



STANISLAUS COUNTY CIVIL GRAND JURY

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

2008-2009

GRAND JURY MEMBERS

DIANE A. SOL, FOREPERSON

- BILL L. AXTELL
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- MICHAEL ERAT
- ELOISE F. FERNANDEZ
- NANCY L. GOODMAN
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- WARREN A. KENNEDY
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- ANTHONY W. SMITH
- CHARLES D. STARK
- PAUL R. TROOP
- NANCY P. WEBBER

June 29, 2009

Chairman Jim DeMartini
Board of Supervisors
1010 10th Street, Suite 6500
Modesto, CA 95354

Dear Chairman DeMartini::

The Civil Grand Jury is providing you with the attached copies of the portion of the Civil Grand Jury final report relating to you or your agency. These are being released to you two working days prior to its release to the public. You and/or other affected individuals may review this, but the Penal Code prohibits you from disclosing any contents of the reports prior to their public release.

Your response to the recommendations must be submitted to Presiding Judge Jack M Jacobson, Superior Court - Stanislaus County, at P. O. Box 3488, Modesto, CA 95353. We are enclosing guidelines that may be helpful as you prepare your response. Please submit a hard copy of your response(s) and a copy on a CD in Microsoft Word or PDF format.

Sincerely,

Diane A. Sol
Foreperson

Attachment - Cases 09-09, 09-14, and 09-18

BOARD OF SUPERVISORS
2009 JUN 29 A 11:02

HOW TO RESPOND TO 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 to which recommendations are made 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 recommendation, the responding person or entity shall report one of the following actions:

- 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.

Stanislaus County Sheriff's Office
Civil Grand Jury Case No. 09-09C
2008/2009

SUMMARY

The 2008/2009 Stanislaus County Civil Grand Jury received a complaint requesting the Grand Jury examine how the Sheriff's office manages the time and pay of the Reserve Deputy Sheriff-Coroner who also serves as Mayor of Modesto. The complainant believed this person was doing City of Modesto business while being paid by the County.

After a review of documents, it was determined that the Sheriff's office has accommodated the schedule of the Mayor of Modesto properly. The Sheriff's office stated that this individual's schedule is flexible and at the discretion of approval by his supervisor. There was no documented evidence that the Sheriff's Office had mismanaged this individual's time and pay.

METHODS OF INVESTIGATION

- Reviewed information on the pay and expected duties of this individual as both a Reserve Deputy Sheriff-Coroner and as Mayor of Modesto.
- Reviewed statements by the Sheriff's office.

FINDINGS

- The Civil Grand Jury finds that no evidence exists that non-County business was allowed to be done by this particular Reserve Deputy Sheriff-Coroner.
- The Civil Grand Jury finds no evidence exists which would indicate that this particular Reserve Deputy Sheriff-Coroner is paid or treated differently than any other.

RECOMMENDATIONS

The Civil Grand Jury has no recommendation.

RESPONSE REQUIRED

No response required.

BOARD OF SUPERVISORS
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Correctional Facilities Inspections
Civil Grand Jury Case No. 09-18
2008-2009

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BOARD OF SUPERVISORS

SUMMARY

Annual inspections of custodial facilities are mandated by the *California Penal Code, Section 919(b)*. The Stanislaus County Civil Grand Jury did not initiate these investigations as a direct or an indirect result of a complaint filed by any person.

INTRODUCTION

The Stanislaus County Civil Grand Jury is mandated by *California Penal Code Section 919(b)*, "to inquire into the condition and management of the detention facilities within the county." The mandate for these inspections is a part of the overall need to ensure that public agencies are properly serving the County and its citizens.

This mandate has been widely interpreted by past grand juries to range from visits to one or more facilities within their jurisdiction with a brief report as to the condition of those facilities. Sometimes detailed inspections of specific aspects of a facility's operation is included. This is, of course, in addition to the need to conduct investigations brought to any California Civil Grand Jury by a citizen, a person in custody, or a custodial staff member *California Penal Code Section 919(a)*.

The Grand Jury would like to comment on a practice that the Jury believes ultimately contributes to the continuing deterioration of certain custodial facilities and loss of programs within the County.

Financial savings from facilities' operating budgets that are the result of creative management are returned to the County General Fund and are not available to the facility itself. This practice inhibits incentives to create the most cost effective methods of operation. Unit managers should be empowered to redirect some or all of the funds saved for the benefit of their programs and facilities, enabling improvement in overall operations. This applies in particular to facilities with the greatest need.

Past Stanislaus County Grand Juries have criticized the physical condition of certain custodial facilities for nearly 25 years, with virtually no effect. In the meantime, the incarceration rate in this county per capita has grown to one of the highest in the world.¹ Budgetary challenges call for a more creative approach to managing facilities and existing resources.

