



**Stanislaus County Civil Grand Jury  
2013-2014 FINAL REPORT**

Photograph of the McHenry Mansion taken by Judy Navarro.  
Photograph enhanced with Corel™Paint it! software program.

# Stanislaus County Civil Grand Jury

## 2013-2014 FINAL REPORT

Stanislaus County Civil Grand Jury  
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Modesto, CA 95353

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**Stanislaus County  
Civil Grand Jury Final Report  
2013-2014**

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## STANISLAUS COUNTY CIVIL GRAND JURY

Post Office Box 3387 • Modesto, California 95353 • (209) 558-7766 • Fax (209) 558-8170

June 30, 2014

The Honorable Loretta Begen  
Presiding Judge of the Superior Court of California  
800 11<sup>th</sup> Street  
Modesto, CA 95354

Dear Judge Begen,

The 2013-2014 Stanislaus County Civil Grand Jury is pleased to submit the final report of the investigations regarding issues and concerns brought forward by citizens.

Conscientious, dedicated, and hard-working jurors committed their time and energy in reviewing complaints regarding various aspects of county and city government, special districts and public agencies. In addition, mandated inspections of law enforcement facilities were also conducted.

The final report is a result of many hours of research of applicable statutes and documents, interviews, and numerous versions of this report. Triangulation of evidence and information was utilized to separate truth from rumor. It is the expectation of the jurors that the findings and recommendations will be reviewed followed by sincere responses that will lead to a positive outcome.

On behalf of the entire civil grand jury, I would like to acknowledge and thank you, the Court Executive Officer/Jury Commissioner, the District Attorney's office, the county counsel's office, and the civil grand jury assistant for all their advice and support. Serving on the grand jury has been an educational and rewarding experience. We gained further insight into the operations of city, county, special districts and public agencies. In addition, it was heartening to see nineteen diverse citizens come together and work as a unit with one common goal. I recommend that any citizen concerned with the operations of all public agencies consider the possibility of serving on future grand juries.

It has been an honor to have served as the foreperson and to have had the opportunity to work with a group of dedicated and diligent citizens.

Sincerely,

Denis D. France  
Foreperson



Superior Court of the State of California  
COUNTY OF STANISLAUS

P.O. Box 3488  
Modesto, California 95354  
www.stanct.org

LORETTA MURPHY BEGEN, JUDGE

TELEPHONE  
(209) 530-3111

June 19, 2014

Mr. Denis D. France, Foreperson  
Stanislaus County Civil Grand Jury  
P.O. Box 3387  
Modesto, CA 95353

Dear Mr. France and Civil Grand Jury Members:

The 2013-2014 Civil Grand Jury is to be commended for the hard work it has done. The hands on investigative work and report writing are not easy. Your work will be rewarded in the changes made as a result of the recommendations contained in your final reports.

All of you have performed the tasks of the Civil Grand Jury with the commitment and detail we have grown to expect from our grand jurors. This county and its communities will be the benefactors of your diligence and hard work. All of you kept the Oath you took at the beginning of the year.

I want to thank all of you, on behalf of the Superior Court, for taking the time to serve your community as members of the 2013-2014 Stanislaus County Civil Grand Jury. I also want to give special recognition to Denis France for his leadership as the foreperson of the Civil Grand Jury. We owe all of you a debt of gratitude for your tireless and excellent work.

Sincerely,

Loretta Murphy Begen  
Presiding Judge

cc: Hon. Nan Cohan Jacobs, Assistant Presiding Judge  
Rebecca Fleming, Executive Officer/Jury Commissioner

## STANISLAUS COUNTY CIVIL GRAND JURY MISSION STATEMENT

The primary function of the civil grand jury is to provide unbiased oversight and to investigate complaints from citizens about the operations of the county and city government, school districts and special districts, as required by law. The grand jury assures citizens that government is operating efficiently and in an ethical, honest manner. The grand jury investigates policies and procedures and makes recommendations to improve local governmental operations.

# 2013-2014 Stanislaus County Civil Grand Jury



## ADVISOR JUDGES:

The Honorable Loretta Begen, Presiding Judge  
 The Honorable Nan Cohan Jacobs, Assistant Presiding Judge

## OFFICERS:

Foreperson ..... Denis D. France  
 Foreperson Pro Tempore ..... Judy Navarro  
 Secretary ..... Kristy Teixeira  
 Sergeant at Arms..... Sharon Wolinski

## JURY PANEL:

NAME	TERMS SERVED	CITY REPRESENTED
Stephen L. Balke	2013-2014	Modesto
Kevin S. Benziger	2013-2014	Oakdale
David J. Brown	2013-2014	Modesto
Edward J. Darnell	2013-2014	Turlock
Donnie A. Douglas	2013-2014	Salida
Jason D. Flores	2013-2014	Modesto
Denis D. France	2013-2014 2010-2011 2009-2010	Modesto
Susan Hickerson	2013-2014	Modesto
William W. Latham	2013-2014	Modesto
Peter J. Milinazzo, Jr.	2013-2014	Modesto
Judy Navarro	2013-2014	Modesto
Dalbir S. Plaha	2013-2014	Denair
William M. Rogers	2013-2014	Modesto
Charles R. Shetron, Jr.	2013-2014	Oakdale
Kristy Teixeira	2013-2014	Turlock
Karla von Hungen	2013-2014	Modesto
Sharon Wolinski	2013-2014	Modesto



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Part 1: County Audit Summary Report

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**Stanislaus County Civil Grand Jury (SCCGJ)  
Participation in the Annual Financial Audit Report  
For the Fiscal Year Ended June 30, 2013**

**ENTRANCE CONFERENCE – AUGUST 28, 2013**

- Nineteen SCCGJ Members attended the entrance conference. The following were key areas discussed:
  1. This is the 7<sup>th</sup> year the current auditors (Brown Armstrong Accountancy Corporation) have been contracted to perform their annual audit work.
  2. The cost of the Financial and Single Audit is \$103,000.
  3. This audit is a Financial Audit only, and not an audit of any physical assets, etc. The auditors do review the policies and procedures as well as engage in some internal controls testing.
  4. Special District audits are tracked separately by the Auditor-Controller's Office.

**EXIT CONFERENCE – MARCH 12, 2014**

- Ten SCCGJ Members attended the exit conference. The following were key areas discussed:
  1. All audits received an unqualified opinion, and there were no management comments submitted.
  2. This is the second year there were no management comments or audit findings.
  3. The Annual Financial Report showed an Unrestricted Net Asset Balance of \$12,173,889.
  4. There were no Adjusting Journal (accounting) entries needed to be made by the auditors.
  5. Tax revenue increased by \$11,668,869 in 2013 fiscal year over the previous period.
  6. Stanislaus County Tax Revenue by source. Property tax \$94,552,082; Sales tax \$30,024,222; Other taxes \$2,298,871. This is for a total of \$126,875,175.
  7. The following items were not discussed at the exit conference but were included in the audit and are of interest:
    - a. The Largest Employer in the County
      1. Stanislaus County
      2. Gallo
      3. Modesto City Schools
      4. Memorial Hospital
      5. Seneca Foods
    - b. The Largest Property Tax Payers in the County
      1. World International L.L.C.
      2. Gallo Glass
      3. P.G. & E.
      4. E and J Gallo Winery
      5. W. W. Grainger Co.



2013-2014 Stanislaus County Civil Grand Jury  
Continuity Committee, Case #14-07GJ  
Special Districts

**BACKGROUND**

The 2012-2013 Stanislaus County Civil Grand Jury (SCCGJ) submitted report Case #12-28GJ, a review of the Special District Audit requirement per **California Government Code (CGC) Section 26909 (see last page of report\*)**. They requested that the current Continuity Committee continue the investigation of Knights Ferry Community Services District, Monterey Park Tract Community Service District, and Westport Fire District. These three agencies had not responded to the findings and recommendations made by the 2011-2012 Grand Jury, nor to the request for response issued by the 2012-2013 Grand Jury.

