

SAN BENITO COUNTY

CIVIL GRAND JURY

CONSOLIDATED FINAL REPORT

2021-2022



DEDICATED TO THE PEOPLE OF SAN BENITO COUNTY

Grand Juror's Oath

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

San Benito County Superior Court
450 Fourth Street
Hollister, California 95023

June 29, 2022

Dear Judge Rodriguez:

As the Foreman of the 2021-2022 Civil Grand Jury, I would like to thank you for the opportunity to serve for my sixth term on behalf of The People of San Benito County. One can never stop growing in the education provided by such experience.

Although the Civil Grand Jury attracts volunteer citizens from a diverse spectrum of our community, this year's term was unique. Due to covid, there were no carry-over members from the previous term to provide continuity, however, there were several members who had served on past juries that spanned a total of over 20 years, and their experience was a blessing in navigating hurdles.

Our mutual goal was to restore the Civil Grand Jury into a fully functioning system to serve The People.

The covid era that halted an entire county, also impacted productivity for a grand jury. The post office had closed the mailbox that had been the only permanent home the grand jury ever had due to nonpayment since there was no grand jury activity. The mail had been held unopened and without response for nearly six months. It was a lesson in tenacity to finally get reinstated and catch up with citizen complaints. Already immersed in old business, we hit the ground running immediately with the occupation of organizing and training.

Determined to overcome adversity, we began to seriously prepare for remote meetings and social distancing to keep everyone safe and maintain a quorum to conduct all meetings on a weekly basis without skipping a beat. Our skillset was enhanced by the ability to operate meetings efficiently with state-of-the-art technology that will be handed to future grand jury terms in perpetuity.

A notable degree of difficulty was added to meet the changeover from planned early-release reports to accommodate the court's request for a Consolidated Final Report (CFR). The challenge was met with dedicated jurors rewriting with updated information and reverification at the end of term (June 30).

The San Benito County Board of Supervisors proclaimed February as "Grand Jury Awareness Month". We worked with the local media to publicize our meaning and purpose, as well as provided "Open House Saturdays", inviting the public to visit our meeting space, pick up informative materials, recruitment forms, and ask questions regarding service.

The personal growth of individuals as jurors is met through the enhancement of organizing, planning, interviewing, listening and diplomatic discussion, editing, and leadership skills.

In closing, I quote Honorable Christopher Wilson, Judge Humboldt County:

"The Grand Jury is a body of ordinary citizens who have chosen to become extraordinary."

*In community,
Roxy Montana
Foreman 2021-2022*

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SAN BENITO COUNTY CIVIL GRAND JURORS

2021-2022

ROXY MONTANA - FOREMAN

2001-2002 2002-2003 2006-2007 2007-2008 2010-2011

BOB MARDEN, PRO TEM

2013-2014 2014-2015

CHERIE TOLL

2013-2014 2014-2015 2017-2018 2018-2019

JOHN LEMOS, SGT.-AT-ARMS

2007-2008 2010-2011 2011-2012

NATALYA GALLION, SGT.-AT-ARMS

2017-2018 2018-2019

MICHELLE GUTIERREZ, SECRETARY

2013-2014 2014-2015

BILL HEALY

2013-2014 2014-2015

STACIE MCGRADY, SECRETARY

DAVE BUSCH

JAE EADE

JOHN EADE

JOHN FERRIERA

PATTI KNOBLICH-GONZALEZ

DENNIS LAWN

RAUL SANCHEZ

LAURIE SERPA-SABIN

PARVEEN SHARMA

SHIVEN SINGH

THE ROLE OF THE CIVIL GRAND JURY IN LOCAL GOVERNMENT

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

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

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

The entire membership of the plenary body meets weekly for a minimum of two-hours, but the following committees are the hands that do the work, adding 10-15 hours per week:

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

All information is verified through combined committee efforts before approval by the plenary jurors. The information brought to the public declared in an official document known as the "Consolidated Final Report" ("CFR"), which is released at the end of the Grand Jury term. Some Grand Jury terms can utilize "early-release" reports at the

discretion of the Presiding Judge. It is imperative to note that not all investigations result in a written report for publication.

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

California law requires the local Civil Grand Jury to annually inspect "local prisons", or county or city detention facilities, and to review the local government's financial accounts and records.

"Knowledge is power" ... and the analysis of the operational outcomes; successful and unproductive, is to provide the fair assessment of what concerns The People in the community. There are over 65,000 persons in the populating all of San Benito County, and the voting members elect public servants to administer wisely on their behalf. The positive results of productivity deserve to be rewarded, or fruitless efforts beg for replacement.

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

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

or by mailing a signed letter with confirmable information addressed to the SBC Grand Jury at P.O. Box 1624, Hollister, California 95024.

Complainant names or identification are never shared.

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

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

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

The local governmental entity to which a report is directed is required to answer both the Findings and Recommendations in writing and within a specified period after the issuance of the final report (60-days for officials or agency heads; 90-days for governing bodies).

The 2021-2022 San Benito County Civil Grand Jury would like to thank the following:

Maria Alfaro, Superior Court

Sheriff Eric Taylor for accommodating the jurors with multiple conference rooms

Hollister Police Chief Carlos Reynoso for the use of the conference room

Angelika Rangel (RMA) for managing an ever-changing meeting schedule

The 2022 San Benito County Board of Supervisors for acknowledgement by proclamation.

REQUIRED REPORT RESPONSES TO GRAND JURY REPORTS

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

Relevant paragraphs from Section 933 are quoted below for respondents' guidance.

TIME LIMITS FOR RESPONSES

California Penal Code 933(c) requires that:

No later than 90-days after the Grand Jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the Grand Jury has responsibility pursuant to Section 914.1, shall comment within 60-days to the Presiding Judge of Superior Court, with an information copy to the Board of Supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations.

All these comments and reports shall forthwith be submitted to the presiding Judge of the Superior Court who impaneled the Grand Jury. A copy of all responses to Grand Jury reports shall be placed on file with the clerk of the public agency and the office of the County Clerk, or with the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable Grand Jury final report by, and in the control of the currently impaneled Grand Jury, where it shall be maintained for a minimum of five years.

FORM OF RESPONSES

California Penal Code 933.03 requires that:

(a) For the purpose of subdivision (b) of Section 933, as to each Grand Jury finding, the responding

person or entity shall indicate one of the following:

(1) The respondent agrees with the findings.

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

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

(1) The recommendation has been implemented, with a summary regarding implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future,

(With a timeframe for implementation).

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the Grand Jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation, therefore.

INFORMATION REGARDING THE BROWN ACT

A “meeting” is defined as any gathering of a majority of the members of a legislative body at the same time and location to hear, discuss, deliberate, or act on any item that is within the subject matter jurisdiction of the legislative body. (Gov. Code, § 54952.2)

All meetings of the legislative body of a local agency shall be open and public, accessible and provide the public with access to participate at any meeting of the legislative body of a local agency, unless an exception applies. (Gov. Code, § 54953)

Private meetings to discuss district business between a majority of an elected board is a direct violation of the Brown Act. Ultimately, the meetings must be publicly accessible.

It is a violation of the Brown Act for any person to disclose confidential information acquired in a closed session. (Section 54963)

Any gathering or communication through which most of the legislative body discusses, deliberates, or acts on an item of agency business outside of a noticed meeting violates the Brown Act. The act ensures that the public has both notice and access to meetings of local government agencies so that key discussions and deliberations between elected leaders do not take place behind closed doors without public input or scrutiny. The Brown Act specifically requires that agencies provide the public with formal notice of meetings and agendas and contain the subjects to be discussed.

Secret meetings violate public trust and shutting out the public and board members who disagree with edicts can create a toxic atmosphere where the public’s needs give way to the need to win political battles.

Executive staff excluded from such meetings have testified that their authority had been undermined.

Notice of meetings must be posted at least 72-hours in advance in a location that is easily accessible to the public and on the local agency’s website to include a description of each item of business to be transacted or discussed at the meeting, as well all items to be discussed in closed session; the time and location of the meeting; and Information for requesting disability related modifications or accommodations. The forum must allow for public comment on every agenda item and those items not on the agenda.

(Gov. Code, § 54954.2)

Excluded board members have no incentive to build collaborative relationships with those in power. Such collaboration is essential in most well-functioning governance relationships.

There are three-types of actions to enforce the Brown Act that a citizen may bring:

- 1) a suit over a government entity’s alleged violation of the Act based on the that entity’s past violation of the Brown Act.
- (2) a suit to contest or enjoin ongoing or future actions in alleged violation of the Brown Act, and
- (3) a suit to void an action taken by a government entity in alleged violation of the Brown Act.

What court enforcement is available when the Brown Act is violated? The remedies may vary depending on the kind of violation or its consequences. When the goal is to force the body to

comply with the law when it is consistently failing to do so, insisting that its conduct is lawful, the Act allows any person or the district attorney to file a lawsuit in the Superior Court seeking a declaratory judgment that the law has been or is being violated and a cause of action is usually coupled with an injunction ordering compliance. If that body used a closed session for an unlawful discussion or action, the court may order it to tape record its closed sessions (and preserve the recordings) for a certain period thereafter, to encourage compliance and provide evidence of repeated violations. Although the tapes are not public records, they may be reviewed by a court in any similar subsequent lawsuit. Government Code §54960.

“A member of a legislative body will not be criminally liable for a violation of the Brown Act unless the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under the Brown Act.” (Section 54959).

When the goal is to overturn a particular action taken in violation of the Brown Act, any person or the district attorney may file a suit asking the Superior Court to find that the body violated the Act in taking an action that should be therefore declared null and void. This remedy is limited to actions taken with outside a public meeting or unlawful surprise at a meeting, but the public was not given adequate notice on the agenda.

A lawsuit seeking to invalidate secret actions must be preceded by a written notice to the body, delivered no later than 90-days from the date of the alleged action, demanding a suitable “cure and correction.” To nullify surprise actions, the notice for demanding cure and correction is only 30-days. Once the body makes an unsatisfactory response to the demand, the plaintiff has only 15-days to file a nullification action with the court. The court may decline to nullify an action if: the body has satisfactorily cured the violation, the action dealt with the sale or issuance of notes, bond or other instruments of debt, or with the collection of a tax; or the action resulted in a contract with a third party who had no knowledge of a Brown Act violation and would be harmed by having the contract nullified, however, this does not apply to a salary or fee for professional services, which contract may be nullified). Government Code §54960.1.

ENFORCEMENT

There are both civil remedies and criminal misdemeanor penalties for Brown Act violations, including injunctions against further violations, orders nullifying any unlawful action, and orders determining the validity of any rule to penalize or discourage the expression of a member of the legislative body (Section 54960.1). Efforts to penalize expression may come up in the context of measures by the legislative body to censure or penalize one of its members for breaching confidentiality or other violations.

SAN BENITO COUNTY
SHERIFF'S DEPARTMENT
"ONLY TWO BLOCKS AND WORLDS APART"

SUMMARY

Many citizens are not aware of the differences in local law enforcement, specifically, the roles and responsibilities between the Hollister Police Department and the San Benito County Sheriff's Office. They are situated only two-blocks apart. Both agencies are working to keep our community safe and to deter criminal activities, and a symbiotic relationship is to everyone's benefit.

The core of any city policing is community engagement, education, high visibility patrol with crime prevention, traffic enforcement, gang interdiction, and violent crime investigation with a comparatively high volume of calls.

The Sheriff's Department is responsible for crime prevention, investigation, and suspect apprehension in the unincorporated areas of the county.

Parks and scenic roads make San Benito County a desirable place to live, but not if it's unprotected. The investment in public safety is the core of every community's success. When a person, property, or area is affected by crime, violence, or disaster, the foundation of safety-first priorities must exist for peace of mind and greater quality of life.

METHODOLOGY

The San Benito County Civil Grand Jury inspected the SBC Sheriff's Department facility. It was readily visible and apparent that constructive organizational restructuring had taken place.

During the 2021-2022 term, the Civil Grand Jury conducted multiple interviews with Sheriff's Department administrative staff and sworn personnel to shed light on this branch of law enforcement. Interviews were recorded and transcribed with permission.

BACKGROUND

The Sheriff-elect is the highest-ranking position of law enforcement within the county. The County Jail and courtroom safety, and the duties of the coroner all fall under the Sheriff's scope of responsibility, as well as Search and Rescue operations and emergency disaster response.

As the county Coroner, the Sheriff or his designee is responsible for the investigation of all reportable deaths. This vocation requires additional and extensive training regarding laws, rules, policies, and procedures specific to decedents and related statutes, as well as religious concerns and time constraints. The Coroner's Division currently negotiates a contract with the Santa Clara County Medical Examiner to conduct San Benito County death investigations and autopsies. A removal service is contracted for the transportation of decedents.

Near the end of 2021, the former Sheriff resigned and retired. The current Sheriff was appointed and was sworn into office in January 2022. Immediately, the new leadership initiated an improved environment, and staff affirmed the positive changes.

In February 2022, the Sheriff's office acknowledged and appreciated twenty-seven members of the department during an awards ceremony. Many personnel received medals and/or recognition for their services. Eleven deputies were promoted as well.

SAN JUAN BAUTISTA

Beginning in April 2022, the Sheriff's Department opened a store-front office "headquarters" at the Windmill Shopping Center in the City of San Juan Bautista. The previous Sheriff service delivery model was a random patrol-and-call for services dispatched to any or all deputies. The new model has a dedicated deputy scheduled 40 hours per week including weekends

DISCUSSION

STAFFING

The Sheriff designs the staffing protocols to best manage the department needs through experience and vision. The big picture includes quality recruitment and administrative needs with a team approach. Few people can deny that law enforcement has become a less desirable career path for young people. Consequently, the qualified candidate pool is shallow.

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

Currently, there are four open positions in the patrol division and four open corrections positions in the jail. One never knows when deputies may be lured into leave San Benito. One Deputy Sheriff was recently offered a position as a lateral transfer to Marin

County. This is not to say that all staff in the department are deterred by lower wages. Today's current top administrators all relocated to San Benito County from nearby agencies. Quality of life factors were an important part of the decision-making process for them.

It takes a special type of person in law enforcement to work rural assignments. It can be remote with concerns for communication, lack of back-up, and resources. Deputies may be called to assist Fish and Wildlife, CHP, or even the Civil Air Patrol for missing airplanes.

The San Benito County Sheriff's Department looks for the best people to do the best job, regardless of race or gender.

There exists great diversity in the staff, where sixty-one people are employed. Thirty-two staff members are female and the first female division commander in the history of the office runs the Administrative Bureau. Half of all administration is Latino. Half of the jail's supervisory staff is female and Hispanic. The current administration recognizes the unique gifts that women can bring to patrol, however, it is difficult to procure qualified females in law enforcement patrol divisions. San Benito County is a bottom-tier agency and applicants are stolen from the pool by larger agencies, but even in large departments of 200 deputy sheriffs, only 10 are female. Law enforcement doesn't have the enticement that it used to and many departments around the country have lowered standards to qualify applicants.

