

# ***County of San Benito Civil Grand Jury***

## **Final Report 2012–2013**

*Issued July 31, 2013*





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## ***County of San Benito Civil Grand Jury***

*P.O. Box 1624, Hollister, CA 95024*

Honorable Steven Sanders, Presiding Judge  
Superior Court of California, County of San Benito  
440 Fifth Street  
Hollister, CA 95023

The 2012–2013 San Benito County Civil Grand Jury is forwarding herewith our final consolidated report and wish to express our appreciation for the opportunity of becoming more active members of the community. While this opportunity also requires a commitment of time and an obligation to maintain an unbiased mindset, our experiences in meeting with elected officials representing San Benito County and the cities of Hollister and San Juan Bautista have provided a greater awareness and better understanding of the extent to which government complexities affect our daily lives.

These elected officials, department heads, and agencies' staff represents years of experience, breadth or spectrum of knowledge and dedication that is frequently overlooked, understated or taken for granted. In recent years, and particularly during our even more severe budgeting hardships, layoffs, staff reductions and furloughs have been necessary and anticipated revenues have been even more significantly affected by the state's withholding of state collected taxes previously designated as revenues to be forwarded or returned to local jurisdictions.

In spite of efforts throughout the County and cities to limit expenses, last year's Grand Jury had petitioned the Board of Supervisors for an augmentation to partially replace a 33% reduction in its budget from the previous year. That partial increase was sufficient to approximately cover actual but carefully monitored expenses incurred for the balance of that year.



Although the Board of Supervisors did provide this year's Grand Jury with a budget in line with last year's amended allocation, it should also be noted that we chose to limit some of the school site reviews since they had been completed the previous year, are more expensive to conduct and, considering a late impaneling of the jury, would have jeopardized completion of its annual final consolidated report.

We, the 2012–2013 Grand Jury, had continued the practice of inviting elected officials and heads of various departments to participate in discussions or provide presentations regarding their work, voice areas of concern and respond to questions reflecting concerns expressed by the community. The practice has both enhanced jurors' awareness of current issues and concerns and challenges that affect us all.

We have also attempted to further promote the community's awareness of what complaints or concerns may be presented by individuals and continue to encourage concerned citizens to participate more actively as members of future grand juries.

I'll also extend both a personal "thanks" to all of my fellow 2012–2013 Grand Jury members and, on their behalf, a hearty and heartfelt "Thanks" to the many officials and spokespeople for departments throughout the County, cities, special districts and care giving facilities who have shared their time, concerns and willingness to consider our questions, reviews and sometimes even recommendations.

Respectfully and with regards,

Arthur L. Bliss,  
Foreman to and for  
The San Benito County 2012–013  
Civil Grand Jury





*We, your neighbors, who served on the  
San Benito County Civil Grand Jury  
2012-2013*

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*Arthur Bliss, Foreman  
Linda Buckhout,  
Foreman Pro Tem &  
Treasurer  
Glenda Goldstone,  
Secretary  
Albino Rodrigues*

*David Fowler  
Debra Mahler  
Donald Silcox  
Eirasema Weaver  
Francis Bishop, Jr  
John D. Meeks  
Josephine Gallegos*

*Kenneth Kovanda  
Nicholas Yray  
Pamela Alvarado  
Patrick Garcia  
Raymond Stevenson  
Rodger Odom  
Sally Bettencourt*

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***Committees***

**City/Special Districts  
County  
Health, Education  
and & Welfare  
Law & Justice  
Editorial**

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***Dedicated to  
Arthur Loring Bliss  
November 6, 1944 - June 15, 2013***

## **Why a Grand Jury?**

*A Civil Grand Jury has two basic functions:*

- (1) to weigh the allegations of misconduct against of public officials and determine whether to present formal accusations requesting their removal from office, and*
- (2) to act as the public's "watchdog" by investigating and reporting upon the affairs of local government. "Of these functions, the watchdog role is by far the one most often played by the modern Grand Jury in California".*  
*(McClatchy Newspapers vs. Superior Court (1988)*  
*44 Cal.3d 1162, 1170).*

**San Benito County Grand Jury**  
**2012-2013**

### **By definition - CIVIL GRAND JURY:**

A Civil Grand Jury is a government oversight panel and an official body of the Court. Our Civil Grand Jury consists of or is initially impanelled with 19 members.

This group is customarily made up of dedicated volunteers who must be at least eighteen years of age and have lived within the County for not less than one year. They are to serve for one year with an option to reapply or voluntarily extend their period of service for one additional year. Thereafter, they are ineligible to continue serving on the Civil Grand Jury for at least one year but may reapply for appointment at any time after that elapsed year.

An appointment to the Civil Grand Jury provides Citizens an opportunity to participate in the affairs of our local government.

A Civil Grand Jury makes Findings and Recommendations based on the result of investigations, collection and review of resources or reports of Special Districts, individual departments within Public Agencies, personnel and/or incidents. The Civil Grand Jury is neither answerable to administrators nor legislators during this process.

Elected County officials or agency heads are then required by law to respond directly to the Court's presiding judge within 60 days of the Grand Jury's published reports.

Those responses are to specifically address the recommendations contained within those reports. Governing bodies of public agencies reviewed by the Grand Jury have 90 days to submit their responses.

Reports of the Civil Grand Jury do not identify individuals by name. Disclosure of information about such individuals interviewed by the Jury is prohibited by California Penal Code, Section 929.

In San Benito County most criminal complaints are handled through our local Courts. The Grand Jury may hear evidence concerning criminal activity and where there is cause, bring criminal charges or return an indictment. This happens infrequently in our County. The Civil Grand Jury's work in this area is not included in this Final Report.

#### **AMONG STATE LAW REQUIREMENTS ARE:**

Each published report includes a list of those public persons or entities required to respond to the Presiding Judge of the Superior Court within 90 days.

A copy of the Civil Grand Jury Report must be sent to the County Board of Supervisors.

All responses are made available to the Public, pursuant to California Penal Code Section 933.

For each finding the response is to:

1. agree with the finding, or
2. disagree with it, wholly or partially, and explain why.

As to each recommendation, the responding party must report:

1. Recommendation has been implemented, with a summary explanation; or
2. Recommendation has not been implemented but will be within a set timeframe as provided, or
3. 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 where applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
4. Recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

## **San Benito County Civil Grand Jury Report 2012-2013**

### **Timing of Agenda provided to City Council Prior to Council Meetings Conducted by City/Special Districts Committee – Report 1**

#### **Purpose of Inquiry:**

In the course of gathering background information regarding the City of Hollister's policies and procedures, information came to the committee's attention that indicated there might be deficiencies in communication between members of the city council and the timeliness of information being provided by city staff.

#### **Summary:**

Members of the committee sought to determine if members of the council were receiving meeting agendas and packets in time to review them prior to council meetings and in accordance with the law.

*"The Ralph M. Brown Act (Gov. Code, § 549501 et seq., hereinafter "the Brown Act," or "the Act") governs meetings conducted by local legislative bodies, such as boards of supervisors, city councils and school boards. . . As a general rule, information given to a majority of the members of the legislative body in connection with an open meeting must be equally available to members of the public. (§ 54957.5.)*  
*([http://ag.ca.gov/publications/2003\\_Main\\_BrownAct.pdf](http://ag.ca.gov/publications/2003_Main_BrownAct.pdf)).*

#### **Methodology:**

The committee conducted interviews on various dates with members of the city council and city staff to determine the merits of the inquiry.

#### **Findings:**

F1: At least 72 hours prior to a regular meeting, the body must post an agenda containing a brief general description of each item to be discussed or transacted at the meeting, including items to be discussed in closed session. (§ 54954.2(a).)

*([http://ag.ca.gov/publications/2003\\_Main\\_BrownAct.pdf](http://ag.ca.gov/publications/2003_Main_BrownAct.pdf)).*

If the council does not have access to the information contained in an agenda item's backup packet, neither does the public. However, as noted in a resolution by the League of Cities: *the state legislature recently passed AB 1464, a budget trailer bill signed into law on June 27, 2012, which contains a schedule of state mandates that are suspended during the 2012-2013 budget year, including the Brown Act*

(<http://www.cacities.org/opengovernment>).

F2: While the city does not need to follow the Act currently, the League of Cities is recommending that city councils still follow its provisions.

F3: Based on interviews, it appears that staff is notifying the council of agenda items in a timely fashion and that agendas are being posted online for public review.

### **Recommendations:**

R1: Although we commend staff for continuing to follow provisions of the Brown Act that govern posting of agenda items, we would like to recommend that the amount of time the city council has to review its agenda and information packet prior to council meetings be lengthened. Given that council meetings occur on the first and third Monday, with agendas being posted on the Friday prior, it could prove difficult to contact appropriate staff with any questions that might arise from reviewing the information over a weekend. In addition, even with a lengthened amount of time, council may still have challenges in having questions answered given the current number of staff.

R2: In an effort to bring more public awareness to the happenings of its city government, The SBCCGJ would like to note how to access the public agenda of the City Council. From the City homepage (<http://hollister.ca.gov/site/index.asp>), click the link on the left hand side that says, "+ City Council." This will open to provide several options. Select "Council and Former Redevelopment Agency Agenda." This will then have a page that displays a username and password to enter once you click on the logo that is named "Laserfiche® Weblink." This will open a new webpage where you will enter the username and password given from the previous page.

From here you will see an icon of an open folder. Click the “+” and sub-folders will open. If you click the “City Clerk” folder and you will see agendas, minutes, ordinances and resolutions folders that may be opened in the same way until you find the information you seek listed by Council meeting date.

R3: We would recommend packets be provided 7 calendar days prior to a meeting.

### **Response Required:**

The California Penal Code 933 (c) and 933.03 requires a response to the findings and recommendations made in this final report be delivered to the Presiding Judge of the Superior Court. The following affected agency shall respond to all relevant findings and recommendations. The affected agencies are:

- Hollister City Council (response required within 90 days)
- City of Hollister, Mayor (response required within 90 days)

**Budget Review- Report 2**  
Conducted by County Government Committee

**Purpose of the Inquiry:**

Due to the well publicized economic condition of the County, the Grand Jury requested an investigation into the condition of the County's budget and opportunity to offer recommendations to the budget administrator ways to improve future budgets for San Benito County.

**Summary:**

Each year the California State Controller's Office provides each County with a County Budget Guide. In San Benito County, the Board of Supervisors has determined the CAO (County Administrative Officer) of our county to be the designated administer and responsible for preparing an initial budget using this Guide. The County then must have up to ten days of Public Hearings in order to amend, modify and finally approve this budget. The Auditor then determines if the budget will be balanced and if not, the Board of Supervisors must make further adjustments. The officially adopted balanced budget must then be filed with The Clerk of the Board and the Office of the State Controller by December 1st of each year. A budget policy draft for 2013-2014 was proposed at the Board of Supervisors meeting on February 26<sup>th</sup> 2013 with positive recommendations to address shortfalls.

**Methodology:**

An interview with the County staff on the 30<sup>th</sup> of November 2012.

**Findings:**

- F1. The 2013-2014 Budget is facing a critical shortfall in revenue that will not be relieved by refunds received in the prior year.
- F2. The past 4 years there has been a steady decline in the county's economic condition. Revenue shortfalls have grown to a critical point.

- F3. The Board of Supervisors has had to pull from reserves each year to pay for obligations, leaving reserves critically weak.
- F4. County employees have been laid off and others have been forced to take "furlough" days off leaving County offices open to the Public fewer hours per week with less staff to perform all the required duties.
- F5. Further layoffs, especially in safety areas, jeopardize the safety and security of the citizens of San Benito County.

### **Recommendations:**

- R1. Grand Jury recommends adhering to the Guidelines passed earlier this year by the State of California, AB340-California Public Employees' Pension Reform Act (PEPRA)\* to avoid any further layoffs.

*\* California Public Employees' Pension Reform Act (PEPRA) was passed in 2013. It is Governor Jerry Brown's 12 point plan to reform County Employees Retirement law of 1937 and the Calpers Retirement System. It was to prevent Government Agency employees from "double dipping" by establishing a 180 day waiting period before retirees could return to government employment. It excludes certain compensation from being included in determining retirement benefit compensation for county employees. It also reduces benefits and increases retirement ages.*

- R2. That the 2013-2014 Grand Jury follow up on the progress of implementing AB340.
- R3. Continue to study the benefits of consolidating Fire, Police and Vector Control under one department designated DPS (Department of Public Safety).
- R4. Continue to review the effectiveness of County Building Fees. We recommend a closer look at fees charged for adequacy and accuracy.
- R5. Review County's Representation, (outside sources), when negotiating with Unions. Do they promote the county's views?
- R6. Investigate extensively the hiring of expensive outside consultants versus utilizing qualified talent within our own County. We suggest the creation of guidelines for the use of consultants.



