



Received and Reviewed
9-26-14
Judge Begen

BOARD OF SUPERVISORS

William O'Brien, 1st District
Vito Chiesa, 2nd District
Terry Withrow, 3rd District
Dick Monteith, 4th District
Jim DeMartini, 5th District

1010 10th Street, Suite 6500
Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4410

September 17, 2014

TO: The Honorable Loretta Murphy Begen, Presiding Judge
Stanislaus County Superior Court

FROM: Christine Ferraro Tallman, Clerk of the Board of Supervisors

**RE: RESPONSE TO THE 2013-2014 STANISLAUS COUNTY CIVIL
GRAND JURY FINAL REPORT**

Enclosed is the Stanislaus County Board of Supervisors response to the 2013-2014 Stanislaus County Civil Grand Jury Final Reports regarding the Housing Authority of Stanislaus County; the Stanislaus County Sheriff's Department Helicopter; and, the Stanislaus County Jail Facilities Inspection as approved by the Board of Supervisors on September 16, 2014.

RECEIVED
OCT 01 2014
Civil Grand Jury

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # *B-6

Urgent

Routine

AGENDA DATE September 16, 2014

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Consideration and Approval of Response to the 2013-2014 Stanislaus County Civil Grand Jury Final Report

STAFF RECOMMENDATIONS:

1. Accept the responses to the Grand Jury Final Report with any modifications made after consideration by the Board of Supervisors and authorize the Chairman of the Board to forward the response to the Presiding Judge of the Superior Court by September 22, 2014.
2. Direct the Chief Executive Officer to ensure that the recommended actions by the Board of Supervisors be followed and completed by the subject County Departments and report back to the Board as appropriate.

FISCAL IMPACT:

There is no direct fiscal impact associated with this response. The Civil Grand Jury is not required to address the funding issues associated with their recommendations; however, the Board of Supervisors and County Departments recognize the broader constraints of implementing recommendations that are beyond the financial resources available to County government.

BOARD ACTION AS FOLLOWS:

No. 2014-479

On motion of Supervisor Monteith, Seconded by Supervisor Withrow
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, Monteith, and Chairman De Martini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST:


ELIZABETH A. KING, Assistant Clerk

File No. M-39-M-12

DISCUSSION:

The Stanislaus County Board of Supervisors received from the 2013-2014 Stanislaus County Grand Jury Reports regarding: 14-03C – Housing Authority of Stanislaus County; 14-04C - Stanislaus County Sheriff's Department Helicopter; and, 14-21GJ - Stanislaus County Jail Facilities Inspection.

The Grand Jury has requested that the Board of Supervisors respond to the Findings and Recommendations made by the Grand Jury in these reports. The Sheriff-Coroner and Chief Probation Officer have responded to the Grand Jury and their responses are attached to this report. The responses to the Findings and Recommendations from the Board of Supervisors are as follows:

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

The Stanislaus County Civil Grand Jury finds the following:

Finding 1. 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 the cap. The Director is in charge of seven other counties, as well. This complaint was found to be unsubstantiated.

Response: No response.

Finding 2. 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.

Response: The County is not the employer of record and therefore would not have oversight or involvement in labor negotiations between the Authority and the Labor Association representing employees of the Housing Authority.

Finding 3. 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.

Response: The Board of Supervisors has no involvement in the negotiations for the HA Director's employment contract.

Finding 4. 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.

Response: The Board of Supervisors agrees that attending training conventions is beneficial for the commissioners of the HA.

Finding 5. 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.

Response: The Board of Supervisors agrees that the HA must adhere to the requirements of the Brown Act.

Finding 6. 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.

Response: The County is not the employer of record and therefore would not have oversight or involvement of labor contracts between the Authority and the Labor Association representing employees of the Housing Authority.

Finding 7. It was confirmed through several sources, and the Director, that there was a manager who did bring a pet to work.

Response: The Board of Supervisors has no direct knowledge of this matter and therefore cannot respond.

Finding 8. The HA has now assigned a manager to make the deposits. Both the Director and the Financial Manager made the change as a result of safety concerns.

Response: The Board agrees that appropriate financial practices should be implemented and followed.

Finding 9. 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.

Response: The Board agrees that appropriate security for client file storage should be implemented.

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

The Stanislaus County Civil Grand Jury recommends the following:

Recommendation 1. None.

Recommendation 2. None.

Recommendation 3. None.

Recommendation 4. None.

Recommendation 5. 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.

Response: The Board of Supervisors agrees with this recommendation.