San Benito County did a fair salary study that included the cities of Watsonville and Hollister, plus the surrounding counties: of Santa Clara, Monterey, Santa Cruz, Fresno, and Merced. It was found that Deputy Sheriffs was within 90% of median.

SWING SHIFT

Crime never sleeps. The Sheriff's negotiations team should work toward additional county wide coverage by adding a third patrol shift, preferably with additional coverage from 4:00 p.m. to 2:00 a.m.

HOUSING

Thinking outside-of-the-box to attract public safety personnel decades ago, local Santa Cruz County sought creative solutions to accommodate first-time home buyers in the community. The logic was that potential opportunity through providing housing as an investment could be a win-win situation for all. Whether home or condominium, a percentage of the property's appreciated value could be a payback when the home is sold. Additionally, through the Santa Cruz County Housing Authority, apartments were offered to public safety personnel rent free in exchange for reports to the housing authority regarding issues or concerns in the subsidized housing units.

GANG ISSUES

The Sheriff's Department has a proactive aggressive gang intervention and suppression task force.

According to law enforcement statistics, drive-by shootings is gang-related 99% of the time. On March 26, 2022, a drive by shooting by a known gang drop-out (a gang subculture that makes up their own affiliations) shot five young residents, that were reportedly not involved with a gang, on Rustic Street in Hollister. There currently exists an internal war between the state Nuestra Familia (NF) and the Federal Nuestra Familia.

Much of the hierarchy identified as NF have been removed from the California institutions and many were charged federally. The arrest or even death of gang members may create a vacuum within the gang structure. This can allow for "turf wars" of increased violence and terror as gangs work to expand their sphere of influence.

The Civil Grand Jury has learned that gang activity is cyclical, it goes through generations. A wave of increased activity is followed by a low period. Deputies arrest multiple gangsters, and the activity goes down, thus arresting people does impact the activity on the street. However, the action doesn't solve the problem permanently because the criminals do come back. Additionally, arrests may create a vacuum within gang structures.

To successfully prosecute a gang case, it is necessary to have "predicate acts" to show the history, and to have a conviction. More convictions occur when there are strong predicate acts. Gang activity does exist in this community, but for several years, there has been a lack of intelligence, no tracking, and no documentation of the common signs, symbols, colors, and gang membership or affiliation.

Previous Grand Jury Reports found that there was no central data-gathering regarding gang activities. The report indicated a need for a Gang Task Force Director to partner with local law enforcement to add value. This would be especially significant with grant writing opportunities for funding sources.

The Sheriff's Department collaborates with the District Attorney's office and County Probation to scour the community, research records and open-source documents to identify new gang patterns, signs, and symbols of emerging activities. These indicators help us to understand that there is increasing gang activity, primarily under the Norteno umbrella, within San Benito County.

San Benito County has participated in a regional task force, called U-NET. Recently the Department of Justice pulled their staff out of the task force. Due to staffing issues, the

police department participation has been intermittent. Trying to rely on other agencies with minimal staffing does not allow for the dedicated team of resources necessary to impact violent crimes; in reality, a team-of-four is just a team of one.

In the absence of external supporting agencies, an internal core team acting as an All-Crimes or Violent Crimes task force would be of substantial benefit. This task force would focus specifically to investigating illegal activity within the San Benito County region. Concerns include, but are not limited to, disrupting the supply of deadly fentanyl and weapons to our young and vulnerable community members.

COMMUNICATION

The SBC Sheriff's Department is responsible for responding to calls for the agricultural community with a size of 1,390 square miles, and includes the city of Hollister, San Juan Bautista (SJB) and Aromas, with South County residents in rural areas of Tres Pinos, Paicines, and Pinoche. A separate report on Communications addresses the issues.

COMMUNITY OUTREACH

Sheriff's Deputies and Correctional staff are active and visible in the community through youth sports and activities, including outreach organizations such as LULAC' motivational Adelante American Leadership Program and nurturing future careers in law enforcement through the Explorers Program for ages 14-20 years.

FINDINGS and RECOMMENDATIONS

F-1 Visibility is a key factor in controlling criminal activity.

R-1 The Civil Grand Jury recommends the establishment of a swing shift to best support high visibility patrol tactics and to deter criminal activity.

F-2 The increase in criminal activity emboldens gang members.

R-2 The Civil Grand Jury recommends Creating a Violent Crimes Task Force to investigate illegal activity, disrupt gang activity and reduce the volume of illegal drugs and weapons brought into the community,

F-3 The Civil Grand Jury recognizes that there is great competition for recruitment of Deputy Sheriffs and support personnel.

R-3 The Civil Grand Jury recommends the support for "homegrown approach" for future recruits through the Sheriff Explorer Program, Reserve program, and the implementation of a citizen academy to further enhance community awareness and relationships.

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

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

From the following elected official within 60 days:

From the following governing body within 90 days:

RESPONSES REQUIRED:

San Benito County Board of Supervisors

San Benito County Sheriff's Department

SAN BENITO COUNTY PROBATION DEPARTMENT

SUMMARY

The Probation Department is responsible for the coordination of services to the courts and other justice agencies within the county, including investigations, assessments, dispositions and of treatment of Adult and Juvenile clients; written probation reports and recommendations to the courts, correctional programming for those placed on probation, services to victims, and, legally mandated and court ordered services.

These services are provided in accordance with appropriate sections as designated in the California Rules of Court, Penal Code, Welfare and Institutions Code, Family Code, Civil Code, Code of Civil Procedure, Probate Code and Government Code.

METHODOLOGY:

The Civil Grand Jurors toured the Probation Department
Interviews were conducted with

- All levels of Senior Staff
- All levels of Administrative Staff
- Program Managers

The Grand Jury reviewed the following:

- Adult and Juvenile Procedural Manuals.
- Documents and reviewed past Grand Jury Reports
- Juvenile Justice Realignment Block Grant Annual Plan
- December 16, 2021
- SBC Public Safety Realignment Plan & Post Release
Community Supervision
- FY 2021 – 2022 Community Corrections Partnership

BACKGROUND

REALIGNMENT AB 109

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

The Realignment AB 109 transfers responsibility for supervising lower-level felony offenders and state prison parolees from state prisons and state parole agents to local county jails in which they serve their sentences. The statute says AB 109 was not created to relieve overcrowding issues in state prisons but meant to reduce recidivism. People convicted of more serious felonies, such as violent felonies or major sex crimes, are still eligible for sentencing to prison terms. It's a controversial issue, and California law enforcement officials have criticized the AB 109. Los Angeles County District Attorney Steve Cooley wrote a letter to the Board of Supervisors stating that realignment poses "a grave threat to public safety."

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

DISCUSSION

BUILDING

The Probation Department is located across from the courthouse, which is a positive point, but the department is broken up into different buildings. The connection between the buildings is best described as "disjointed". The staff is cramped but tries to do the best with every square foot of what they've got. The department is in a serious need of a new home organized under one roof.

CASE MANAGEMENT SYSTEM

Despite its recent upgrade and the simplicity of its design overall, the current case management system, continues to have shortcomings when it comes to data collection. From a case management standpoint for line level probation staff, the system is easy to enter data into and it possesses many features that enhance organization for staff. From a management level, the case management system does not have a mechanism in place to pull reports from all the various data entry fields in a quick/efficient manner. The case management system staff are very responsive to constructive feedback and have continually made improvements or upgrades as recommended. The main drawbacks to the current case management system are it is difficult to measure progress, track changes in operations based on new legislative requirements, and an inability to analyze data collected.

STAFF

AT the time of this report, the Probation Department currently has two vacancies. Two people hired for probation are waiting to come over from the Juvenile Hall, which now has four vacancies.

Vacancies on the probation side is much like "robbing Peter to pay Paul" when backfilling with staff from the juvenile department. Probation must meet the legislative and court ordered mandates, but it is more difficult to cover field supervision

assignments as thorough as the team would like due to staffing shortages. Consequently, all levels of staff take on extra caseload duties and additional responsibilities just to keep up with a very challenging pace. Of course, there is a slowdown towards meeting established objectives to move the department forward.

ADULT PROBATION POPULATION

The Probation Department averages 265 Adults and based upon risk levels:

Low (65), medium (75) and high (68),

Adult clients under the supervision of the following top three departmental programs and services:

251 Formal Felony:

229 Domestic Violence

46 Drug Treatment Court

others include:

Adult Supervision and Intensive Supervision, Drug Intensive Supervision, Treatment Referrals, Restitution for Crime Victims, Court Report Services, Domestic Violence Program, Community Service Program, Reentry Planning/Services, and Family Preservation Program.

PROGRAM REFERRALS:

107 Electronic Monitoring

48 Re-entry

32 Lifestyle management

20 Cognitive Journaling

13 Counseling and Psychotherapy Centers

13 GPS

12 Door to Hope

10 Alcoholic Anonymous

10 Narcotics Anonymous

10 Pathway

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JUVENILE PROBATION

The San Benito County Juvenile Hall is the only detention facility for youth. All attempts are made to prevent the juvenile's removal from their home. The Probation Department provides community-based custody, care, and control of youth adjudicated for violations of offenses described in Penal and Welfare and Institutions Codes (WIC). The department must provide services to realigned youth ranging in age of 14 to 25-years to be diverted from being committed to the Department of Juvenile Justice (DJJ). When a higher level of care is needed, SBC must look to larger Fresno, Merced, Monterey, and Sonoma counties willing to host the youth at the level of need to be diverted from the DJJ.

The department has been successful in using a least restrictive means approach by providing intensive services to prevent higher levels of care. In the six years between 2015-2021, sixty-eight youths were arrested for serious or violent offenses pursuant to 707(b) pursuant to 707(b) of the Welfare and Institutions. Only one youth had been sent to the DJJ since 2010.

The following programs and services are available: Juvenile Supervision and Intensive Supervision, Juvenile Placement Services, Treatment Referrals, Restitution for Crime Victims, Court Report Services, Juvenile Traffic Court, Court School Truancy Program, Community Service,

Court Report Services Monthly average (FY 21-22)

Juvenile Violation report Less than 1 per month (10 total)

Dispo Hearing 2 per month (29 total)

6-12-18 Month Review Less than 1 per month (2 total)

Sealing of Records 2 per month (21 total)

Notice of Hearing Less than 1 per month (8 total)

Transfer In/Out Less than 1 per month (10 total)

Detention Hearing 3 per month (34 total)

CURRENT SUPERVISED JUVENILE CASES

17 Wardship

11 Juvenile Review Board

9 Informal Probation

8 Six-month Probation

6 Deferred Entry of Judgment

3 Informal Diversion

1 Juvenile Placement Services

TREATMENT REFERRALS

10 Hollister Youth Alliance individual

8 Mental Health Counseling

8 Hollister Youth Alliance

7 Behavioral Health Substance abuse counseling

5 Parenting Project

5 Teen Recovery

5 Cognitive Journaling Group

4 Electronic Monitoring/ GPS

3 Children's System of Care

1 Counseling and Psychotherapy Center

1 Tutoring

RESTITUTION FOR CRIME VICTIMS

During the FY 21/22 restitution has not been collected from any minor who are currently supervised by the probation department. Currently, there are two minors who are actively supervised who have been ordered to pay restitution.

JUVENILE TRAFFIC SCHOOL

FY 21/22 - 35

COURT SCHOOL TRUANCY PROGRAM

The San Benito County Probation Department works in collaboration with the court school to provide to a truancy program. Prior to the COVID pandemic, a probation officer was housed at the court school. This provided the probation officer to work collectively with school staff and to provide additional support when necessary. More importantly, it provided an opportunity for the officer to meet with the youth and provide direct services and guidance. During the school years 19/20 and 20/21, distance learning was implemented for all students in response to the COVID pandemic. Based on the distance learning format, the Court School Truancy Program was paused. The San Benito County Probation Department will begin working with the court school to reinstate the program.

COMMUNITY SERVICE

Juvenile Work Service Program referrals – 14

Youth are assessed utilizing the Positive Achievement Change Tool (PACT) to identify criminogenic needs, those that cause a level of reoffending.

The categories in these behaviors include substance abuse; personality antisocial behavior, family employment/school; and criminal associates.

Youths and their family can be referred to the San Benito County Behavioral Health Children's System of Care (CSOC). Youth Alliance is an option for strength-based programming or parenting classes, and the Juvenile Work Service Program (JWSP).

THE GANG TASK FORCE

Prior to the implemented of the Gang Task Force around 20-years ago, there was no central data collection point. The Grand Jury listened to the public outcry to meet the safety needs of the community, and the force was created within the following year.

The Probation Department was an active partner in the Gang Task Force with representatives from the Sheriff's Department, Hollister Police Department, the Jail and Juvenile Hall. An especially talented director worked successfully to align schools and all law enforcement, however, when that person moved out of the area, the position was

never refilled. The task force shrunk due to funding issues. Gang influences are on the rise and most local law enforcement believe that it is critical to influence youth at an earlier age now more than ever.

FINDINGS:AND RECOMMENDATIONS

F-1 The Juvenile Probation Department has 4 vacancies.

R-1 Four vacancies need to be filled to help prevent delinquent youth from becoming chronic offenders.

F-2 In a juvenile justice field that is ever evolving, it is more important to measure outcomes to decipher if the programs and services offered are making a positive impact.

R-2 The case management system should be funded and updated to meet the needs of management level staff.

F-3 The San Benito County Gang Task Force was successful program in curbing youth gang violence before it gets out of hand.

R-3 The Gang Task Force should be funded and reinstated with the involvement of the Probation Department as soon as possible.

F-4 The building that houses the Probation department is wholly insufficient to the needs of the staff and their clients.

R-4 A new home for the department should be prioritized to the growing population in need of Probation services.

RESPONSE:

The California Penal Code 933 © 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 recommendation within 90-days. Then affected agencies are:

San Benito County Board of Supervisors

SAN BENITO COUNTY BEHAVIORAL HEALTH DEPARTMENT

SUMMARY

Hiring and retainment of staff is part of a larger long-suffering staffing issue that has plagued the SBC Behavioral and the Mental Health care systems.

In review of the organizational chart, the San Benito County Civil Grand Jury found that the Behavioral Health system has seventy-five total positions available. Twenty-four positions are listed as vacancies, or a 34% vacancy rate combined in areas of management, clinical staff, case managers and the qualitative improvement sectors. One of the most essential departments in the county, and certainly where one of the largest county budgets is concerned, the County Behavioral Health or the Mental Health Department has not been reviewed by the San Benito County Civil Grand Jury since Fiscal Year 2014-2015. Since that report, a new Behavioral Health facility has been built. Jurors inspected the new and modern facility which is well-designed with ample space and executive offices for providing therapeutic Mental Health treatment to the community.