## **Response Required:**

The California Penal Code 933 (c) and 933.03 requires a response to the findings and recommendations made in this final report be delivered to the Presiding Judge of the Superior Court. The following affected agency shall respond to all relevant findings and recommendations. The affected agencies are:

- San Benito County Board of Supervisors (response required within 90 days)
- San Benito County Sheriff (response required within 60 days)

## **San Benito County Records Retention Review – Report 3**

Conducted by County Government Committee

### **Purpose of the Inquiry:**

Through other investigations, the Grand Jury discovered that San Benito County might be lacking a formal records retention policy. It was put onto the County Government Committee to research this issue and report its findings.

### **Summary:**

San Benito County does not have a records retention policy. There were attempts to adopt such a policy but due to a lack of infrastructure and personnel a formal policy was put on hold. The county is looking at measures to address this issue and put in place a policy that is both enforced and monitored. The County however has several retention resolutions in place at current for the Sheriff's Office, County Counsel and the Treasurer's Office.

### **Methodology:**

Q&A interview with the County staff in March 2013.

### **Findings:**

- F1. There is no county wide records retention policy in place. Two offices, County Counsel office and The Treasurer's office have a resolution in place for records.  
(See Resolution # 2005-111 and 9290)
- F2. The Sheriff's Office has a lengthy document that references their retention needs.  
They are currently compiling information to create a guide.
- F3. Lack of infrastructure has kept the county from formulating a records retention policy.
- F4. Each department maintains and houses their own records.

### **Recommendations:**

- R1. Create a County wide "Records Retention Policy" that can be enforced and monitored for compliance. Use the "Records Management Handbook" as a guide.  
<http://www.documents.dgs.ca.gov/osp/calrim/RecordsRetentionHandbook.pdf>
- R2. Create and use Electronic methods of records retention when possible. Use the "Electronic Records Management Handbook" as a guide.  
<http://www.documents.dgs.ca.gov/osp/recs/ERMHbkall.pdf>
- R3. Create a central location for records retention and storage for the county. Create an infrastructure to support the facility.
- R4. Hire additional personnel to support a records retention policy as previously attempted.

### **Response Required:**

The California Penal Code 933 (c) and 933.03 requires a response to the findings and recommendations made in this final report be delivered to the Presiding Judge of the Superior Court. The following affected agency shall respond to all relevant findings and recommendations. The affected agencies are:

- San Benito County Board of Supervisors (response required within 90 days)

**San Benito Health Care District Reports 4-7**  
**Conducted by Health, Education and Welfare Committee**

On October 4, 2012, a staff member of Hazel Hawkins Hospital, made a presentation at the Grand Jury weekly meeting, discussing the facts and figures regarding the Hazel Hawkins Memorial Hospital and outlying facilities, the past and future construction implemented as a result of Measure L funds, and the current financial statement of the San Benito County Health Care District. Enclosed are items relating to facts, figures, current status of construction, and financial report.

The HEW Committee elected to do an inspection of the San Benito Health Care District. This included visit to the Hazel Hawkins Hospital Emergency Room, visit to one of the nursing homes, and visit to an outpatient facility. Following are reports of those inspections and recommendations.

**Hazel Hawkins Hospital Emergency Room Review Report 4**

**Purpose of Inquiry:**

The purpose of our investigation at the Hazel Hawkins Emergency Room was:

P1 - to follow up on comments that patients at the Emergency Room were not being seen in a timely manner.

P2 – to see why patients were being sent elsewhere when treatment could be given at this site.

P3 – Is there a Charge Nurse present at all times?

P4 – Is the Emergency Room in compliance with:

- a. the Joint Commission Emergency Management Standards, and
- b. the Federal Emergency Medical Treatment and Labor Act?

**Summary:**

There are certain hospitals that can treat certain trauma patients better than others. A determination is made when the patient is brought in as to where they can best be treated.

Patients that come into the Emergency Room are seen within a reasonable time.

**Methodology:**

Interviews were conducted by the committee on various dates with members of Hazel Hawkins Hospital staff at the Hazel Hawkins Emergency Room, staff at the Fourth Street Clinic and staff at the Hazel Hawkins Northside Skilled Nursing Facility.

**Findings:**

F1 – Our investigation has shown that there is no evidence of delay in access to medical care.

F2 – Hazel Hawkins Emergency Room is not a trauma center and often has limited backup (physicians on call) for certain serious emergencies. If Hazel Hawkins can't treat them, they are flown to a facility that can.

F3 – There are three nurses on duty at any time, including triage nurse; however, the Charge Nurse is not present in the Emergency Room at all times.

**Recommendations:**

R1 - Since the Emergency Room is seeing patients in a timely manner, no recommendations are felt necessary to be made on this point.

R2 - Similarly, since Hazel Hawkins Hospital appears to be in compliance with the Joint Commission Emergency Management Standards and the Federal Emergency Medical Treatment and Labor Act, no recommendation is needed.

R3 - There should be a Charge Nurse present at all times in the Emergency Room.

## **Response Required:**

The California Penal Code 933 (c) and 933.03 requires a response to the findings and recommendations made in this final report be delivered to the Presiding Judge of the Superior Court. The following affected agency shall respond to all relevant finding and recommendations. The affected agencies are:

- Hazel Hawkins Hospital, Board of Directors (response required within 90 days)

## **Hazel Hawkins Northside Skilled Nursing Facility Review Reports 5**

### **Purpose of Inquiry:**

The purpose of our investigation at the Hazel Hawkins Northside Skilled Nursing Facility was:

P1 – to determine if the medical care of patients in San Benito County who are admitted to skilled nursing facilities meets a reasonable standard of care.

P2 – to determine if the regulations set forth by DHHS, CMS, and the State Survey Agency (Title 22. California Code of Regulations) are being followed or satisfactorily met.

P3 – to determine if the facility is sufficient to meet the needs of the patients.

### **Summary:**

The facility is up-to-date, very clean and displays a very good standard of care.

### **Methodology:**

An interview with the staff and observations at the facility were made by the Grand Jury subcommittee.

### **Findings:**

F1 – all issues that were evaluated met the standard of care and complied with federal and state regulations.

F2 – The physical structure is up-to-date and very clean.

F3 – The area designated for social interaction is too small to accommodate all participants.

### **Recommendations:**

R1 – nothing needs to be done regarding this point (P1).

R2 – nothing needs to be done regarding this point (P2).

R3 – The room needs to be enlarged by expanding into an area of the Parking Lot that is not being used.

## **Response Required:**

The California Penal Code 933 (c) and 933.03 requires a response to the findings and recommendations made in this final report be delivered to the Presiding Judge of the Superior Court. The following affected agency shall respond to all relevant findings and recommendations. The affected agencies are:

- Hazel Hawkins Hospital, Board of Directors (response required within 90 days)



## **Outpatient Fourth Street Clinic Review Report 6**

### **Purpose of Inquiry:**

The purpose of our investigation at the Fourth Street Outpatient Clinic was:

P1 – Is ambulatory care in San Benito County adequate?

P2 – Is that facility in compliance with the Joint Commission and Bureau of Primary Health Care?

### **Summary:**

There are four ambulatory clinics in the County which serve different disciplines. There are also four laboratory facilities in the County; HEW sub-committee has evaluated one clinic.

### **Methodology:**

An interview of the staff was done.

### **Findings:**

F1 – The ambulatory care in San Benito County is deemed adequate.

F2 – The ambulatory health care system is compliant with the Joint Commission and Bureau of Primary Health Care.

### **Recommendations:**

R1 – nothing needs to be done regarding this point (P1).

R2 – All ambulatory health care and subsequent hospitalization, if needed, should be in local County medical facilities. Exceptions are:

- a. on an emergency basis if out-of-county facility is faster and/or,
- b. the required service is not provided in San Benito County.

## **Response Required:**

The California Penal Code 933 (c) and 933.03 requires a response to the findings and recommendations made in this final report be delivered to the Presiding Judge of the Superior Court. The following affected agency shall respond to all relevant findings and recommendations. The affected agencies are:

- Hazel Hawkins Hospital, Board of Directors (response required within 90 days)

## **San Benito County High School Review Report 7**

### **Purpose of Inquiry:**

The purpose of our investigation at the San Benito High School was:

P1 - to see what kind of security was in place in light of the problems throughout the country and to follow up on prior Grand Jury recommendations regarding surveillance and safety issues.

P2 - to assess the present cafeteria with regards to capacity.

P3 - to assess the effectiveness of the public address system.

P4 - to assess if the communication between the school and the Spanish speaking only parent is available to them concerning their child's education.

P5 - to evaluate the efficiency of the energy system presently being used.

### **Summary:**

Because of the extensive reviews of the last Grand Jury we felt it was important to visit the San Benito High School only.

### **Methodology:**

An interview with staff on November 28, 2012 and March 5, 2013.

### **Findings:**

F1 - some cameras are in place (9) and the Master Plan shows that nine more will be installed. There is a monitor (DVR) that records for three days before the cycle starts all over.

F2 - the present cafeteria is too small for the number of students attending the school. The capacity is 750 and there are approximately 2850 students. All students have their lunch hour at the same time. There are other locations to purchase food. They are next to the old gym and west of the new gym by the Ag department.

F3 - the public address system currently only use a horn for emergency use. There is no verbal communication from the system. They use a telephone to notify the teachers what is happening with a specific ring tone.

F4 - some forms of communication are available for Spanish speaking parents such as newsletters, flyers, auto dialers and school loop. According to staff, "schools are monitored by federal government, and our Federal Program Monitoring indicates that we meet all requirements for parents communication and notification". Currently there are no Spanish speaking Site Council members. Although school loop is a form of communication to all parents, most Spanish speaking only parents do not have access to a computer or know how to use one. The school population is 64% Latino, 30% Caucasian and 6% other.

F5 - the controlling of light and heat is not efficient and is controlled in each room. There are motion sensors in certain locations that save energy.

### **Recommendations:**

R1 - add more cameras to adequately cover the campus with accompanying DVR's. Extend the recording cycle to be commensurate with law enforcement suggestions. The DVR should record for three weeks before recycling.

R2 - follow through with the High School Transitional Master Plan with a student union with an accompanying food court to accommodate the population of the school. According to the proposed plan it should be built in the empty field near the shops. The old cafeteria will remain.

R3 - upgrade the public address system to include vocal commands with a speaker system that would cover the whole campus.

R4 - add bilingual site council members to get input from the school's Latino community, the majority population. See if all literature is available in Spanish. Follow through to see if all parents understand what is going on at the high school. The school has recommended that they would provide a translator.

R5 - improve infrastructure to upgrade the heating and air conditioning system (EMS). The estimate is under \$2,000,000 according to the Transitional Master Plan.

### **Response Required:**

The California Penal Code 933 (c) and 933.03 requires a response to the findings and recommendations made in this final report be delivered to the Presiding Judge of the Superior Court. The following affected agency shall respond to all relevant findings and recommendations. The affected agencies are:

- San Benito County High School District, Board of Trustees(response required within 90 days)

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San Benito County Civil Grand Jury 2012-2013  
**San Benito County Sheriff's Office Review Report 8**  
Conducted by Law & Justice Committee

**Introduction:**

The San Benito County Sheriff's Office is responsible for the support of the court system within the county and the adult detention system for the both county and all cities and towns within the county. They are also responsible for the policing of all of the San Benito County's unincorporated areas. Additionally the Sheriffs Department provides the services of County Coroner, and the County Morgue.

At this writing, there is one supervisor for three officers on two teams and one supervisor for four officers on two teams. The officers, while on duty, provide for public safety, provide backup to the incorporated cities within the county, backup and support of the California Highway Patrol, and when called upon provide "mutual aid" to Monterey, Santa Clara, San Joaquin and Fresno Counties.

**Approach:**

The Grand Jury investigated the management and facilities of the San Benito County Sheriffs Office, and the San Benito County Jail (contained under separate report herein).

The mission of the San Benito County Sheriffs Department is to provide protection to the citizens of San Benito County by preventing or reducing the frequency, severity, and impact of criminal and delinquent behavior of those who come within the jurisdiction of the San Benito County Sheriff's Office.

**Background:**

There are a total of three officers out with injuries. One of these has been out for an extended period. The ability to replace these officers is exacerbated by "The Lay-Off Season," a term representing conditions of employment that remain in effect for not less than two years from the time an officer is laid off. This lay-off season is a moving target because not all officers are laid off at the same time.

This provision extends the time before which the county can hire another or replacement officer if and when budgets permit.

Reserve Deputies are temporary employees and cannot replace a laid off person full time. This provision to the system was established in 1988 and updated by an agreement between the union and the County Board of Supervisors in 2012.

The Sheriff's officers on duty rotate through different shifts during the year.

In the San Benito County Jail the ratio of prisoners to staff is 40:1. When members of staff are transporting a prisoner from the jail to the court, the staff is correspondingly reduced. Similarly, the staffing level also drops when an inmate has to go to the hospital after hours.