Recommendation 6. None.

Recommendation 7. The HA should change its policy to not allow pets in the HA building.

Response: The Board of Supervisors agrees with this recommendation.

Recommendation 8. None.

Recommendation 9. 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.

Response: The Board of Supervisors agrees with this recommendation.

Stanislaus County Sheriff's Department Helicopter – Case #14-04C

The Stanislaus County Civil Grand Jury finds the following:

Finding 1: 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.

Response: The Board of Supervisors has not reviewed the flight logs of the

Sheriff's helicopters, nor do they have direct knowledge regarding the use of all Sheriff Department vehicles. While the use of the helicopter as a silent auction item for a local Hospice organization is clearly not a direct law enforcement activity, it arguably could be construed as an indirect law enforcement activity, similar to the use of a fire engine for a "Fill the Boot" campaign. These indirect law enforcement activities can provide a variety of positive benefits for the law enforcement community.

Finding 2: 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.

Response: The Board of Supervisors disagrees with this finding. The County adopted a policy on September 13, 2005 regulating the Use of County Vehicles, Aircraft and Other Transportation Equipment. In addition to law enforcement activities, this policy provides provisions for "emergency-related purposes or County governmental purposes with the prior approval from the Chief Executive Officer or his/her designee".

Stanislaus County Sheriff's Department Helicopter – Case #14-04C

The Stanislaus County Civil Grand Jury recommends the following:

Recommendation 1: 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.

Response: The Board of Supervisors disagrees with this recommendation. A written policy regulating the Use of County Vehicles, Aircraft and Other Transportation Equipment was adopted by the Board of Supervisors on September 13, 2005. Certain activities, which may not be considered a direct law enforcement activity, could be considered a non-direct law enforcement activity in that they further the mission of the Sheriff's Department and create a variety of positive benefits for the law enforcement community. The Board of Supervisors allows some limited flexibility to the elected Sheriff in determining what are proper law enforcement activities.

Recommendation 2: 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.

Response: The Board of Supervisors disagrees with this recommendation. While the review and concurrence of other senior members of the organization could provide guidance to the Sheriff, the elected Sheriff is ultimately directly accountable to the Public and the Board of Supervisors regarding the performance of the activities of his department.

Stanislaus County Jail Facilities Inspection Case # 14-21GJ

The Stanislaus County Civil Grand Jury finds the following:

Overall Findings:

Findings 1: The Policy and Procedures Manual for the Men's jail is hard to read and redundant to the Public Safety Manual.

Response: The Board of Supervisors agrees with the Sheriff's response. The Policy and Procedures for the Adult Detention Division are reviewed annually and are reviewed bi-annually by the Board of State and Community Corrections (BSCC). The Policies are also reviewed by various other code and regulatory agencies. We support the Sheriff's response that at the next scheduled review, the Commander of the Men's Jail will assess the need to revise the language to make it more user friendly.

Findings (Specific to Facilities):

Men's Jail:

Findings 2: 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.

Response: The Board of Supervisors agrees with the finding.

Findings 3: 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.

Response: The Board of Supervisor's disagrees with the finding and agrees with the Sheriff's response. The Sheriff's response disagreed with the finding regarding exit signs because there are no lighted exit signs in the jail. The Sheriff noted in his response that all water leaks had been repaired and that recent inspections by various State and local agencies did not detect any current water leaks.

Findings 4: 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).

Response: The Board of Supervisors agrees with this finding and agrees with the Sheriff's response. Even before the landmark Public Safety Realignment (AB 109) the types of offenders in local County jails has been dramatically changing with more and more serious offenders being held in local detention facilities. The AB 109 realignment accelerated this change wherein offenders are being sentenced to local jail time instead of State prison. The Stanislaus County Board of Supervisors, Sheriff and County Staff have aggressively pursued the construction of additional jail beds through the successful award of \$80 million in State Lease Revenue Bond Funding to construct 480 additional maximum security beds, a 72 bed Medical/Mental Health Facilities and a companion County project to construct an Intake, Release and Transportation Facility. This is the first AB 900 Phase II project in the State of California to proceed to actual construction. On August 15, 2014, the Board of Supervisors and Sheriff Christianson hosted the groundbreaking for this historic expansion of public safety facilities in Stanislaus County. In addition, Stanislaus County was recently awarded on appeal \$40 million additional state lease revenue bond funds to construct the County's REACT Center, the Re-entry and Enhanced Alternatives to Custody Training Project pursuant to SB 1022 funding. These facilities are in direct response to the AB 109 Public Safety Realignment and will provide for evidence based programs to be provided to offenders for re-entry into the community at the end of their sentences focused on breaking the cycle of recidivism.