METHODOLOGY

Interviews were conducted with the following:

- Administrative staff
- Multi-level staff members, including case managers, clinicians, quality improvement personnel, administrators, and managers
- Former staff of various levels

Review of the following documentation:

- Behavioral Health Human Resources Manual
- Copies of all patient grievances for the years 2020 and 2021
- Copies of all employee complaints - years 2020 and 2021
- Department organizational chart
- Board meeting minutes, dated Thursday October 21, 2021
- Hollister School District's guide for the Social-Emotional Team offering new services for students.
- San Benito County Behavioral Health MHSA FY 2020/2021- 2022/2023
- Three-Year Plan & Annual PEI and INN Evaluation Report
- FY 2021-22 Medi-Cal Specialty Behavioral Health External
- Quality Review
- 2014-2015 San Benito County Civil Grand Jury Final Report

DISCUSSION

MANAGEMENT and STAFFING

In 2021-2022, the San Benito County Civil Grand Jury conducted numerous confidential interviews with current and former staff of various levels.

Staff straightforwardly voiced their opinions that overall, the department could be restructured to improve the management and the operations. Factors that were verified by Clinical staff is they cannot not make their own client treatment appointments because the current policy requires the clerical staff to schedule their appointments. Other complaints from staff is the fact that they also are required to serve double-duty with providing treatment and serving on the crisis team, which causes interruptions with their client therapy sessions during a crisis.

Employees also expressed issues with senior management with fear of reprisal. Some discussed the lack of ability to get tasks done due to multiple staffing demands and high management stress levels. Other concerns are the lengthy waiting periods to get an appointment scheduled for initial, and urgent services.

It was also expressed that less qualified managerial personnel are not effective in their management positions and the organization has received multiple deficiencies requiring their placement by Department of Health Care Services (DHCS) to be put on a Corrective Action Plan (CAP) to monitor compliance.

More issues were expressed owing to the lack of employee performance measures that can be utilized to bring poor employees up to speed in the performance of duties and responsibilities.

Newly hired clinicians work at the department to earn the 3,000 hours required for certification, however, upon earning their credentials, they accept employment in other counties, school districts, or private practice.

Behavioral Health staff also stated as a matter of interest in regard about the San Benito County benefits package. They identified the benefits as “inadequate” compared to surrounding counties. Furthermore, staff revealed that once an applicant’s interview is complete, and offers are made, applicants tend to disregard the offer when the benefit package is reviewed more closely by the applicant.

There have been deep concerns with the lack of timeliness for applicants to get appointments for urgent BH services. Example: One person called on January 13, for an appointment and was told the earliest appointment was February 28, 2022.

CLIENT GRIEVANCE LOG

The Quality Improvement Report (Client Grievance Logs) provided:

- 38-patient grievance logs that were evaluated
- 30 of those complaints were resolved by the end of the next business day.
- 9 of the complaints took slightly longer to resolve the issues.
- Approximately 87% of the complaints were clients demanding a different doctor or clinician, and complainants demanding their medications ahead of time.

STANDARDS and DOCUMENTATION

Best Practices Theory was designed and developed as solutions to addiction and substance abuse for youth and adults by the California State Youth Treatment Guidelines and the Drug Medi-Cal Organized Delivery system. Substance Use Disorder (SUD) policies do not meet the standards of “Best Practices theory”. SUD policies have not been reviewed by the Medical Director for their effectiveness, or changes in state standard requirements since in 2016.

Patient files are not in accordance with Drug Medical-Organized Delivery System (DMC-ODS) state mandates for beneficiaries enrolled in SUD services. Quality Assurance and/or performance measures were misfiled for maintenance and upkeep. Examples include missing signatures, or youth physicals documentation for the American Society of Addiction Medicine (ASAM) updates/revisions and 90-day treatment plans were not completed within the specified timeframe.

Documentation appears marginal at times, and notes were inconsistent with state standards and did not capture the counselors attempt to ensure confidentiality. The location of both beneficiary and consent forms were not kept in the file on admission. This is a negative review that could potentially cost the county hefty financial sanctions if DMC-ODS should conduct a Medi-Cal payback audit as each deficiency listed causes the billable services thereafter to be disallowed.

FINANCE

Behavioral Health does not employ, or even require specialized training in finance, or advanced fiscal practices required to create and maintain a multi-million-dollar budget, causing unnecessary expenditures resulting in the return of block-grant money.

High employee turnover rates within fiscal department leads creates inability to operate within multi-million-dollar budget, resulting in a reserve of over \$12 million dollars, due to the lack of spending within department and community needs allocated per line items, forcing the return of money!

Behavioral Health has not met its obligation under the requirement of completing a 6-month “re-determination period of medical necessity” for patients to re-qualify for continued outpatient treatment services.

Narcotic Treatment Services (NTP) services requires existing patients to remain within the annual reauthorization requirement time frame. In collaboration with the Medical Director, an annual review and/or revision of all SUD policies is advised by a team or committee until Behavioral Health acquires competent staff trained in SUD and/or addiction medicine.

The Drug Medical-Organized Delivery System (DMC-ODS) compliance review of SBCBH for FY 2020-21 returned with multiple deficiencies requiring corrective actions, and new requirements per state guidelines, advisory recommendations, and referrals for technical assistance. Proof of SBCBH’s completed documentation and submission of a Correction Action Plan (CAP) has been verified, however compliance with goals and objectives has not been confirmed as completed.

FINDINGS AN RECOMMENDATIONS

F-1 Clinical staff do not make their own client treatment appointments due to the existing BH policy as mandated by the management.

R-1 The Civil Grand Jury recommends full implementation of the modern (Anasazi Software) appointment EHR (Electric Health Record) system as recommended by the Medi-Cal Specialty Quality review final report for FY 2021-2022.

F-2 County Behavioral Health has received multiple deficiencies requiring BH placement by Department of Health Care Services (DHCS) to be put on a Corrective Action Plan (CAP).

R-2 Implement a quality assurance (QA) program, measuring compliance against necessary local, state, and federal standards.

F-3 Further consultations reveled that many current management positions are held by personnel that are acting outside of their roles due to lack of written policies, procedures, and codes of conduct. (No written BH personnel policies was verified).

R-3 The Civil Grand Jury recommends that BH work with the new Human Resources Manager to evaluate the current management system and to develop corrective action plans to maximize proficiency of these managers.

F-4 There exists lengthy waiting periods to get an appointment scheduled for routine and in particular urgent services.

R-4 The Civil Grand Jury recommends that Behavioral Health fully implements the Department of Health Care Services (DHCS) and the required metric software for tracking lengths of time from the initial request to the initial commencement of services.

RESPONSES

California Penal Code Section 933(a) requires the grand jury to “submit to the presiding judge of the superior court a final report of its Findings and Recommendations that pertain to county government matters during the fiscal or calendar year.” Governing bodies or department officials are required to respond to the Findings and Recommendations directed to them within 90 days of the release of a grand jury’s report. Elected County officials are required to respond within 60 days. (PC §933(c)).

RESPONSE REQUIRED

San Benito County Supervisors

SAN BENITO COUNTY HUMAN RESOURCES DEPARTMENT

BACKGROUND

EMPLOYMENT

“San Benito County Has Twice As Many Vacancies As Similar-Size Counties”

People search for decent wages at jobs that support their lifestyle: shelter, utilities, healthcare, food, education, and entertainment. Higher paying employment can, indeed, be found in Santa Clara and Monterey counties, however, increasing fuel prices factor into the commuters’ options, including the unpaid hours per day that their commute prevents them from participating in activities with family and friends. Officials and department leaders have two responses when asked what prompts employees to leave the county: “a search for significant increases in pay and better benefits”.

The San Benito County Civil Grand Jury sought to understand the county employment issues through a review investigation of the Human Resources Department.

SUMMARY

The Human Resources Department plays an integral role in the recruitment, retention, and termination processes of staffing levels within San Benito County. It also manages retirement benefits.

The Human Resources Department is severely understaffed. There is complexity of the required work and demands within the county that involves various needs of special qualifications, such as law enforcement and health and human resources departments. All totaled, the department has three employees whose experience ranges from six-years to less than six-months. The breadth and scope of the responsibilities for this department span the gambit of:

- Maintaining records
- Administration of health benefits
- Resource information to employees
- Manage recruitments
- Keep updated on changes in policy changes
- Program updates
- San Benito County employee’s updates and changes in their benefit’s
- New employee orientation
- Provide information to retired employees.

METHODOLGY

The 2021-2022 SBC Civil Grand Jury had multiple interviews with each of the following:

- County Supervisors
- Administrative staff
- Various employees at all levels, new and including former employees
- Review of County Policies and Procedures manuals
- Interviews with Human Resources staff
- Review of HR documents
- Local media reviews
- Interviews with County consultants

DISCUSSION

It is understood that because SBC is widely known to be a “training ground” for entry-level employees, and as soon as their hours are accrued or they reach the rank of a “lateral”, they upgrade their pay scales and benefits in another location. Many skilled workers are even sought out by outside human resources hunting for qualified applicants in many areas.

When an open position fails to attract qualified candidates at the rate of pay or benefits offered, a job description may be created around the lesser skills of an applicant to fill the vacancy. In certain departments, some interviewees have found that their under-qualified managers then become more demanding of their staff to fill the needs and gaps, and the resulting atmosphere is stressful and disruptive.

Skilled employees are in demand, not only in government, but also in private sectors. The situation is especially magnified when multiple employees leave the department around the same time, and no one can quickly fill the vacuum.

| FUND | FTE FY 21/22 | | VACANCY RATE | | Vacancy Rate |
|----------------------|--------------------------------|------------|--------------|------------|--------------|
| | ADOPTED BUDGET | Actual FTE | 12/31/21 | Actual FTE | 3/31/22 |
| General | 259.75 | 230 | 11.45% | 209 | 19.540% |
| Roads | 20 | 10 | 50.00% | 12 | 40.000% |
| HHSA | 195 | 154 | 21.03% | 137 | 29.740% |
| BEHE | 78.5 | 55 | 29.94% | 46 | 41.040% |
| CHILD SUPPOR T | 12 | 9 | 25.00% | 9 | 25.000% |
| ALL OTHER | 17.75 | 14 | 21.13% | 14 | 21.130% |
| TOTAL | Financial Report Q2-FY 2022 | 472 | 19.04% | 427 | 26.760% |

*Source County of San Benito, Financial Report Q2-FY 2022, and HR report 4/28/2022
The above sheet shows the vacancy rate within San Benito County for a 6-month period between October 2121- March 2022.*

VACANCY RATE

Through confidential interviews, the Civil Grand Jury learned that the vacancy rate for San Benito County is almost double of similar-sized counties including population and total annual budgets. Their average vacancy rate for 2021-2022 was between 11-15%. A reliable source stated that the current job market has two jobs for everyone applicant.

The vacancy rate for the total San Benito County has increased at a rate of 7% for the period between 12/31/2021 and the end of March 2022 and is projected to an overall vacancy rate of 30-33% by July 1, 2022.

The Behavioral Health has an alarming vacancy rate between 12/31/2022 by 12% for the period between 12/31/2021 and the end of March 2022 throughout the County.

STAFFING ISSUES

During confidential interviews with current and former employees, the Civil Grand Jury has learned of another concerning response given, best described as their desire to leave a “toxic environment”. This can occur if a department is not welcoming to others, and the term “bullying” was used by more than one employee in separate departments.

Some interviewees expressed fear of reprisal for speaking about the unfair workplace environment.

Additionally, jurors found that although the county does have a policy against related persons working in direct contact or supervision of a family member, this may be difficult to detect outside of an honor-system due to different last names, but the perception of partiality exists.

It has been stated in several interviews that there is concern regarding nepotism within the County workplace. One instance was confirmed by a senior management position that a relative was working within their department, however, the manager stated that they were unaware of any county policy.

According to the San Benito Employees Handbook of Personnel Policies and Procedures dated 11/3/2020, section 6.12.11 Conflict of Interest Policy, subsections:

A. #6. "Employees may not make, participate in making, or seek to influence any employment decision involving a person with whom they have a familial or romantic relationship."

#7. "An employee must notify a supervisor if the employee is or becomes related to or romantically involved with another employee in the workplace over whom the employee has the authority to impose or recommend an employment action, or any another employee within the same department or with whom the employee must interact in a work capacity."

"No employee has the authority to impose or recommend an employment action, or any another employee within the same department or with whom the employee must interact in a work capacity."

Review all the sections the San Benito Employees Handbook of Personnel Policies and Procedures dated 11/3/2020, section 6.12.11 Conflict of Interest Policy. Within this section there are statements about what is unacceptable behavior but there are no statements as to what happens to an employee who breaks any of these guidelines in the sub-sections A-C.

No published guidelines or identified program was found for an in-house training program for advancement of candidates for management positions, including Director positions. This type of leadership "funnel" program of succession planning is to invest in future leaders for the county to allow a learning experience throughout multiple departments and contribute to the overall operation within the County.

HIRING, RETENTION, AND TERMINATION

The Resource Management Administration experienced four management position vacancies within one-week.

Exit interviews provide internal evaluation and insight of the relationship between management and the employees, otherwise alternative facts are substitute by the unknowing employees.

FINDINGS AND RECOMMENDATIONS

F-1 San Benito County experiences a rate of nearly double than local counties as well as those of similar budget size and population

R-1 Exit interviews should become a part of the equation for determining why people are leaving employment within the county to better determine where improvements can be made.

F-2 Employees complain about unfair relationships policies that allow favoritism of relatives and friends.

R-2 Relationship policies are due for an update of enforceable policy.

F-3 Guidelines for advancement and training within county departments do not currently exist.

R-3 Employment advancement opportunities and training should be developed and supported throughout the county.

F-4 For the needs of a county the size of San Benito, the Human Resources Department is understaffed.

R-4 The new Human Resources Director should strategize expansion that could be supported by the Supervisors to work at maximum level.

RESPONSES

Penal Code §929 requires that reports of the Civil Grand Jury not contain the name of any person or facts

leading to the identity of any person who provides information to the Civil Grand Jury.

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

From the following elected official within 60 days:

From the following governing body within 90 days:

RESPONSES REQUIRED:

San Benito County Board of Supervisors

SAN BENITO COUNTY INFORMATION TECHNOLOGY

SUMMARY

The San Benito County Civil Grand Jury investigated the County Information Technology Department (I.T.), including the management, staff, facilities, web presence and infrastructure. Interviews were conducted of both I.T. personnel and county employees, the consumers of the I.T. products.

The Information Technology Division maintains and provides countywide information Technology infrastructure. These services are critical for all aspects of IT services to work for the county. Some of these services include network design as well as maintaining core switching and core network operating centers.