The purpose of the Continuity Committee is to ensure accountability and continuity regarding the previous civil grand jury's final report relative to findings and appropriate responses to recommendations. Responses must be received within the specified time frame (60 or 90 days as specified in Penal Code 933(c)):

**“(c) 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 the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or 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.”**

The civil grand jury that generated the final report ceased to exist before the responses were received; only the sitting civil grand jury can monitor the accountability process. Acting as the citizens' "watchdog" and in the interest of assuring continuity, the Continuity Committee reviews and reports on the responses to ensure that they meet the criteria spelled out in Penal Code Section 933.05:

**“(a) For purposes 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 finding.**



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 therefor.

(b) For purposes 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 the 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 therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department..."

## RESPONSES

### Regarding the Knights Ferry Community Services District (KFCSO):

The issues raised in the prior Grand Jury report stated that the KFCSO was out of audit compliance for fiscal years 2005/2006 through 2009/2010. The report also stated that audits for 2005/2006 and 2006/2007 could not be completed due to lack of financial data.

The current Continuity Committee received a response letter on October 25, 2013 from the KFCSO Board of Directors. The letter detailed the action taken by the Board to comply with the findings and recommendations of the 2011-2012 Civil Grand Jury report.

### The actions taken by the KFCSO board were:

1. The Board had retained the services of Clendenin Bird & Company (CB&C) to complete the outstanding audits.
2. The Board of Directors also included copies of letters from KFCSO to CB&C stating that they had delivered the records to CB&C, and requested that the completed financial reports be delivered to KFCSO.

### **Regarding the Monterey Park Tract Community Service District (MPTCSD):**

The issues raised in the prior Grand Jury Report stated that **MPTCSD** failed to respond or implement recommendations with regard to audit controls and filling vacant board seats.

The current Continuity Committee received a response letter on September 19, 2013 from MPTCSD's Board President. The letter detailed the action taken by the Board to comply with the findings and recommendations of the 2011-2012 Civil Grand Jury report.

#### **The actions taken by the MPTCSD board were:**

1. Contracted with CB&C as of July 1, 2013 to conduct audits for MPTCSD. The district staff worked with CB&C to deliver the required financial documents needed for the audit. CB&C expected to have the audit completed by December 17, 2013.
2. MPTCSD worked with Stanislaus County Board of Supervisors and with Stanislaus County Assistant Executive Officer to publish an "Invitation to Apply for Board of Director Membership". The invitation was published in both English and Spanish, and the MPTCSD was successful in recruiting board members to fill vacant seats.

### **Regarding the Westport Fire Protection District (WFPD):**

The issue raised by the prior Grand Jury was the lack of response or implementation of recommendations with regard to audit compliance for years 2008/2009 and 2009/2010.

The current Continuity Committee received a response letter on October 7, 2013 from the WFPD District Board Chairman. The letter stated that the Board had completed and filed the outstanding audits for the above stated time periods. The letter also detailed the actions taken by the Board to comply with the findings and recommendations of the 2011-2012 Civil Grand Jury report.

#### **The actions taken by the WFPD board were:**

1. Implemented a record keeping system that was more efficient and organized than the previous system.
2. Changed the frequency of audits from bi-annual to annual.
3. Retained the services of CB&C to conduct annual audits for WFPD, and to assist in WFPD's efforts to remain in compliance with future annual audits.

The current Civil Grand Jury is satisfied that the three Special Districts listed above have responded to the prior Grand Jury's audit and report. Although positive actions were taken to address the findings and recommendations listed, the three Special Districts repeatedly violated PC §933(c) with regard to prior Civil Grand Jury audit reports.



The following is the state code regarding audit requirements for Special Districts:

**\*California Government Code (CGC) Section 26909:**

**26909. (a) (1) The county auditor shall either make or contract with a certified public accountant or public accountant to make an annual audit of the accounts and records of every special district within the county for which an audit by a certified public accountant or public accountant is not otherwise provided. In each case, the minimum requirements of the audit shall be prescribed by the Controller and shall conform to generally accepted auditing standards.**

**(2) Where an audit of a special district's accounts and records is made by a certified public accountant or public accountant, the minimum requirements of the audit shall be prescribed by the Controller and shall conform to generally accepted auditing standards, and a report thereof shall be filed with the Controller and with the county auditor of the county in which the special district is located. The report shall be filed within 12 months of the end of the fiscal year or years under examination.**

**(3) Any costs incurred by the county auditor, including contracts with, or employment of, certified public accountants or public accountants, in making an audit of every special district pursuant to this section shall be borne by the special district and shall be a charge against any unencumbered funds of the district available for the purpose.**

**(4) For a special district that is located in two or more counties, the provisions of this subdivision shall apply to the auditor of the county in which the treasury is located.**

**(5) The county controller, or ex officio county controller, shall effect this section in those counties having a county controller, or ex officio county controller.**

**(b) A special district may, by unanimous request of the governing board of the special district, with unanimous approval of the board of supervisors, replace the annual audit required by this section with one of the following, performed in accordance with professional standards, as determined by the county auditor:**

**(1) A biennial audit covering a two-year period.**

**(2) An audit covering a five-year period, if the special district's annual revenues do not exceed an amount specified by the board of supervisors.**

**(3) An audit conducted at specific intervals, as recommended by the county auditor that shall be completed at least once every five years.**

**(c) (1) A special district may, by unanimous request of the governing board of the special district, with unanimous approval of the board of supervisors, replace the annual audit required by this section with a financial review, in accordance with the appropriate professional standards, as determined by the county auditor, if the following conditions are met:**

**(A) All of the special district's revenues and expenditures are transacted through the county's financial system.**

**(B) The special district's annual revenues do not exceed one hundred fifty thousand dollars (\$150,000).**

**(2) If the board of supervisors is the governing board of the special district, it may, upon unanimous approval, replace the annual audit of the special district required by this section with a financial review in accordance with the appropriate professional standards, as determined by the county auditor, if the special district satisfies the requirements of subparagraphs (A) and (B) of paragraph (1).**

**(d) Notwithstanding the provisions of this section, a special district shall be exempt from the requirement of an annual audit if the financial statements are audited by the Controller to satisfy federal audit requirements.**



2013-2014 Stanislaus County Civil Grand Jury  
Continuity Committee  
Case #13-01C  
Oakdale Irrigation District

**BACKGROUND**

The 2012-2013 Stanislaus County Civil Grand Jury (SCCGJ) received Case #13-01C, a complaint regarding the procedure the Oakdale Irrigation District (OID) was considering to replace a broken irrigation pipeline (named the Garr Pipeline by OID) that would require a 20 foot easement onto the Complainant's property. Repairing the irrigation pipeline at the current location would cause damage to the Complainant's retaining wall, which had been built in 1989 with County approval. Existing fencing and an old tree at the front of Complainant's property would be damaged as well. The broken pipeline was flooding the County road, and impacting other landowners further down the road.

This report summarizes the recommendations made by the 2012-2013 SCCGJ, and the responses from Oakdale Irrigation District.

**RECOMMENDATIONS**

The **recommendations** from the 2012-2013 SCCGJ were:

- R1. The Complainant and other residents served by this irrigation pipeline were strongly encouraged to consider the options presented and discussed at the OID Water Commission meetings.
- R2. OID staff, the Complainant and other residents involved were encouraged to meet together to discuss which option would specifically provide a minimum of property damage, yet also provide a permanent solution to the leaking irrigation pipeline, in a cost effective manner.
- R3. OID staff needed to provide all residents involved with a written timeline for the repair to occur, once funding became available.

**RESPONSES**

The **responses** and actions taken by OID were:

- R1. On April 1, 2013 OID Water Operations Manager and the OID General Manager met with the property owners of parcels 062-011-004 and 062-011-005. They discussed the option of installing a new 15" PVC pipeline at 35' from the centerline of Snedigar Road to angle back and tie into the existing concrete pipeline, and capping off the existing (broken) pipeline.

- R2. On May 2, 2013, with the cooperation of the landowners of parcels 062-011-004 and 062-011-005, OID installed of 520 linear feet of 15-inch pipeline through parcel 062-011-004 and partially through parcel 062-011-005.
- R3. OID estimated the continuation and completion of the remainder of the Garr Pipeline through APN 062-011-005 at the end of the 2013 water season.