Findings 5: 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 set the capacity at 396.

Response: The Board of Supervisors agrees with the finding.

Findings 6: At the time of the inspection, the facility was short of personnel by 42 staff persons.

Response: The Board of Supervisors disagrees with the finding and agrees with the Sheriff's response on number of positions allocated for the Men's Jail. As of this writing there are 42 vacant positions in the entire Sheriff's Department.

Public Safety Center:

Finding 7: The PSC was clean and well maintained at the time of the inspection. Staffing was at a reasonable level.

Response: The Board of Supervisors Agrees with the finding.

Units 1, Unit 2

Finding 8: Both units are fairly new and well maintained.

Response: The Board of Supervisors agrees with the finding.

Probation Department/Juvenile Institutions:

Finding 9: The current staffing levels at the time of inspection were short twenty percent for Deputy Probation Officers and six percent for Probation Corrections Officers.

Response: The Board of Supervisors agrees with the response of the Chief Probation Officer.

Finding 10: 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.

Response: The Board of Supervisors agrees with the finding and appreciates the Grand Jury recognition of the facility and outstanding staff.

Finding 11: Current vocational programs are outstanding and very educational.

Response: The Board of Supervisors agrees with the finding.

Stanislaus County Jail Facilities Inspection Case # 14-21GJ

The Stanislaus County Civil Grand Jury recommends the following:

Recommendations Overall:

Recommendation 1: Consider combining the PSC and MJ Policy Manuals into one manual and issue to each site as policy for both facilities.

Response: The Board of Supervisors agrees with the Sheriff's response as noted earlier regarding future updates of the Policy Manuals.

Recommendations (Specific to Facilities):

Men's Jail:

Recommendation 2: Upon completion of AB 900 Phase II Project, move the second inmate from each cell to resolve overcrowding.

Response: The Board of Supervisors disagrees with the finding. In addition to the response from the Sheriff, it is important to know the tremendous focus the County has placed on modernization of public safety detention facilities. The AB 900 Phase II Project, now under construction will add significant additional capacity to the adult detention system. In addition, the State Public Works Board has recently approved the first SB 1022 Project to proceed to design in the State of California, the Stanislaus County REACT Center Project which will construct 288 transitional beds with a focus on rehabilitation and successful community re-entry.

Recommendation 3: Replace burned out bulbs in exit signs and repair leaks and water damage.

Response: The Board of Supervisors agrees with the Sheriff's response. The Board supports maintenance of County facilities and allocates funds for these purposes to ensure that aging facilities are well maintained and operational.

Recommendation 4: Recommend that new plans for a combined downtown jail/courthouse facility be designed for longer term housing.

Response: The Board of Supervisors does not support this finding. The State of California has moved forward with location selection and design of a new courthouse without new or expanded jail facilities. Thus, the County then made significant plans to expand the County's Public Safety Center with new and replacement adult detention facilities. The County is not responsible for the design and construction of a new Courthouse.

Recommendation 5: Recommend that housing of inmates be in compliance with the capacity set by the State pursuant to BSCC standards.

Response: The Board of Supervisors agrees with the finding with recognition of the Consent Decree for the Stanislaus County total jail capacity.

Recommendation 6: Recommend to increase recruiting efforts to fill present and future staff positions.

Response: The Board of Supervisors agrees with the finding.

Public Safety Center:

Recommendation 7: None.

Units 1, Unit 2

Recommendation 8: None.

Probation Department/Juvenile Institutions:

Recommendation 9: Increase recruiting efforts to fill present and future staff positions.

Response: The Board of Supervisors agrees with the finding.

Recommendation 10: None.

Recommendation 11: None.

POLICY ISSUE:

Pursuant to California law, the Board of Supervisors must respond to the Presiding Judge of the Superior Court no later than 90 days after submittal of the Final Report of the Civil Grand Jury. Adoption of this response meets this requirement.

STAFFING IMPACTS:

County Departments that are subjects of the Grand Jury Reports are required to prepare a response to the findings and recommendations of the Grand Jury. Existing staff has prepared the recommended response.

CONTACT PERSON:

Stan Risen, Chief Executive Officer

Telephone: (209) 525-6333.

Patricia Hill Thomas, Chief Operations Officer

Telephone: (209) 525-6333.