The IT Division is also responsible to perform administrative and technical work in design, planning, hardware and software installation, storage, backup, hardware purchasing, training, and maintenance of the County information systems. The IT Division administers contracts with outside vendors to provide programming, technical support, and equipment maintenance as required to maintain systems. Finally, they are responsible for maintaining email communication services, web services and application support.

PURPOSE OF INQUIRY

In preparation for the 2021-2022 term, members of the Civil Grand Jury searched for any previous reports and investigations and found that no prior investigation of the county Information Technology Services has ever been completed. This Civil Grand Jury panel is fortunate to have current member(s), who are highly skilled and knowledgeable about current technology and the issues facing a county government IT Division. During this investigation, the I.T. Department experienced a vacancy of the managerial position.

METHODOLOGY

The Civil Grand Jury visited two offices and workspaces for I.T. personnel; one located on Communications Hill, as well as at the offices of the Behavioral Health Department. Interviews were conducted of upper and mid management, supervisors, and staff. Current policies, practices and procedures were compared to those best practices employed at private industry, as well as government and university practices.

DISCUSSION

The Civil Grand Jury explored and inquired about the following topics:

- The structure of the county IT department.
- Current priorities of County IT.
- Identification of the county departments that are supported by the county IT department.
- Recruitment and hiring and retention process for the IT department.
- Vendor selection process
- Process of how contracts are awarded for IT services.
- Ticketing system to track issues or requests for service.
- Project tracking.
- Average response time to address and resolve IT issues.
- Comprehensive cybersecurity program.

FINDINGS AND RECOMMENDATIONS

The Civil Grand Jury for San Benito County makes the following Findings and Recommendations:

F-1: The County Internet Technology department is significantly understaffed.

R-1: San Benito County must aggressively recruit and take steps to retain qualified personnel for the IT Department.

F-2: County IT does not regularly and routinely utilize the ticketing system to track work orders.

R-2: All personnel should utilize the ticketing system to place and track work requests and orders.

RESPONSES

Penal Code §929 requires that reports of the Civil Grand Jury not contain the name of any person or facts

leading to the identity of any person who provides information to the Civil Grand Jury.

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

From the following elected official within 60 days:

From the following governing body within 90 days:

RESPONSES REQUIRED:

San Benito County Board of Supervisors

San Benito County Information Technology Department

AD HOC WATER REPORT

INTRODUCTION

The San Benito County Civil Grand Jury focused their attention on several San Benito County (SBC) water quality and regional water district concerns. Subsequent interviews and discussions led into additional topics including sewage, industrial wastewater management, recreational use of the San Justo reservoir, and pollution into the San Benito River basin near other City/County parks. In the context of this report, water is a dynamic issue and over the course of the year, Federal, State and County policies have changed which could impact this Grand Jury's interpretation and their findings and recommendations in this report.

METHODOLOGY

Several methodologies were applied to address the multiple government agencies involved:

- Interviews with city and county department directors/managers, and private citizens.
- An initial interview with the San Benito County Water District provided the basis for understanding the history of water quality monitoring in the county.
- Attendance at several regional water district meetings provided more information.
- The committee consulted with the County Resource Management Agency, the San Benito Parks Foundation, and completed an investigation into the ownership of the San Justo Recreational Area.

BACKGROUND

Severe drought in 2019-2020, possible impact of climate change affecting weather patterns, and the dependency of the San Benito Water Districts allotment of Federal Water from the San Luis Reservoir through the San Felipe Water Project has contributed to the importance of monitoring county access to high-quality water. Rapid housing expansion in SBC continues to impact limited county and city resources required for needed infrastructure, wastewater disposal, and recreational needs.

The groundwater basin for Hollister and San Juan Bautista in SBC is sound and isolated from salt-water intrusion, which is more associated with those areas closer to the coast. It is considered a "medium priority" basin as opposed to other basins that are considered "high priority", which include those in the California Central Valley where current agricultural use of groundwater is unsustainable. Lengthy and technical reports were studied to help summarize the quality of groundwater from selected wells. These

include 18-wells in North San Benito County which are updated every three years. Monitoring of water quality is focused on Total Dissolved Solids, Nitrates, Perchlorate, Selenium, Boron, and selected minerals.

Additional County Water District Information of Interest Includes:

- The 2020-21 SBC contract with the Federal Water System (Blue Valve) allowed for 43,800-acre feet but due to the current State-wide draught, the County was allotted only 2,100-acre feet.
- The current County-wide San Felipe water bond of 0.25% on land value is due to expire in 2035 however, when one considers maintenance, repairs, and upgrades to the entire Federal water system, this tax or its equivalent, appears permanent.
- All water districts (agencies) within SBC operate independently and address local concerns but pay into the San Benito County Water District (SBCWD) for water use allotment if any is provided. Federal Water passes through either the Lessalt water treatment facility or the West Hills water treatment facility before being transferred to the other water districts where it is blended with groundwater from various pumping stations. If water is not used for personal consumption or agriculture, it is used to replenish the ground water basin. Excess Federal water allotments in the future could possibly be diverted to new percolation facilities or be directly injected into the water basin.
- Santa Clara County maintains all operations of the transfer of water from the San Luis Reservoir including maintenance of the Pacheco Pass WD. The relationship between Santa Clara County and the SBCWD is fully functional and includes costs of water diverted into the county. Current plans for the expansion of the Pacheco Pass Reservoir calls for an expansion of 140,000-acre feet with 10,000-acre feet of this being allocated to the SBCWD.
- Hernandez Reservoir was designed to fill once in 10-15 years due to its limited in-flow of water. There is no public access because all surrounding property is privately owned including the land under the reservoir. Public easements allow for only water storage and operations of the reservoir and no recreation, an arrangement dating back to 1957. The reservoir, in a geographical sense, could collect any residual mercury from the old South County mining operations should there be any contaminated water flow.
- The Paicines Reservoir is approximately 20 feet deep when filled and future expansion is possible by increasing its berm height. Digging the reservoir deeper is impractical due to the expense of removal of sediment.
- San Justo Reservoir is a critical storage facility for the Federal water supply allotted to the SBCWD. Due to the zebra mussel infestation, the reservoir is actively managed using natural biological processes to minimize destruction of county infrastructure. In the

autumn season, water is pumped out of the reservoir to approximately 40 feet. Accumulated algae then collects and sinks to the bottom of the reservoir creating an anaerobic environment where the mussels cannot survive. This anaerobic water is then flushed through the system to kill potential mussel populations. None of these management measures can eliminate the presence of the mussel which is one reason why water from the reservoir cannot be used in the county without additional treatment. The SBCWD relies upon this reservoir to provide potable water to its population and has no direct interest in the reservoirs use as a recreational site nor can it consider draining the reservoir for the length of time required to kill the mussels.

The Civil Grand Jury briefly looked into the following Water Districts in SBC:

- Aromas Water District – relies upon numerous wells and access to a groundwater basin outside of the North San Benito Water District. Unique challenges within this water district were not included in the scope of this report.
- Tres Pinos Water District – State mandate requires a new sewage treatment plan before any new water hookups are allowed.
- Sunnyslope Water District – this water district is central to providing water throughout Hollister due to its ability to treat and blend all sources of water including groundwater pumped from area wells, water that is stored in the San Justo Reservoir and water that passes through the Lessalt and West Hills treatment plants. Management believes the Sunnyslope water district has sufficient water on-hand to provide water with no restrictions on usage for at least two years, even if there is a 0% allotment to the County from the Federal San Felipe water project. There has been an on-going effort to increase transparency of the water district and efficiency through 1) an expanded website 2) using a new “water drop” logo imprinted on vehicles and public documents 3) a plan to install technologically smart water meters that would allow for daily monitoring and 4) their ability to place “judgment liens” on property owners who fail to pay their bills. Development of the new Gavilan college campus on Airline Highway originally required a new, adjoining housing development for infrastructure and now the developer has been asked to do the annexation request with the city. An alternative is for the college to directly hook into the Sunnyslope Water District facilities. A new 1,000 home housing development known as “Lima”, South of Ridgemark could possibly lease/contract the Sunnyslope Water District for their water and treatment facilities. Significant increases in the cost of chemicals and transportation have impacted the operational costs of the Lessalt water treatment facility.

The Grand Jury conducted a general review of three of the major Sewage and Wastewater Treatments plants in the County, including:

- Sunnyslope Wastewater Treatment plant (SWWTP) – In contrast to the City of Hollister, this district uses an adjustable billing model for its sewage charges based on household water consumption for two winter months on an annual schedule. Short-term closure of the Lessalt treatment plant has had the negative impact of increasing salts into the waste treatment system which are monitored to operate this facility as required by State permits. Infrastructure of this facility was designed for a much higher capacity of use than what it currently uses and can expand. However, significant replacement and maintenance of this infrastructure in another ten years is anticipated and it could be advantageous at that time, to centralize all wastewater treatment into the Hollister Sewage treatment plant. There would be significant connections fees, but consolidation would lead to fewer audits/ permits required by the numerous State environmental, health, and safety agencies.

- City of Hollister Wastewater Treatment Plant (HWWTP) is operated under contract with VEOLIA water west operating services. The plant has a capacity to treat 2X its current level and it also has tertiary water recycling abilities which is not available at SWWTP. One of the challenges it faces is that it covers areas in the County beyond City limits which it does not have authority over. Consolidation with the Sunnyslope Water District along with its management and many of their employees, who are familiar with the operations of this facility, could result in significant savings.

- The Hollister Industrial Wastewater treatment plant used solely by San Benito Foods tomato cannery was recently removed from the City of Hollister responsibilities. The waste discharge permit with the Central Coast Regional Water Quality Control Board is now the responsibility of San Benito Foods and the Neil Jones Food Company. Removal of sludge from one of the ponds including needed upgrades to the treatment plant, are in progress. These upgrades include the Bridge Road outfall full capture system and Apricot Lane trash capture structure and stormwater diversion manhole. The timeline for some of these improvements is managed by the Sunnyslope Water District.

The Grand Jury reviewed several County parks and recreation facilities due to their direct impact on the County's primary water reservoir and pollution into the San Benito River due to "illegal activities".

- San Justo Reservoir – A tremendous amount of frustration was found within the community and County Board of Supervisors with respect to the closure of this resource for recreational use. Since the zebra mussel introduction in 2008, the Federal Bureau of Reclamation who owns the facility and has the authority to keep it closed has made no progress to change this position. The private company, Marrone Bio Innovations, spent several years investigating the use of the product Zequanox to rid the mussel, but this proved unsuccessful. Consequently, the Federal studies to use potassium remains as the best alternative at this time. Should the funding and effort to rid the reservoir of this introduced pest proceed, contact can be made with the watershed environment and

ecology lab at CSU Monterey Bay, where arrangements for student involvement could be forthcoming.

- San Benito River Parkway – One section of this river trail, from Bridge Road to Apricot Park, was recently inaugurated by the County District 3 supervisor. During its first year, significant gang graffiti along with damage to fence infrastructure was evident. Homeless encampments along the trail were common and the County/City has attempted to clean up and rid the area of these illegal encampments (see attached). Another section of the trail bordering Hospital Road, Sunnyside Park is in the planning stages and a long-term lease for the County Park South of the high school was obtained.

FINDINGS AND RECOMMENDATIONS

F1: The 13-year closure of the San Justo Reservoir for recreational purposes has frustrated numerous County agencies and supervisors.

R1: The San Benito County Civil Grand Jury recommends that the County Board of Supervisors should aggressively pursue Federal and State grant money to guarantee payment back to the Bureau of Reclamation needed to rid the reservoir of the invasive zebra mussel infestation. As SBC Congressional representation changes in Washington DC, the Board of Supervisors needs to determine the best course of action required to ensure an effective communication channel.

F2: Gang activity and homeless encampments are within the County/City areas along the San Benito River and vigilant law enforcement needs to increase.

R 2: It is the Civil Grand Jury's recommendation that the County and City increase their funding to the Hollister Police Department and SBC Sheriff's Department to supply the resources required to address this damaging behavior.

F3: The Civil Grand Jury finds that both the City of Hollister Wastewater Treatment Plant (HWWTP) and Sunnyslope Wastewater Treatment Plant (SWWTP) are NOT running at the design of their full capacity levels, thus neither is cost effective.

R3: The Civil Grand Jury recommends that the Board of Supervisors accelerate a review of the current contract between the City of Hollister/VEOLIA and the Sunnyslope Water District to determine the cost effectiveness of having separate entities duplicating operations at the two facilities.

F4: The SWWTP is operated by County/City/District employees, while the HWWTP is being operated by an independent, 3rd party company (VEOLIA water west operating services) and both operate under different permits from State Regulatory Agencies.

R4: The Civil Grand Jury recommends that the Board of Supervisors accelerate a review of the current contract between the City of Hollister/VEOLIA and the Sunnyslope Water District to decide the cost effectiveness of having separate entities duplicating operations at the two facilities.

Response Required

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

Affected agencies:

Hollister City Council

San Benito County Board of Supervisors

SAN BENITO COUNTY JUVENILE HALL

SUMMARY

The Juvenile Hall is under the Probation Department's responsibility of controlling detained youth, their custody, and care in facilities' protective housing for those with issues that are better managed outside of the home environment.

The San Benito County Juvenile Hall is located across from the County Jail. For some, it's a short walk from one secured detention housing to another as the youth becomes addressed as an official "adult", which may be up to the age of 23 years, as determined by changes in law.

In September 2021, members of the San Benito County Civil Grand Jury met with staff from the County Probation Department and after a tour, jurors conducted a series of confidential interviews with individual staff members of several levels. It was noted that the detained youth were well-supervised, and the staff was friendly and respectful to all.

METHODOLOGY

- A physical safety inspection of the San Benito County Juvenile Detention Facility and visited on four different occasions.
- All levels of staff were interviewed.
- One or more members of a non-profit service organization were interviewed.
- Jurors observed the classroom setting of a student receiving online education.
- Review of Board of State and Community Corrections Report, published 11/22/2021
- Juvenile Hall Policy Manual, dated 5/29/2020

BACKGROUND

CRIMINAL ACTIVITY

As the community grows, so does criminal activity in neighborhoods, especially on the westside of Hollister. Violent crime is increasing as is recruitment for gangs.

Firearms and "ghost guns" known as a gun that does not have a serial number and cannot be easily traced, especially one assembled at home from parts purchased without a background check, are found in the possession of minors, as well as other weapons used in crime. Juvenile arrests include assault with a deadly weapon, local burglaries, theft, assault, robbery, vehicle theft, delay, and obstruction of a peace officer, and more.

Drugs are sold by and used by younger minors in recent times. The drugs include marijuana, MDMA, and opioids posed as prescriptions. Arrests are made for public intoxication, to the point of being unable to care for oneself.