**OID and the residents served by the OID Garr Pipeline should be commended for cooperatively and diligently working together to resolve this issue.** The current Civil Grand Jury is satisfied that the OID has responded to the findings and recommendations of the prior Grand Jury report, and responded within the time frame stipulated by Penal Code Section 933(c), which states:

**“(c) 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 the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or 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.”**



2013-2014 Stanislaus County Civil Grand Jury  
Continuity Committee  
Case #13-13GJ  
Stanislaus County Fleet Management

**BACKGROUND**

Pursuant to California Penal Code Sections 914 to 933.6, the 2012-2013 Stanislaus County Civil Grand Jury (SCCGJ) elected to conduct an investigation of the Fleet Services Policy administered by the General Services Agency (GSA) of Stanislaus County. This action was taken primarily as a result of an October 2012 newspaper article that printed concerns expressed by the Board of Supervisors about the county's fleet services policy.

The investigation involved reviewing Stanislaus County documents regarding vehicle procurement, maintenance, replacement and salvage, as well as the Fleet Services Policy as approved by the Stanislaus County Board of Supervisors, dated March 12, 2013. The SCCGJ also conducted interviews of various county staff members.

This report summarizes the recommendations made by the 2012-2013 SCCGJ to the Board of Supervisors, and the responses from the Stanislaus County GSA.

**RECOMMENDATIONS**

The summarized **recommendations** from the 2012-2013 SCCGJ were:

- R1. The Stanislaus County Board of Supervisors (SCBOS) should review the type of support structure that exists across all departments and consider a more centralized approach.
- R2. The SCBOS should consider centralizing the purchase and repair of fleet vehicles, and should review the related procedures of other counties.
- R3. The county should minimize vehicle "down-time".
- R4. The county should set up a replacement/capital outlay fund for the purchase of all county vehicles.

**RESPONSES**

The summarized **responses** from the SCBOS/GSA were:

- R1. The GSA disagreed with the recommendation of a more centralized approach of management of county departments with regard to vehicle procurement or fleet management. The GSA stated that the current partnership between the GSA and

department managers is most efficient because of the department's knowledge of how best to serve its customers and clientele.

- R2. The GSA disagreed with this recommendation and responded that the Stanislaus County vehicle repair and maintenance are already centralized under GSA Fleet Services, except for large construction and specialty vehicles, which are maintained by Public Works. The GSA also responded that it had surveyed other California counties for information on their Fleet procurement practices in 2007.
- R3. The GSA responded that the county Fleet Services repaired over 230 vehicles per month and prioritized repairs to specialty and emergency vehicles first (such as Bomb response vehicles) to avoid unnecessary downtime of those vehicles. The Fleet Services also maintained an inventory of high usage parts, and utilized an online parts ordering program with multiple vendors, which reduces vehicle downtime overall.
- R4. The GSA responded that a 2012 GSA review of a vehicle replacement fund would require approximately \$9.75 million over 5 years, and given the current budget challenges would not be practical or realistic.

The report from the 2012-2013 SCCGJ was mailed to the SCBOS on June 18, 2013. The response was received by the 2013-2014 SCCGJ Continuity Committee by September 23, 2013. The current Civil Grand Jury is satisfied that the SCBOS and GSA has responded to the findings and recommendations of the prior Grand Jury report, and responded in accordance with Penal Code Section 933(c), which states:

**“(c) 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 the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or 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.”**



2013-2014 Stanislaus County Civil Grand Jury  
Continuity Committee  
Case #13-14GJ  
Stanislaus County Jail Facilities Inspection

**BACKGROUND**

Pursuant to California Penal Code Section 919, members of the 2012-2013 Stanislaus County Civil Grand Jury (SCCGJ) conducted the annual inspection of the Stanislaus County Jail Facilities. The facilities inspected by the 2012-2013 SCCGJ were the Stanislaus County Sheriff's Department Public Safety Center (PSC), the Honor Farm, and the Downtown Men's Jail.

The investigation involved reviewing documents related to the standards each facility is required to meet, a pre-inspection questionnaire submitted to the Sheriff's Department, a pre-inspection interview with the Sheriff, and physical inspection of each facility by members of the SCCGJ.

This report summarizes the recommendations made by the 2012-2013 SCCGJ to the Stanislaus County Sheriff and the Stanislaus County Board of Supervisors (SCBOS), and the responses required of them by Penal Code Section 933.05(c), which states:

**“(c) 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 the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or 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.”**

**RECOMMENDATIONS**

The summarized **recommendations** were:

- R1. Ensure that Stanislaus County is adequately prepared for the influx of higher security inmates resulting from the impact of AB-109 (Public Safety Realignment).
- R2. Increase personnel recruiting efforts.
- R3. Upgrade the electronic systems in the Public Safety Center (PSC) Control Center.
- R4. Add video surveillance the PSC food prep, loading dock, and Minimum Security Visitation areas.
- R5. Adhere to the proposed June 2013 closure of the Honor Farm, if possible.
- R6. With regards to the Men's Jail, accelerate any proposed renovations or planned new construction for a combined jail/courthouse facility.

## RESPONSES

The summarized **responses** from the Stanislaus County Sheriff/SCBOS were:

- R1. Agreed with recommendation. Has utilized State funding from AB 109/AB 900 to add additional custodial staff and 128 inmate housing beds.
- R2. Agreed with recommendation. Has expanded community based work crews and additional staffing to the Jail Alternatives Unit to increase supervision of inmates participating in the Early Release Program.
- R3. Agreed with recommendation. Will use funds from AB 900 to upgrade electronics at the PSC.
- R4. Agreed with recommendation. Will use funds from AB 900 or County allocated funds to upgrade video surveillance at the PSC.
- R5. Agreed with recommendation. SCBOS stated that the Honor Farm had closed on August 1, 2013, and was replaced with a 192 bed facility at the PSC.
- R6. Deferred recommendation. Stated the planning and development of new courthouse/jail facility was completely within the purview of the State Administrative Office of the Courts and final determinations would be made by state officials.

The current Civil Grand Jury is satisfied that the Stanislaus County Sheriff and the SCBOS has responded to the findings and recommendations of the 2012-2013 Grand Jury report, and responded in a timely manner. The report from the 2012-2013 SCCGJ was mailed to the Stanislaus County Sheriff and the SCBOS on June 18, 2013. The response was received from the Stanislaus County Sheriff on June 25, 2013, and from the SCBOS on September 23, 2013.

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Part 3: Case 14-03C: Stanislaus County Housing  
Authority

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2013-2014 Stanislaus Civil Grand Jury  
Case #14-03C  
Housing Authority of Stanislaus County

**COMPLAINT**

On July 8, 2013 the Stanislaus County Civil Grand Jury (SCCGJ) received a complaint concerning the Housing Authority of Stanislaus County (HA). After a full panel review of the complaint the SCCGJ decided to investigate the complaint.

**APPROACH**

The Social Services Committee met to discuss the complaint and formulated the following plan:

1. Interview complainant.
2. Interview other employees who may have knowledge of issues.
3. Attend HA Board Meetings.
4. Interview HA Commissioners.
5. Interview HA Director.
6. Visit the HA Facility.
7. Interview HA attorney.

**DISCUSSION**

The SCCGJ identified six individual complaints from the original complaint.

- C1. The complainant stated that the Director had received pay raises in the last few years that had increased his pay by over 25%. The basis for this complaint was that the Director had asked for a car allowance to increase his total income, which would increase his PERS retirement account. The complainant also stated that the Director was already over paid and his pay should be cut.
- C2. The complainant stated that the HA had refused to give the union workers the raise they had requested (2 ½ %) and instead gave the same amount requested to three of the HA managers.
- C3. The complainant stated that the HA Director had used the Housing Authority's attorney to negotiate for him when his employment contract was up for renewal.
- C4. The complainant stated the HA sends the Commissioners and Directors to expensive and unnecessary events and does not send its employees.
- C5. The HA committed Brown Act violations concerning the improper postings of the Board of Commissioner's public meetings.



- C6. The complaint stated that the HA was misusing temporary employees to avoid having to hire more union employees.

