

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

DEPT: Chief Executive Office

BOARD AGENDA # *B-10

Urgent

Routine

AGENDA DATE September 14 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Consideration and Approval of Response to the 2009-2010 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 to forward the response to the Presiding Judge of the Superior Court by September 23, 2010.
2. Direct the Chief Executive Officer to ensure that the recommended actions approved 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. 2010-570

On motion of Supervisor O'Brien, Seconded by Supervisor Chiesa
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover

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: CHRISTINE FERRARO TALLMAN, Clerk

File No. M-39-L-9

DISCUSSION:

This year the Final Report of the Civil Grand Jury included findings associated with Stanislaus County government that require a response from the Board of Supervisors. This agenda item is in response to Case #10-12C, 10-14C, 10-15C, and 10-16C Empire Sanitary District, Case #10-11C Turlock Rural Fire District, and Case #10-47GJ Correctional Facilities Inspections. California Penal Code Section 933(c) states the Board of Supervisors has 90 days to comment to the Presiding Judge of the Superior Court on the findings and recommendations of the Grand Jury. The Board of Supervisors' response to these cases is due by September 23, 2010. Responses were also required from three Stanislaus County Departments, the Auditor-Controller, the Probation Department, and the Sheriff's Department. The Stanislaus County Auditor-Controller, Chief Probation Officer and Sheriff have responded to the Presiding Judge regarding this case and their responses are also attached to this item.

Case #10-12C, 10-14C, 10-15C, and 10-16C Empire Sanitary District and Case #10-11C Turlock Rural Fire District are related to independent Special Districts in Stanislaus County. The Board of Supervisors appoints individuals to the Turlock Rural Fire District and the Empire Sanitary District is an elected board. However, Special Districts are entities in and of themselves; the Board of Supervisors does not have any authority of the policies and procedures of Special Districts. As a result, the Board of Supervisors is unable to comment on some of the recommendations and findings contained in the Civil Grand Jury's Reports as the Board of Supervisors has no previous knowledge on which to base a response.

Additionally, two cases were submitted requiring no response from the Board of Supervisors, Case #10-107C Stanislaus County Sheriff's Department Adult Detention Division/Policy and Procedures TASER and Case #10-46G Stanislaus County Community Services Agency.

Civil Grand Jury 2009-2010 Case Nos. 10-12C, 10-14C, 10-15C and 10-16C (Empire Sanitary District)

The Empire Sanitary District is an independent Special District. Special Districts are separate public entities in and of themselves; the Board of Supervisors does not have any authority of the policies and procedures of Special Districts. As a result, the Board of Supervisors is unable to comment on some of the recommendations and findings contained in the Civil Grand Jury's Reports as the Board of Supervisors has no previous knowledge on which to base a response.

The Stanislaus County Civil Grand Jury finds the following:

Finding 1:

Two past members of the Board, Board President A and Board member, did not reside within the District boundaries during at least a part of the time they served on the board.

Response: The County has no information on which to agree or disagree, as a result the Board of Supervisors is unable to respond to this finding. When applications for elected Special Districts are received to the Stanislaus County Board of Supervisors, the Clerk of the Board contacts the Registrar of Voters to ensure the applicant is a registered voter and resides in the district prior to processing the application. This process ensures that the applicant meets the residency requirement to serve on the Special District Board. The Board of Supervisors is unable to monitor if individuals move out of the district while serving on the Board.

Finding 2:

The minutes of District Board meetings were minimal. The minutes did not include sufficient detail or statement of matters discussed.

Response: The Board of Supervisors is unable to respond to this finding.

Finding 3:

There is no indication in the meeting minutes that the District Board conducted the yearly independent audit of its financial standing mandated by California Government Code Section 26909 during the period studied by the Civil Grand Jury (2006 to present).

Response: Agree.

Finding 4:

The Board's practice of appointing relatives of current Board members as new Board members, and hiring relatives of current District Board members and employees appears unethical.

Response: The Board of Supervisors is unable to respond to this finding.

Finding 5:

The Board appeared to lack knowledge of the exact number and type of customers located within the District, and there appeared to be confusion as to the proper billing practices for the different types of customers.

Response: The Board of Supervisors is unable to respond to this finding.

Finding 6:

It appeared that non-bonded employees were accepting bill payments in the District's office.

Response: The Board of Supervisors is unable to respond to this finding.

Finding 7:

The previous Board did not prudently handle the District's business affairs, as evidenced, at least partially, by the present Board's decision to forego compensation until the District's financial position improves.