The facility detains youth who are either awaiting processing or sentencing, resulting in short term incarceration. During 2021-2022, the facility's detained juvenile population numbers have gone up to as many as eight in custody, or for a couple of days, there have been zero detained youths. This rise-and-fall of the detained population occurs in unpredictable cycles. Between 2009-2013, there were an average of 26-beds filled.

Much of the trending declines are due to changes in criminal definition and sentencing structures involving diversion and accountability programs, or probation. Recent law changes provide detainment in juvenile hall for up to age 23-years. This may soon be a poignant need for expansion of the facility.

Some youths are remanded to less-restrictive group homes and others are sent to larger jails to be incarcerated. for longer sentences. Non-offending runaways from home are not apprehended, but if they have run away from the custody of a group home, there are consequences attached to their sentencing status. Recidivism rates remain consistent through the years and there are those who are seen repeatedly as many as 2-3 times a year.

DISCUSSION

The Juvenile Hall operations remain consistent and compliant, and there are no policy related concerns for the facility.

According to State reporting, grievances, use of force, and use of restraints are rare at this juvenile hall facility, adding that very few incidents of high-risk behaviors from youth population, and the interventions and response were appropriate and in-line with regulation expectations. When these high-risk incidents did occur, staff reacted per policy and responded in-line with policy. The courses of action were found to be fair, and youth expressed that staff helped them realize a middle ground as it related to sanctions and re-direction.

The comprehensive Admission Assessment process responds to detained youths' needs and facilitates transition back into the community. Upon the state's review of all documentation, there are no outstanding items of noncompliance at the San Benito County Juvenile Hall and no corrective action is required.

STAFFING

There has never been a year where the staffing levels have been full or enough. The path to becoming a corrections officer is the opposite of other law enforcement agencies, as the employees are hired for a term before they attend the academy.

During periods of no detainees, the employees practice coursework online, defensive tactics, or take on maintenance responsibilities.

EDUCATION

The Juvenile Hall continued full education throughout the pandemic. An onsite substitute teacher provided the youth's education requirements. The youth did move into virtual learning, so they could stay in the same class and maintain the same class schedule as when they are out of custody.

ACTIVITIES

During the week, juveniles are an array of recreational activities facilitated by probation staff. Other programs are offered by Wellpath Services three times a week and Behavioral Health. Volunteer members from the qualified community also provide learning experiences. Yoga has come to be a welcomed physical activity and recognized as good for the heart and soul.

A small, dry garden is a part of a vision for a peaceful focus on a small-scale outdoors activity assisted by a local nonprofit gardening organization for those who want to learn basic skills of green thumbing. It's a peaceful outdoors area, particularly for newly entered youth with a 5-day health quarantine. A temporary greenhouse made of heavy plastic has been erected to house raised beds and protect young transplants from hot weather and dehydrating winds. Aromatic herbs such as mint, lavender, basil, and rosemary fill the air. A two-person bench is dug into the ground and will someday be shaded by two dwarf fruit trees. The area could benefit from a layer mulch to keep the moisture content in the soil and provide nourishment to the plants. The installation of a drip-irrigation system could be accomplished a by youth with an instructor.

PROGRAMS

Diversion Programs for first-time low-risk offenders of a non-violent crimes were created because of today's restructuring of crime and punishment sentencing is intended to divert youthful offenders from the court system through alternative solutions.

The Juvenile Review Board is a community of professionals who work with youth and meet monthly for the purpose of responsible restitution through oversight. The restorative value is measured on a case-by-case basis that includes the relationship of home-life, school, and community.

The Youth Accountability Program is a low-level type of probationary 4–6-month contract ordered through the court for restorative and conscious accounting of offensive behavior through counseling, community service, journal and creative writing or apology letters, establishing curfews, and parental controls, and even drug-testing when necessary.

Community Corrections Partnership meets quarterly and consists of the following representatives: Probation Office; Officer, Juvenile Hall, San Benito Office of Education, Superior Court, Behavioral Health, District Attorney, Sheriff’s Department, Public Defender’s Office, Hollister PD, SBC Jail, San Benito CAO Office, HHSA, SBC Budget Office, Reentry Program, Youth Alliance, and Child Support Services

BUILDING INSPECTION

On a visit to the Juvenile Hall on May 29, 2022, jurors noted that the water heater had been unusable since October 2021, but with a backlog of supplies needed, maintenance has been unable to repair (VERIFY) without parts or replace the unit. A large portable shower trailer containing 6-separate shower stalls was moved onto the asphalted outdoor activity area and the youths had to walk across the yard in the winter rain and wind.

A supervisor led jurors from one side of the outdoor area to another through two gates locked with chains. It was not an easy procedure to unlock and manipulate the chains, and in case of an emergency, it could be a dangerous situation.

FINDINGS and RECOMMENDATIONS

F-1 The broken water heater has taken significant time to be repaired or replaced.

R-1 The water heater needs to be repaired or replaced as soon as possible by the county maintenance staff.

F-2 The long chains and difficult locks is time consuming for staff to open gates.

R-2 The Grand Jury recommends that the locks/chains be replaced immediately with simpler handle locks.

F-3 The dry dirt pulls the moisture out of the ground in the garden area.

R-3 The Grand Jury recommends the ground be covered with mulch to protect the tender young plants from drying out.

F-4 The ground is not watered efficiently.

R-4 The youth can learn to construct a simple drip-irrigation system.

F-5 The Staff of the Juvenile Hall should be commended for their good noticeable attitude and positive energy towards youth and other law enforcement agencies in the community.

R-5 The Grand Jury recommends that various staff from other SBC law and justice departments be encouraged to gather *informally* to share ideas and information about youth in the community.

RESPONSES

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

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

From the following elected official within 60-days:

From the following governing body within 90-days:

RESPONSES REQUIRED:

San Benito County Board of Supervisors

San Benito County Probation Department

HOLLISTER POLICE DEPARTMENT

SUMMARY

The adopted core values of the Hollister Police Department are: “Integrity, Professionalism, Respect, Accountability and Commitment to the citizens within the community.”

The issue of increased crime rate is obvious to the public as various elements of law-breaking, from traffic violations such as speeding, to gunfights, are aired on social media platforms. Identity theft is on the radar, as is sex trafficking recruitment and soliciting.

During this Civil Grand Jury term, fatal shootings have been occurring on the streets within weeks of each other. The gang presence is becoming apparent, but not all victims are gangsters.

A need for more visible law enforcement is obvious now more than ever to protect the safety of all residents. This has been evident by the law enforcement’s ability to make traffic stops and find firearms, drugs, paraphernalia, and large sums of cash within the vehicle, drivers without licenses or identification, known gang members or those with parole violations, and arrests for contributing to the delinquency of minors in the vehicle.

Since 2001, past Grand Jury Final Reports have cited that critical under-budgeting the department staffing issues have increasingly compounded safety issues and moral amongst the officers.

CALLS FOR SERVICE: HPD

2019 - 31,394

2020 -29,002

2021 - 30,588

METHODOLOGY

Over a two-day period in September 2021, the Grand Jury completed over 18-separate interviews with all levels of staff. Within the duration of the term, the total number of staff interviews was more than 30.

BACKGROUND

In October 2019, the City of Hollister funded a \$44,000 for “City of Hollister Policies Department Organization Assessment Project Report” by the Novak Consulting Group and it was found that the staffing of the HPD is wholly deficient for a city the size of Hollister (2020 pop. 35,000). It was stated that the ratio should be 1.8 officers per 1,000 people. By today’s growing population of nearly 43,710 Hollister should have a total of 80-officers. It was important to note that the research stated that the visibility of law enforcement on the streets is a superior deterrent for criminal activity. Of course, due to the lack of enforcement, many victims don’t take the time to report petty theft, burglary, etc.

Daily operations fluctuate with officer shortages; those out with illness and injuries (currently 5 at the time of this report), vacations, and training programs, but the significantly obvious factor is that the HPD does not have nearly enough officers to manage the growing number of calls for service and public complaints; property crimes, cyber-crimes, automobile accidents, robberies, and related misdemeanor and felony incidents, including domestic violence, child abuse, neglect and sexual assault, battery, and murder; and emergency situations; conduct traffic accident analyses, conduct investigations of serious injury and fatal traffic accidents.

HPD is currently allocated for:

39 sworn positions:

31 sworn positions are filled. That’s 8 openings for cops.

20 non-sworn professional staff are allocated but

13 is what they have.

2021

1 Officer hired but quit 1 week later.

2 F/T sworn members retired

1 F/T resigned

2022

1 new Officer scheduled to swear-in April 15.

1 professional staff member swear-in April 15.

Currently:

1 recruit in the academy

1 recruit scheduled to start at the academy in August

There are presently 2 potential hires for a 6-month academy, usually 4 months on Field Training program and probation, and IF they graduate, it will be two years working on the force for a year before working on their own.

Background verification takes up to six months.

DISCUSSION

While moral is really very good, very simply Hollister is not competitive enough in salary and benefits to attract solid entry level recruits and keep them from leaving after they have been highly trained to the multitude of needs within a population the size of Hollister, which still growing. Continuing to pay out overtime rather than investing in a fully complete staff defeats the purpose when trying to establish a competent and professional law enforcement body for the benefit of our own community. It is an interesting punctuation that there are many professionals who live within our boundaries but work in law enforcement elsewhere; our own force members must also live outside their workplace. (See 2021-2022 San Benito County Civil Grand jury "Sheriff's Department Final Report" section under "Housing")

Recruits are averaging 21-26 years of age coming out of the Police Academies. Hollister Police Department offers a multi-tasking approach to developing the skills necessary to manage within a small community, as do other departments within our city and county.

RECRUIT

Police Trainee's monthly salary

\$4,909.49 - \$5,967.52 Hollister

\$6,178.00 Santa Cruz

\$7,188.00 Salinas

\$7,125.38 Gilroy

\$7,591.55 Morgan Hill

\$7,964.00 Monterey

Citizenship, educational, physical fitness, emotional maturity, and psychological stability are metric qualification requirements to apply as a recruit. The minimum age requirement is 21-years and applicants must possess a valid California driver's license. Educational requirements begin with high school diplomas or a General Education Development Test, or a two-year or four-year degree from an accredited college. An entry-level position provides trainees with the necessary skills to perform duties in law enforcement such as crime prevention, traffic control, and enforcement of State and local traffic laws, in addition to a variety of supportive technical and administrative tasks.

Officer responsibilities and duties include conducting investigations of serious injury and fatal traffic accidents, maintaining and preservation of good relationships with the public; assisting in crimes investigations, remaining current on laws and procedures required for processing and serving warrants and subpoenas, the preparation of arrest reports, observation of unusual activity and investigation of complaints, securing witness and victim statements or interviews, identification or interrogation of suspects, apprehension,

and arrest of offenders, gathering and preserving evidence, and testifying or presenting evidence in court.

Employee(s) are required to pass a pre-employment physical, drug screen, background investigation, and live scan fingerprint check in addition to psychological evaluation. One (1) year experience with Police Department or Sheriff's Office in California or successful completion of Basic Peace Officer Academy certified by the California Commission on Peace Officer Standards and Training (P.O.S.T) Applicants may be accepted prior to completion but will not be acted upon until four (4) months prior to graduation.

POLICE OFFICER

\$6,700.57 - \$8,144.61 Hollister

\$7,603.00 - \$10,502.00 Morgan Hill

\$8,035.00 - \$9,767.92 Gilroy

Upon graduation of the Basic Police Academy and completion of the Field Training Program, trainees advance to the level of Police Officer. Employees receive a structured \$25,000.00 recruitment bonus payable in increments over the course of 4.5 years.

Those who qualify for a \$30, 000. bonus payable over 4.5 years are "lateral "officer positions as experienced cops from outside departments, and military personal who have been honorably discharged from active duty.

In 2021, Officers across the board received a mid-term raise: 7% increase and another 3% in July 2022.

There are several officers who began with HPD 20+ years ago and have grown within the ranks to mentor new recruits; however, it is noted that a young officer with less than five years' experience with HPD can make a lateral move over to Gilroy Police Department and make 20% more salary, or Morgan Hill at 30% more than a longtime Sergeant at HPD. Combined with senior officers now retiring, the loss of historical knowledge, highly trained and skilled officers is highly concerning.

Research has shown that new hires who come into an organization through a type of "crowd recruiting" extends marketing reach. The neighboring City of Santa Cruz is using a model through a Citizen Hiring Bonus Program that incentivizes people to recommend qualified police officers who would be beneficial to their law enforcement department. Citizens are eligible for a referral incentive of up to \$2,000. The program stipulates those eligible officers can be recruited from anywhere in the U.S., must have completed police

academy and spent time as a sworn officer with a police agency. The incentive bonus is paid out in installments: the first \$1,000 is disbursed when the candidate is sworn in. The second disbursement of \$1,000 is paid when the candidate completes the first six months of employment. Also, the lateral officer will personally receive a \$20,000 bonus for completing the hiring requirements.

The Grand Jury believes that time is of the essence to address the critical safety issues concerning the overall staff of dedicated men and women of the HPD by seriously re-addressing the budget towards funding 10 new officers, including a second K-9 team, and retaining those already in positions of proficiency. To be more competitive, the salaries and benefits at HPD should offer more in value than other communities to attract the best recruits and retain them to become respected community partners. There is added significance in procuring and promoting within the allure of a family-oriented city rich with culture and traditions.

K-9 PARTNERS

While the special trained dogs can't replace officers, they are a priceless team asset to law enforcement, and their ability to partner with their handlers is a powerful working force. Canines are a physical deterrent to those who threaten an officer and provide means of pursuit to criminals fleeing from arrest. Individual dogs are trained in a specialized talent, i.e., proficiently focused on search-and-rescue operations, competent drug sniffers, skilled at locating cadavers, even cell phones, which is important when an officer needs to immediately investigate criminals' contacts, and phones get stashed.

SHIFTS

Additionally, with added staff, the Grand Jury explored the addition of a modified swing-shift (as per the Novak Report) that would overlap two-days per week and allow for the divisions to operate much more effectively, both individually and the force overall. The 10/12-shift configuration would be more efficient to allow staffing levels to mirror the patrol staff's workload as per the Novak Report.

SCHOOL RESOURCE OFFICER (SRO)

Although school officials have been aware of many physical altercations on campus, at the time of this report there is only one School Resource Officer (SRO) to cover the entire 12-acre facility for nearly 3,500 students at San Benito High School. While it is noted that the officer's presence accommodates familiarity and bridges a positive relationship between students, families, and law enforcement, the ratio can be better when working in tandem between the Probation Department's officers.

