payers.

## **Affected Agencies**

San Benito County Board of Supervisors  
San Benito County Marshal's Office  
San Benito Sheriff's Office

## **Response Required**

California Penal Code Section 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. (see page 4)



# **SAN BENITO COUNTY PUBLIC WORKS DEPARTMENT**

## **Background**

The Grand Jury performed a review of the San Benito County Public Works Department.

## **Objective**

The objective of the review is to determine if the Public Works Department is adequately addressing the needs of the community.

## **Methodology**

1. Interview with the County Finance Director
2. Interview with the Assistant Public Works Director

## **Observations, Findings, and Conclusions**

1. The 2003-2004 Grand Jury was presented with a copy of the Public Works Capital Improvement Summary that identifies, describes, and provides status of planned engineering, parks and road projects. There are 40 projects described in this report over a time period from 2001 to 2009. 43% are completed and 28% are in process. Several projects over the next two years require the use of a "crawler" bulldozer. This summary report is very well done and very informative.
2. Funding for major projects is from the State of California and due to fiscal constraints; funds for new projects are being delayed for approximately two years. Revenue from taxes and vehicle fees currently cover maintenance costs.

## **Recommendations**

1. Farming equipment and crop irrigation causes much of the damage to county roads. Wright Road is a good example, and the cost to repair it is significant. It is recommended that the 2004-2005 Grand Jury look into impact of farm equipment on county roads.
2. The 2004-2005 Grand jury should follow-up on the progress of current projects.

## **Affected Agencies**

San Benito County Board of Supervisors  
San Benito County Public Works Department  
San Benito County Grand Jury

## **Response Required**

California Penal Code Section 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. (see page 4)

# **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**

Irving Atlas, Co-chair

Rhonna Dias, Co-chair

Donna Gonzales

Cynthia Vasquez

Richard Vasquez

Dawn Walters

# **CIENEGA SCHOOL BOARD**

## **Background**

The 2003-2004 San Benito County Grand Jury continued the process of monitoring some San Benito County school districts and school boards.

## **Objective**

To determine if the school board is adequately serving the school district, parents, teachers, and students.

## **Methodology**

Attendance at the Cienega School Board Meeting on March 11, 2004

## **Observations, Findings and Conclusions**

1. The school board meeting was attended by three board members and three school staff members, including the school principal. The board and staff worked together very well.
2. The principal is retiring at the end of the school year. She has turned in her notice.
3. The meeting was formal and very thorough. There was a published agenda and it was followed. Action items were covered and new items discussed in detail. The only draw back was that two reports were approved on the spot without much time to study the reports.
4. The school board has approved the purchase of State Standardized texts. They have been using older texts but now have funding to purchase the newer ones.
5. State test scores for Cienega School were up significantly from the previous year (from 792 to 893) and ranked 10 out of 10 in the states ranking system. They were the highest in the county.
6. They have an issue with maintenance staffing and they are experiencing administrative delays in getting clearance for temporary help.
7. Their bookmobile has been cancelled due to lack of funds/budget.

## **Recommendations**

None. The Grand Jury was very impressed with the Cienega School Board and the school itself. Congratulations for the superb test scores.

## **Affected Agency**

Cienega School District, Board of Education  
Cienega School Board

## **Response Required**

California Penal Code Section 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. (see page 4)



# **San Benito High School**

## **Background**

The 2003-2004 San Benito County Grand Jury, continued the process of monitoring the San Benito High School.

## **Objective**

1. Follow up on last year's Grand Jury recommendations concerning Nash Road.
2. Review issues related to zero tolerance policy.
3. Review our concerns about gas pumps that are located near the school bus loading and unloading areas.