**During our investigation the committee discovered three additional complaints to investigate.**

- C7. One of the managers frequently brought a pet to the HA office and the pet had been known to urinate on property and files.
- C8. The process of taking HA funds to the bank was unsafe. The interviewee felt more than one person should be involved in the process for security.
- C9. Client files containing personal information such as social security numbers, etc., were left out on desks and on the floor at the HA office for long periods of time. The HA did not have a way to secure personal information inside the HA building.

## **FINDINGS**

As a result of the investigation, the SCCGJ determined the following for each complaint:

- F1. The car allowance is not income, therefore does not increase the Director's retirement account. Regarding the issue of overpayment, the US Department of Housing and Urban Development has a cap on how much a Director can make. The Director's salary is below that cap. The Director is in charge of seven other counties, as well. This complaint was found to be unsubstantiated.
- F2. Although the union did not have a contract, they were given a 2 % pay increase, which was half a percent less than they had been seeking. The pay increases that managers received were due to an added work load after a fourth manager left and that position wasn't filled. The three remaining managers were given additional duties to make up for the loss of the fourth manager. This complaint was found to be unsubstantiated.
- F3. The HA's Attorney negotiated on behalf of the HA with regards to the Director's employment contract. The attorney represented the HA, not the Director. This complaint was found to be unsubstantiated.
- F4. The trips and events in question are training conventions that various HA sanctioned associations host for the national housing authorities. The conventions are designed to give commissioners and directors useful information that should be taken back to the local HA divisions. This complaint was found to be unsubstantiated.
- F5. Evidence supports that the HA did in fact violate the Brown Act. At a rescheduled meeting, this SCCGJ committee witnessed firsthand the HA's process for such an event. The HA had posted the notice to reschedule the public meeting on their website and inside the lobby of the HA building. This posting was not visible to those arriving to the meeting, which was scheduled for after business hours.

- F6. The use of temporary employees is governed by the US Department of HUD and the union contracts in place at the HA. Although the HA does use temporary employees to its advantage, there was no evidence that the HA had violated any laws. This complaint was found to be unsubstantiated.
- F7. It was confirmed through several sources and the Director that there was a manager who did bring a pet to work.
- F8. The HA has now assigned a manager to make the deposits. Both the Director and the Finance Manager made the change as a result of safety concerns.
- F9. Although the HA building was secure and employee files were locked each night, the client files were not. Anyone with access into the building could steal personal information found in the files. File storage rooms also did not have a keyed lock for access.

## **RECOMMENDATIONS**

The SCCGJ makes the following recommendations:

- R1. None
- R2. None
- R3. None
- R4. None
- R5. The HA should post all notices required by the Brown Act on the outside window of the HA lobby. This will allow the public to see any changes.
- R6. None
- R7. The HA should change its policy to not allow pets in the HA building.
- R8. None
- R9. The HA should change its policy about the handling of clients' personal information to include the requirement that clients' files be kept in a locked vault or locked filing cabinets at all times.

### **Request for Response from:**

- The HA Director
- The HA Commissioners
- The Stanislaus County Board of Supervisors

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Part 4: Case 14-04C: Stanislaus County Sheriff's  
Department

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2013-2014 Stanislaus Civil Grand Jury  
Case #14-04C  
Policy and Compliance Report on the  
Stanislaus County Sheriff's Department Helicopter

## COMPLAINT

This complaint was generated through three separate sources. First, a citizen's complaint was referred from the 2012-2013 Stanislaus County Civil Grand Jury (SCCGJ) concerning use of the Sheriff's helicopter. Second, several articles appeared in the local newspaper raising reasonable concerns about the correct use of County vehicles operated by the Sheriff's Department. Third, the complainant filed an addendum complaint questioning the use of the Sheriff's helicopter as a silent auction item for the local Hospice organization.

## BACKGROUND

Over an extended period of time there have been a variety of questions and concerns raised about the possible misuse of the Stanislaus County Sheriff's helicopter. While an important and very useful law enforcement tool, the helicopter is expensive to operate and can be highly visible to the public when in use. The current County CEO policy on the use of the helicopter was an attempt to define the usage limitations, based on past concerns raised over possible misuse of the helicopter.

## APPROACH

The SCCGJ used a three-phase approach during its discovery process:

The **first phase** was an interview with the individual who filed the complaint.

The **second phase** involved a review of the following documents:

1. Stanislaus County Policy regulating the Use of County Vehicles, Aircraft and Other Transportation Equipment, including the "Action Agenda Item Summary" sheet that accompanied the proposed policy when it was presented to the Board of Supervisors prior to their approval.
2. Review of Sheriff's helicopter flight records (July 2008-August 2013) that identified a variety of flight activities that might not be considered "law enforcement specific."
3. Stanislaus County Sheriff's Department Flight Operations Manual.
4. Stanislaus County Sheriff's Department Policy Manual, adopted 2013/10/25.

The **third phase** consisted of the following interviews:

1. Interviewed a representative of the Acting Stanislaus County Chief Executive Officer (CEO).
2. Interviewed a representative of the Stanislaus County Sheriff's Department.



## DISCUSSION

There is a need for flexibility in the management and implementation of policies within the Sheriff's Department concerning the use of County-owned vehicles for official activities. Both the County Chief Executive Officer, and the Sheriff's Department have written and approved policies that provide very explicit language on the use of County-owned vehicles including the Sheriff's helicopter. The CEO's policy states the following: "The County's aircraft operated by the Sheriff's Department shall only be utilized for law enforcement or emergency-related purposes, or County government purposes with the prior approval from the Chief Executive Officer or his/her designee." A review of the records did not reveal any requests from the Sheriff's Department to the CEO for approved helicopter use for a non-law enforcement activity, although a review of Department helicopter flight records between July 2008 and August 2013 document such use on several occasions.

The Sheriff's Department policy manual states the following, "Police helicopters may be requested under any of the following conditions:

- a) "When the helicopter is activated under existing mutual aid agreements,
- b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of helicopters may reduce such hazard,
- c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community,
- d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard,
- e) Vehicle pursuits,
- f) For any rescue of individuals on land or in water where access is delayed or limited (policy 438.2.2)."

Based on these written and approved policies, there appears to be no specific policy, directive, or procedure that allows the use of Department vehicles in support of non-law enforcement activities, no matter how charitable or beneficial.

As an elected official of the County, the Sheriff is placed in a unique position and relationship to the authority of both the County Chief Executive Officer (CEO), and the Board of Supervisors. While the Board of Supervisors maintains approval authority over the Sheriff's Department annual operating budget, neither entity has direct supervisory authority over the Sheriff, or his Department. The Sheriff is directly accountable to the electorate of Stanislaus County and responsible for enforcing the laws he/she is sworn to uphold. Policies mandated by the County and the Sheriff's Department, while directive in nature, provide a variety of means that may allow the Sheriff and Department staff considerable leeway in the implementation of the policies, based on the situation at hand.

The current Sheriff's Department is committed to a number of community-supported activities that create a variety of positive benefits for the law enforcement community. These include such activities as the support of programs helping at-risk youth, and charitable organizations that provide a positive impression of the Sheriff's Department and law enforcement within Stanislaus County. The Sheriff's Department is especially supportive of activities that focus on the positive role of law enforcement and young people, as opposed to the more readily apparent conflict that occurs during such activities as gang confrontations and criminal investigations.

The nature of the Sheriff's Department position allows the latitude to interpret County and Sheriff's Department policies and procedures in a manner that permits the Department to support selected, community-based charitable and youth-oriented activities through the use of resources they control. This support includes the Sheriff's Department helicopter fleet. Use of Department vehicles, for what some may consider to be non-law enforcement activities, appears to be thoughtful, limited, and controlled. The Department has demonstrated restraint in the use of these resources during periods of diminished and constrained budgets.

As an outgrowth of this SCCGJ investigation, it appears that there is no illegal or unlawful activity, or intent to misuse public funds, by the Sheriff's Department in the use of County vehicles for non-law enforcement events. The variety of situations where County resources were used for "non-approved" events appear to contradict published, but not binding, policies of both the Sheriff's Department and the County's Chief Executive Officer.