¹ Source: U.S. Justice Department, The International Center for Prison Studies; **National Institute of Corrections**

The Grand Jury is concerned by the decrease in rehabilitation programs in certain facilities such as the Juvenile Detention facility and the Stanislaus County Honor Farm. In addition, the underutilization of detainee manpower at the Honor Farm for the benefit of the County should be addressed. The Grand Jury believes this to be a waste of sorely needed resources. These three issues coupled with incentives to save by individual units could produce positive results for the County.

The Grand Jury recommends that administrators determine how these custodial units can be empowered to streamline and improve their operations. Steps should be taken to make changes their managers can embrace.

METHODS OF INVESTIGATION

Members of the 2008-2009 Stanislaus County Civil Grand Jury met and discussed the extent to which the facilities within Stanislaus County should be inspected and evaluated. The members then refined the scope and level of detail to which those inspections should extend:

- On-site visits with tours through each facility by members of the Stanislaus County Civil Grand Jury
- Communication between the Grand Jury and the supervisors of the various facilities in the county
- On-site conferences with selected members of each facility's staff
- Examination of County of Stanislaus Public Safety Services Master Plan, June, 2007, Executive Summary. This plan refers to the 1988 Jail Needs Assessment and Master Plan
- Examination of County of Stanislaus Sheriff Department's Jail Needs Assessment, June, 2007, Executive Summary
- Examination of Stanislaus County Probation Department's Juvenile Commitment Facility Needs Assessment, April, 2008, Executive Summary
- Review Policies and Procedures of the Sheriff's Department

Members of the Stanislaus County Civil Grand Jury made multiple announced and unannounced visits to the four facilities located within the county.

Stanislaus County detention facilities were inspected in January, February, and March, 2009: The Main Jail at 1115 H Street; Public Safety Center, 200 E. Hackett Road; Probation Department Juvenile Facility, 2215 Blue Gum Avenue; Stanislaus County Honor Farm, 8224 Grayson Road.

The following non-correctional facilities were also visited: Modesto Police Department, 600 10th Street; Ray Simon Training Center, 3805 Cornucopia Way; Coroner's Office, 939 Oakdale Road; Office of Emergency Services (OES), 3705 Oakdale Road, Administration Building, 424 E. Hackett Road.

FACILITY DISCUSSION, FINDINGS AND RECOMMENDATIONS

STANISLAUS COUNTY MAIN JAIL

The entire facility should be replaced. Replacement of this facility has been recommended since the *1988 Jail Needs Assessment and Master Plan*.

Paint storage room is a fire hazard.

There does not appear to be clear written guidelines and standards for classification of inmates to determine their housing. The process as it exists appears to be an Ad Hoc process, which does not provide inclusion of qualified custodial staff specifically trained to make these decisions.

It was noted that certain inmates, classified as high-risk, were not allowed in the enclosed exercise facilities without wrist and ankle restraints.

The configuration of the rooftop exercise area and the officer's observation station creates a blind spot which may cause a security issue.

There were no citizen complaint forms available when requested.

Inmates were not accessible to Grand Jury members.

PUBLIC SAFETY CENTER

• **Main Kitchen on Hackett Road:**

It appeared that the food procurement procedures were missing opportunities to create greater economies of scale.

It was noted that there were several versions of uniforms worn by custodial and ancillary staff. This could potentially facilitate an escape.

• **Minimum custody housing unit:**

The officer located in the lobby area had an obstructed view of the housing units due to existing window coverings.

Overall the cleanliness of the minimum security housing unit needs improvement.

• **General Population Unit:**

The furniture in this unit is not anchored to the floor and made of flammable materials.

PROBATION DEPARTMENT'S JUVENILE FACILITY

The kitchen area is in need of extensive cleaning; in particular, the overhead vents located over the cooking area are coated with grease. This is a fire hazard.

The entrance to the walk-in refrigerators located in the kitchen area had several floor tiles missing which is a safety and health hazard.

There were no written policies to determine classification of incoming wards.

STANISLAUS COUNTY HONOR FARM

Two of the units in the building that houses the high risk inmates were in such a state of disrepair as to render units uninhabitable.

It was noted that un-sentenced inmates were housed at the Honor Farm which is understood to be a minimum custodial facility.

It was noted that there were previously two types of recycling programs at the Honor Farm. One of them was making compost from green waste; the other was recycling discarded items on County roads. It appears these programs were discontinued because of the lack of funds.

Sections of the property housing the facility had been previously used for growing fruit trees and vegetables. The crop was included as part of the food program for County detention facilities. This program no longer exists.

RECOMMENDATIONS FOR MAIN JAIL

Stanislaus County Main Jail: The entire facility should be replaced. Replacement of this facility was recommended in the *1988 Jail Needs Assessment and Master Plan* and continuously after that. This Grand Jury concurs with that recommendation.