## **Methodology**

Interview with Dr. Jean Burns Slater on April 28, 2004

## **Observations, Findings and Conclusions**

1. The San Benito High School District has carefully provided crossing guards to assist student and staff members in crossing Nash Road during school activities. It is understood that this is not a complete solution! Dr. Slater is continuing to explore options to reach a solution to the Nash Road pedestrian challenge.
2. Concerning the zero tolerance policy, there is none for the current school year. There are automatic and discretionary disciplines based on specific issues. There is a discipline chart (revised Jan 2004) covering 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> offences. Parents are to be notified of all offences.
3. The question of the gas pump has been eliminated by the use of a new computer dispensing system.
4. Noted and worth reporting is the development and release of the 2004-2005 High School's Mission Statement, along with budget goals and priorities.
5. Site expansion is progressing and with lower bids than expected. Site committee established to look into how best to use the new buildings, how to use them safely, and how to use the savings from the lower bids.
6. The percentage of students graduating is 94-95% and has been consistent over the past few years. 24% go on to colleges or universities. A new senior survey is in the works, to get data on what seniors plan to do when they graduate.

7. New Student Support Team is in place. Students will have this team all the way through high school.
8. There is a concern over the pull back of the Campus Police. There is a possibility of the school providing the budget to cover this.

-2-

## **Recommendations**

1. Continue seeking solutions for student safety on Nash Road crossing
2. Distribute copies of chart to parents covering student discipline offenses
3. Send parents a copy of the San Benito High School "Vision Statement".
4. Find funding for campus police.

## **Affected Agency**

San Benito High School Board of Trustees

## **Response Required**

California Penal Code Section 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. (see page 4)

# **Panoche School**

## **Background**

The 2002-2003 Grand Jury received a complaint with regard to the Panoche School Board and this investigation and assessment was continued by the 2003-2004 Grand Jury.

## **Objective**

Review and determine if in appropriate use of school funds had occurred, if unhealthy and dangerous conditions of the school facilities existed, if substandard student performance and questionable records keeping were evident.

## **Methodology**

- 1. Interview of School Employees**
- 2. Interview of School Board Representative**
- 3. Interview of Parents**
- 4. Inspection of School**
- 5. Attend School Board Meetings**

## **Observations, Findings, and Conclusions**

1. Arriving at the school site the Jury noticed two wooden buildings of antiquated vintage. One housed the school's water supply system that could easily be vandalized. The other building was an old shed (bathroom) located near the front of the school. It no longer serves any useful purpose; clearly it is an attractive nuisance.
2. The playground equipment was good, for a small school, and appears to meet the San Benito County safety requirements.
3. Adjacent to the basketball court, there were two rectangular gray objects that protruded from the ground. These metal objects could easily present a danger to a child playing in the area.
4. The school building was clean. The interior was orderly and well stocked with educational materials and equipment.

## **The Jury Noted**

1. The pump house has openings in its wall from missing boards; cats as well as rodents freely access the interior of the pump house, based on visual inspection and the presence of rodent droppings. This is the location of the domestic water pump that supplies drinking water to the school.
2. The school has a small kitchen in the classroom; the kitchen has a cooking range which is not vented to the outside. The kitchen upon a recent health department inspection was prohibited from further use to prepare lunches for the students due to rodent droppings as well as an infestation of cock roaches. The Health Department also required that the range be properly vented to the outside.

## **Use of School Funds**

### **Finding**

1. The Jury found no indications that school funds have been or are being misused.

## **Records Keeping and Student performance**

In reviewing student performance at Panoche School, the Jury interviewed employees and the school board representative. The Jury determined that historically records had not been properly kept or protected, however, recent changes in records retention and the locking of sensitive files appears to be adequate in addressing this concern.

### **Finding**

1. The Jury found no current issues with regard to records retention or protection.
2. The Jury Found that the Panoche students were performing at state averages on performance testing.

## **School Board Attendance**

The Jury attended school board meetings to assess the performance of the meetings and the actions of the school board with regard to meeting the needs of the Panoche School.

1. The Jury observed that the Board addressed issues raised by employees and parents of students. The Board performed warrant paying, adoptions of rules and regulations, discussed budget matters.

2. The Jury noted a significant failure of the Board to adhere to the procedures required for Public Meetings under the Brown Act.