San Benito High School district is contracted to pay the city of Hollister \$253,650 over three years and will serve a minimum of one year. The amount is approximately half the

cost of salary and benefits for one police officer, excluding overtime expenses. Payments of \$42,275 on or before Dec. 1 and June 1 of each of the three years.

During 01/01/2021 thru 04/04/2022:

- 58 case reports have been taken from San Benito High School.
- 43 cases were taken by the campus SRO

Dated 09/23/2021 thru 04/04/2022:

- 13 cases were taken by HPD Officers

TOTAL Statistics for MARCH 2022 = 50

15 - Mental health 5150

13 - Fights or assaults =

5 - Weapons or illegal device

4 – Sex crimes

3 – Vandalism

2 – Drug possession

2 - Fraud

2 - Trespassing

2 – Vehicle accidents

1 - Under the influence

1 - Obstruct or resist arrest

Although research shows that officers interacting with younger children establishes confidence, respect, and friendly rapport, there are currently no SROs at the 11 elementary schools as of July 2021. Hollister School District cancelled the SRO program because of COVID and financial issues.

RECORDS DEPARTMENT - POLICE SERVICES OFFICERS (PSO)

\$3,978.00 - \$4,836.00 Hollister

\$5,591.52 - \$7,136.36 Morgan Hill

\$7,248.83 - \$8,811.00 Gilroy

The Records Department is tasked with the burdensome occupation of purging old records that span many years and is unable to operate efficiently due to the lack of establishment of a realistic retention policy and the task is backlogged. The Hollister Police Records Department is currently staffed by 4 full-time Police Services Officers (PSO) and one part-time Community Services Officer (CSO). There is a current need to upgrade the part-time position to become full-time.

CANNABIS OFFICER

For several years, Hollister has had an active cannabis operation within the city limits. Early on, HPD employed a full-time Cannabis Officer to oversee the complex activities and monitor the legal regulations and review all onsite cameras with 24/7 access, inspect and advise building requirements and safety procedures associated with such business for the production policies to work effectively. Unfortunately, the funding from the cannabis industry has not met the standard of support for such oversight in the community.

Currently, the position is part-time status, and the officer was re-absorbed into the patrol division as a Motor Officer. The Greenfield Police Dept was able to fully fund two police officer positions through fees on the indoor marijuana grow facility built next to the police department. For more information regarding the Hollister Cannabis program: <http://hollister.ca.gov/2022/03/>

COMMUNITY PROGRAMS

Citizen's Academy

The Hollister Police Department building has a large conference room that can be set up as a command post for emergency use, as well as community training should the valuable Citizen's Academy ever be reinstated to the public.

As a model program, the neighboring Gilroy Community Police Academy program is 14-weeks of training to familiarize residents with all-around departmental operations: patrol and detective divisions, K-9 and mounted, crime scene investigations, S.W.A.T., and hostage negotiations are some of the classes taught by police personnel. Participants are required to attend all sessions and are encouraged to actively engage in class discussions. There is no cost to participate in the Community Police Academy. This is a bilingual academy with presentations alternating every week between English-Spanish dual language learning and audio equipment is provided for those who are not bilingual.

Through tour, lectures, power point presentations, demonstrations, and hands on activities in a safe environment to produce more informed citizens.

YOUTH TASK FORCE COLLEGE INTERNSHIP

\$15.00 - \$17.00 Hourly

Another Gilroy model program designed for part-time hiring of local college-aged interns interested in possible law enforcement careers. The purpose is to assist with organizing and participation in community events and forums through surveying, supporting engagement projects, hands-on leadership with recreational and outreach programs in a park environment, as well as office/administrative work.

This paid internship opportunity is year-round with a part-time varied work schedule up to 25-hours per week, generally between 8:00am – 5:00pm. with workdays typically on Mondays, Wednesdays, and Fridays.

POLICE EXPLORERS

Eligible youths ranging in age from 14 to 20-years may obtain training to assist them in possible law enforcement careers through this program. Some of the learning experience in the City of Gilroy offered is useful aspects of law enforcement such as traffic control, report writing, fingerprinting, and related topics. The program is designed to interest youth in the career path of law enforcement.

FUTURE ALTERNATIVE SOLUTIONS

The issues of insufficient staffing and competing salary and wage offerings of more affluent neighboring counties are already clearly identified. The solutions may be found through outside-of-the-box thinking towards the future. It is possible to imagine a fully integrated all-in-one model of police, fire, and emergency medical services to provide safety services to a community by studying the nearly 75-year-old City of Sunnyvale model. This has proven to be a uniquely more efficient and cost-effective organization to deliver safety services to the community.

Hollister has already earned a reputation as a low-tier “training ground” for recruits interested in cross-training opportunities of policing within the small-town atmosphere. By investing into the expansion of education of the already qualified staff, their employee value increases exponentially and becomes a special force residing near beaches, tourism, entertainment, and culture between Monterey, Santa Cruz and San Jose.

Video: https://www.youtube.com/watch?v=tme_Laj90rs&t=9s

TRAINING

Public Safety Officer Academy Attendee/Graduate is the training level classification. Equivalent to an associate degree, the Police Academy includes: 20 weeks of in-field police training; 16 weeks at the Fire Academy; and 7 weeks at the EMS academy. Upon completion of the Public Safety Officer Academy Attendee/Graduate requirements, “incumbents” promote to sworn position classified as Public Safety Officer I (\$117,913 - \$136,499). Public Safety Officer II (\$124,775 - \$155,457 annually).

FINDINGS AND RECOMMENDATIONS

F1: The Hollister Police Department staffing levels are dangerously deficient.

R1: For the overall safety of the community of all ages, the San Benito County Civil Grand Jury recommends that the City of Hollister explores creative options towards developing a comprehensive retention strategy and strength in benefits before the next budget review.

F2: The addition of a third shift should be considered as an investment in efficient standards.

R2: The San Benito County Civil Grand Jury recommends the establishment of a swing-shift should be encouraged, funded, and implemented as soon as possible, as recommended by the Novak Report.

F3: Establishing a second K-9 better ensures a Patrol Officer's safety, especially when working solo in areas that communication with Dispatch is lost, which happens often.

R3: The San Benito County Civil Grand Jury recommends hiring a second K-9 Patrol Team as an investment in officer safety that should be funded within the next operating budget.

F4: An updated retention schedule is sorely needed to alleviate the system's storage capacity those costs valuable time and money.

R4: The San Benito County Civil Grand Jury recommends the creation of an updated retention schedule for HPD Records Department to destroy antiquated records under the guidelines of the State of California as soon as possible and purge every two years after scanning to paperless.

F5: The establishment of a cannabis program requires the oversight of a Cannabis Officer to ensure that safety elements and regulations are met.

R5: The San Benito County Civil Grand Jury recommends the full-time position of a Cannabis Officer should be re-established immediately and the service to the private businesses should be charged to cover the fees.

F6: One of the 2007-2008 Grand Jury recommendations was to continue with the citizen and youth academy when it was suspended because the Crime Prevention Officer responsible for these academies left the Hollister Police Department and could not be replaced due to lack of budget.

R6: The San Benito County Civil Grand Jury recommends the development of funding towards the reinstatement a Citizen and Youth Academy as soon as possible.

F7: None of the findings listed in the Novak Report were implemented.

R7: When the City of Hollister spends over \$44,000.00 for a consulting report, at least 25-50% of the findings should be implemented.

Bibliography

<https://www.thebalancecareers.com/why-police-departments-are-facing-recruitment-problems-974771>

RESPONSE REEQUIRED

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

Affected Agencies:

Hollister City Council

Hollister Police Department

CITY OF HOLLISTER ANIMAL SHELTER

SUMMARY

The San Benito County Civil Grand Jury investigated the facility, management, and organization of the Hollister Animal Shelter, including the care and treatment of the animals therein. Consideration was given to staff training and retention, volunteerism, hours of operation and the care rendered to the animals.

The Grand Jury believes the findings of this investigation are consistent with previous Grand Jury investigations, and with concerns frequently voiced by the community. The investigation took place over the course of many months, beginning in October 2021 and culminating with verification interviews in June 2022. During this investigation, the Grand Jury was pleased to learn that several positive changes were already in progress at the Animal Shelter. These changes include, but are not limited to, expanded hours during the week and on Saturdays, availability of the after-hours kennels, recruitment of volunteers and hiring new staff members. Most recently the Grand Jury learned that shelter staff have been approved to attend the 80-hour Humane Academy, have completed recent training regarding PC 597.1 (Laws regarding animal abuse and neglect), and the department web site is updated to reflect the current hours of operation.

PURPOSE OF INQUIRY

The Civil Grand Jury has visited the Hollister Animal Shelter on several occasions in the past. This inquiry was conducted in part to review prior complaints and improvements, and current concerns brought forth by the community at large.

METHODOLOGY

The Grand Jury engaged in dialog with present and past City officials and staff knowledgeable about operations, and reviewed complaints regarding the historical and existing management of the Animal Shelter. Current staff members were interviewed, as well as community members and social media resources. Due to Covid restrictions, no volunteers were available for contact. A tour of the facility was conducted and compared to other nearby animal shelters.

Dog behavior assessment testing was demonstrated with two different dogs, using a personality/temperament rubric. Intake, euthanasia, and live release statistical reports were reviewed, as well as criminal negligence reports submitted for prosecution.

BACKGROUND

The Civil Grand Jury has conducted infrequent and irregular inspections of the Hollister Animal Shelter. Most recent inspections were conducted by the 2007-2008 Civil Grand Jury, a follow-up investigation by the 2008-2009 Civil Grand Jury, an inspection by the 2016-2017 Civil Grand Jury and the current 2021-2022 investigation. Earlier investigations have revealed concerns about the limited hours that the shelter is open to the public, lack of sufficient staff and volunteers and out of date web site information. The 2008-2009 follow up investigation clearly cites concerns regarding the lack of volunteers and a need to recruit and engage the community in volunteers to assist at the shelter. Also discussed is the need for additional staff. When asked, the 2008-2009 staff expressed a clear need for an administrative attendant to work at the front desk and two kennel attendants. Sadly, more than 10-years later, these needs have still not been addressed.

LOCATION AND STRUCTURE

The Hollister Animal Shelter was established in 1982. In 2007 the shelter moved to the current location at 1331 South, Hollister. The current facility, while clean and maintained, is already sadly outdated and entirely too small.

DISCUSSION

Members of the Civil Grand Jury conducted multiple visits to the shelter, as well as follow-up phone calls and emails to verify information gathered. Criminal reports as submitted by ACO's to the District Attorney's office for filing were reviewed. Shelter staff released statistics regarding the number of animals in care, redeemed to owner, adopted, and euthanized over the previous 12 months. Social media and websites were reviewed regularly. Visits were made to the local dog parks.

In previous 2008-2009 and 2016-2017 reports, Grand Jury recommendations were made to increase staffing levels for Animal Control Officers (ACO's), Kennel Attendants and Office Staff. Those previous recommendations have not been fully implemented with regards to kennel attendants or office staff. The addition of 2-3 part time kennel attendants and administrative support personnel would allow specially trained Animal Control Officers more time in the field and engaged with the community. Robust recruiting and development of volunteers would allow ACO's to attend training, spend more time in the field, and conduct investigations about animal neglect and abuse. Our community has a culture and history of volunteerism, with many residents clamoring for opportunities to give back. While volunteers must be managed, the many benefits easily outweigh the cost.

Cruelty or Neglect to Animal investigations, Penal Code 597.1, can be complicated and require the ability to prepare complete, concise reports and documentation, as well as the identification, preservation, and chain of custody of all evidence. These investigations

also require the opportunity for pre or post animal seizure hearings by an independent hearing officer. No indication of these requirements was found in the reports submitted for review. The current shelter staff have not attended the 80-hour state recognized training hosted by the Marin and San Diego SPCA's. This training fulfills minimum requirements for state humane officers and animal control officers and should immediately be required and implemented for HAS staff. Continuing education should include training to be recognized as Certified Animal Control Officers (CACO) as recommended by the 2020 legislation, the Animal Control Officers Standards Act. Officer's and staff should participate in available online and in person training through California Animal Welfare Association (CAWA). The Grand Jury has learned as of June 2022 that the 80-hour training in San Diego or Marin has been approved and staff are being scheduled to attend the next available course.

The current "impound" or intake area is small room, located just off the reception area. The room is harsh in its lighting and aesthetics. Its location next to the shelter reception area adds to a stressful environment for staff, animals, and the public during intake evaluations, vaccinations, and treatment. There is no veterinarian on site, no surgery area for spay and neuter surgery, and limited resources to treat sick or injured animals on site. This results in staff, with limited time already, being forced to schedule and then transport animals off-site for routine care, spay/neuter, and emergencies. A veterinary treatment area, including a surgery suite, could accommodate minimally a part-time veterinarian and veterinarian technician on site. This veterinary team could perform assessments necessary for cruelty or neglect investigations, emergency, and urgent treatment for sick or injured animals, provide for spays and neuters to be completed before animals are adopted out, provide low-cost spay/neuter and vaccinations for the community that would generate income, and provide for better custody and control of licensed euthanasia and pre-euthanasia drugs.

A recommendation was made to no longer accept feral cats from the city and county. As feral cats are not regularly adoptable, they add significantly to the euthanasia statistics. This would be a poor practice to answer a perception without considering reality. Feral cats continue to reproduce at rates that outpace all Trap Neuter Release (TNR) programs. Feral cats suffer from untreated disease and lack routine vaccinations, preventive care, or veterinary treatment. They suffer traumatic deaths either by being hunted by predators or hit by cars. Feral cats hunt to survive and have overwhelmingly decimated the populations of wild songbirds. The Civil Grand Jury does not support a policy that would no longer accept feral cats.

The Civil Grand Jury notes that the drop-in inspection reflected an exceptionally clean and well-organized facility. Staff were enthusiastic and passionate about their responsibilities. The shelter is currently staffed with three Animal Control Officers, one ACO supervisor,

an office manager and an applicant for the kennel attendant position is in process. Once the new kennel attendant is on board, the shelter will be fully staffed as currently budgeted.

FINDINGS AND RECOMMENDATIONS

The Grand Jury hereby makes the following findings:

F-1: The Animal Shelter has historically been, and it remains critically understaffed, underfunded, and underutilized in 2021-2022

R-1: The Grand Jury recommends that the City and County fully fund and staff the Animal Shelter with the addition of two part time kennel attendants to support the current staff.

F-2: Volunteer resources are severely lacking. Earlier Grand Jury recommendations and recent complaints by the community reinforce these concerns.

R-2: The Grand Jury recommends that the City and County together recruit a volunteer manager to develop a robust volunteer program supporting the animal shelter, with a minimum of 20 active volunteers in service.

F-3: As reflected by the crime reports made available by the Police Department, Animal Control Officers lack necessary experience, training, and mentoring to conduct complex criminal investigations.