The San Benito County Information Technology (IT) Department handles the entire computer system, communications equipment, and vehicle equipment (computer terminals and radios) within the Sheriff's Department. The IT Department also maintains the telephone and web site for the Sheriff's Department.

Budget allowances have been found sufficient to provide for training of one officer and the purchase of a dog to establish a K-9 Unit in San Benito County. As of this writing, the training has been completed and the K-9 Unit is on patrol within the county.

The San Benito County Sheriff's Office has two grant funded positions, commonly referred to as: a "Drug Grant" and an "Agricultural and Rural Area Crimes Grant."

The San Benito County Sheriff's Office is also responsible for serving civil papers that are required to be served by the Sheriff's Department such as evictions and court proceedings. Of these, about 80% are to locations or addresses within incorporated areas of the county.

## **Methodology:**

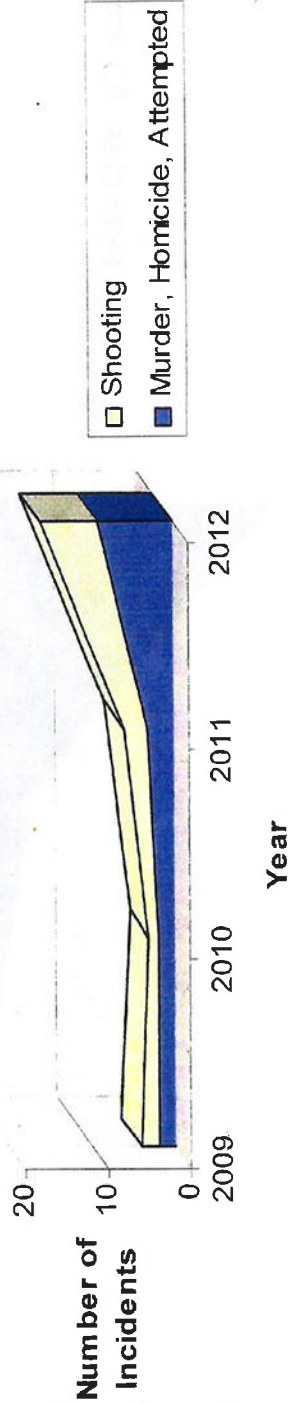
The San Benito County Grand Jury Law & Justice Committee took a tour of the new sheriff's facilities, interviewed the San Benito County Sheriff Department staff, reviewed documents and conducted research including through the internet. Because of the complex nature of the Department, the San Benito County Grand Jury investigated the Adult Detention Center (County Jail) separately and has provided that review under a separate report herein.

## **Facts and Findings Relevant to the Investigation:**

- Although full year statistics are not available for each of the years since AB 109 has been imposed on San Benito County, the following charts (supplied by the Sheriff's department) representing full years of 2009-2011 and only through October of 2012, give strong indication that the returning of otherwise state prison inmates to local jails and jurisdictions are having direct impacts on our community.



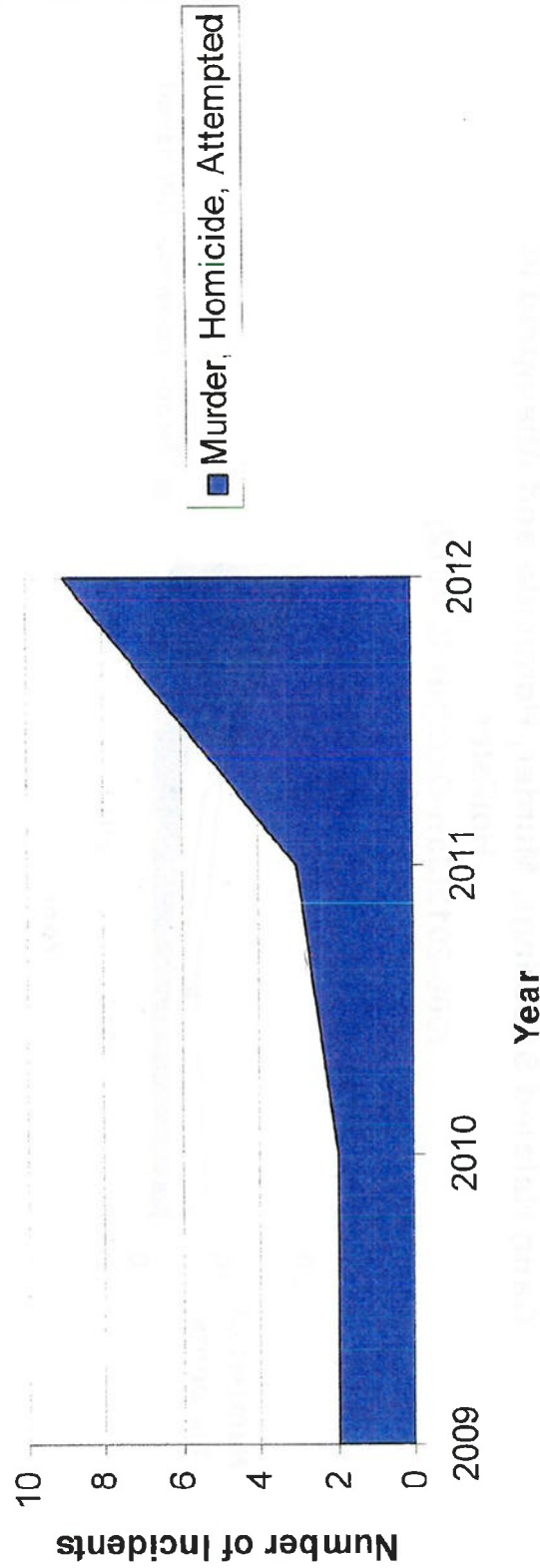
# **Gang Related Shootings, Murder, Homicide and Attempted in Hollister 2009-2012(Jan-October 2, 2012)**



Attempted Homicides are included. Reason for increase may be partially attributable to better tracking of gang related incidents.

City of Hollister				
Year	Murder	Homicide	Attempted	Shooting
2009	1	0	1	2
2010	0	0	2	1
2011	2	0	1	3
2012	2	0	7	7

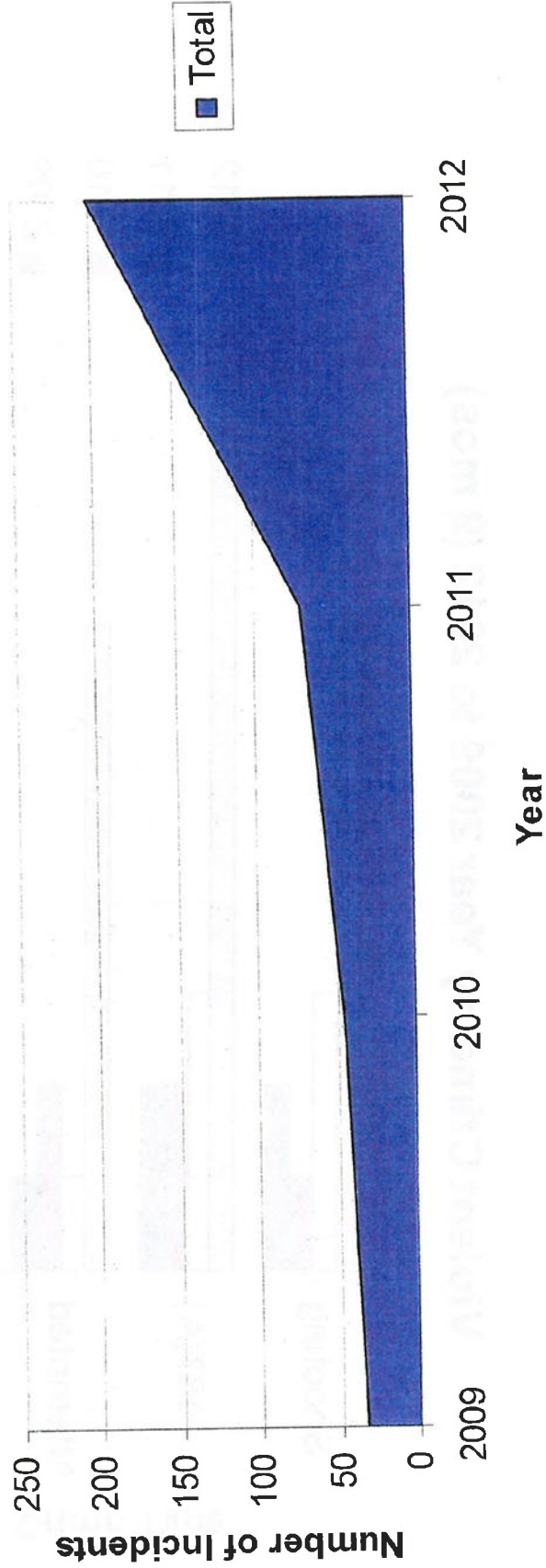
## Gang Related Murders, Homicides and Attempted 2009-2012(Jan-October 2, 2012)



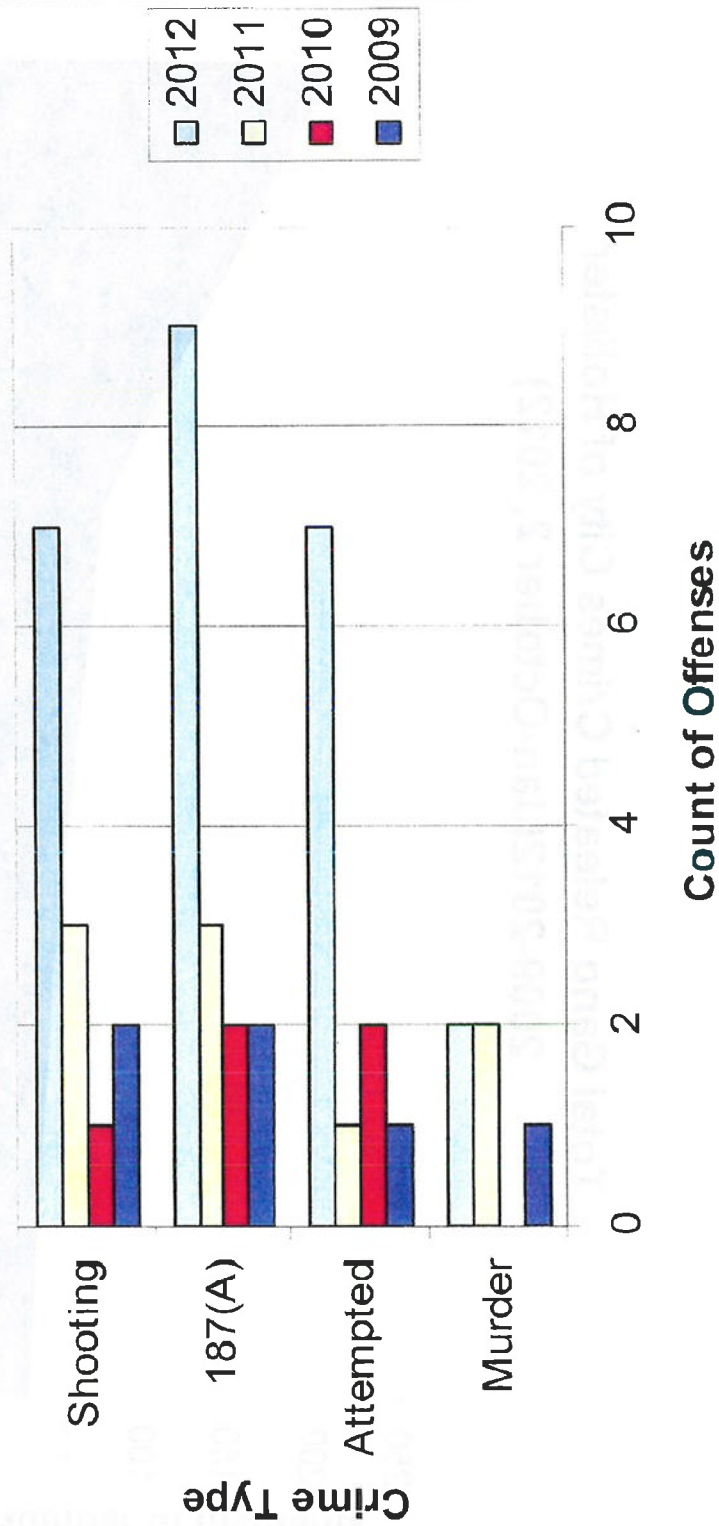
### City of Hollister

Year	Murder	Homicide	Attempted	Shooting	Others
2009	1	0	1	2	30
2010	0	0	2	1	42
2011	2	0	1	3	64
2012	2	0	7	7	187

### Total Gang Related Crimes City of Hollister 2009-2012(Jan-October 2, 2012)



## Violent Crime by Year 2009 to 2012 (9 mos)



- The San Benito County Sheriff's Office is short manpower when compared to other counties with in California with the same or similar demographic.
- The Reserve Officers are not utilized to their full potential to benefit the county at large.
- The County Jail is short staffed and falls below California State guidelines when officers are taken away from the facility to provide inmate services.
- Arraignments are held at the County Courthouse while in the juvenile system, hearings are held at the Juvenile Detention Center unless there are extenuating circumstances.
- The IT Department is understaffed and cannot support the Sheriff's office in a timely manner.
- Although injured officers receive workman's compensation that frees up some portions of salaries, County rules otherwise prohibit temporary officers from filling these positions.
- School protection is provided by School Resource officers. In 2013 the school could only afford to pay for half of the salary so the coverage is only part time.
- The High School Campus responsibilities are shared by both the City of Hollister and the San Benito County Sheriff.