Response: The Board of Supervisors is unable to respond to this finding.

Under the provisions of California Penal Code Section 933 the Empire Sanitary District is required to respond on the matters under their authority and jurisdiction.

Recommendations for Empire Sanitary District

Recommendation 1:

Confirm that its current and future Board members reside within the District.

Response: This recommendation has been implemented and is the process the County follows. The County agrees that Board members must reside within the District. When applications for elected Special Districts come to the Stanislaus County Board of Supervisors, the Clerk of the Board contacts the Registrar of Voters to ensure that the applicant is a registered voter and resides in the district prior to processing the application. This process ensures that the applicant meets the residency requirement to serve on the Special District Board.

Recommendation 2:

Expand on the details of the minutes of Board meetings so that an average citizen can understand the issues raised and discussed during meetings.

Response: The Board of Supervisors is unable to respond to this finding.

Recommendation 3:

Commission an independent audit of the District's finances pursuant to the provisions of California Government Code Section 26909.

Response: Agree. The recommendation has not been implemented, but will be implemented within the next twelve (12) months. California Government Code Section 26909 requires all special districts to submit a copy of their audited financial statements to the State Controller's Office and to the County Auditor in which the district is located. The Stanislaus County Auditor Controller's Office will work with the district to ensure their compliance with California Government Code Section 26909.

Recommendation 4:

Review its hiring policies and, if one does not already exist, include a policy regarding the hiring of relatives of Board members or other employees. The hiring policies should include employee job descriptions.

Response: The Board of Supervisors is unable to respond to this recommendation as the Board of Supervisors does not have jurisdiction over the hiring practices of District employees.

Recommendation 5:

Perform an inventory which classifies residential, commercial and educational customers; and set fees in accordance with standard practices for each classification.

Response: The Board of Supervisors is unable to respond to this finding.

Recommendation 6:

Investigate the possibility of customers paying their service fees at a local financial institution instead of at the District Office. Alternative, require that any District employee accepting service fee payments at the District Office is bonded.

Response: The Board of Supervisors is unable to respond to this finding.

Recommendation 7:

Conduct District business affairs in an ethical, professional manner including the following:

- Review the California State Statues regulating special districts.
- Receive training and up-dated information regarding the Brown Act once a year. New Board members should, upon taking office, be provided with a copy of the Brown Act and training as to its requirements.
- Consistently retain legal counsel. While it may not be necessary to have an attorney attend each Board meeting, the Board should have one available for closed meetings or discussing matters of a legal nature, such as sewer rate increases.
- Explore associating with similar special districts for information regarding problem solving, billings and other matters common to such special districts.
- Pursue grant monies for system upgrades though Stanislaus County and the State and Federal Governments.
- Consistently maintain a Board of 5 members.

Response: The Board of Supervisors is able to respond to, "Consistently maintain a Board of 5 members." Pursuant to California Government Code Section 1780, vacancies on the Board can be filled by a quorum of remaining directors within 60 days; by the Stanislaus County Board of Supervisors between 60 and 90 days; and by election after 90 days. The Board of Supervisors tracks the vacancies for Special Districts and makes every effort to fill these vacancies with eligible candidates within the legal time frame.

Civil Grand Jury 2009-2010 Case No. 10-11C (Turlock Rural Fire District)

The Turlock Rural Fire District is an independent Special District. Special Districts are entities in and of themselves; the Board of Supervisors does not have any authority of the policies and procedures of Special Districts. As a result, the Board of Supervisors is unable to comment on some of the recommendations and findings contained in the Civil Grand Jury's Reports as the Board of Supervisors has no previous knowledge on which to base a response. The Board of Supervisors is able to provide response on Case #10-11C, Turlock Rural Fire District.

Findings for Turlock Rural Fire District

The Stanislaus County Civil Grand Jury finds the following:

Finding 1:

There is no correlation between the 16.51% administrative fee retained by the Chief and the amount of time he spends on Strike Team administration.

Response: The Board of Supervisors is unable to respond to this finding.

Finding 2:

Funds that are intended for the District and for firefighter reimbursement are received and deposited into the Association account where they are commingled with Association dues and fund-raising monies prior to being disbursed.

Response: The Board of Supervisors is unable to respond to this finding.

Finding 3:

There is no external oversight of the primary account (Association account) used for disbursing the wages and earnings of all District personnel.

Response: The Board of Supervisors is unable to respond to this finding.