## **FINDINGS**

- F1. The SCCGJ finds that there have been numerous activities over several years, occurring repeatedly, regarding the use of Sheriff Department vehicles, particularly helicopters, for non-law enforcement activities.
- F2. The SCCGJ finds that there is no written policy or approved procedure within the County or the Sheriff's Department, directly supporting the use of County-owned vehicles for any activity other than specific law enforcement actions.

## **RECOMMENDATIONS**

- R1. The SCCGJ recommends that the Sheriff, in consultation with the County Chief Executive Officer (CEO), establish a specific written policy defining the use of Sheriff Department resources, such as helicopters, for "non-law enforcement" activities.
- R2. The SCCGJ recommends the policy allowing the use of the Sheriff's Department helicopter for non-law enforcement activities must include written approval that requires the concurrence of two senior members within the Sheriff's Department, or one member of the Sheriff's department and the CEO's office. Such approval should be processed in advance of the non-law enforcement activity.

## **REQUEST FOR RESPONSE**

Pursuant to Penal Code section 933.05, the SCCGJ requests responses from the following governing bodies:

- The office of the County Chief Executive Officer (CEO)
- The Stanislaus County Board of Supervisors
- The Stanislaus County Sheriff



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Part 5: Case 14-06C: City of Patterson

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2013-2014 Stanislaus County Civil Grand Jury  
Case #14-06C  
City of Patterson

## **BACKGROUND**

The Stanislaus County Civil Grand Jury (SCCGJ) received a written complaint alleging that the City Council of Patterson, California repeatedly violated the Brown Act.

The SCCGJ found the City Council was not in compliance with the Brown Act and were violating the timely dissemination of information to the public.

California Government Code 54954.5(b) regarding the Brown Act states:

**“With respect to every item of business to be discussed in closed session pursuant to Section 54956.8: CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
**Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)**  
**Agency negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)**  
**Negotiating parties: (Specify name of party (not agent))**  
**Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)”**

## **COMPLAINT**

The specific allegation was: Three times in ninety days, Real Property negotiations were on the agenda for closed session, and were identified with only their Assessor’s Parcel Number (APN). The Complainant stated most citizens may not have access to, or know how to access property APN’s and therefore may not know which properties were being negotiated.

During the course of the investigation, it was discovered that the minutes of the Council Meetings, both regular and closed session, were not approved and published in a timely manner.

## **APPROACH**

The investigation included interviewing the Complainant, reviewing the Patterson City Council meeting minutes and agendas from May 2012 to September 2013, consulting with the County Assessor’s Office, and interviewing several City Officials.

1. Of the reviewed minutes and agendas, when property negotiations were discussed, the property address was not listed. Per the County Assessor, a street address was available. During interviews with Patterson city officials, they acknowledged their failure to include addresses with the APN's.
2. Review of the City Council meeting minutes revealed the average delay from meeting to approval of the minutes was 63 days, with 151 days being the longest.  
**(Attachment A)**
3. The videos of the City Council meetings were not currently posted on the Patterson City Council web page, and were difficult to find and to access.
4. No reports were made to the public of the closed City Council meetings regarding the negotiated properties for purchase until the agreements to purchase had been made. California Government Code Section **54956.8** regarding the Brown Act States:

**“Notwithstanding any other provision of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease. However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its negotiators, the real property or real properties which the negotiations may concern, and the person or persons with whom its negotiators may negotiate.”**

## **FINDINGS**

An informed citizenry is important to our form of governance. Though the purchase of the foregoing property was vetted in the local newspaper, there are those members of the public who depend on the formal reports of government to follow the action it has taken. The Brown Act recognizes this need by requiring the information to be given to the public and the scheduling of the information's delivery.

- F1. The City Council violated the Brown Act by not listing street addresses that were available, and not listing names of negotiators.
- F2. The City Council has not shown a sense of urgency in approving minutes of council meetings. City Administration acknowledged the lack of attention to publishing City Council meeting minutes in a timely manner. **(Attachment B)**
- F3. Videos of City Council meetings have not been available in a timely manner.
- F4. City Administration acknowledged the lack of attention to publishing City Council meeting minutes in a timely manner.

## **RECOMMENDATIONS**

- R1. The City Council, as required by the Brown Act, should list the street address as well as the APN's of properties being considered for sale or purchase. When negotiating for the sale or purchase of property, negotiator(s) and legal entities involved should be disclosed.
- R2. The City Council should approve previous meeting minutes at the beginning of each City Council meeting. The City Administration should follow up to see if improvements in reporting and information access have been made.
- R3. Videos of City Council meetings should appear on the City Council web site within two business days, similar to the reporting procedures of other cities in the region.
- R4. The City Administration should follow up to see if improvements in reporting and information access have been made.

## **REQUEST FOR RESPONSE**

Pursuant to Penal Code Section 933.5, the SCCGJ requests responses from:

- The Mayor of Patterson
- The City Manager of Patterson



**Wait Time for Patterson City Council Meetings Minutes to be Approved**

<u>Meeting Date</u>	<u>Date Minutes Approved</u>	<u>Delay (in days) From Meeting Date to Approval</u>
5/1/2012	5/1/2012	0
5/15/2012	9/5/2012	110
6/5/2012	9/5/2012	90
6/19/2012	10/2/2012	103
* 7/10/2012	10/2/2012	82
7/17/2012	10/2/2012	75
8/14/2012	11/20/2012	96
8/21/2012	11/20/2012	89
9/4/2012	11/20/2012	76
9/18/2012	11/20/2012	62
* 9/18/2012	11/20/2012	62
10/2/2012	11/20/2012	48
* 10/2/2012	11/20/2012	48
10/16/2012	11/20/2012	34
* 10/16/2012	11/20/2012	34
11/20/2012	12/4/2012	14
* 11/20/2012	12/4/2012	14
* 11/29/2012	12/4/2012	5
12/4/2012	2/5/2013	61
12/18/2012	2/5/2013	47
1/15/2013	3/5/2013	50
1/22/2013	3/5/2013	43
2/5/2013	3/5/2013	30
2/19/2013	4/2/2013	43
3/5/2013	4/2/2013	27
* 3/5/2013	4/2/2013	27
3/19/2013	4/16/2013	27
4/2/2013	5/21/2013	49
* 4/2/2013	5/21/2013	49
4/16/2013	6/4/2013	48
5/7/2013	8/20/2013	103
* 5/7/2013	8/20/2013	103
5/21/2013	8/20/2013	89
* 5/21/2013	8/20/2013	89
6/4/2013	8/20/2013	76
6/18/2013	8/20/2013	62
* 6/18/2013	8/20/2013	62
* 7/2/2013	10/8/2013	96
7/2/2013	12/3/2013	151
* 7/9/2013	9/3/2013	54
7/16/2013	12/3/2013	137
* 7/22/2013	9/3/2013	41
* 7/23/2013	9/3/2013	40
* 8/2/2013	9/3/2013	31
8/20/2013	12/3/2013	103
* 8/20/2013	12/3/2013	103
* 8/27/2013	9/3/2013	6
9/3/2013	12/3/2013	90
* 9/3/2013	12/3/2013	90
9/17/2013	12/3/2013	76

\* - Closed Session

Average delay in days = 63  
As of 01/17/14

**Wait Time for Patterson City Council Meetings Minutes to be Released**

<u>Meeting Date</u>	<u>Date Minutes Modified</u>	<u>Delay (in days)</u>
5/1/2012	10/17/2012	166
5/15/2012	10/17/2012	152
6/5/2012	10/17/2012	132
6/19/2012	10/17/2012	118
* 7/10/2012	10/17/2012	97
7/17/2012	10/17/2012	90
8/14/2012	11/21/2012	97
8/21/2012	11/21/2012	90
9/4/2012	11/21/2012	77
9/18/2012	11/21/2012	63
* 9/18/2012	11/21/2012	63
10/2/2012	11/21/2012	49
* 10/2/2012	11/21/2012	49
10/16/2012	11/21/2012	35
* 10/16/2012	11/21/2012	35
11/20/2012	7/9/2013	229
* 11/20/2012	7/9/2013	229
* 11/29/2012	7/9/2013	220
12/4/2012	2/19/2013	75
12/18/2012	2/19/2013	61
1/15/2013	3/6/2013	51
1/22/2013	3/6/2013	44
2/5/2013	3/6/2013	31
2/19/2013	4/3/2013	44
3/5/2013	4/3/2013	28
* 3/5/2013	4/3/2013	28
3/19/2013	4/17/2013	28
4/2/2013	6/18/2013	76
* 4/2/2013	6/18/2013	76
4/16/2013	6/18/2013	62
5/7/2013	8/22/2013	105
* 5/7/2013	8/22/2013	105
5/21/2013	8/22/2013	91
* 5/21/2013	8/22/2013	91
6/4/2013	8/22/2013	78
6/18/2013	8/22/2013	64
* 6/18/2013	8/22/2013	64