### **Findings:**

**F1:** The County of San Benito Human Resources Department and San Benito County Board of Supervisors have not negotiated with the DSA (Deputy Sheriff's Association) sufficiently to allow for efficient manpower utilization within the Sheriff's Department

**F2:** Reserve Officer could be better utilized to suppress the San Benito County's increasing crime level when [F1] is resolved.

**F3:** The County Jail is staffed at the bare minimum level and falls to "under-staffed" when officers are called away to provide inmate services outside of the jail confines.

**F4:** Arraignments are held Tuesdays and Thursdays at the San Benito County Courthouse.

F5: The San Benito County IT Department is under-staffed and cannot support all County offices in a timely manner.

F6: Worker's compensation issues do not allow for efficient utilization of personnel within the Sheriff's Department.

F7: School protection is a big issue throughout the United States and San Benito County can currently fund only half of the position's required staffing for the effort.

F8: The security coverage responsibilities for San Benito High School are shared by both the City of Hollister Police and San Benito County Sheriff's Department.

### **Recommendations: (keyed to above [corresponding] findings)**

R1: The San Benito County Board of Supervisors and the San Benito County Human Resources Department, along with 2 or 3 members of the business community, should seek to renegotiate the agreements with DSA to improve manpower utilization within the Sheriff's Department of both office staff and patrol officers. If an officer is laid off because of no position funding opening, but temporary work is available, and the laid off employee refuses to accept the temporary assignment, then he or she is dropped from the recall list and the job may be filled by a reserve officer.

R2: With resolution to Recommendation R1, deploy reserve officers when needed to shore up or supplement shortages within the department.

R3: Increase the San Benito County Jail staff by 1 officer per shift to assure that staffing is at least maintained at minimum California State guidelines for officer and inmate safety.

R4: That the county discuss pros and cons of implementing video arraignment with the court between the jail and the San Benito County Courthouse so that inmates can be arraigned without the need of an officer to transport and accompany, or the inmate having to leave the Jail.

R5: The County and City of Hollister IT Departments should avail themselves of the opportunity to utilize the corresponding services when the work load causes a lag in service times. This may help keep both departments better utilized.

R6: Again, resolution of R1 above will alleviate this issue.

R7: The School Service Officer should be fully funded in the San Benito County and City of Hollister.

R8: Security coverage for San Benito High School should be assigned to either San Benito County or the City of Hollister Police Department, but not both. With the assignment to both, jurisdictional issues can arise and cause delays in response.

### **Conclusion:**

The San Benito County Sheriff's Department is doing a good job with the manpower and resources available to them. They have developed some innovative programs and techniques based on forward thinking to implement changes brought on by AB109 (The Public Safety Realignment Act of 2011.) The Department has spread its manpower as best it can to thwart an increasing crime rate in the county. The community can be proud of the service and dedication of the Sheriff and Officers to the safety of the citizens of San Benito County. The men and women of the San Benito County Sheriff's Office that we observed are dedicated to their profession and to the safety of the citizens of San Benito County.

### **Response Required:**

The California Penal Code 933 (c) and 933.03 requires a response to the findings and recommendations made in this final report be delivered to the Presiding Judge of the Superior Court. The following affected agency shall respond to all relevant findings and recommendations. The affected agencies are:

- San Benito Sheriff (response required within 60 days)
- San Benito County Board of Supervisors (response required within 90 days)
- Hollister City Council (response required within 90 days)
- City of Hollister, Mayor (response required within 90 days)

San Benito County Civil Grand Jury Report 2012-2013

**San Benito County Jail Review Report 9**

Conducted by Law & Justice Committee

California Penal Code Section 919, subdivision (b) provides: "The Grand Jury shall inquire into the condition and management of the public prisons within the County".

Pursuant to the above statute, the Grand Jury inspected the Jail and Juvenile Detention Center in our County.

Introduction: our County Jail is located on the outskirts of our City and is a division of the Sheriff's Office. The capacity of the jail is 145.

In the past, our jail has generally housed those inmates sentenced to one year or less in custody. However, now due to AB 109\*, the jail is forced to house inmates convicted of much more heinous crimes for extended periods of time. This factor alone presents new challenges and threats to the Staff and other inmates inside the Jail's walls on a daily basis. Our investigation focused a major part of discussions with Staff and the Sheriff on this topic.

**Approach:**

The Law & Justice Committee members toured/inspected the Jail in August, 2012. We interviewed Staff at the Jail, observed operations taking place in the kitchen during lunch, in the medical exam area, educational classes and inmates in their daily routines. We also discussed Jail operations with the Sheriff's Department staff on a later date.

*\*AB 109 allows (and is increasingly mandating that) non-violent, non-serious, and non sex offenders to serve their sentences in county jails instead of state prisons.*

Discussion: Upon being booked into the jail, each inmate is issued a particular color jumpsuit to help identify his or her security level. Each must also wear a wrist band identification to assist in rapid visual determination of that security level.



At the time of booking, it is decided if an inmate requires special placement such as a sobering cell to be monitored when arriving intoxicated. There are also "safety cells" as well as special equipment to handle suicidal and psychological distress situations. Inmates placed in one of the special areas are monitored more frequently than other inmates.

Our jail inspection/tour included viewing of the six pods in the jail which house the male inmates, and noted its relation to the Command Center. The pods are contained within a two-story area with stairs to reach a top mezzanine floor within each pod. All pods are completely visible to Command Center personnel. The Command Center personnel are the eyes and ears of the entire male population of our jail 24/7. They have electronic controls to all doors of the pods.

In the high security pods, there is a television, a table and water faucet in the common area. One to two inmates occupy one cell. In the high security pods, one cell's occupants are allowed out to roam the common area for one hour at a time. During our visit of the high security pods, one inmate was in the common area who was providing water, and changing the channel on the television for certain inmates who requested these things or some other small task. These high security pods also appeared to be very clean and well-kept.

The lower security pods allow all inmates to congregate in the common area together. At the time of our visit/inspection, inmates within the medium security pods were being allowed to roam their pod freely and interact. All inmates seemed calm and to be taking care of themselves and respecting the area and other inmates around them. More tables as well as other amenities were in these lower security pods.

The females are housed in two one story areas. The common area is accessible to all female inmates at one time. The area seemed quite crowded but it was explained as within legal occupancy limits. At the time of our visit/inspection, the females were all free to roam their pod. Some inmates chose to remain in their bunks while others were congregating and socializing around the tables.

The television was on and a few were enjoying a daytime show. The atmosphere among the female pods seemed to be peaceful and Staff advised us this is pretty much the norm. This seemed rather remarkable, considering the situation. The female pods were very clean and everyone appeared to be taking proper care of themselves and their surroundings.

Our jail contracts with a Food Services company for three meals a day. These meals are prepackaged for delivery. At mealtimes they are heated in the jail's kitchen and delivered to the inmates. An emergency/disaster reserve food supply for three days is kept on hand at the jail. There are commissary privileges as well. Special diets are provided for those with medical necessity.

The medical services area was very busy at the time of our inspection. There is a registered nurse on duty in the jail from 7:00 a.m. to 3:00 p.m. If an inmate feels he/she needs medical attention, other than under an emergency situation, he/she fills out a sick call form. At appointment time, the ill inmate is escorted to the medical area by a Deputy who is obligated to remain with the inmate at all times. San Benito County currently contracts with a medical advising company from Monterey County. This company is well-versed in the correctional health field. As part of that contract with this private company, staff of the private company decide what tests are to be performed or ordered and are reimbursed for payments to which they would otherwise be entitled. In the event of a possible emergency, this private company has a doctor on-call 24 hours a day, seven days a week. The medical office or jail staff can call this doctor and describe symptoms and visual observations to help the advising doctor decide if the inmate needs to be transported to the emergency room. If so, an ambulance is called or instructions are followed concerning what monitoring and for what predetermined amount of time before his next (updating) examination or phoned discussion.

This private company provides, in part, medical supplies, medicines, lab work, x-rays and dental care as part of its yearly fee.

For Court appearances, inmates are currently transported in a van capable of carrying up to 11 passengers. There is often only one Deputy available for this task. The jail can make up to four trips a day into the City for Court appearances.

### **Findings:**

F1. The private company contracted to our Jail is an invaluable asset to the correctional healthcare necessary for our inmates. Correctional healthcare has challenges and issues not found in the civilian population. This private company provides 24/7 advice, medical supplies, dental care, medicines, lab tests and x-rays as part of their contract. In the event of a lawsuit, they also share in that cost.

F2. The transporting of inmates to the Courthouse on a daily basis or as arraignment schedules require is very time consuming and usually leaves the Jail reduced by at least one Deputy from an already taxed staff situation.

F3: The frequent shortage of staff at the Jail is unacceptable. The safety of current Staff is at risk on a daily basis.

### **Recommendations:**

R1. Although San Benito County is considering or has considered replacing this private medical company with services available within our County from Hazel Hawkins Hospital, the possible implications of one lawsuit against our county or HHH may more than justify the cost of this precise correctional healthcare application. HHH physicians and staff are not experienced in the unique challenges correctional healthcare presents on a daily basis.

The Grand Jury would recommend San Benito County detention centers be allowed to continue contracting with experts in the unique field of correctional healthcare in order to limit our liability.

R2. That the county discuss pros and cons of implementing video arraignment with the court between the jail and the San Benito County Courthouse so that inmates can be arraigned without the need of an officer to transport and accompany, or the inmate having to leave the Jail.

R3. The Grand Jury recommends the hiring of at least three additional correctional deputies at the jail in the very near future.

## **Response Required:**

The California Penal Code 933 (c) and 933.03 requires a response to the findings and recommendations made in this final report be delivered to the Presiding Judge of the Superior Court. The following affected agency shall respond to all relevant findings and recommendations. The affected agencies are:

- San Benito County Sheriff (response required within 60 days)
- San Benito County Board of Supervisors (response required within 90 days)

**San Benito County Juvenile Detention Center Report 10**  
**Conducted by Law & Justice Committee**

San Benito County Juvenile Detention Center: Our County's Juvenile Detention Center is located on Flynn Road on the outskirts of the City limits. Located within the Juvenile Detention Center is the Juvenile Courtroom. This building is situated directly in front of the County Jail.

**Introduction:**

Our County's Juvenile Detention Center is located on Flynn Road on the outskirts of the City limits. Our Juvenile Detention Center houses all juvenile offenders in San Benito County and is under the supervision of our County Probation Department. This Juvenile Court location only hears some of the cases at this location while the balance is heard at our County Courthouse on Monterey Street.

**Approach:**

The Grand Jury visited the Juvenile Detention Center the latter part of 2012. The Law & Justice Committee members attended this inspection/tour.

During a second visit, the committee members attended Juvenile Court proceedings.

**Discussion:**

Upon arrival committee members found the Juvenile Detention Center to be very clean and orderly. We were given a tour of the entire facility and were very impressed with the attention Staff gives this Center and its residents.

There were approximately 6 students in the classroom all working at varying levels of education. All juveniles attend classes unless experiencing some type of behavioral issue. The atmosphere of the classroom was very peaceful yet intense. Every student seemed immersed in their studies and the teachers and aides seemed at ease. This scenario made quite a positive impression of the Law & Justice Committee Members.

Other areas within the compound are an intake area, several cells, a common area and an outside recreation area.

Meals are delivered to the Center by the same contracted meal vendor as the Jail. Juveniles receive their meals on a strict schedule in much the same fashion as the County Jail.

The outside recreation area currently consists of an uneven concrete slab and a grassy area framed in by a high wall. The grassy area is infested with gophers.

Juvenile offenders medical needs are met by the same company contracted to the Jail. Medical advice is available and offered 24/7 from this company and in much the same manner or protocol as is followed at the Jail.

### **Findings and Recommendations:**

F1. The recreation area at the Juvenile Detention Center is not functional. The concrete is uneven leading to possible injury if not careful. The grassy area is infested with gophers making any type of physical activity in that area extremely unsafe.

R1. The Grand Jury would recommend some basic improvements be made to the recreational area of this Center. Exercise and exposure to the outside air is an important factor in the health and attitude of an incarcerated person.

Perhaps Staff could investigate the possibility of volunteer groups interested in assisting the Center both financially and with time and energy to bring this important area back to a safe standard for the health and well-being of the children staying there.