Finding 4:

The firefighters are in positions that serve "at will" of the Chief and have no process available to them for reporting concerns or issues except to report them directly to the Chief.

Response: The Board of Supervisors is unable to respond to this finding

Finding 5:

Some Board members have exceeded the maximum three year term with a two term limit that is allowed for serving on the TRFD Board of Directors as specified on the Stanislaus County Board of Supervisors website.

Response: Agree in part. The County agrees that some of the members of the TRFD Board of Directors have exceeded two (2) terms of office. However, the Board of Supervisors has the ability to waive the two (2) term limit per Board member per Board Resolution 1981-0899 which is attached to this item.

Under the provisions of California Penal Code Section 933 the Turlock Rural Fire District is required to respond on the matters under their authority and jurisdiction.

Recommendations for Turlock Rural Fire District

Recommendation 1:

Make a formal accounting of the actual hours expended by the Chief while performing Strike Team administration duties and clearly state the rate at which his compensation will be calculated. All money in excess of this amount should remain with the district.

Response: The Board of Supervisors is unable to respond to this recommendation.

Recommendation 2:

Establish a separate Turlock Rural Fire Department account to be used for depositing and disbursing department funds and firefighter reimbursement. Discontinue the practice of commingling official department funds and the Association dues and monies.

Response: The Board of Supervisors is unable to respond to this recommendation.

Recommendation 3:

The account used for disbursing wages should be subject to oversight and auditing by an entity external to the TRFD.

Response: The Board of Supervisors is unable to respond to this recommendation.

Recommendation 4:

Implement a process that allows members of the department to express concerns and issues or make recommendations without fear of retribution. A three person committee elected by the firefighters that meets with the Chief or a form that can be submitted to the Board could be used for this purpose.

Response: The Board of Supervisors is unable to respond to this recommendation.

Recommendation 5:

The Stanislaus County Board of Supervisors should enforce the term limits or change the requirement.

Response: Pursuant to Board of Supervisors Resolution 1981-0899: "Be it further resolved that the Board of Supervisors reserves the right to waive the two consecutive term limitation for any one individual to serve on any board, commission, or district."

Therefore, the Board of Supervisors may reappoint a member to the Turlock Rural Fire Protection District to more than two consecutive terms. Sometimes it is difficult to fill appointments to district boards. Board appointees require a strong personal commitment of time and energy that many individuals are not willing to invest. In making reappointments to Special Districts, the Board of Supervisors may determine it is in the best interest of the District to maintain a continuity of leadership and appoint members to more than two consecutive terms.

Civil Grand Jury 2009-2010 Case #10-47GJ (Correctional Facilities Inspections)

Findings for Stanislaus County Main Jail

The Stanislaus County Civil Grand Jury finds the following:

Finding 1:

This facility needs to be replaced.

Response: Agree.

Finding 2:

The humidity in the jail was overwhelming.

Response: Agree. Bids are currently being sought to make improvements to an outdated air conditioning system.

Finding 3:

The video monitoring/recording system needs to be capable of recording continuously.

Response: Agree.

Finding 4:

The medical and dental service appears to be adequate.

Response: Agree.

Recommendations for Stanislaus County Main Jail

The Stanislaus County Civil Grand Jury recommends the following:

Recommendation 1:

Replace the existing jail facility with a larger, more modern facility

Response: The County agrees that the existing jail facility should be replaced with a larger, more modern facility. The recommendation has not been implemented because there are not sufficient funds to build and operate a new jail. The cost to construct additional detention facilities at the Public Safety Center as a replacement for the

downtown Main Jail is estimated at over \$210 million in current dollars. Without State funding or new and dedicated sources of funding, much of this cost, aside from Public Facility Fees, would be borne by the County's General Fund. In addition, staffing and operational costs for the expanded facilities would be an obligation of the General Fund. The County contracted with Crout and Sida Criminal Justice Consultants Inc. for Architectural Programming Services for the Public Safety Center Jail Expansion Project. An overall implementation strategy which includes the development of phasing options, professional programming services and staffing options has been completed. Until funding can be identified for both construction and the increased operational costs, implementation of the project is on hold.

Recommendation 2:

Upgrade the video monitoring/recording system.

Response: Partially agree. The recommendation has been partially implemented. Improvements have been made to the monitoring system as a whole, including new monitors in Control and installation of some new cameras. With regard to recording, California Government Code Section 34090.6 states that recordings of routine video monitoring must be retained for at least one year. The storage capacity required to retain all recordings for one year is cost prohibitive at this time.