\* - Closed Session

Average delay in days = 86  
As of 11/20/13

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Part 6: Case 14-21GJ: Stanislaus County Detention  
Facilities Inspection

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2013-2014 Stanislaus County Civil Grand Jury  
Case #14-21GJ  
Stanislaus County Jail Facilities Inspections

**BACKGROUND**

Pursuant to California Penal Code Section 919, members of the 2013-2014 Stanislaus County Civil Grand Jury (SCCGJ) conducted the annual inspection of the Stanislaus County Jail Facilities. The facilities inspected by the SCCGJ were the Downtown Men’s Jail located at 1115 H Street, Stanislaus County Sheriff’s Department Public Safety Center (PSC), Unit 1 and Unit 2 located at 200 E. Hackett Road, and the Stanislaus County Probation Department/Juvenile Detention Facility located at 2215 Blue Gum Avenue.

The investigation involved reviewing documents related to the standards each facility is required to meet, and physical inspections of each facility by members of the SCCGJ. The documentation review and physical inspections were conducted from October 25, 2013 through January 13, 2014.

**Definition of Codes and Facilities:**

**SCCGJ**- Stanislaus County Civil Grand Jury

**MJ**-Men’s Jail/Courthouse Jail

**PSC**-Public Safety Center

**UT1, UT2**-Unit 1 and Unit 2

**PDJI**-Probation Department/Juvenile Institutions (Juvenile Hall, Juvenile Commitment Center)

**BSCC**-Board of State and Community Corrections

**California Title 15**-California Department of Corrections and Rehabilitation regulations pertaining to jail standards.

**AB109**-California Assembly Bill pertaining to State Penitentiary inmate realignment/transfer to the County Jails.

**AB900**-California Assembly Bill supplemental to AB109. Requires the state to reimburse local agencies for certain costs they incur for adhering to state mandated guidelines.

The inspection process began with the review of documentation related to the standards each facility is required to meet and subsequent physical inspection of each facility by members of the SCCGJ.

**MJ:            1115 H Street            Inmates Housed: 351            Inmate Capacity: 342**

The facility opened in approximately 1952. Originally built as the primary Stanislaus County custodial facility, it currently houses men only and is the primary booking facility for county-wide male arrestees.

**PSC: 200 E. Hackett Rd. Inmates Housed: 507 Inmate Capacity: 510**

This facility opened in 1992 as an improvement to previous facilities. The design was intended to accommodate a broader spectrum of inmates. PSC houses both male and female inmates. The inmates are housed in different facilities based on their classification and gender. The level of supervision for each housing unit is based on the classification of the inmates being housed. The current classifications include: Protective Custody, Mental Health, Medical Needs, Maximum Security, and Medium Security.

**UT1, 2 200 E. Hackett Rd. Inmates Housed: 357 Inmate Capacity: 392**

These facilities were opened in 1994 as additional modular units within the PSC. Unit 1 is located directly east of the PSC and houses 196 beds. In October of 2013, Unit 2 was opened, also with 196 beds.

**PDJI: 2215 Blue Gum Ave. Inmates Housed: 109 Inmate Capacity: 218**

PDJI consists of Juvenile Hall and Juvenile Commitment Center. Juvenile Hall is a maximum security detention facility for inmates younger than 18 years of age. The Juvenile Commitment Center is for juveniles who are detained by the court system and are delivered into the custody of the Probation Department. A Probation Intake Officer investigates a minor's behavior and other circumstances, and may refer the minor and/or the minor's family to a community counseling agency. The Intake Officer also makes recommendations for informal probation or may refer the minor to the District Attorney's office for formal charges.

## **DISCUSSION**

As of October 17, 2013, there were 1,173 inmates in the three adult facilities. The average stay of the inmates was 192 days. Between the MJ and the PSC the approximate breakdown of the adult inmate population is:

- 118** Inmates incarcerated for PC 187 (Murder); this does not include attempted murder.
- 83** Inmates with mental health issues (currently taking psychiatric medications)
- 45** "Three Strikes" inmates
- 525** Maximum security inmates
- 168** Documented gang members
- 171** Gang dropouts

As of October 17, 2013, there were 290 inmates sentenced under AB109 (253 males, 37 females). Their average length of sentence is 944 days. Twenty percent of jail population, as of October 17, 2013, were AB109 inmates.



The purpose of the inspections is to observe and report on the condition of the facilities inspected, pursuant to PC Section 6031, for compliance with the Minimum Standards for Local Detention Facilities as outlined in Titles 15 and 24, California Code of Regulations. Another purpose of the inspections is to check for compliance regarding the Welfare and Institutions Code Section 209 of the federal Juvenile Justice and Delinquency Prevention Act that requires the separation of juveniles from incarcerated adults.

At the time of the inspections, the recidivism rates were approximately 80 per cent for adult inmates and approximately 70 per cent for juveniles, although occupancy for juveniles was down.

As part of the inspection, the SCCGJ requested copies of the following reports and procedures for each of the facilities:

1. 2013 Board of State and Community Corrections (BSCC) reports.
2. Local inspection reports:
  - A. Fire inspections
  - B. Health inspections
  - C. Building grounds inspections
3. Policy and Procedures manuals
4. Grievances filed and grievance procedure
5. Serious Incident reports

### **FINDINGS (Overall)**

- F1. The Policy and Procedures Manual for the Men's Jail is hard to read and redundant to the Public Safety Manual.

### **FINDINGS (SPECIFIC TO FACILITIES)**

#### **Men's Jail**

- F2. Regarding the 2013 BSCC report, some single occupancy cells have been converted to double occupancy, but lack the appropriate square footage required by Title 24, Section 470A.2.6
- F3. Regarding local inspection reports, the fire inspection report found some exit sign lights were not working. The health inspection and building grounds inspections reports found that the Downtown Jail is old but well maintained. Water leak damage was found in certain areas.
- F4. Although the Men's Jail was designed for short terms (less than one year), it is being used for long term incarceration (greater than one year).



- F5. The Men's Jail was found to be over the BSCC capacity of 342. At the time of the inspection, the MJ was housing 351 inmates. While this is out of compliance with the State of California regulations, it is compliant with the Federal regulations which sets the capacity at 396.
- F6. At the time of the inspection, the facility was short of personnel by 42 staff persons.

### **Public Safety Center**

- F7. The PSC was clean and well maintained at the time of the inspection. Staffing was at a reasonable level.

### **Unit 1, Unit 2**

- F8. Both units are fairly new and well maintained.

### **Probation Department/Juvenile Institutions**

- F9. The current staffing levels at the time of the inspection were short by twenty per cent for Deputy Probation Officers, and six per cent for Probation Correction Officers.
- F10. The facility is clean and well maintained, and staffed with personnel who are highly motivated to help juvenile inmates. The SCCGJ was very impressed with the current staff.
- F11. Current vocational programs are outstanding and very educational.

### **RECOMMENDATIONS (OVERALL)**

- R1. Consider combining the PSC and MJ Policy Manuals into one manual and issue to each site as policy for both facilities.

### **RECOMMENDATIONS (SPECIFIC TO FACILITIES)**

#### **Men's Jail**

- R2. Upon completion of AB900 Phase II Project, move the second inmate from each cell to resolve overcrowding.
- R3. Replace burned out bulbs in exit signs and repair leaks and water damage.
- R4. Recommend that new plans for a combined downtown jail/courthouse facility be designed for longer term housing.