## Response Required:

The California Penal Code 933 (c) and 933.03 requires a response to the findings and recommendations made in this final report be delivered to the Presiding Judge of the Superior Court. The following affected agency shall respond to all relevant findings and recommendations. The affected agencies are:

- San Benito County Board of Supervisors (response required within 90 days)

## **San Benito County Probation Department Report 11**

Conducted by Law & Justice Committee

### **Introduction:**

“Probation” is a sentence that judges can impose on people convicted of crimes. Probation is typically given to first time offenders who are convicted of non-violent crimes. Probation allows an offender to serve his or her sentence in the community under the supervision of a probation officer. Probation officers report to the Judiciary.

A sentence of probation may require an offender to pay fines, to pay restitution to the victims of his or her crime, to seek counseling for substance abuse or for mental health or family problems, or to perform community-service work, such as cleaning litter from a park or highway or removing graffiti from a building.

People on probation remain under the authority of the court. Offenders who violate the conditions of their probation may be returned to court and re-sentenced to jail or prison. Probation is different from parole. In parole, offenders are supervised by parole officers upon their release from prison although more of this responsibility is being shifted over to the San Benito County Probation Department due to AB109, commonly referred to as:

**The Public Safety Realignment Act of 2011.**

### **Approach:**

The Grand Jury investigated the management and facilities of the San Benito County Probation Department/Adult and Juvenile Division. The mission of the San Benito County Probation Department is to provide protection to the citizens of San Benito County by preventing and reducing the frequency, severity, and impact of criminal and delinquent behavior among adults and juveniles who come within the jurisdiction of the Probation Department. This is accomplished through prevention activities, preparation of appropriate reports, recommendations to the court, enforcement of court orders, providing victim assistance and by seeking and developing new methodologies in probation services

The Probation Department supervises approximately 150 juvenile offenders and 1200 adults granted probation by the courts.



**Background:**

The Adult Division supervises all adult offenders referred by the courts to the Probation Department. It consists of four major work units: Court Services, Field Services, Family Violence Services and Special Services.

All officers are trained and armed. One part time probation officer is currently assigned to the San Benito County Joint Gang Task Force.

Probation officers prepare a Pre-Sentence Investigation and Report for every felony and some misdemeanor convictions when referred by the courts. These reports are used by the courts when determining sentences. The California Department of Corrections and Rehabilitation (CDCR) also use the reports if the offender is sentenced to prison.

The Probation Department is designed to assess and supervise persons placed on formal probation by the courts. In addition to monitoring the probationers' compliance with court orders, officers in this unit also work closely together with other county agencies, community treatment organizations and other local, state and federal law enforcement agencies to deliver a variety of services in an effort to reduce recidivism.

Some Probation Department programs are designed to mitigate family violence. The service is designed to work with probationers whose offense involved domestic violence. Officers conduct annual re-certification reviews of local domestic violence programs. Also included in family violence mitigation are the Child Advocate Program and the probation officers currently assigned to the San Benito County Joint Gang Task Force.

**Methodology:**

The Grand Jury took a tour, interviewed staff, reviewed documents and conducted research including the Internet. Because of the complex nature of the Department, the Grand Jury investigated the Juvenile and Adult Divisions jointly and this report covers both divisions.

## **Facts Relevant to the Investigation:**

- The major function of the Adult Probation Division is to work with the courts.
- The Pre-Sentence Investigation (PSI) gives the probation field officer an accurate profile of the offender. It is a fundamental court tool used in determining sentencing.
- In San Benito County the vast majority of probationers are males.
- Bachelor's degrees or equivalent experience are required for probation officers. In addition, they receive eighty hours of certified training each year, which may occur at the Sacramento Regional Public Safety Training Center and State certification.
- There is currently no requirement and limited capability for the Probation Department to gather statistical information to determine the success or failure of any rehabilitation programs within San Benito County.
- All probation officers (with the exception of those currently assigned to the San Benito County Joint Gang Task Force) are required to use the same type of weapons and equipment.
- Office space for Adult and Juvenile Probation is inadequate and cramped. The Gang Task-force officer has a desk in the "Break Room".
- Youth offenders, when they become wards of the court, are assessed and placed in programs that fill their needs. They may be placed in several programs simultaneously.
- Parenting and Family Educational programs are offered with the goal of returning youth offenders to healthy family environments.
- Probation Department officers are trained in arrest and take-down techniques, and have the authority to effect an arrest.
- Due to staff reductions, the reception area is covered by one of the probation officers.

## **Findings:**

F1: Probation Department is short of personnel due to budget cuts causing work loads to exceed the state maximum when personnel are absent due to extended circumstances.

F2: The Probation Department officer supporting the San Benito County Gang Task-force is a part time employee and is not always available to support arresting officers in the field.

F3: Probation Department officers are available and are qualified to support the San Benito County Sheriffs office and the Hollister Police department.

F4: The State of California Department of Corrections in previous years funded the State Parole Department. Because of budget constraints, and AB109, the State has transferred to the San Benito County Probation Department the responsibility and workload of supervising non-violent parolees. Without sufficient funding and additional manpower, this could result in serious consequences to the Probation Department. The San Benito County Probation Department work load continues to climb due to AB109 which further adds to a work load that presently exceeds California State guidelines for Probation Officers.

F5: The San Benito County Probation Department Gang Task-force officer is situated in the "Break Room" which is not conducive to his/her needed support of the community and the San Benito County Gang Task-force.

F6: The San Benito County Probation Department front reception area is covered by Probation Officers thus taking them away from their assigned duties which continue to exacerbate the situation of increased work loads due to AB109 and forced personnel reductions.

## **Recommendations:**

R1: Increase the authorized manpower levels in the San Benito County Probation Department by two officers each in the Adult and Juvenile divisions.

R2: Make the officer supporting the San Benito County Gang Task-force a full time position based on the increase of gang activity in the county.

R3: Utilize the Probation Department officers to supplement the manpower shortages in both the San Benito County Sheriffs office and the Hollister Police Department when necessary based on availability. Both Juvenile and Adult Probation officers could be used as they have arrest authority.

R4: : Increase the authorized manpower levels in the San Benito County Probation Department by two officers each in the Adult and Juvenile divisions because lack of action on Findings F1 and F4 could result in added risk/danger to the population of San Benito County.

R5: Move the San Benito County Probation Department Gang Task-force officer out of the "Break Room" and into an office commensurate with the status of a full time position.

R6: The San Benito County Board of Supervisors should additional funding to the San Benito County Probation Department to hire/recall a receptionist so that Probation Officers do not have to cover the reception area.

## **Conclusion:**

San Benito County Probation Department is doing a good job with the manpower and budget constraints they have been placed under because of innovative programs and forward thinking. The San Benito County community can be proud of their performance and dedication to the safety of the community. The men and women of the San Benito County Probation Department, that we observed, are dedicated to their profession and to the safety of the citizens of San Benito County. The Probation Department has developed long range plans to try and live with the added responsibilities that have been brought on by **AB109 The Public Safety Realignment Act of 2011** and we as a community look forward to their success.

**Response Required:**

The California Penal Code 933 (c) and 933.03 requires a response to the findings and recommendations made in this final report be delivered to the Presiding Judge of the Superior Court. The following affected agency shall respond to all relevant findings and recommendations. The affected agencies are:

- San Benito County Board of Supervisors (response required within 90 days)

**Appendices:**

<b>Responses to 2011-2012 Grand Jury Reports.....</b>	<b>51</b>
<b>Additional Information about serving on Grand Jury.....</b>	<b>77</b>
<b>Application for appointment to Civil Grand Jury.....</b>	<b>79</b>
<b>Form for filing Complaint to Grand Jury.... [English].....</b>	<b>83</b>
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## **Responses**

### **A. San Benito County Juvenile Hall Review:**

Response from Brent Cardall, Chief Probation Officer - San Benito County Probation Department Response to Grand Jury Report in Reference to San Benito county Juvenile Hall

### **B. The San Benito County Jail Review**

Response from Darren Thompson, Sheriff - 2011-2012 Grand Jury Report and Response, County Jail

### **C. San Benito Schools**

Responses from:

Dr. Stanley Rose III, Superintendent, San Benito High School District

Panoche School Board, Panoche School District

Nancy MacLean, Superintendent, Cienega Union School District

### **Response by the San Benito County Board of Supervisors**

Responded to the reports of the following: San Benito County Sheriff's Department, John Smith Landfill and San Benito County Jail and Juvenile Hall

## **San Benito County Juvenile Hall Review**

Response from Brent Cardall, Chief Probation Officer

San Benito County Probation Department Response to  
Grand Jury Report in Reference to San Benito county Juvenile Hall





## San Benito County Probation Department

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

RECEIVED  
M. Altem

NOV 16 2012

Superior Court of California  
County of San Benito

Brent Cardall  
Chief Probation Officer

### San Benito County Probation Department Response to Grand Jury Report In Reference to San Benito County Juvenile Hall

This is the formal San Benito County Response to the Grand Jury Report 2011-2012, dated July 20, 2012, titled, "San Benito County Juvenile Hall Review". This response has been prepared by the San Benito County Chief Probation Officer pursuant to the California Penal Code Section 933 in regard to findings and recommendations made by the Grand Jury.

The following findings and recommendations were made in the Grand Jury Report dated July 20, 2012, titled "San Benito County Juvenile Hall Review". For the purpose of subdivision (b) of Section 933, as to each Grand Jury findings, and recommendations, the respondent offers the following responses.

#### **FINDINGS**

Page 18

- F1.** *The Juvenile Hall was found to be operating in a safe, secure and effective manner. Staff members are exceptionally caring, involved and committed.*

Response of the San Benito County Chief Probation Officer –  
The respondent agrees with the findings.

- F2.** *Ongoing maintenance and daily janitorial tasks are performed by residents and staff.*

Response of the San Benito County Chief Probation Officer –  
The respondent agrees with the findings.

- F3.** *The Juvenile Hall continues to offer limited rehabilitative treatment programs.*

Response of the San Benito County Chief Probation Officer –  
The respondent agrees with the findings.

- F4. Two videos developed by the facility, staff and SBHS students – one for the purpose of orientating parents, and residents, and another for sentencing/reporting, have received state awards and the models are being used by other juvenile hall facilities.*

Response of the San Benito County Chief Probation Officer –  
The respondent agrees with the findings.

- F5. Juvenile Hall is currently providing on-site open houses for the community.*

Response of the San Benito County Chief Probation Officer –  
The respondent agrees with the findings.

- F6. Facility staff conducts parenting classes at the Presbyterian Church.*

Response of the San Benito County Chief Probation Officer –

The respondent agrees with the findings. The probation department commenced classes at the Presbyterian Church; but has since moved the location of the parenting classes to the Hollister Recreation Community Center and the Probation Department.

- F8. A Community Advisory Board has been established.*

Response of the San Benito County Chief Probation Officer –  
The respondent agrees with the findings.

#### RECOMMENDATIONS

- R1. The Grand Jury has no recommendations at this time.

#### FINAL SUMMARY

I greatly appreciate the Grand Jury's cooperation and feedback and I agree with the report. The Grand Jury is a very valuable organization that gives excellent feedback and recommendations. I appreciate their hard work and diligence for the fiscal year 2011-2012.

Thank you for taking the time to review this response.

**The San Benito County Jail Review**  
**Response from Darren Thompson, Sheriff**  
**2011-2012 Grand Jury Report and Response, County Jail**



## SAN BENITO COUNTY SHERIFF'S OFFICE

POST OFFICE BOX 700 • HOLLISTER, CALIFORNIA 95024-0700  
PHONE: 831-636-4080 • FAX: 831-636-1416

DARREN THOMPSON  
SHERIFF-CORONER

DEC 21 2012

December 20, 2012

To: San Benito County Grand Jury

From: Darren Thompson, Sheriff-Coroner

A handwritten signature in dark ink, appearing to be "DT", is written over the name "Darren Thompson".

Re. 2011-2012 Grand Jury Report and Response, County Jail

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

**R1. Personnel are stretched too thin due to budget cuts and non-replacement of Correctional Deputies. Basic current needs include the hiring of at least four additional deputies.**

I acknowledge the jail is understaffed, and would support any effort to increase the staffing there. In 2006 the San Benito County Sheriff's Office employed 96 personnel. By August of this year we employed only 46. In the past few months we have been able to add three full-time Correctional Technicians funded by AB109 (realignment bill), who are becoming a source of support to the jail. As our budget allocation improves, we hope to add additional Correctional Deputies.

**R2. The office for Medical Services is extremely cramped and a larger space should be considered.**

The current county jail was a purpose built facility without much room for modification. We are happy to be one of a few California counties in process to be funded through AB900 to build an addition to the current jail. Those plans include a remedy to this issue. The projected completion of that project is 2016.