## **Recommendation**

1. The school board should become familiar with the requirements of their public office and work more closely with the County Office of Education.
2. The school Board should become familiar with the Brown Act and how to comply with the public meeting requirements.
3. The school board should comply with the Health Department deficiency notices and bring the school into compliance.
4. The Jury extends our sympathy for the loss of the Panoche School teacher this year to a tragic auto accident. The Jury recommends that the School Board replace the teacher with a qualified and credentialed teacher suitable for the grades of 1 through 8.
5. The pump house needs to be evaluated for repair or replacement.
6. The small shed (bathroom) should be removed.
7. The gray rectangular objects should be removed, fenced or buried.

## **Affected Agency**

Panoche School Board

## **Response Required**

California Penal Code Section 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. (see page 4)



# **SAN BENITO ENVIRONMENTAL HEALTH DEPARTMENT**

## **Background**

The Grand Jury performed a review of the San Benito Environmental Health Department in response to a complaint filed relative to the lack of a Mosquito and Vector Control Program in San Benito County.

## **Objective**

The objective of the review is to determine the status of Mosquito and Vector Control activities in San Benito County.

## **Methodology**

3. Interview with the San Benito County Environmental Health Personnel
4. Review of Mosquito and Vector Control Programs, agencies, and other readily available information

## **Observations, Findings, and Conclusions**

1. At present, there are no Mosquito and Vector Control Programs in San Benito County to address the West Nile Virus concern. Nor are there plans for one to be implemented. There have been recent articles in the San Jose Mercury, Free Lance, and The Pinnacle regarding the lack of a program in the county. The County Health Officer has issued several releases regarding what is being done in the County and recommendations for protection against the disease.
2. The San Benito Environmental Health Department does report bird virus issues, avail the county to the services of consultant Vector Biologists from Richmond, CA., and react to any county complaints relative to mosquitoes or birds. The Department is not staffed to handle any major problem should it occur.
3. The County Health & Human Services Agency has also provided West Nile Virus education and prevention for the past two mosquito seasons.
4. Environmental Health personnel do attend vector district meetings, seminars, and also participate in information sharing with near-by vector districts.

5. A task force has recently been established to determine if a program is required and to get input from consulting vector biologists and neighboring vector control districts of North Salinas, Monterey, and Santa Cruz.
6. Bill AB 1454 is before the State Senate for Vector Control.

### **Recommendations**

1. San Benito County Environmental Health Department should not wait until West Nile Virus becomes a problem in the County before reacting. A review of Bill AB 1454 and of other neighboring vector control district programs should be conducted and a plan and timeline prepared to establish an effective program for San Benito County
2. Education and prevention should continue to be provided to the community.
3. The 2004-2005 Grand Jury is requested to conduct a follow-up review to assess the actions of the County in addressing the West Nile Virus.

### **Affected Agencies**

San Benito County Board of Supervisors  
San Benito County Health Official  
San Benito County Environmental Health Department

### **Response Required**

California Penal Code Section 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. (see page 4)

# **Law and Justice Committee**

## **CHARTER**

The Law and Justice Committee is responsible for investigating complaints, reviewing procedures and other issues related to San Benito County Law Enforcement Entities.

## **Committee Members**

Charles Andrews-Chair  
Jack Cocchi-Co-Chair  
Dean Rodriguez  
Gary Anderson  
Rita Appenzeller  
Deborah Shamnoski

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

## **Background**

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

## **Objective**

The objective of the annual review is to determine if the Sheriff's Department is adequately addressing the needs of their facility, personnel, and the community.

## **Methodology**

1. Interview with the Sheriff's Department
2. Tour of the Sheriff's Department Facility
3. Follow-up to Sheriff's Department responses to and the 2002-2003 Grand Jury Final Report

## **Observations, Findings, and Conclusions**

1. The 2003-2004 Grand Jury agrees with previous Grand Juries that the facility requires replacement or major renovation. Facility plans have not been submitted; however funds have been requested for a space study. Funding is available for a new facility.
2. Staffing levels have not kept up with the growth in population. Several positions were frozen last year, Sergeants are responding to calls, staffing at night is minimal, the MSO Officer has too many duties, and they have no gang team.
3. New computers were procured for all workstations, along with two new servers and a fiber-optics line. Two new systems were purchased: a Jail Management System and a Records Management System. Communications and efficiency have been improved significantly.
4. Follow-up to the 2002-2003 Grand Jury Final Report Recommendations and Sheriff Department responses was conducted.