Findings for Stanislaus County Public Safety Center

The Stanislaus County Civil Grand Jury finds the following:

Finding 1:

The Public Safety Center is a clean facility.

Response: Agree.

Finding 2:

The inmate grievance procedure is adequate.

Response: Agree

Finding 3:

Inmates are separated and housed by appropriate classifications.

Response: Agree.

Finding 4:

The medical staff is adequate and appears to display a caring attitude.

Response: Agree.

Finding 5:

The use of closed circuit television for arraignments is both a cost-savings and safety benefit as it keeps more deputies available for security purposes at the Public Safety Center.

Response: Agree.

Finding 6:

The annual mental health training appears to be beneficial.

Response: Agree.

Finding 7:

The facility keeps appropriate records regarding any discharge of weapons.

Response: Agree.

Finding 8:

The video monitoring/recording system needs to be capable of recording continuously.

Response: Agree.

Recommendations for Stanislaus County Public Safety Center

The Stanislaus County Civil Grand Jury recommends the following:

Recommendation 1:

The current level of staff should be maintained or increased.

Response: Due to the severe budget restraints, the County can not agree to maintain or increase the current level of staffing at this time. Currently, the Public Safety Center (PSC) is fully staffed with full-time employees and also with overtime hours, no positions are left vacant. The firm Crout & Sida conducted a staffing analysis in conjunction with the Needs Assessment for the expansion of the PSC. Their findings are in line with the Grand Jury's recommendation. No progress has been made due to the current economic climate.

Recommendation 2:

The annual mental health training should be maintained.

Response: Agree. The recommendation has been implemented. The mental health training will be maintained on a yearly basis for staff. In addition, the Public Safety Center has a full-time mental health deputy on staff who assists with training. This deputy receives mental health training throughout the year above and beyond what the other deputies receive and monitors the status of all of the in-custody mental health

inmates. He is also part of the Mental Health Treatment Court staff and works with the Behavioral Health and Recovery Services staff to assist the inmates.

Recommendation 3:

Upgrade the video monitoring/recording system.

Response: Agree in part. The recommendation has been partially implemented. The cameras and monitors were repaired and upgraded over the past year but the current Control Center is outdated and not capable of recording. The current panel does not have space for upgrades without a complete overhaul and replacement of the entire system, which is cost prohibitive. When funds become available to expand the Public Safety Center, a new Control Center with updated video monitoring and recording capabilities will be added.

Finding for Probation Department Juvenile Detention Center

The Stanislaus County Civil Grand Jury finds the following:

Finding 1:

The facility seems to be well-maintained and orderly.

Response: Agree.

Finding 2:

The kitchen and dining area appeared clean and adequate.

Response: Agree.

Finding 3:

The facility is fully staffed, but faces a possible 5% budget reduction and the implementation of employee furlough days. A final decision of these issues will be made at the end of June 2010.

Response: Agree in part. There was a nine percent (9%) reduction in the General Fund revenue allocation to all departments receiving a general fund contribution and no additional department funding for costs beyond a department's control, such as negotiated salary increases, increased health insurance costs, and retirement increases for the 2010-2011 Fiscal Year. General Fund departments were also given the opportunity to carry over 75% of the departments' 2009-2010 unused net county cost to cover 2010-2011 and 2011-2012 expenses. As a result of this, the Probation Department was able to carry over \$1,129,707 from Fiscal Year 2009-2010. All County employees are participating in a negotiated five percent (5%) salary deduction in Fiscal Years 2010-2011 and 2011-2012. In exchange for the salary deduction, each employee is receiving an additional 13 days off each fiscal year. Since the Probation Department

is not participating in countywide office closures, Probation employees will take 13 days off using the department's existing vacation request policies.

Finding 4:

Drastic reductions in available overtime will present a challenge in furlough implementations, which may lead to early release of minors due to staff limitations.

Response: Agree in part. At this time the Department does not anticipate any early releases as a result of the reduction of overtime hours or as a result of employee's participating in the utilization of 13 additional days off in exchange for a five percent (5%) salary deduction in Fiscal Years 2010-2011 and 2011-2012.

Finding 5: Both inmate grievances and public complaints appear to be handled properly.

Response: Agree.

Finding 6:

The facilities are inspected periodically in accordance with State requirements.

Response: Agree.

Finding 7:

The video monitoring/recording system needs to be capable of recording continuously.

Response: Agree. Currently the video monitoring system has the capability to record all cameras continuously. This is now available as a result of recent installation of an expanded video monitoring system.