### MISSION STATEMENT

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



**San Benito High School District**  
**Dr. Stanley Rose III, Superintendent**



## San Benito High School District

1220 Monterey Street, Hollister, CA 95023  
Phone (831) 637-5831 ext. 134 Fax (831) 637-3046  
www.sbhsd.k12.ca.us

SUPERINTENDENT  
DR. STANLEY ROSE, III

December 12, 2012

JAN - 2, 2013

Honorable Harry J. Tobias, Presiding Judge  
Superior Court, State of California, County of San Benito  
440 Fifth Street, Room 205  
Hollister, CA 95023-4057

RE: Response to Findings and Recommendations of the Grand Jury Report, 2011-2012, San Benito High School District

Dear Honorable Harry J. Tobias:

Enclosed please find responses to the San Benito County Grand Jury Final Report 2010-2011, San Benito High School, Findings and Recommendations, conducted by the Health, Education, and Welfare Committee of the San Benito County Civil Grand Jury. The responses contained herein are submitted as responses of both the San Benito High School District Superintendent and the San Benito High School District Board of Trustees.

In drafting this response, the Board and Superintendent reviewed appropriate policies, codes and guidelines, actions taken or contemplated, and applied all to the Grand Jury's Findings, Recommendations, and comments. Each Grand Jury Finding and Recommendation is identified and located immediately above the corresponding Superintendent and Board response.

If there is any need for clarification, please feel free to contact me directly by phone at 831-637-5831, extension 133, by email at [srose@sbhsd.k12.ca.us](mailto:srose@sbhsd.k12.ca.us), or directly by mail. An information copy of this response will be issued to the San Benito County Board of Supervisors.

In the meantime, on behalf of the Board, I would like to thank the Court for providing this opportunity to respond to the Findings and Recommendations contained in the Report that pertain to San Benito High School.

Yours very truly,

Dr. Stanley Rose, III  
Superintendent

Copy: Board of Trustees  
San Benito County Board of Supervisors

BOARD OF TRUSTEES				
Evelyn Muro	Steve DeLay	Mary Encinias	Raymond Rodriguez	William G. Tiffany

*The mission of San Benito High School is to educate all students to their highest potential so they will have the greatest range of personal options upon graduation.*

**FINDINGS AND RECOMMENDATIONS FROM THE  
REPORT, COUNTY OF SAN BENITO CIVIL GRAND  
JURY, FINAL REPORT,**

**2011-2012:**

**RESPONSES FROM SAN BENITO HIGH SCHOOL  
DISTRICT**

**FINDINGS**

**Finding F0.** The San Benito High School District has an estimated \$20 million reserve fund (as reported in a GJ interview).

**District Response:** *SBHSD disagrees partially with the Finding.* At the end of fiscal year 2011-2012, total district fund balances amounted to \$18.6 million. Of that total, \$12.8 million is not restricted to any designated use. The remaining \$5.8 million is restricted to particular use. Further, the district has been advised by the County Office of Education, at the recommendation of School Services of California, the preeminent authority on school finances in the state, to plan for reductions in funding this year if ballot measures on the November ballot fail. Accordingly, the 2012-2013 budget calls for a \$2.5 million shortfall. Of the \$8 million in the district's General Fund balance, the fund most available for use in operations—and the largest portion of the \$12.8 million reserve not restricted to specific use—3% must be held in reserve for economic uncertainties. School Services of California, California School Boards Association, and the California Association of School Business Officials all recommend that larger portions than the 3% required under law be held in reserve—especially in smaller districts in which one event can be catastrophic to financial security. As expenses each month for the district run about \$2 million, the district would exhaust its General Fund in only four months, if the state should fail to provide promised revenue—something unthinkable until the unfolding of events during the recent recession. The district has been conservative and prudent for many years, and that philosophy has never been more important than today, when over 40% of promised state funding is deferred to later dates, as the state tries to solve its cash flow issues at the expense of local school districts. Finally, as the school ages and the amount needed to maintain and improve infrastructure increases, the funds in reserve cannot begin to support facility needs. It is important to remember that the entire community uses these facilities. In sum, it is imprudent to assume that the school is sitting on a reserve of money that can fund operations or improvements. As many districts verge on insolvency, San Benito High School District remains viable, even as significant reductions in program loom over the next two years.

**Finding F1.** The American flag is displayed on a pole at the front of each school. The recitation of the Pledge of Allegiance (or other -- patriotic equivalent -- per CA Ed Code §52720) is completed daily.

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**District Response:** *SBHSD agrees with the Finding.*

**Finding F2.** As pointed out by the 2010-2011 Grand Jury, the San Benito High School does not have a campus-wide public address system.

**District Response:** *The District agrees with the Finding.* It is significant that the infrastructure to support such a system has been installed incrementally since 2007. The District continues to seek options for systems, balancing those options against the extreme financial exigencies of the day. One such system is a one-wire phone system with universal messaging capability over the phone speakers. Another is a public address system that has a wireless capability, to be located in critical areas around campus. Both systems require infrastructure to implement, and the District has been installing infrastructure in the form of fiber "backbone" to create the ability to house the chosen system. In the meantime, the District has installed two other systems to communicate with staff and community, in addition to the District's email system. One is School Loop, a web-based communication device to both home and school participants, including employees. The other is the Connect-ED system for communicating via message by voice or email to students' families and/or staff. Staff continues to consider options for the best system in light of the financial difficulties under which public school systems must live in 2011. During the 2011-2012 school year, and continuing into the 2012-2013 school year, the district's master planning process included an analysis of the school's information technology systems, including possibilities around the types of public address systems that may be appropriate for the overall system of information technology as the district looks to the future. Ensuring a system that will function together among other system improvements remains an important consideration. At the time of this writing, The District is preparing to finalize the master plan report that should go to the Board of Trustees in December or January. This will be under consideration at that time.

**Finding F3.** San Benito High School completed a "Lock Down Drill" while the Grand Jury was in attendance. For the most part, the drill was successful. Approximately 45 students were tardy, and locked from their classrooms. Local law enforcement was notified of the pending drill and was present during the drill.

**District Response:** *The District agrees with the Finding.*



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DISTRICT**

**Finding F4.** San Benito High School should not allow relatives of employees to use the school facilities as waiting areas.

**District Response:** *The District agrees with the Finding.*

**Finding F5.** It is estimated 85% of all computer learning centers and libraries in the Hollister School district have been closed.

**District Response:** *SBHSD disagrees with the Finding.* This Finding has nothing to do with San Benito High School District and may confuse the public into thinking otherwise. Such a Finding should be attached to the local education agency toward which it is levied.

**Finding F6.** A current challenge of all school districts is budgets and budgeting.

**District Response:** *The District agrees with the Finding.* As stated in Finding F.0, the 2012-2013 San Benito High School District annual budget calls for a \$2.5 million deficit. Of the \$8 million in the district's General Fund balance, the fund most available for use in operations—and the largest portion of the \$12.8 million reserve not restricted to specific use—3% must be held in reserve for economic uncertainties. School Services of California, California School Boards Association, and the California Association of School Business Officials all recommend that larger portions than the 3% required under law be held in reserve—especially in smaller districts in which one event can be catastrophic to financial security. As expenses each month for the district run about \$2 million, the district would exhaust its General Fund in only four months, if the state should fail to provide promised revenue—something unthinkable until the unfolding of events during the recent recession. The district has been conservative and prudent for many years, and that philosophy has never been more important than today, when over 40% of promised state funding is deferred to later dates, as the state tries to solve its cash flow issues at the expense of local school districts. Finally, as the school ages and the amount needed to maintain and improve infrastructure increases, the funds in reserve cannot begin to support facility needs. It is important to remember that the entire community uses these facilities. As many districts verge on insolvency, San Benito High School District remains viable, even as significant reductions in program loom over the next two years.

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**2011-2012:**

**RESPONSES FROM SAN BENITO HIGH SCHOOL  
DISTRICT**

**Finding F7.** Even though qualified volunteers are available, they may not perform any work so the school does not have to deal with the wrath of the employee unions.

**District Response:** *SBHSD disagrees with the Finding.* This Finding has nothing to do with San Benito High School District and may confuse the public into thinking otherwise. Such a Finding should be attached to the local education agency toward which it is levied.

**Finding F8.** San Andreas is an accredited school through the Western Association of Schools and Colleges. This gives graduates significant educational opportunities for college.

**District Response:** *The District agrees with the Finding.*

**Finding F9.** Many schools in the county do not have security cameras.

**District Response:** *The District disagrees with the Finding.* San Benito High School District is not in a position to speak on behalf of other local education agencies. As San Benito High School District has installed several security cameras, this Finding may confuse the public into thinking otherwise. Such a Finding should be attached to the local education agency or agencies toward which it is levied.

**Finding F10.** The Grand Jury has confirmed that there are eleven school districts and 19 Schools County wide.

**District Response:** *The District disagrees with the Finding.* Although the District may independently know the number of local education agencies (LEA's) within county boundaries, it is in no position to officially confirm or deny the numbers.

**RECOMMENDATIONS**

**Recommendation R1.** All schools should discuss and make plans in the budget for additional surveillance cameras.

**District Response:** (See F9) *The District regularly evaluates its budget needs in light of economic circumstances and its charge to educate students, and the District is currently installing more security cameras. San Benito High School District budget has*

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*been cut by over \$1.8 million since 2008. The Board, Superintendent, and staff all work to assure the best possible education in the safest school environment possible. California schools rank among the lowest in the nation in per student funding, even given California's economy, one of the largest economies in the world.*

**Recommendation R2.** San Benito High School should budget for a campus wide public address system for security.

**District Response:** *The District regularly evaluates its budget needs in light of economic circumstances and its charge to educate students. San Benito High School District budget has been cut by over \$1.8 million since 2008. The Board, Superintendent, and staff all work to assure the best possible education in the safest school environment possible. California schools rank among the lowest in the nation in per student funding, even given California's economy, one of the largest economies in the world.*

**Recommendation R3.** San Benito High School should review and refine lock out drill policies and procedures regarding where students should go in the event they are "locked out" or arrive at school after the lockdown drill has begun.

**District Response:** San Benito High School conducts regular safety related drills, including lockdown drills, on campus. Lockdown drills are planned in cooperation with local law enforcement authorities who advise the School on best practices in lockdown situations, based on years of study on the issue of public safety in such circumstances. San Benito High School will continue to work with law enforcement officials in this area an attempt to apply the best practices learned from their study and experience in this area.

**Recommendation R4.** The heads of the Police Department and Sheriff's Department should be notified regarding the "Lock Down Drill," but officers should not receive prior notification so their response time can be properly evaluated and critiqued.

**District Response:** *The San Benito High School administration is ever grateful to San Benito County Sheriff's Office and Hollister Police Department for their support of these emergency drills and pre and post planning that occurs around them. Continued review of procedures seeks to maintain the best possible and most current thinking on the part of law enforcement for the safety of all concerned. Lockdown drills will continue to be*

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*planned in cooperation with local law enforcement authorities who will continue to advise the School on best practices in lockdown situations, based on years of study on the issue of public safety in such circumstances.*

**Recommendation R5.** The San Benito High School District should make a policy that does not allow relatives on campus or other buildings without signing in as a visitor.

**District Response:** *The San Benito High School District has a policy for visitors on campus. The District will review its enforcement procedures.*

**Recommendation R6.** Hollister School District should attempt to negotiate with the employee unions to allow volunteers to run programs that are not funded to allow short falls in educational programs to be filled.

**District Response:** *This issue does not pertain to San Benito High School District.*

**Recommendation R7.** All school Districts should consider and discuss consolidation to reduce educational costs county wide and to provide more money for educational programs and opportunity.

**District Response:** *The San Benito High School District has operated ostensibly a fiscally stable and academically successful program since its inception in 1875. It has been able to weather financial storms by acting conservatively in times when local, state, and federal agencies were not as conservative in their financial dealings. In considering whether or not to consolidate, one must consider the different funding formulas applied to elementary and unified school districts. Funding for high school students would decrease significantly if the district were unified and received funding at a unified rate. One must also take into account the unique features of each of the local agencies within the county and the ability of each agency to exert local control over its own future.*

**Panoche School District**

**Panoche School Board**



RECEIVED  
M. Alfaro

NOV 27 2012

Superior Court of California  
County of San Benito

Panoche School  
31441 Panoche Road  
Paicines, CA 95043

Honorable Harry J Tobias, Presiding Judge  
San Benito County Superior Court  
440 Fifth Street, Room 205  
Hollister, CA 95023

Honorable Harry J. Tobias,

The Panoche School Board discussed the need for implementation of security cameras and decided that they were not warranted due to the fact that we have the teacher living on site.

Also, we do not feel it is feasible to consolidate with other districts due to the fact that we are 30 miles from any other district. It would be a hardship for most of our parents to get their kids to school in another district.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kimberly Lippert".