### **The review found**

1. The fiber-optics line is operational between the Sheriff's Department and the Jail. Connection with the Hollister Police Department is next. Pursuit of a more suitable facility has not progressed beyond a request for a space study.
2. Improved communication and working environment was accomplished through filling the gap created by the Operations LT being out on disability, waiting retirement. Responsibilities were restructured under two Sergeants.
3. The Department of Emergency Services is responsible for dispatch. The recommendation for improving communications was not fully understood, however tower transmissions have been improved over the last 18 months. There are a lot of dead spots throughout the county.
4. The recommendation for increased medical coverage has been addressed in this year's budget. The 2003-2004 budget includes 8 hours medical coverage 7 days a week versus 5 days a week previously. Medical contract costs have risen significantly requiring that RFP's be issued to pursue alternate sources.

### **Recommendations**

1. The Sheriff's Department continues to pursue the acquisition of a more suitable facility.
2. Although State and Local budgets are strained, Protective services must support the growing population of San Benito County. Staffing levels need to be re-assessed and critical skills and equipment authorized. Strong consideration should be given to sharing administrative, training, systems, and other functions i.e. Gang Teams, SWAT Teams, with other county and city agencies.

### **Affected Agencies**

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

### **Response Required**

California Penal Code Section 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. (see page 4)



# **SAN BENITO COUNTY JAIL**

## **Background**

The Grand Jury performed its annual review of the San Benito County Sheriff's Jail

## **Objective**

The objective of the annual review is to determine if the County Jail is adequately addressing the needs of their facility, personnel, and the community.

## **Methodology**

5. Interview with the Sheriff
6. Tour of the Sheriff's County Jail Facility

## **Observations, Findings, and Conclusions**

8. The county Jail was inspected and found to be spotlessly clean and is well managed. San Benito taxpayers are very well served by the Jail Administration, which is working hard to improve efficiency and reduce costs.
9. Aramark is providing food service. This has provided a cost savings as well as better nutrition. This service is also provided to the Juvenile Hall from the Jail. It is planned to contract with Aramark for laundry services.
10. Emphasis is placed on the administration of the prisoner's welfare fund. These funds are used for:
  - Cleaning supplies and general maintenance
  - Purchase of automated flush systems for the toilets
  - Employment of a GED Instructor
  - Purchase of welfare kits for inmatesThe fund derives its income from prisoner phone calls and sale of items from the prison store.
11. Major issue for the Jail is medical costs for the inmates. Costs are catastrophic and on-site medical personnel are not feasible.

## **Recommendations**

None

## **Affected Agencies**

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

## **Response Required**

California Penal Code Section 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. (see page 4)

# **HOLLISTER POLICE DEPARTMENT**

## **Background**

The Grand Jury performed its annual review of the Hollister Police Department

## **Objective**

The objective of the annual review is to determine if the Hollister Police Department is adequately addressing the needs of their facility, personnel, and the community.

## **Methodology**

7. Interview with the Hollister Police Chief
8. Tour of the Hollister Police Department Facility
9. Follow-up to Hollister Police responses to, and the 2002-2003 Grand Jury Final Report