R5. Recommend that housing of inmates be in compliance with the capacity set by the State pursuant to BSCC standards.

R6. Recommend to increase recruiting efforts to fill present and future staff positions.

**Public Safety Center**

R7. None

**Units 1, 2**

R8. None

**Probation Department/Juvenile Institutions**

R9. Increase recruiting efforts to fill present and future staff positions.

R10. None

R11. None

**REQUEST FOR RESPONSES**

Pursuant to Penal Code Section 933.05, the SCCGJ requests responses from the following:

- Stanislaus County Sheriff
- Stanislaus County Chief Probation Officer
- Stanislaus County Board of Supervisors

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Part 7: Case 14-25GJ: Modesto and Turlock Police  
Departments

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2013-2014 Stanislaus County Civil Grand Jury  
Case # 14-25GJ  
Turlock Police Department Tour  
Turlock and Modesto Police Ride-Alongs

## **BACKGROUND**

Members of the 2013-2014 Stanislaus County Civil Grand Jury (SCCGJ) toured the new Turlock Police and Fire Department Headquarters located at 244 N. Broadway, Turlock, CA 95380. The SCCGJ also participated in Turlock and Modesto Police Department ride-alongs.

### **Definition of Facilities**

**SCCGJ** – Stanislaus County Civil Grand Jury

**MPD** – Modesto Police Department

**TPD** – Turlock Police Department

**TPD/FDHQ** – Turlock Police Department and Fire Department Headquarters

The SCCGJ decided it would be beneficial for the community to see how the Turlock and Modesto Police Departments interacted with their communities. In order to do this, the SCCGJ participated in the Ride-Along programs sponsored by MPD and TPD.

### **MPD: 600 Tenth Street, Modesto, CA 95354**

The MPD consists of three divisions. The Operations Division is the largest and is primarily made up of patrol and other uniformed enforcement units. The Investigative Services Division consists of detectives and special units that conduct follow-up investigations on serious crimes. The Support Division supplements the other two divisions with services such as records, parking enforcement, and animal control services. The MPD currently employs approximately 218 uniformed officers.

### **TPD: 244 N. Broadway, Turlock, CA 95380**

The TPD consists of three divisions. The Field Operations Division includes the Patrol Unit, the Traffic Unit, and the Critical Response Team. The Support Operations Division includes records and 911 communications. The Special Operations Division includes Animal Control, Investigations and Property, and Evidence. TPD currently employs 74 uniformed officers.

## **DISCUSSION**

On February 19, 2014, the SCCGJ toured the TPD/FDHQ in Turlock. The tour was led by the Chief of Police. The new facility is being used in a very cost effective way to save the taxpayers' money and to keep maintenance costs low. The TPD is very proud and eager to show the community its new facility.

Between the dates of March 5, 2014 and March 31, 2014, eight SCCGJ members participated in TPD and MPD ride-alongs. The hours varied from morning to late evening rides. The rides with each department were quite eye opening. Officers from the TPD and MPD were knowledgeable about their community and showed great problem-solving skills. It was very evident at both the TPD and MPD that the officers take great pride in their jobs and communities and continue to strive to make both cities a better place to live. The SCCGJ would like to thank both the TPD and MPD officers for their service and time.

## **FINDINGS (SPECIFIC TO DEPARTMENTS)**

### **Turlock Police Department**

- F1. The TPD is understaffed with sworn officers causing overtime and longer shifts for current sworn officers.
- F2. Sworn officers work well with the community and are very proactive to help the community.

### **Modesto Police Department**

- F3. The MPD is understaffed with sworn officers causing overtime. Conversations with staff indicated a high turnover rate due to increased stress levels.
- F4. Sworn officers work well with the community and are very proactive to help the community.

## **RECOMMENDATIONS (SPECIFIC TO DEPARTMENTS)**

### **Turlock Police Department**

- R1. The SCCGJ realizes that the shortage of sworn officers is due to budget cuts, but recommends stronger recruitment campaigns and better benefits to attract qualified candidates.
- R2. None. The SCCGJ was very impressed with the TPD officers' community involvement.

### **Modesto Police Department**

- R3. The SCCGJ realizes that the shortage of sworn officers is due to budget cuts, but recommends stronger recruitment campaigns and better benefits to attract qualified candidates, reduce stress levels, and lower the turnover rate.
- R4. None. The SCCGJ was very impressed with the MPD officers' community involvement.

### **REQUEST FOR RESPONSES**

Pursuant to Penal Code section 933.05., the SCCGJ requests responses from the following:

- Turlock Chief of Police
- Modesto Chief of Police
- Turlock City Council
- Modesto City Council



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## OTHER INFORMATIVE FACTS

- How to respond to the Grand Jury's Findings and Recommendations
  - Selection Process Information
  - Citizen Complaint Form
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## HOW TO RESPOND TO FINDINGS & RECOMMENDATIONS

### **Responses**

The California Penal Code §933(c) specifies both the deadline by which responses shall be made to the Civil Grand Jury Final Report recommendations, and the required content of those responses.

### **Deadline for Responses**

All agencies are directed to respond to the Presiding Judge of the Stanislaus County Superior Court,

- Not later than 90 days after the Civil Grand Jury submits a final report on the operations of a public agency, the governing body of that agency shall respond to the findings and recommendations pertaining to the operations of that agency.
- Not later than 60 days after the Civil Grand Jury submits a final report on the operation of a County agency, the elected head governing that agency shall respond to the findings and recommendations pertaining to the operations of their agency.
- Information copies of responses pertaining to matters under the control of a county officer or agency are to be sent to the Board of Supervisors.
- A copy of all responses to the Civil Grand Jury reports shall be placed on file with the clerk of the public agency and the Office of the County Clerk, or the city clerk when applicable.
- One copy shall be placed on file with the applicable Civil Grand Jury by, and in the control of, the currently impaneled Grand Jury, where it shall be maintained for a minimum of five years.

### **Content of Responses**

For each Civil Grand Jury findings and recommendations, the responding person or entity shall report one of the following actions:

- The respondent agrees with the finding
- The respondent disagrees wholly or partially with finding and shall include an explanation.
- The recommendation has been implemented, with a summary regarding the implemented action.
- The recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation.
- The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame if it is to be implemented later.

- The recommendation will not be implemented because it is unwarranted or unreasonable, with supportive explanation.

**Respond to:**

Responses to the grand jury's findings and recommendations are sent in the form of an original hard copy and an electronic copy (Microsoft Word or pdf format) to:

***Honorable Loretta Murphy Begen  
Presiding Judge of the Superior Court  
of Stanislaus County  
PO Box 3488  
Modesto, CA 95353***



**2013-2014 CIVIL GRAND JURY  
SELECTION PROCESS STATISTICS**

**PHASE I:     INITIAL CONTACT**

Letters mailed to:

**A.     400 names randomly selected from the Court’s petit jury master list.**

- 16    responded interested     (4.0%)
- 3     did not qualify           (.75%)
- 145   responded not interested (36.25%)
- 3     moved outside of County (.75%)
- 165   did not respond           (41.25%)
- 68    returned as undeliverable (17.0%)

Random applicants represented the following areas:

	# of Applicants	Percentage
Ceres	31	7.75%
Crows Landing	4	1.0%
Denair	5	1.25%
Empire	2	.5%
Hickman	2	.5%
Hughson	4	1.0%
Keyes	2	.5%
La Grange	1	.25%
Modesto	204	51.0%
Newman	14	3.5%
Oakdale	18	4.5%
Patterson	18	4.5%
Riverbank	17	4.25%
Salida	13	3.25%
Turlock	55	13.75%
Waterford	9	2.25%
Westley	1	.25%
	400	

**B.     135 Community Leaders were asked to submit names of prospective jurors. Three people responded and referred 4 names. Two of the referrals responded interested; the other two did not respond.**

- C. 47 persons requested and submitted application forms.

Representing	# of Applicants	Percentage
Denair	1	2.1%
Modesto	25	53.2%
Oakdale	6	12.8%
Patterson	2	4.25%
Salida	2	4.25%
Turlock	11	23.4%
	47	

- D. Four persons from last year's selection process were contacted. Two were no longer interested; the other two submitted applications.