Panoche School Board  
Kimberly Lippert, Clerk/Secretary

**Cienega Union Elementary School District**

**Nancy MacLean, Teacher/Principal/Superintendent**

**Cienega Union Elementary School District**  
**11936 Cienega Rd., Hollister, Ca. 95023**

RECEIVED  
M. Alfaro

MAR 14, 2013

Superior Court of California  
County of San Benito

January 14, 2013

Response to the report of the Grand Jury 2011-2012

Note: The following statement was originally written and submitted in response to the Grand Jury report of 2010. Because the same issues were addressed in the most recent Grand Jury report, the Cienega Union Elementary School District Board of Trustees has asked me to resubmit this letter in hopes of clarifying and confirming the district's position on this issue.

**Reply to the Grand Jury report of June 2010 concerning the San Benito County School system.**

There has been much talk in the education field about the need to better educate our students. It has been recognized that students need to leave school ready to be leaders of our country. We need well-educated citizens who are able to think, and are self confident, intelligent members of society.

The purpose of the Grand Jury's report was clearly to improve the educational opportunities for the students of San Benito County. It is, however, important to look carefully at the results of the report.

The Grand Jury's report unfortunately did not address the issue of quality education. If education were a manufacturing business where the production line was rolling out identical products, then a purely financial look at the business would be appropriate. In the business of educating children, however, there are more factors that need to be considered. Quality of education in San Benito County was not adequately addressed. Quality is one area that should be considered when comparing educational models. San Benito's rural schools are successful because they provide a quality education to the students of San Benito County.

Cienega School has consistently had one of the top state standardized testing scores in San Benito County. The school sends students to San Benito High School that are ready and able to successfully continue their education. Parents appreciate the quality of education. This is shown by the fact that a great percentage of parents that have had to move their family out of the Cienega District have requested an inter-district transfer back into the district so that they can continue their child's education at Cienega School. The school works closely with parents and members of

Phone: (831) 637-3821 Fax: (831) 637-3961 eMail: cienegaschool@yahoo.com



the community to insure the best possible education for every student. If the parents in fact, want to retain local control of their children's education, it is because they have found that by working closely with the schools they can get the very best education for their children. It is a fact that parental involvement contributes greatly to a child's education. Taking local control away would result in zero savings.

The Cienega School Board members receive no compensation for their service. They work hard and consistently make decisions based on what is best for the students and community they serve. They support the teaching staff by providing whatever is needed to educate the diverse population of their district. They strive to balance the district's need to provide both fiscal responsibility and the very best education for the students of their district. They have an excellent working relationship with the employees of the district, which is evident by the average length of service the district receives from its employees. Elimination of this school board would result in zero savings.

It appears that Cienega School and the other successful rural schools should be used as models for how school districts should be run, districts where students needs come first and overhead is kept low, so the maximum amount of money can be spent effectively educating the students of San Benito County. This model allows teachers to know their students well and, as a result, to better meet their educational needs. Teachers feel as if they are making a difference in their students' lives. This kind of connection creates a great deal of job satisfaction. Because of this, teachers are inclined to stay in their positions longer, creating continuity in the students' educations and a powerful sense of community within the district. This contributes hugely to the quality of education, costs no money, and if taken away, results in zero savings.

This is the kind of model that should be duplicated in San Benito County. A model where school boards are capable, employees are inspired, and students reach their full potential.

In the report the Grand Jury expresses its concern about the large number of superintendents in San Benito County. In reality, the five smallest rural school districts utilize a teacher that receives a stipend to be the Superintendent/Principal. Their primary responsibility is as a teacher. Their role as the Superintendent is primarily to ensure that the mandates and directives from the State Superintendent of Public Education are met, but they are first and foremost teachers. In this way administrative costs are quite low and more money is kept in the classroom, where it should be. Consolidation would not result in a loss of jobs. The students in the rural schools would still need to be educated. The jobs would just be shifted to a larger central organization that could not afford the efficiencies provided in a locally run model.

The model of a small school works well for Cienega and for most of the other rural schools as well. Education in the rural schools is student centered. From the School Board to the janitor there is just one question that drives decisions: Is this the best that we can do for our students?

I ask you to consider quality of education as the focus of your report on San Benito County. Consolidation schematics always look good on paper, but in the case of rural schools in San Benito County, the loss of local input and decision making, would be a terrible disservice to the quality education provided to the students.

Neither the methodology of the inquiry nor the discussion questions and results addressed or resulted in any hard fact relating to quality of education or measurable student impact. Many of the conclusions made appear to be assumptions, several which are flawed at best. If this is what was used to determine the findings, then they, too, can only be considered flawed.

I appreciate your attention to my concerns.

Nancy MacLean  
Teacher/Principal/Superintendent  
Cienega Union School District

Cc: San Benito County Grand Jury

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Phone: (831) 637-3821 Fax: (831) 637-3961 eMail: [cienegaschool@yahoo.com](mailto:cienegaschool@yahoo.com)

**County of San Benito Board of Supervisors**

Anthony Botelho, Chair



**COUNTY OF SAN BENITO**  
**BOARD OF SUPERVISORS**

RECEIVED  
M. Allario

JAN 23, 2013 *MA*

Superior Court of California  
County of San Benito

481 Fourth Street • Hollister, CA 95023  
[www.san-benito.ca.us](http://www.san-benito.ca.us)

Phone: 831-636-4000 • Fax: 831-636-4010  
[sbcsuper@supervisor.co.san-benito.ca.us](mailto:sbcsuper@supervisor.co.san-benito.ca.us)

Margie Barrios	Anthony Botelho	Robert Rivas	Jerry Muenzer	Jaime De La Cruz
District 1	District 2	District 3	District 4	District 5

January 23, 2013

The Honorable Harry J. Tobias  
Presiding Judge San Benito County Superior Court

Dear Judge Tobias:

This is the San Benito County formal response to the Grand Jury Report for FY2011-2012. The County Board of Supervisors is responding to the following reports: San Benito County Sheriff's Department, John Smith Landfill and, San Benito County Jail and Juvenile Hall.

This response fulfills Penal Code Section 933 that mandates a response to the Grand Jury Report within 90 days of the report.

Please extend our appreciation to the Grand Jury for their continued dedication and service to the community.

Sincerely,

Anthony Botelho, Chair  
San Benito County Board of Supervisors

Attachment: San Benito County Response




## SAN BENITO COUNTY SHERIFF'S OFFICE

Post Office Box 700 • Hollister, California 95024-0700  
Phone: 831-636-4080 • Fax: 831-636-1416

**DARREN THOMPSON**  
SHERIFF-CORONER

December 20, 2012

To: San Benito County Grand Jury  
From: Darren Thompson, Sheriff-Coroner   
Re: 2011-2012 Grand Jury Report and Response, County Jail

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

**R1. Personnel are stretched too thin due to budget cuts and non-replacement of Correctional Deputies. Basic current needs include the hiring of at least four additional deputies.**

I acknowledge the jail is understaffed, and would support any effort to increase the staffing there. In 2006 the San Benito County Sheriff's Office employed 96 personnel. By August of this year we employed only 46. In the past few months we have been able to add three full-time Correctional Technicians funded by AB109 (realignment bill), who are becoming a source of support to the jail. As our budget allocation improves, we hope to add additional Correctional Deputies.

**R2. The office for Medical Services is extremely cramped and a larger space should be considered.**

The current county jail was a purpose built facility without much room for modification. We are happy to be one of a few California counties in process to be funded through AB900 to build an addition to the current jail. Those plans include a remedy to this issue. The projected completion of that project is 2016.

### MISSION STATEMENT

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

**Grand Jury Recommendations on the John Smith Landfill:**

R1. Encourage the public to support the permits required to open new areas of the landfill.

**County Response:**

John Smith Road Landfill

(1) The respondent agrees with the findings/statements.

(1) The recommendation has been implemented; the Board of Supervisors approved the submittal of an application for expansion of John Smith Road Landfill on September 6, 2012.



## San Benito County Probation Department

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

Brent Cardall  
Chief Probation Officer

### San Benito County Probation Department Response to Grand Jury Report In Reference to San Benito County Juvenile Hall

This is the formal San Benito County Response to the Grand Jury Report 2011-2012, dated July 20, 2012, titled, "San Benito County Juvenile Hall Review". This response has been prepared by the San Benito County Chief Probation Officer pursuant to the California Penal Code Section 933 in regard to findings and recommendations made by the Grand Jury.

The following findings and recommendations were made in the Grand Jury Report dated July 20, 2012, titled "San Benito County Juvenile Hall Review". For the purpose of subdivision (b) of Section 933, as to each Grand Jury findings, and recommendations, the respondent offers the following responses.

#### **FINDINGS**

Page 18

- F1.** *The Juvenile Hall was found to be operating in a safe, secure and effective manner. Staff members are exceptionally caring, involved and committed.*

Response of the San Benito County Chief Probation Officer –  
The respondent agrees with the findings.

- F2.** *Ongoing maintenance and daily janitorial tasks are performed by residents and staff.*

Response of the San Benito County Chief Probation Officer –  
The respondent agrees with the findings.

- F3.** *The Juvenile Hall continues to offer limited rehabilitative treatment programs.*

Response of the San Benito County Chief Probation Officer –  
The respondent agrees with the findings.

- F4. Two videos developed by the facility, staff and SBHS students – one for the purpose of orientating parents, and residents, and another for sentencing/reporting, have received state awards and the models are being used by other juvenile hall facilities.*

Response of the San Benito County Chief Probation Officer –  
The respondent agrees with the findings.

- F5. Juvenile Hall is currently providing on-site open houses for the community.*

Response of the San Benito County Chief Probation Officer –  
The respondent agrees with the findings.

- F6. Facility staff conducts parenting classes at the Presbyterian Church.*

Response of the San Benito County Chief Probation Officer –

The respondent agrees with the findings. The probation department commenced classes at the Presbyterian Church; but has since moved the location of the parenting classes to the Hollister Recreation Community Center and the Probation Department.

- F8. A Community Advisory Board has been established.*

Response of the San Benito County Chief Probation Officer –  
The respondent agrees with the findings.

#### RECOMMENDATIONS

- R1. The Grand Jury has no recommendations at this time.

#### FINAL SUMMARY

I greatly appreciate the Grand Jury's cooperation and feedback and I agree with the report. The Grand Jury is a very valuable organization that gives excellent feedback and recommendations. I appreciate their hard work and diligence for the fiscal year 2011-2012.

Thank you for taking the time to review this response.



# ABOUT THE GRAND JURY

## INFORMATION ABOUT THE GRAND JURY

### **WHAT IS THE GRAND JURY?**

The California Constitution requires the appointment every year of a Grand Jury for each county. In San Benito County, 19 Grand Jurors are appointed to serve for a term of one (1) year, but not more than two (2) consecutive years. The Grand Jury is an official body of the Court with independent authority that is not answerable to administrators or legislators. Its principal purpose is to protect the public interest. Appointment to the Grand Jury provides citizens a means to participate in the affairs of the local governments.

### **WHO ARE THE MEMBERS OF THE GRAND JURY?**

California Penal Code section 893(a) states that a person is competent to act as a Grand Juror if that person possesses each of the following qualifications:

- Be "a citizen of the United States"
- Be "of the age of 18 years or older"
- Have been a resident of San Benito County for one (1) year immediately before being selected
- Be in possession of "natural faculties, of ordinary intelligence, of sound judgment, and of fair character"
- Be "possessed of sufficient knowledge of the English language."

California Penal Code section 893(b) states that a person is not competent to act as a Grand Juror if any of the following apply:

- "The person is serving as a trial juror in any court of this state"
- "The person has been discharged as a grand juror in any court of this state within one year" of being selected (although for ease of transition from one year to the next, Jurors may be held over for a second year at the discretion of the Court)
- "The person has been convicted of malfeasance in office or any felony or other high crime"; or;
- "The person is serving as an elected public officer."

The Grand Jurors are selected by lot after a screening process by the Court at the beginning of the County's fiscal year (July 1). Anyone interested in becoming a Grand Juror may submit an application to the Jury Commissioner at the above address.

### **WHAT DOES THE GRAND JURY DO?**

The Grand Jury serves a primary civil (non-criminal) function — namely the investigation of county and city government, special districts, and school districts. These civil investigations result in recommendations for improvements to save taxpayers' dollars and to improve services.

To do this, the Grand Jury is divided into committees, each of which concentrates on careful and diligent investigation of certain departments or functions of government. These

committees study complaints submitted by citizens of San Benito County, visit various facilities, investigate records and documents, draw conclusions regarding the operation of local governments, and meet with officials.

The Grand Jury may subpoena witnesses to give testimony or deliver documents for study. The Grand Jury may seek advice from the District Attorney or County Counsel and may discuss problems with a Judge of the Superior Court. If these officials are unable to assist properly, the Grand Jury may request advice from the State Attorney General. After performing these activities, the Grand Jury submits recommendations for improvement of the operation of the county government to the Board of Supervisors.