## **Observations, Findings, and Conclusions**

1. Staffing levels have not increased with the growth in population. Staffing is well below the general guidelines of the numbers of officers per 1000 population. In addition, it is planned to have Animal Control report to the Police Department, reporting to one of the existing Divisions. Officers currently work a four (4) days on ten (10) hour shifts. The officers accumulate significant overtime due to the shortage of officers employed. Night coverage is minimal and often supported by the Sheriff's Department and is reciprocal. Additional reductions in staff are scheduled to be implemented in July due to City Budgets shortages, any reduction in man power will compound the existing deficiencies and problems.
2. A Sergeant assigned to training is currently elevating training opportunities, including state required and officer desired training. The Police Chief appears to be in favor of sharing training opportunities with other Hollister and San Benito County Agencies.
3. The Police Department has issued their vision and organizational values to be a Great Police Department in 5 years. It is very well done. It reinforces the new Police Chief's attitude and desire to work together with other local agencies.
4. Follow-up to the 2002-2003 Grand Jury Final Report Recommendations was conducted. The review found:
  - The recommendation to continue with the citizen and youth academies was suspended. The Crime Prevention Officer responsible for these academies left the Department and could not be replaced.

- It was recommended that dedicated systems support be provided. The priority for a dedicated systems support person was filled by central city IT services. Presently two IT personnel are available.
- It was recommended that the Police Department develop and utilize offsite storage of data in case of a major catastrophe. An offsite data back-up storage process has been implemented for the protection of electronic files.
- It was recommended that the Departments Policies and Procedures be audited. This audit is scheduled for completion by the end of the year.
- The Grand Jury recommended that the Police Department determine whether dedicated support was required to track and respond to issues of their policy. This dedicated resource was determined to be required and is being accomplished using the city IT support group.

## **Recommendations**

1. Although local budgets are strained, protective services must support the growing population of San Benito County. Staffing levels need to be re-assessed and critical skills and equipment authorized. Strong consideration should be given to sharing administrative, training, systems, and other functions i.e. Gang Teams, SWAT Teams, with other county and city agencies
2. The Hollister Police Department should re-instate the Citizen Youth Academy and continue the Impact Program.

## **Affected Agencies**

City of Hollister  
Hollister Police Department

## **Response Required**

California Penal Code Section 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. (see page 4)

# **EVIDENCE LOCKERS**

## **Background**

The Grand Jury performed its annual review of the Hollister Police Department and Sheriff's Department evidence lockers.

## **Objective**

The objective of the annual review is to determine if these Departments are adequately controlling and disposing of evidence and that adequate records are maintained.

## **Methodology**

1. Interview with the Hollister Police and Sheriff personnel responsible for evidence control
2. Tours of the Hollister Police Department and Sheriff's Department evidence lockers.
3. Follow-up to previous Grand Jury Final Report

## **Observations, Findings, and Conclusions**

### **Hollister Police Department Evidence Locker**

1. As indicated in previous Grand Jury reports, significant progress has been made in controlling and records management of evidence. A barcode system was implemented in 2002, however over 50% of evidence is prior to 2002. A complete purge is underway with a full inventory planned once the purge is complete.
2. No procedures exist describing evidence locker controls, however they are planned. There is no sign-in log, but access is limited to three personnel and visitors must be escorted.
3. There are two non-sworn personnel presently assigned with a planned reduction to one in July. Assigned personnel know their responsibilities and are proud of their efforts. They are also aware of what is required for continued upgrade.

### **Sheriff's Department Evidence Locker**

1. As indicated in previous Grand Jury reports, significant progress has been made in controlling and records management of evidence. A records management system including barcode was implemented in May 2003, however evidence and records go back 10 years. There has been no inventory completed.
2. There is a sign-in log. There are three keys to the evidence room. The video camera system is inoperative and there is no alarm system.
3. There is a ceiling leak and water has leaked on some evidence.



4. The evidence room is staffed by the MSO Officer and is assisted by an officer. The MSO Officer has many other duties including facility and vehicle maintenance and supplies

## **Recommendations**

### **Hollister Police Department Evidence Locker**

1. Purging of old evidence needs to be completed and a full inventory conducted. Once completed, periodic audits should be conducted and documented. These can be self-audits or outside audits.
2. The Hollister Police Department needs to assess alternate staffing provisions to assure that evidence controls and records are kept current i.e. limited duty for personnel on medical leave.
3. The Hollister Police Departments evidence locker should implement a sign-in log.