**PHASE II: INTERVIEWS/SELECTION OF 30:**

- A. Of the 67 prospective grand jurors, 53 were scheduled for interviews. Forty-three (81.1%) completed the interview process; 10 (18.9%) withdrew or did not appear.
- B. As required by the Penal Code, 30 names were selected from those interviewed -- 21 (70%) had requested an application, 9 (30%) came from the Court's petit jury master list.

Of the 30 names 12 (40%) were females and 18 (60%) males; representing the following communities:

Representing	# of Applicants	Percentage
Denair	1	3.3%
Modesto	19	63.3%
Oakdale	2	6.7%
Patterson	1	3.3%
Salida	2	6.7%
Turlock	5	16.7%
	30	

**PHASE III: SELECTION OF THE 19-MEMBER PANEL:**

- A. The Presiding Judge appointed one new juror as the Grand Jury Foreperson.

There were no jurors held over from the 2012-2013 Grand Jury. From the list of 30, 18 names were drawn at random to complete the 19-member panel. Four additional names were drawn as alternate members. An

alternate serves if a regular grand juror resigns or is removed.

Of the 19 individuals selected to serve on the Grand Jury, 13 (68.4%) requested applications, 5 (26.3%) came from the Court's petit jury master list, and 1 (5.3%) came from last year's applicants.

The new panel consisted of 7 females (36.8%) and 12 males (63.2%); representing the following communities:

	# of Applicants	Percentage
Denair	1	5.26%
Modesto	10	52.6%
Oakdale	2	10.52%
Patterson	1	5.26%
Salida	1	5.26%
Turlock	4	21.1%
	19	

C. Occupations of the Grand Jury Panel include:

- Administrative Clerk
- Administrative Office Assistant
- Bookkeeper
- Business Owner
- College Professor
- Commercial Equipment Leasing/Financing
- Electrician/Security Alarms
- Glazier
- Medical Assistant
- Pharmacist
- Realtor
- Refrigeration Technician
- School Principal
- Student
- Transit Analyst
- Unemployed
- US Postal Service



**DEMOGRAPHIC DATA ON GRAND JURORS**

*Effective January 1, 2007, it is required by California Court Rule 10.625 that certain demographic data be available relating to prospective general grand jurors.*

Sixty-seven individuals indicated interest in serving on the Civil Grand Jury:

	2013-2014 CGJ Panel					
	Prospective Grand Jurors		Carry Over Grand Jurors		19 New Grand Jurors	
	Female	Male	Female	Male	Female	Male
<b>ETHNICITY</b>						
Native American/ Alaska Native						
Native Hawaiian/Other Pacific Islander		1				
Asian		2				1
Black/African American	1	1			1	1
Hispanic/Latino	1	6				1
White	16	32			6	9
Other		1				
Declined Answer	4	2				
<b>TOTALS</b>	<b>22</b>	<b>45</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>12</b>
<b>AGE GROUP</b>						
18-25	2	2			1	
26-34		7				1
35-44	3	1				1
45-54	3	9			1	2
55-64	7	9			3	3
65-74	5	14			2	5
75+	2	2				
<b>TOTALS</b>	<b>22</b>	<b>45</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>12</b>
<b>APPLIED VIA:</b>						
Application	18	28			5	8
Nomination		4				
Random (petit jury list)	4	13			2	4
<b>TOTALS</b>	<b>22</b>	<b>45</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>12</b>

Occupations of the Prospective Regular Grand Jurors Include:

Account Executive	Parole Agent
Administrative Clerk	Pawn Broker
Administrative Office Assistant	Physical Therapist
Attorney/Public Defender	Pharmacist
Bookkeeper	Police Officer
Business owner	Programmer/Journalist
College Professor	Property Management/Grocer
College Professor/Administrator	Rancher
Commercial Equipment Leasing/Financing	Real Estate Broker/Realtor
Community Services Officer	Refrigeration Technician
Contract Specialist	Retail Sales
Counselor/Administrator	School Principal
Electrician/Security Alarms	Secretary/Homemaker
Executive Assistant	Service Mgr.
Family Services Supervisor	Services Tech. Xerox
Federal Correctional Officer	Special Education Teacher
Firefighter	Storekeeper
Front Desk Mgr.	Student
Glazier	Transit Analyst
HVAC Technician	Truck Driver
Homemaker	Telemarketing Agent
Independent Contractor	Unemployed
IT Help Desk Clerk	US Forrest Service
IT Services System. Mgr.	US Postal Service
Librarian	
Life Insurance Agent	
Management	
Maintenance	
Medical Assistant	



# STANISLAUS COUNTY CIVIL GRAND JURY CITIZEN COMPLAINT FORM

Post Office Box 3387. Modesto, California 95353 . (209) 558-7766

**THIS COMPLAINT IS AGAINST:**

\_\_\_\_\_  
Name/Title  
\_\_\_\_\_  
Organization  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State, Zip Code  
\_\_\_\_\_  
Telephone

**GJ OFFICE USE ONLY**

DATE RECEIVED:

GRAND JURY CASE NUMBER:

COMMITTEE ASSIGNMENT:

**MY COMPLAINT AGAINST THE ABOVE IS:**

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

**OTHER PERSONS OR AGENCIES CONTACTED:**

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

**DESCRIBE THE ACTION YOU WANT THE GRAND JURY TO TAKE:**

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

**COMPLAINANT**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State

Zip Code

Home Phone Number \_\_\_\_\_

Work Phone Number \_\_\_\_\_

The information in this form is true, correct and complete to the best of my knowledge.

Signature \_\_\_\_\_ Date \_\_\_\_\_

ALL COMMUNICATIONS TO THE GRAND JURY ARE CONFIDENTIAL  
(See back for instructions)



## Citizen Complaint Form

### **MISSION STATEMENT:**

The primary function of the civil grand jury is to provide unbiased oversight and to investigate complaints from citizens about the operations of county and city government, school districts and special districts, as required by law. The grand jury assures citizens that government is operating efficiently and in an ethical, honest manner. The grand jury investigates policies and procedures and makes recommendations to improve local governmental operations.

### **INVESTIGATIONS:**

The civil grand jury conducts three types of investigations.

- **Mandatory investigations**--those that the California Penal Code requires the grand jury to undertake.
- **Discretionary investigations**--those over which the legislature has given the grand jury jurisdiction, but has stated it is not required.
- **Citizen complaints**--those complaints within the jurisdiction of the grand jury received from a citizen. The statutes preclude the grand jury from considering complaints on matters currently before the court, matters that are the subject of litigation, matters involving agencies located outside the county, matters involving privately held companies and matters involving the fiscal and administrative operations of the Superior Court.

### **ACCEPTANCE:**

Anyone may ask the grand jury to investigate. Whether the jury chooses to investigate such a complaint is entirely in its discretion. Deciding factors include such things as determining if the complaint falls within the jurisdiction of the grand jury, if the facts warrant an investigation, whether the jury has sufficient time to conduct a proper investigation, and if a previous grand jury has already reviewed the topic of the complaint.

### **FINAL REPORTS:**

The findings and recommendations of those complaints and issues the jury chooses to study are published in a final report. Reports are distributed to public officials and to the community at large through the media, public libraries and the Internet. Statutes require the entities reported on to respond.

### **CONFIDENTIALITY:**

In all its proceedings and investigations the grand jury is sworn to maintain complete secrecy. The members of the grand jury apply the same objective standard of conduct and responsibility to all persons and entities, and are not influenced by sentiment, conjecture, sympathy, public feelings, passion, or prejudice.

### **TERM OF SERVICE:**

The grand jury's term of service begins July 1st and ends June 30th of the following year.

### **PROCESS:**

The grand jury will acknowledge receipt of your complaint. Mail the form to: **Stanislaus County Grand Jury, Post Office Box 3387, Modesto, California 95353.**

### **ACTION REQUESTED:**

Please identify the specific problem and describe the circumstances. Present your complaint with all available evidence and submit copies of relevant documents. Attach additional pages if necessary.