R-3: The Grand Jury recommends that all ACO's attend the 80-hour Animal Law Enforcement Training Academy hosted by Marin County SPCA or San Diego SPCA within two years of being employed with the Hollister Animal Shelter as an Animal Control Officer. Develop and engage a mentorship program with the similar Salinas/Monterey County Animal Control and with the District Attorney's office for investigations.

F-4: There is no licensed veterinarian on site and the licensing for euthanasia drugs is through an off-site vet.

R-4: The Grand Jury recommends the development and staffing of a surgery suite to accommodate emergency care, intake evaluations and vaccinations, spay/neuter services, and euthanasia on site.

F-5: The animal intake area, or "impound" room, is quite small and poorly located.

R-5: The Grand Jury recommends a redesign of the intake area to be a safe and comfortable area for the initial evaluation and necessary medical treatment for all animals coming into the shelter, and to relocate euthanasia procedures to a quiet, calm, and private area that is safe, clean and comfortable. Allow members of the public, as well as staff, a respectful area where they might grieve the passing of an animal.

F-6: Staff lack necessary and desirable training in assessing animals for adoptability (behavioral assessments).

R-6: The Grand Jury recommends the HAS use available online and in-person training to improve staff skills, particularly relating to behavioral and adoptable animal assessments, to utilize a written rubric to support each animal assessment, and to maintain reports in each animal's shelter file until that animal's entire record is purged.

F-7: HAS fails to utilize resources for community engagement, to include the reunification of lost pets, by website and outreach through social media.

R-7: The Grand Jury recommends the Hollister Animal Shelter better engage with the community with regular use of social media, and an updated and accurate website, particularly to assist in the reunification of lost pets. The Grand Jury recommends the regular use of the adoptions trailer, routine visits to dog parks, pet stores and community events to build strong relationships with the community.

RESPONSES:

Pursuant to Penal Code sections 933.05 the following response is required:

The City Council of the City of Hollister is required to respond to the Findings F1-F7 and Recommendations R1-R7 within 90-days of the date of this report.

Affected Agencies

City of Hollister

Hollister Police Department

SBC Board of Supervisors

DISPATCH – COMMUNICATIONS RFEPORT

SUMMARY

During the Fall of 2021, the Civil Grand Jury investigated the relationship of communications services contracted by San Benito County with the Santa Cruz based dispatch center Santa Cruz Regional (SCR 9-1-1).

As a state-of-the-art communication center, Santa Cruz Regional 9-1-1 connected with San Benito County's less efficient model. SBC's equipment did not provide quality service due to the antiquated system lacking quality standards for service, including poor transmission and reception, static calls, dropped calls, and even zero transmission and reception.

Basic communications services are defined as complete radio transmitting and receiving services required for rapid and efficient dispatch of public safety resources.

"Discretionary" communications services are defined as any services not contemplated in basic communications services defined above.

CALLS FOR SERVICE

BY DEPARTMENT 2019 2020 2021

Hollister Police Department

2019 30,184 **2020** 27,616 **2021** 29,196

SBC Sheriff

2019 21,323 **2020** 24,024 **2021** 22,429

Hollister Fire

2019 5,018 **2020** 5,380 **2021** 5,586

EMS

2019 3,706 **2020** 3,973 **2021** 4,085

CAL FIRE (BEU)

2019 146 **2020** 147 **2021** 171

METHODOLOGY

The Civil Grand Jury met with local law enforcement within the city and county to learn of the issues facing the safety of the first responders due to failures within the dispatch system.

Civil Grand Jury members visited the SCR9-1-1 facility in Santa Cruz and met with dispatch staff to learn about the incompatibility issues between the systems connected to San Benito County.

Jurors reviewed all contracts between the county, the city and the SCR 9-1-1 and interviewed all staffing levels of the departments that rely on the communications system.

All personnel interviewed agreed unanimously that the system is not operating sufficiently. In review of the agreement, signed July 1, 2011, the Grand Jury discovered this has not been entirely beneficial to the local community.

The Grand Jury interviewed the management of the company contracted for the installation and maintenance of the communications equipment on emergency response vehicles.

BACKGROUND

RELATIONSHIP TO SCR9-1-1

What may have started out as acceptable service has gradually declined to a level that could be viewed as a liability issue for residents of San Benito County, and it's dangerous for law enforcement and emergency services that depend upon clear reception and transmission for the safety of all. There are valid concerns for the safety of emergency personnel trying to communicate with fellow officers needing assistance with static or no reception.

Jurors learned that the outdated repeaters used to carry and transmit signals must be replaced. The current repeater system does not have the number of towers required for proper coverage within South County, so those residents do not receive the services.

To punctuate the critical need for advanced technology in communications, in May 2022, an HPD officer was injured in a fight by the river with a homeless person under-the-influence. The officer used the radio to indicate location and requested assistance just before he was involved in the altercation that lasted for several minutes until help arrived. The system went down 2-minutes after the officer requested help and the radio stayed down for about 30-minutes. This remains a serious officer safety issue that has not been resolved for years.

On July 1, 2012, the County of San Benito and the City of Hollister entered into a communications agreement that included providing, maintaining, and replacing all communications equipment with the county determining what is advisable or is necessary.

This agreement called for providing public safety communications services, including both basic and discretionary services.

The City of Hollister and San Benito County approved the agreement with the belief that they would save money. At the time of consideration, local unions challenged the figures used as “incomplete.” Nothing stated that San Benito County would be receiving improved quality of service or increased coverage. Additionally, the agreement did not allow for improved local equipment.

In the past, local government bodies have stood that San Benito County did not have the money available; nor did they determine grant-funding available to finance the venture. The current issue regarding the radio is the lack in any productive investment by the county to solve the radio problem in our community.

Early in 2022, the HPD Ad Hoc Communications Committee met earlier to discuss the radio infrastructure, problems associated with the dispatch radio systems, and the contractual agreement for services with SCR9-1-1. The Ad Hoc Committee requested a feasibility study of a local dispatch center.

At the following City Council meeting, HPD submitted a request for a bid from a consultant or consulting firm to conduct a feasibility study and report the initial costs to build dispatch and a Live Crime Center. The study is to include the ongoing operational costs and comparison analysis of the services provided by SCR9-1-1. The feasibility study is planned to take 3-4 months for completion.

In May of 2022, the Hollister City Council voted to approve a renewal of the contract with SCR9-1-1 for services. This contract will be active for the next 3 years. According to Hollister Police Department, SCR9-1-1 has increased the cost, and the city will now be paying more than \$1.2million per year.

Simultaneously, the SBC Sheriff’s Department hired a company to devise a plan to update the county repeaters, like the system the City of Hollister has invested in. If all goes well, there may be a new and improved system within the year.

FINDINGS AND RECOMMENDATIONS

F-1 Law Enforcement and Emergency Service agencies are receiving very poor reception and transmission quality due to outdated and incompatible equipment creating a hazard the officers for both departments and all those who rely upon their services.

R-1 The Civil Grand Jury recommends exploring necessary investments to the San Benito County 9-1-1 communication system to reliably service all jurisdictions within the county. Penal Code §929 requires that reports of the Civil Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

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

From the following elected official within 60 days:

From the following governing body within 90 days:

RESPONSES REQUIRED:

San Benito County Board of Supervisors

City of Hollister Police Department

City of Hollister

SAN BENITO COUNTY COUNTY REPORT

SUMMARY

“PARADIGMS OF THE PAST”

The best descriptor of a paradigm is the statement. “It’s a traditional thing that we have always done”

The BOS must strategize and create policies that benefit the residents of San Benito County.

The measurement of these decisions is how successfully they manage their revenues and expenditures of the taxpayers’ funds within the county.

During the 2021-2022 term, San Benito County has seen several major changes within the Board of Supervisors. First, new individuals were added for short terms of one or two years. After the June election, there may be the addition of 2 or 3 new Supervisors who have a limited knowledge of how County and City governments work.

The decisions of the five-member Board of Supervisors are designed into operational plans with guidelines and measurements by the Chief Administration Officer (CAO), who is directly responsible for the management, and coordination of County services and employees of the following departments:

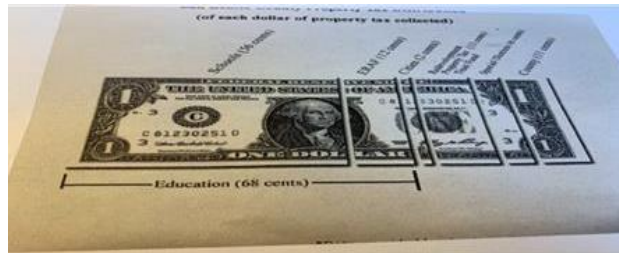
- Veteran’s Affairs (VA)
- Behavioral Health (BH)
- Health and Human Services (HHS)
- Human Resources (HR)
- County Librarian
- Resource Management Agency (RMA)
- Child Support Services (CSS)
- Plus, many other departments not listed above

METHODOLOGY

The San Benito Grand Jury met individually with elected officials to understand their priorities of their district's constituents' needs throughout the fiscal term. Also interviewed: county department managers and staff of the Human Resources Department, the Informational Technology Department, and the Behavioral Health Departments to review the management structure, budgets, and operations of each division.

A *fiscal term* is defined as the annual period between July 1 through June .

Jurors reviewed the process of the county budget development on a year-to-year basis, scrutinizing the annual proposed budgets and actual budgets, and the implementation and spending structures of each department and agency, and the comparison analysis of previous actual year expenditures and revenues. The jurors reviewed individual departments versus previous years to track the related expenses of the major departments within the county. Major increases/decreases of departmental budgets were reviewed throughout the fiscal year, including any major changes in personnel.



The above diagram shows how each property tax dollar revenue is divided and allocated to each entity within the county.

- Schools receive \$.68
- Cities receive \$.02
- Redevelopment Funds receive \$.13
- Special District receive \$.06
- The County gets \$.11

BACKGROUND

The purposes of these investigations and reviews of the County's revenues and spending are listed as the duties and purpose of a Civil Grand Jury within the California Constitution. The Grand Jury's guidelines are to represent the people within each county as a check and balance and an evaluation system to how governments are spending the taxpayers' dollars and to ensure that the administration is providing the necessary public services efficiently through budgeting and spending of these tax dollars.

Comparisons of the previous two years of taxes county two major revenue sources are property tax and sales taxes provided a view on what the average increase has been in the past.

Property taxes are relatively flat at 2% growth due to Proposition 13 which was passed in 1978 which limits assessments. **Proposition 13 provides three very important functions in property tax assessments in California. Under Prop 13, all real property has established base year.**

values, a restricted rate of increase on assessments of no greater than 2% each year, and a limit on property taxes to 1% of the assessed value (plus additional voter-approved taxes)

Jurors reviewed the residents' needs and the effects of how the people are served and supplied by the administration's collection of taxes and other funds and the proportionate spending on safety, health, education, etc.

Some budget reports are delayed due to staffing shortages.

DISCUSSION

For the past 10 years, this County has been using a paradigm from the past by fully funding salaries, full benefits, and retirement for all approved full-time jobs even if they are not currently filled. This is described as a "*fluff budget*" and is defined as a budget that has inflated numbers. Constructing such a budget is not illegal, but it is frowned upon in many organizations because it doesn't provide an accurate picture of what is being spent and is not fully transparent. This current process provides two inaccuracies to develop by these procedures: an inaccurate review of actual percentage of increases being proposed in the budget, and a less than satisfactory management of expenses in real-time numbers.

Thus, if the BOS approved 573 full-time jobs, but only had 450 full-time employed (FTE) personnel, the budget and its reviews are not measuring equal values, thus allows the incremental funding of the *unfilled* 123 FTE positions to roll back into the General Fund at the end of the fiscal year. This causes the funds to exist as *unidentified* within the General Fund, and can be applied to shortfalls, cover emergencies, and other issues as approved by the BOS.

Simply stated, the process is *trying to measure two unrelated objects to review a result*. Additionally, this standard of budgeting is not as transparent, because The People cannot measure expenditures on a monthly or quarterly basis since they do not have the knowledge of what the value of the fully funded vacant position amounts to in actual dollars.

The county used millions of dollars of temporary Federal and State funds for the fiscal year of 2021 to support salary increases for all county employees. When these funds are eliminated, the county and the taxpayers will have to increase taxes to cover the potential shortfalls or draw down our reserves to pay for the excessive expenses created this action.

| Tax in dollars | FY 18/19 Actuals | FY 19/20 Actuals | FY 20/21 Actuals | FY21/22 Original Estimate | FY21/22 Revised Estimate | FY22/23 Estimate |
|--------------------------|------------------|------------------|------------------|---------------------------|--------------------------|------------------|
| Property Tax | 16,608,933.00 | 17,837,037 | 19,218,766 | 19,055,000 | 19,500,000 | 20,085,0 |
| Sales Tax ¹ | 6,115,593.00 | 6,006,929 | 6,527,987 | 5,610,001 | 6,100,000 | 6,222,000 |
| Transient Occupancy Tax | 213,247.00 | 204,665 | 388,077 | 204,000 | 300,000 | 306,000 |
| Business License Tax | | 165,331 | 636,337 | 325,000 | 325,000 | 325,000 |
| Documentary Transfer Tax | 613,267.00 | 646,947 | 963,278 | 650,000 | 800,000 | 800,000 |

According to the BOS Presentation in April 2022:

70% of San Benito County’s annual revenue is generated by *property taxes*. 24% is generated by *county sales tax*.

3% is generated by *documentary taxes (processing of county records)*. 2% comes from *business licenses*.

1% is created from *transit tax, charged for stays in hotels*.

Property taxes are impacted by the real estate and home building market. Within the last 4- months, increasing inflation, gas prices, food prices and the sagging job market have affected everyone across the nation.

WHAT IS THE SUCCESS RATE OF THIS ADMINISTRATION ABILKITY TO PROJECT BUDGET?

| REVENUES VS EXPENSES | ACTUAL | ACTUAL | ACTUAL | ACTUAL | ESTIMATED |
|----------------------|--------------|--------------|--------------|--------------|--------------|
| | 2017-2018 | 2018-2019 | 2019-2020 | 2020-2021 | 2021-2022 |
| TOTAL REVENUES | \$42,826,129 | \$42,520,365 | \$46,365,832 | \$63,661,085 | \$52,765,191 |
| TOTAL EXPESES | \$42,165,100 | \$45,425,056 | \$49,430,313 | \$55,013,419 | \$55,893,772 |
| NET | \$661,028 | \$2,904,692 | -\$3,064,481 | \$8,647,666 | -\$3,128,580 |
| | | | | | |
| | ESTIMATED | ESTIMATED | ESTIMATED | ESTIMATED | |
| TOTAL REVENUES | 2022-2023 | 2023-2024 | 2024-2025 | 2025-2026 | |
| TOTAL EXPESES | \$54,242,914 | \$55,739,676 | \$57,280,187 | \$58,865,738 | |
| NET | \$57,800,535 | \$57,734,500 | \$58,696,486 | \$59,687,330 | |
| | \$2,557,621 | \$1,994,824 | -\$1,416,298 | -\$821,592 | |

The above excel sheet shows that for the period of years 2017-2021 2 out of 4 actual years spent more than budget. The current fiscal year shows a deficit projected to be (\$3,128,580). Additionally, the proposed budget for the future four years (2022-2026) shows four consecutive years of overspending and deficits.