### **Sheriff's Department Evidence Locker**

1. Purging of old evidence needs to be completed and a full inventory conducted. Once completed, periodic audits should be conducted and documented. These can be self-audits or outside audits.
2. The leak in the Sheriffs Department evidence locker needs to be fixed and evidence protected from potential water damage.
3. The Sheriffs department should consider an alarm system/ a key control system for greater security.
4. The Sheriffs Department should re-assess the MSO responsibilities and alternate staffing provisions to assure that evidence controls and records are kept current i.e. limited duty for personnel on medical leave.

## **Affected Agencies**

City of Hollister  
Hollister Police Department  
San Benito County Board of Supervisors  
San Benito County Sheriff's Department

## **Response Required**

California Penal Code Section 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. (see page 4)

# **SAN BENITO COUNTY JUVENILE HALL**

## **Background**

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

## **Objective**

The objective of the annual review is to determine if the Juvenile Hall is adequately addressing the needs of the facility, personnel, inmates and the community.

## **Methodology**

1. Interview with the Juvenile Hall Superintendent
2. Tour of the Juvenile Hall Facility
3. Follow-up to Juvenile Hall responses to 2002-2003 Grand Jury Final Report
4. Review of the annual BOC Report

## **Observations, Findings, and Conclusions**

1. The 2003-2004 Grand Jury found that the program in place including schooling, medical housing, YMCA activities, and credit rewards program are efficient and effective.
2. They lost their Transportation Officer and have not been authorized to replace that position. Coverage is provided through their "extra-help" budget, which appears to be less efficient and more costly.
3. The back-up plan for security is documented and draws from the Jail, the Sheriff's Department and the Hollister Police Department in that order. There are policy and procedures available describing this.
4. There is no back-up power source and it is a major concern.
5. There were three minor issues in the annual BOC report. Action is in place to upgrade the Policy and Procedures Manual. The report was very positive citing the management of the facility, the enthusiasm, pride, and teamwork of the staff, and the overall atmosphere.
6. Follow-up to the 2002-2003 Grand Jury Final Report Recommendations and Juvenile Hall responses was conducted. The review found:
  - a. A Sally Port was recommended to improve security at the entry/exit to the facility. The Sally Port had not been constructed. Estimates have been received for two alternatives but authorization to proceed has not been requested.

- It was recommended that the exposed sprinkler in the holding cell be protected or replaced. The exposed sprinkler has been modified adding a washer to eliminate any gap.
- It was recommended that a plan of action be presented to describe the actions to be taken to respond to the above recommendations. However, it was not clear to Juvenile Hall Administration as to what the plan was to cover and as best we could tell, no plan was submitted nor clarification provided.

## **Recommendations**

1. The need for a Transportation Officer and the costs of adding an officer versus the use of extra help should be evaluated as well as looking into sharing the responsibility with the Sheriff's Department Transportation Officers.
2. As recommended by prior Grand Juries, construction of a Sally Port should be a priority to provide adequate security for entrance to or exit from the facility. Security would be greatly improved with the construction of a Sally Port.
3. A generator should be acquired to provide a back-up power source in case of a loss of power to the facility.

## **Affected Agencies**

San Benito County Board of Supervisors  
San Benito County Juvenile Hall

## **Response Required**

California Penal Code Section 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. (see page 4)

# **Special Projects Committee**

## **CHARTER**

The Special Projects Committee is responsible for investigating complaints, reviewing procedures and other issues related to San Benito County Government Entities.

## **Committee Members**

Rita Appenzeller-Chair  
Suzanne Gere  
Deborah Shamnoski  
Chuck Gansen  
Richard Vasquez

# **Hollister Municipal Airport**

## **Background**

The Grand Jury performed a review of the Hollister Municipal Airport in order to respond to a complaint received.

## **Objective**

The objective of the review was to determine if the Airport is adequately managed and properly credited for income earned from the operation thereof and expensed properly from the use of other city and county services.