The paint storage room does not meet the *OSHA (Office of Safety and Health Administration) *Standards for Storage of Flammable and Combustible Liquids 1926.152*.

Specific guidelines for inmate classification should be developed by qualified professionals and disseminated as a training document for staff involved in the assignment of housing and programs of inmates.

In certain instances Grand Jurors may choose to speak directly to an inmate. Jail staff should be aware of this prerogative.

High-risk inmates that are currently restrained during their period in the exercise area should be allowed to exercise in their secured and separate enclosure without wrist or ankle restraints.

The officer's observation station located in the exercise area should be moved to a location that provides an unobstructed view of all inmates.

At the recommendation of the current Civil Grand Jury, a directive was issued by the Sheriff, dated May 19, 2009. Citizen complaint forms will now be available in all Sheriff's facilities and on-line, to be issued upon request without questioning.

Main Kitchen (Public Safety Center): The current cost of feeding per inmate approaches \$6.00 per day. The kitchen management is encouraged to seek additional means to create economies of scale in food procurement i.e., joint purchases of commonly used food products with nearby counties.

Applications should be made to the federal government for access to federal food stores if possible, and other mechanisms that would result in the reduction of daily food costs.

It is recommended that all staff interacting with inmates dress in a uniform manner to reduce the potential of prisoner escape.

Minimum Housing Custody Unit: Window coverings in the lobby area should be removed or permanently raised to provide an unobstructed view of the inmate activity area.

It is recommended that the Sheriff's Department utilize inmate workers to achieve and maintain the overall cleanliness of the housing unit.

General Population Unit: The Grand Jury recommends that the furniture be securely anchored to the floor. Furniture purchased in the future should be made of non-flammable materials.

RECOMMENDATIONS FOR PROBATION DEPARTMENT'S JUVENILE FACILITY

The kitchen area should be thoroughly cleaned with particular attention paid to the overhead vents that are covered with grease.

Missing floor tiles in the kitchen area should be replaced.

Specific guidelines for ward classification should be developed by qualified professionals. This information should be disseminated as a training document for staff to assign housing and programs for wards.

RECOMMENDATIONS STANISLAUS COUNTY HONOR FARM

The building that houses the high-risk inmates should be condemned and razed.

It is apparent that inmates classified at higher than minimum risk are housed at this minimum risk facility. It is recommended that this practice be reviewed.

RESPONSES REQUIRED

Stanislaus County Board of Supervisors
Stanislaus County Probation Department
Stanislaus County Sheriff's Office

Monterey Park Tract Community Service District
Civil Grand Jury Case No. 09-14C
2008/2009

SUMMARY

The 2008/2009 Stanislaus County Civil Grand Jury received a complaint regarding the eligibility status of a board member on the Monterey Park Tract Community Service District.

The complaint alleges that the Vice President is not eligible to serve on the board due to the residency requirement.

BACKGROUND

- Monterey Park Tract Community Service District is a water district serving approximately 48 residences.
- All directors are required to be registered voters within the service district.

METHODS OF INVESTIGATION

- Conducted interviews with the complainant and two board members.
- Interviewed Special District Liaison for the Board of Supervisor of Stanislaus County.
- Obtained documentation regarding residency of board member in question from the County Voter Registrar Office.
- Reviewed "committee fact sheet" of the Monterey Park Tract Community Service District obtained from the Stanislaus County website.
- Pertinent information was received from the County Board of Supervisors.
- Reviewed Government Code Section 1780 that governs board member replacement.
- Consulted with the District Attorney's office.

FINDINGS

- The Vice President does not meet the residency requirements.
- It was determined that a vacancy has existed on the Monterey Park Tract Community Service District for several years.
- According to Government Code Section 1780 the vacancy position(s) should have been filled by the governing Service district or the County Board of Supervisors.
- County Special District Liaison acknowledged that filling special district vacancies is a recurring problem.
- Training for board members offered by Stanislaus County is not mandatory.

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BOARD OF SUPERVISORS

RECOMMENDATIONS

- The Civil Grand Jury recommends that the Vice President resign or be removed from office since he does not meet the residency requirement.
- Special District Liaison should take a more active role in the operations of Special Districts.
- Periodic training for Special District Board members be mandatory.
- The governing board for Monterey Park Tract Community Service District and the County Board of Supervisor take action to fill existing vacancies.
- If the Board is unable to fill vacancies, the County should consider absorbing the Monterey Park Tract Community Services District into an appropriate existing water district.

RESPONSE

Monterey Park Tract Community Service District
Stanislaus County Board of Supervisor, District 5
Special District Liaison for the Stanislaus County Board of Supervisors