GROWTH

San Benito County depends on property taxes for most of its general funding at 70%. More funds are needed to build roads and infrastructure, pay higher government salaries, build, or replace decaying infrastructure, and provide more services.

According to a recent Hollister real estate report the new homes market average is \$449-\$700- plus. (<https://www.hawkinscompanies.com/properties/highway-25-tres-pinos-rd/>) **2,290** new single-family housing units are currently approved under now under construction with a population impact of 8,290 people. **2,384** homes in the county are proposed. Certainly, a total 4,674 new homes will add to property taxes.

Conversely, with a population density of 15,870 new residents, a greater source of revenue is through sales tax.

Logic dictates that more housing adds more people with continuous purchasing power, retail establishments, including food and drink, will ADD more than \$167.73 MILLION. That is significant value into the community.

HOME VALUES

While taxpayers are enjoying increasing home values of 100% or more over the last five years, inflation is growing at double-digits monthly. Seasoned economists project interest rates between 5-8% into 2023, resulting in pressure on many of the taxpayers in San Benito County for any loans they might current have inexistence.

The current administration has not mentioned the development of a contingency plan for any the housing market decline, as it did in 2008. The current disaster plan in the 2021-2022 budget is only \$1,000,000 which is not sufficient should property taxes decrease in the next 18- 24 months.

A well-planned course of action can be instituted immediately without sacrificing time when the incoming revenues can be affected with any foreseeable downtrend in the housing market.

Any back-up plan should address and define which cutbacks will be instituted, what positions will be protected from layoffs, and what projects and programs will be reduced to lessen the impact on the taxpayers of San Benito County.

OPEB DEFICIT

The County of San Benito is in a deficit position on OPEB funds with \$10,237,163. in “unfunded liabilities”.

(Other Post-Employment Benefits)

Through the collective bargaining process under the authority of [Government Code section 22940 - 22944.5](#), OPEB is the method by which the State of California, as the employer, and its employees jointly prefund health benefits that current active employees will receive as state retirees.

On June 6, 2020, the BOS approved a 40-year plan to pay an annual rate of \$500,000 resulting in paying an excessive \$20,000,000 for this management error by the past administrations.

This debt defect was caused by not paying in an annual payment which were incurred by the post employees benefits that accrued each year and now we have a deficit position in which we will pay over \$10, 237, 163 because of these decisions.

FINDINGS and RECOMMENDATIONS

- F-1** Salary increases have been paid from **one-time** funds from Federal or State Government.
- R-1** Salary increases should be based upon tax base revenue that is constant and **available** each year, such as real estate tax revenue and sales tax revenues.

- F-2** Future budget projections should be based upon real time spending historical actual spending by departments or the total county basis so when anyone looks at the budgets proposed is it is easy to see what the % of increase or % of decrease is as shown within a proposed budget.
- R-2** Real-time values increase transparency in best practices in budgeting to Identify excess spending within the county spending practices. Budgets need to be based upon a historical actual spending by departments or the total county basis of what has been budgeted last year or the average over a 3-year period is not represented in real-time spending by utilizing the fluff-budget paradigm.

- F-3** Delays in reports are impacted by staffing shortages throughout the county as reported within interviews of managers and employees.
- R-3** The administration should hire temporary help to keep data flowing consistently.

RESPONSES

California Penal Code Section 933(a) requires the grand jury to “submit to the presiding judge of the superior court a final report of its Findings and Recommendations that pertain to county government matters during the fiscal or calendar year.”

Governing bodies or department officials are required to respond to the Findings and Recommendations directed to them within 90 days of the release of a grand jury’s report. Elected County officials are required to respond within 60 days. (PC §933(c)).

RESPONSE REQUIRED

SBC Board of Supervisors

SAN BENITO COUNTY JAIL

SUMMARY

The Civil Grand Jury is mandated by the State of California to “*look into*” the local prisons and jails annually to ensure the status of the incarcerated population. The 2021-2022 inspection of San Benito County’s Jail noted continued exemplary standards of cleanliness.

METHODOLOGY

During the 2021-2022 term, jurors visited the facility on four different occasions: three by appointment and once by drop-in on a weekend evening. The last visit to the Jail was on May 27, 2022. In addition to the site visits, the Civil Grand Jury did the following:

- Individual prisoner complaints and follow-up read.
- Review of Policy and Procedures
- Review of local newspaper articles and other public documents
- Review of San Benito County’s Jail web site and other relevant web sites.
- San Benito County Civil Grand Jury Reports and Responses from the following years: 1999-2001, 2002-2004, 2007-2008, 2009—2011, 2012-2015.

BACKGROUND

Realignment AB 109 sentencing scheme pertained to anyone sentenced on or after October 1, 2011. The CA state prison system was severely overcrowded, but AB 109 was enacted to combat recidivism and not because of overcrowded prison populations. California has about 500 felony crimes that are considered “non-serious, non-violent and non-sex-related,” to qualify for sentencing to county jail and/or non-custodial mandatory supervision. When inmates are released locally, they complete supervision by county probation officers under a new scheme called Post Release Community Supervision (PRCS) instead of by state parole agents. This also adds to local demands for mental health care.

DISCUSSION

OLD JAIL

At the Civil Grand Jury’s initial visit in September, 85-beds were occupied in the old jail. The old jail has inefficient swamp coolers. This is a Capital Improvement Project (CIP), and the RMA Department has received an estimate of approximately \$2,000,000. To accommodate the new A/C system, the roof will need to be replaced to support the units. The roofing project is approximately \$500,000.

A noticeable stench exists in hall area of the old jail. Jurors were told that it is a CIP not yet completed.

NEW JAIL

Dedicated in June of 2021, the new \$25 million addition to the jail is modern and streamline by design, the comparison between the environment of old jail and new is as stark as night and day. The new construction has brought a brightness into view.

Only 13-detainees were housed in the new rehabilitation addition, where the air is cooled with A/C.

The extension doubled the size of the building and increased housing to a maximum number of 214. Inmates must earn their privilege into the new unit with a qualifying behavior score. Currently, the jurors were told that staffing issues prevent additional inmates from being moved into the 72-bed addition.

“A” and “D” pod, has (11) two-person cells and (5) single person cells.

“E” pod (female pod) houses (4) two person cells.

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. Lower and medium-security pods allow all inmates to congregate in the common area together from 5:00 AM until 11:30 PM

Overall, the jail is a large facility but underused since covid-19 early-release granted early freedom to 18,000 California criminals as the beginning of the pandemic. The early released persons were relative to charges and time remaining on sentences. For San Benito’s jail, the reduction of half of the population created the situation of too much space for too few staff members.

SAFETY

Upon arrival to the jail, intoxicated inmates are placed in a sobering cell. “Safety cells” include special equipment to manage suicidal and psychological distress situations. Those persons are monitored more frequently than the general population. The safety cells do have video surveillance and staff conducts visual checks every 30-minutes on high-risk subjects,

Individuals are segregated by security levels with attention to gang affiliation and are classified according to their sentence type and term, risk level, and other factors. Color-coded uniforms identify inmates as minimum, medium, maximum, or high-risk status. Inmates also have an identifying wristband.

The female populations are housed in (2) one-story areas with a communal area accessible to all female inmates at one time. They are all free to roam their pod and some were observed reading in their beds.

VISITATION

For those persons who remained in custody during the epidemic, their visits were restricted to phone calls and electronic tablets. New inmates were quarantined for two-weeks to restrict the virus' path into the general populace. When visitation returned, visitors were required to wear masks even when separated between glass windows, and a disinfecting process added to an hour's wait between visitors. These procedures have helped to keep the jail relatively covid-free.

Post covid, all inmates are allowed a one-hour visit per week, which may be split into (2) two thirty-minute visits per week. Although standard practice allowed for one adult and two children at a time, the jail is currently limiting two inmates one visitor at a time due to COVID prevention and the capacity of the room.

INMATE SERVICES

Historically, the SBC County jail generally housed inmates sentenced to one year or less in custody. Since AB 109*, the jail is forced to house inmates convicted of serious felony crimes for extended periods of time and presents challenges and threats to staff and other inmates. Court appearances are facilitated via remote access.

Many incarcerated persons are in jail due to undiagnosed or untreated mental health issues and childhood trauma. Drugs and alcohol, and addiction issues are also common factors of incarceration.

On June 6, 2022, the number of detainees was 84.

According to staff:

40 inmates have behavioral health issues (48%).

29 take psychiatric medication (35%).

Through the county medical contractor, Wellpath, a Mental Health clinician works at the jail Monday-Thursday (10) hours per day. The clinician is also available in case of an inmate in crisis, which has occurred 4-5 times in the past six-months. If a clinician is unavailable, jail staff calls San Benito County Behavioral Health to have a crisis worker come out to assess the person in crisis.

Dental care is limited to tooth extractions and minor needs.

All detainees have access to the showers daily.

An interpreter service is available 24 hours/day.

Unsentenced inmates in the holding cells are allowed free local calls within 3-hours of their booking. Once they are housed, all calls are at the inmate's expense. Inmates who are not sentenced shall be provided, cost free, local telephone calls to their attorneys upon request and as soon as it is physically possible. Long distance calls are provided at the expense of the person receiving the call.

A detainee's account may be setup to accept collect calls from the County Jail through a contracted vendor or private service provider. To ensure the safety and security of the facility all calls are recorded, and the Jail staff may monitor non-confidential telephone calls.

There are limited free activities that inmates on the electronic tablets, but most of the entertainment is at the inmate's expense.

Jurors read resident complaint forms and found that most of the grievances were requesting preferences, such as additional food allowances and access to medications requiring prescriptions providing more potent pain relief. Interviews were conducted with persons who had the greatest number of individual complaints and follow-up. Those detainees agreed that their incarceration in San Benito County ranked better than in other counties.

EXERCISE

The inmates in A, D, E, and F pod are allowed access to the recreation yard at a minimum of 3-hours per week. The inmates in B, C, G and H have recreation yards connected to the pod and they have access to them from 5:00 AM until sunset daily.

FOOD SERVICES

Each day, two hot meals (breakfast and dinner) and one cold meal (lunch) are served. The doctor orders medical diets. A religious diet request has never been denied. On the day of their initial visit, the jurors ate the same cold lunch meal as the inmates: bologna, two slices of bread, a bag of baby carrots and an apple.

Trinity Services Group is contracted to provide meals for detainees. Trinity Food s also maintains a minimum of a three-day supply of food and disposable service ware. They menu protocol is based on the type and scope of emergency.

A Trinity employee prepares fresh meals onsite, and the food is delivered and passed out by the correctional staff. Inmate workers (trustees) assist Trinity staff with simple tasks, such as washing dishes, placing the food on meal trays, mopping, etc.

Detainees may put in a commissary order on Tuesdays and the items are delivered the following Sunday. They can also purchase items on the Trinity takeout menu: fresh food like hamburgers, chicken strips, salads, etc. These items are ordered on Tuesdays and delivered Saturday at lunch time with their regular lunch meal.

OPPORTUNITIES

To lower re-offending patterns, there are productive measures to engage the inmates' attention towards becoming more responsible members of the community. To overcome the stigma attached to those criminal behaviors such as assaults, robberies, gang violence, and a majority have been associated with drug and alcohol addictions, attempts are made to rehabilitate the criminal behavior. Anger management classes and other issues are addressed through Behavioral/Mental Health clinicians and counselors. Nonprofit organizations and community volunteers have a presence to support living without substance abuse and faith-based programs.

A television is in the community areas.

With a captive audience coupled with a plan to reduce recidivism, classes are provided for those who qualify to seek completion of a GED, including writing and computer skills. Representatives from Gavilan College encourage inmates to seek education to deter from further adverse behavior.

The Probation Department does what they can to assist in employment opportunities with the city or county upon release.

CUSTODY ALTERNATIVE PROGRAM (C.A.P.)

The Jail Division of the San Benito County Sheriff's Office has an inmate Work Alternative Program In lieu of incarceration. To qualify, persons must have received a jail sentence of 30-days or less, present all paperwork and pay all fees at time of registration appointment. The program accepts court commitments from other Counties only if a reciprocity agreement is on file with that county.

STAFFING

The Jail Commander retired in 2021 and the new commander took position in 2022 after having worked at the facility for several decades.

Currently, San Benito County Jail has 6-Correctional Officer vacancies, but a minimum of 4-are needed immediately to keep the shifts operating efficiently.

Correctional staff work 12-hour shifts, and jurors note there is an enormous amount of overtime being paid due to understaffing. The jail requires a minimum staffing level of 5-officers per day shift, and 4-per night shift.

Employees assigned to transportation work 10-hour shifts. Two transport officers are needed Tuesday-Thursday, one transport officer on Monday, and one on Friday. Currently, there's only 1-person assigned to transport due to understaffing, with a weekly mandatory overtime spot every Tuesday-Thursday.

The jail operates with minimal vacations, training, and sick usage, so mandatory overtime is used to cover shifts. For the month of May, there were 35 mandatory overtime shifts. *Staff can earn more vacation time than they can use.*

Correctional staff incomes are higher in surrounding counties but come with a commute. While officers may welcome the increased take-home pay with overtime shifts, it can be the cause of job “burnt out” for people trying to get ahead in life and raise a family.

FINDINGS AND RECOMMENDATIONS

F-1 All Grand Juries have found the County Jail has kept the highest standards of order and cleanliness.

R-1 Jail staff should be commended for keeping a high bar.

F-2 A new roof is needed to support a new cooling system.

R-2 Replacement of the roof should be a priority.

F-3 The swamp cooler is inefficient in keeping the inside air temperature comfortable for all who work and are housed at the Jail.

R-3 A new A/C system should be a priority for the building upgrade project as soon as possible.

F-4 There is a noticeably offensive odor in a hallway area of the jail.

R-4 The Public Works Department should complete the repairs as soon as possible.

F-5 The understaffed Jail must fill operational demands with mandatory overtime.

R-5 The Jail budget should be analyzed with staffing increases considered to balance the cost of overtime costs and loss of personnel due to job burnout. This may be a safety issue.

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

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

From the following elected official within 60 days:

From the following governing body within 90 days:

RESPONSES REQUIRED:

San Benito County Board of Supervisors

San Benito County Sheriff's Department