## **Methodology**

1. Interview with Barbara Mulholland, Finance Director
2. Interview with Robert Scattini, Airport Liaison
3. Interview with Al Ritter, Part-time Airport Manager
4. Review of the Income and Expense Reports from 2000 through 1<sup>st</sup> quarter, 2004.

## **Observations, Findings, and Conclusions**

1. The airport has run in a deficit position for years.
2. It appears that due to some of the changes made, such as having a part-time manager and contracting through the City for repairs needed, etc., that the Airport is beginning to show a profit.
3. In reviewing the balance sheets and statement of cash flow from 2002 to 2003 it was noted that there was a large write-off of fixed assets. This is the result of a building at the airport which burned as well as required re-evaluation of the depreciation of all fixed assts to bring them inline.
4. However, there is nothing showing a receivable amount due from insurance for the loss. The City Attorney has the file, as a lawsuit was filed against the insurance company, as there is a disagreement as to the functional replacement value of the building.
5. The hangar leases were all reviewed in July, 2002 and adjusted to fair market value and are for a period of 2-3 years each.
6. According to the City Finance Director, the leases for the other tenants have not been reviewed since December, 1999 and they are for periods ranging from about 5-6 years. She has a list of amounts to bill monthly, but the leases are under to control of the City Attorney's office.

7. The grant money showing as a receivable should be in any time. Barbara Mulholland was checking into receipt of the money for the runways and roads. Contracts for fencing, runways and lighting have been approved.

### **Recommendations**

1. The Airport is an operation which seems to run 24 hours a day, every day. A full-time Airport seems to be needed.
2. While the City Finance office is responsible for billing for leases, they do not have the leases, or copies thereof, in their possession and no one seems to take responsibility for renewing and reviewing them timely. A dedicated Airport Manager would assist in making sure the Airport is billing properly for the use of its facilities and receiving the appropriate monies due them.
3. The responsibility for the insurance claim and lawsuit pending for the replacement of the burned building lies with the City Attorney's office; however, the City has begun rebuilding this building, and there is no accounting entry as a receivable to follow up on receipt of the money.
4. The 2004-2005 Grand Jury should follow up and make sure the leases are reviewed, renewed, and renegotiated to fair market rental values in a timely manner.
5. The 2004-2005 Grand Jury should follow up with City Finance to make sure the money has been received for the grant and also for the insurance claim/lawsuit pending for the burned building.

### **Affected Agencies**

City Attorney  
City Finance Department  
Airport Manager

### **Response Required**

California Penal Code Section 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. (see page 4)

# **CITIZEN COMPLAINTS COMMITTEE**

## **CHARTER**

**The committee is responsible for receiving and evaluating complaints, offering recommendations to the full jury**

## **COMMITTEE**

**Don Moses-Chair**  
Rita Appenzeller  
Suzanne Gere  
Deborah Shamnoski  
Dorian Gonzales  
Rhonna Dias

## **Protocol**

San Benito County citizens may submit complaints to the Civil Grand Jury. Complaints must be in writing and on a Citizen Complaint Form.. The form is available in the office of the Superior Court and on line [[www.sanbenitograndjury.org](http://www.sanbenitograndjury.org)].

Upon receipt, the complaints are studied by the Complaint Review Committee, acknowledgement letters are sent to the complainants, and recommendations for disposition are made to the full Grand Jury. Complaints deemed to be within the purview of the Grand Jury are assigned to an appropriate committee for investigation. Results of these investigations are found elsewhere in this Final Report. Complaints deemed to be outside the purview of the Grand Jury are not investigated and the complainants are so notified.

## **Citizen Complaints Received**

Eight Citizen Complaints were received by the 2003-2004 San Benito County Civil Grand Jury:

1. Complaint relating to Child Protective Services;
2. Complaint relating to Environmental Health;
3. Complaint relating to the Office of the County Recorder;
4. Complaint relating to the Hollister Airport;
5. Complaint relating to the Superior Court;
6. Complaint relating to Child Protective Services;
7. Complaint relating to San Benito County Jail;
8. Complaint relating to the San Benito County Marshall.