### **WHO MAY ASK THE GRAND JURY FOR AN INVESTIGATION?**

The Grand Jury may receive and investigate complaints by private citizens, local government officials, and local government employees regarding the actions and performance of public officials. Complaints requesting an investigation must be submitted in writing with a legible signature, address, and telephone number, and must include any supporting evidence available. Members of the Grand Jury are sworn to secrecy and, except in very rare instances, neither minutes nor records of its meetings can be subpoenaed by any outside body, thus assuring that all complaints will be handled in an entirely confidential manner. If the Grand Jury believes that the evidence submitted is sufficient or within their jurisdiction, a detailed investigation may be conducted. Complaints requesting a Grand Jury investigation must be mailed to the following address. Complaints submitted to an address other than the one listed below will not be reviewed by the Grand Jury.

**San Benito County Grand Jury  
P.O. Box 1624  
Hollister, CA 95024**

### **DOES THE GRAND JURY INVESTIGATE CRIMES?**

In San Benito County most criminal complaints are handled through the Court. The Grand Jury may hear evidence concerning criminal activity and, where there is probable cause to bring charges, return an indictment. This happens infrequently. Information about the Grand Jury's work in this area is not included in the Grand Jury's Final Report.

### **THE FINAL REPORT**

A Final Report is prepared at the end of the Grand Jury's term, which contains each committee's recommendations. Copies of this report are distributed to the public officials, county libraries and news media. The County Board of Supervisors must respond to each of the Grand Jury's recommendations within 90 days. Should you want to know what your Grand Jury has investigated and recommended, read the local library's copy or ask to read a copy of the Report at:

**Clerk of the Superior Court  
440 Fifth Street, Room 205  
Hollister, CA 95023**

# **SAN BENITO COUNTY**

## **PROSPECTIVE GRAND JUROR QUESTIONNAIRE**

*This questionnaire is to assist the Superior Court Judge in compiling a list of nominees which fairly represents a cross-section of our county. The information supplied on this questionnaire is confidential.*

YOUR NAME \_\_\_\_\_ HOME PHONE \_\_\_\_\_  
YOUR ADDRESS \_\_\_\_\_ WORK PHONE \_\_\_\_\_  
CITY/STATE/ZIP \_\_\_\_\_ E-MAIL ADDRESS \_\_\_\_\_  
LENGTH OF RESIDENCY \_\_\_\_\_ DRIVER'S LICENSE \_\_\_\_\_  
IN SAN BENITO COUNTY \_\_\_\_\_ OR I.D. NUMBER \_\_\_\_\_

*If you are currently employed, please provide the following information:*

YOUR OCCUPATION \_\_\_\_\_  
EMPLOYER'S NAME \_\_\_\_\_  
ADDRESS OF EMPLOYER \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_

*If you are married or have children, please provide the following information:*

YOUR SPOUSE'S NAME \_\_\_\_\_  
SPOUSE'S OCCUPATION \_\_\_\_\_  
SPOUSE'S EMPLOYER \_\_\_\_\_  
AGE(S) OF CHILDREN \_\_\_\_\_ EMPLOYER \_\_\_\_\_

**BELOW ARE THE STATUTORY QUALIFICATIONS FOR SERVICE AS A GRAND JUROR. PLEASE ANSWER EACH ONE BY CHECKING THE APPROPRIATE BOX:**

Are you a citizen of the United States?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Are you at least 18 years of age?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Have you resided in San Benito County for at least one year before being selected?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Do you possess ordinary intelligence and good character?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Do you possess a working knowledge of the English language?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Are you presently serving as a trial juror?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Have you been discharged as a Grand Juror within the last year?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Have you been convicted of a felony or malfeasance in office?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Do you possess ordinary intelligence and good character?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Are you presently serving as an elected official?	<input type="checkbox"/> YES <input type="checkbox"/> NO

*The following questions are to assist the court in ensuring that it selects individuals who are representative of the community and free of bias.*

NAMES AND LOCATIONS OF SCHOOLS YOU HAVE ATTENDED:

GRADE LEVEL COMPLETED  
DEGREE ATTAINED

NAME OF SCHOOL

LOCATION OF SCHOOL OR

LIST ANY ORGANIZATIONS TO WHICH YOU BELONG, AND THE LENGTH OF YOUR INVOLVEMENT:

HAVE YOU EVER BEEN NOMINATED FOR OR SERVED ON A GRAND JURY? . YES . NO

*If yes, please state when and where:* \_\_\_\_\_

WHY ARE YOU INTERESTED IN SERVING ON A GRAND JURY?

HAVE YOU EVER HELD A PUBLIC OFFICE? . YES . NO

*If yes, what office and where?*

ARE YOU NOW OR HAVE YOU EVER BEEN AN ELECTED OFFICIAL? . YES . NO *If yes, please state what office and when it was held by you:*

HAVE YOU EVER BEEN AN EMPLOYEE OF A PUBLIC AGENCY IN THIS COUNTY? . YES . NO

*If yes, what agency and when?*

DO YOU HAVE RELATIVES EMPLOYED BY ANY PUBLIC AGENCY IN THIS COUNTY? . YES . NO

*If yes, please state relative's name, relation to you and by whom they are employed:*

\_\_\_\_\_  
\_\_\_\_\_

PLEASE SUMMARIZE YOUR EMPLOYMENT HISTORY FOR THE LAST 5 YEARS, INCLUDING EMPLOYERS, POSITIONS HELD, AND DURATION OF EACH:

PLACE OF EMPLOYMENT POSITION HELD LENGTH OF EMPLOYMENT

PLEASE SUMMARIZE YOUR SPOUSE'S EMPLOYMENT HISTORY FOR THE LAST 5 YEARS, INCLUDING EMPLOYERS, POSITIONS HELD, AND DURATION OF EACH:

PLACE OF EMPLOYMENT POSITION HELD LENGTH OF EMPLOYMENT

HAVE YOU EVER SERVED IN THE MILITARY? . YES . NO

*If yes, please state the dates, what branch, highest rank attained, and nature of employment:*

DATES OF SERVICE BRANCH OF SERVICE HIGHEST RANK NATURE OF EMPLOYMENT

PLEASE DESCRIBE ANY SPECIAL SKILLS OR ABILITIES YOU POSSESS THAT THE JUDGE SHOULD BE AWARE OF IN CONSIDERING YOUR APPLICATION:

DO YOU HAVE ANY SUGGESTIONS, COMMENTS OR OTHER MATTERS YOU WOULD LIKE FOR THE JUDGE TO CONSIDER IN CONNECTION WITH YOUR APPLICATION?

***NOTE: Applications for nomination as a member of the San Benito County Grand Jury may be subject to background check and investigation as to the statutory qualifications for service and the applicant's ability and suitability for service.***

In support of my application for selection as a member of the San Benito County Grand Jury, I declare under penalty of perjury that the foregoing is true and correct. Executed at \_\_\_\_\_, California, on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

Signature

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**The following questions are optional and will be used for statistical purposes only. The information provided will not be used as part of the grand jury selection process.**

1. Age at the time of this application:

- ☐ 18-25
- ☐ 26-34
- ☐ 35-44
- ☐ 45-54
- ☐ 55-64
- ☐ 65-74
- ☐ 75 and over

2. Gender:

- ☐ Male ☐ Female

3. Race or ethnicity (you may select more than one):

- ☐ American Indian or Alaska Native
- ☐ Asian
- ☐ Black or African-American
- ☐ Hispanic/Latino
- ☐ Native Hawaiian or other Pacific Islander
- ☐ White
- ☐ Other race or ethnicity (please state: \_\_\_\_\_)
- ☐ Decline to answer

## SAN BENITO COUNTY GRAND JURY COMPLAINT FORM

**NOTICE TO CITIZENS WHO WISH TO ISSUE A COMPLAINT:** Among the many powers and responsibilities of the San Benito County Grand Jury is the investigation of citizen complaints to assure that all branches of county and city government are being administered efficiently, honestly and in the best interest of its citizens. It is not the function of the Grand Jury to help to settle disputes between private citizens and/or groups.

**CONFIDENTIALITY:** All complaints submitted to the San Benito County Grand Jury are required by law to be treated in the strictest of confidence.

**COMPLAINT PROCEDURE: ALL COMPLAINTS FORMS MUST BE COMPLETED AND MAILED TO:**

**SAN BENITO COUNTY GRAND JURY**  
**Post Office Box 1624**  
**Hollister California 95024**

**PHONE CALLS AND FAXES ARE NOT ACCEPTED. THIS PROCEDURE IS TO ASSURE THAT ALL COMPLAINTS REMAIN STRICTLY CONFIDENTIAL. PLEASE TYPE OR PRINT CLEARLY.**

NAME OF PERSON PRESENTING THIS COMPLAINT \_\_\_\_\_

PERSON OR AGENCY ABOUT WHICH COMPLAINT IS MADE \_\_\_\_\_

NAME \_\_\_\_\_ PHONE \_\_\_\_\_

POSITION OR OFFICE HELD BY PERSON NAMED IN COMPLAINT \_\_\_\_\_

IS COMPLAINT WITH A GOVERNMENT AGENCY AND NOT ONE PERSON? YES ☐ NO ☐

IF YES, WHAT GOVERNMENT AGENCY? \_\_\_\_\_

NATURE OF COMPLAINT \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Note: if you need more space, please use the back of this form or attach additional page(s).*

**COMPLAINT CONTACTS:** What other persons or agencies have you contacted about this problem?

\_\_\_\_\_

\_\_\_\_\_

**ACTION REQUESTED:** Please describe in detail, what action you would like the San Benito County Grand Jury to take.

\_\_\_\_\_

\_\_\_\_\_

***"This information is true, correct and complete to the best of my knowledge."***

NAME \_\_\_\_\_ DATE \_\_\_\_\_

ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE \_\_\_\_\_ SIGNATURE \_\_\_\_\_

*Please see reverse side for additional instructions*

**FORMA PARA ENTABLAR UNA DENUNCIA AL GRAN JURADO DEL CONDADO SAN BENITO**

**AVISO A LOS HABITANTES QUE DESEEN ENTABLAR UNA DENUNCIA:** Entre los muchos mandos y responsabilidades del Gran Jurado del Condado San Benito esta el de investigar las denuncias entabladas por los habitantes para asegurar que todas las agencias gubernamentales del condado y la ciudad están siendo administradas eficazmente, honestamente, y en el mejor interés de sus habitantes. No es el cargo del Gran Jurado de asistir a resolver disputas entre habitantes privados y/o grupos.

**PRIVACIDAD:** Todas las denuncias entabladas presentadas al Gran Jurado del Condado San Benito son requeridas por ley a ser tratadas con la más estricta privacidad.

**PROCEDIMIENTO PARA ENTABLAR UNA DENUNCIA:** TODAS LAS FORMAS DE DENUNCIA DEBEN ESTAR LLENAS Y ENVIAR POR CORREO A:

**SAN BENITO COUNTY GRAND JURY**  
Post Office Box 1624  
Hollister, California 95024

**NO SE ACEPTAN LLAMADAS TELEFÓNICAS O FAXES. ESTE PROCEDIMIENTO ES PARA ASEGURAR QUE TODAS LAS DENUNCIAS PERMANECEN EstrictAMENTE PRIVADAS. POR FAVOR ESCRIBA EN LETRA DE MOLDE O ESCRIBIR A MÁQUINA.**

NOMBRE DE LA PERSONA PRESENTADO ESTA DENUNCIA: \_\_\_\_\_

PERSONA O AGENCIA DE LA QUE SE ESTÁ ENTABLANDO LA DENUNCIA: \_\_\_\_\_

NOMBRE \_\_\_\_\_ #DE TELÉFONO \_\_\_\_\_

PUESTO O ADMINISTRACIÓN QUE SOSTIENE LA PERSONA NOMBRADA EN LA DENUNCIA: \_\_\_\_\_

¿LA DENUNCIA ES CON UNA AGENCIA GUBERNAMENTAL Y NO UNA PERSONA? SI NO

SI ES SI, ¿QUÉ AGENCIA GUBERNAMENTAL? \_\_\_\_\_

NATURALEZA DE LA DENUNCIA: \_\_\_\_\_

*Nota: si necesita más espacio, por favor incluya otra hoja a esta forma*

CONTACTOS DE DENUNCIA: ¿Con que otra(s) persona(s) o agencia(s) se ha comunicado con respecto a este problema? \_\_\_\_\_

QUE ACCIÓN SE SOLICITA: Por favor describa en detalle que acción quiere U.D. que tome el Gran Jurado del Condado San Benito. \_\_\_\_\_

**"Esta información es verdadera, correcta, y completa a la mejor de mi conocimiento."**

NOMBRE \_\_\_\_\_ FECHA \_\_\_\_\_

DOMICILIO \_\_\_\_\_ CIUDAD \_\_\_\_\_ ESTADO \_\_\_\_\_ CÓDIGO POSTAL \_\_\_\_\_

TELÉFONO \_\_\_\_\_ FIRMA \_\_\_\_\_