Recommendation for Juvenile Detention Center:

Recommendation 1:

The current staffing level should be maintained or increased.

Response: Agree in part. The Department should be able to maintain the current level of staffing in the 2010-2011 Fiscal Year. However, given that the Legislature still has not adopted a State Budget, there is concern that funding challenges related to this fiscal year may still be ahead. The possibility of increasing the staffing level at this time presents an overwhelming challenge due to the current economic climate.

Recommendation 2:

Upgrade the video monitoring/recording system.

Response: Agree. This recommendation is implemented. An upgraded video monitoring system has been implemented as of May, 2010.

Findings for Stanislaus County Honor Farm:

The Stanislaus County Civil Grand Jury finds the following:

Finding 1:

The Honor Farm appears to be a well-organized, well-run facility.

Response: Agree.

Finding 2:

Closing, or significantly reducing the population of inmates housed at the Honor Farm, may have significant negative ripple effects on the community at large. Not the least of which will be fewer available workers to accomplish the duties of the three entities who rely on the road-work crews provided by the Honor Farm – the Department of Public Works, the Department of Environmental Resources and the City of Modesto.

Response: Agree in part. The updated Public Safety Center Jail Needs Assessment and the Public Safety Center Master Plan submitted to the Board on June 26, 2007, indicated there is a significant shortage of adult detention beds to meet today's public safety needs and demands. Funds are currently not available to close the Honor Farm and build new and modern replacement beds or to maintain the beds existing in place prior to June 30, 2010. The long range Public Safety Center Master Plan calls for the consolidation of adult incarceration facilities at the County Public Safety Center at 900 Hackett Road, Modesto California.

Finding 3:

Due to the remote location of the Honor Farm, cutting back on readily available medical services could result in a failure to timely treat emergent injuries.

Response: Agree. In an effort to avoid major medical issues, stricter medical criteria is being implemented in the placing of inmates at the Honor Farm.

Finding 4:

The video monitoring/recording system needs to be capable of recording continuously.

Response: Agree. The system does continuously record to a hard drive which holds 2 weeks of data. Events (such as escapes, the fire) are archived to DVD but archiving all data is a time consuming, costly process that is prohibitive because of economic restraints.

Recommendations for Stanislaus County Honor Farm:

The Stanislaus County Civil Grand Jury recommends the following:

Recommendation 1:

The Sheriff's Department should endeavor to keep the Honor Farm fully staffed and all the barracks open. Justice will not be served if all arrestees, except those charged with a felony, are immediately released back into the general population.

Response: The recommendation requires further analysis. Shortly after the Grand Jury's visit to the Honor Farm a fire completely destroyed Barracks 1 and 2. The inmates housed in these barracks were transferred to the remaining two barracks. Prior to the fire, budget constraints had resulted in a reduction of custodial staff and a reduction in the number of inmates placed at the Honor Farm. Only 86 of the 172 beds in the two barracks were occupied. Options are currently being explored with the County's insurance provider regarding the replacement of the barracks. It is the intent of the County to rebuild/replace the total number of lost beds.

Recommendation 2:

The Sheriff's Department should attempt to continue providing road-work crews to the Department of Public Works, the Department of Environmental Resources and the City of Modesto.

Response: Agree. This recommendation has been implemented. The Honor Farm staff is in the process of transitioning the road crews to the Jail Alternatives unit (AWP-Alternative Work Program). This is a challenging process but crews are still being provided to the various departments.

Recommendation 3:

The medical service should continue to provide treatment on a 24 hour per day, 7 days per week basis.

Response: Agree. The recommendation has been implemented. Although no longer located on site, the medical provider is available for treatment 24 hours per day, 7 days per week. Stricter criteria are being implemented in the medical clearing of inmates to be housed at the Honor Farm. The result is a healthier population and a diminished need for the medical provider to be on site.

Recommendation 4:

Upgrade the video monitoring/recording system.

Response: Partially Agree. The recommendation has been partially implemented. The large monitor was being replaced at the time of the Grand Jury visit and a smaller screen was being used during the interim. The large monitor is now back in place. In addition, more fixed cameras will be installed on the premises. At this time the resources are not available for improving the archive capability of the recording system.

POLICY ISSUES:

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 Grant 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:

Patricia Hill Thomas, Chief Operations Officer. Telephone: (209)525-6333.



AUDITOR-CONTROLLER

Larry D. Haugh
Auditor - Controller

1010 10th Street, Suite 5100, Modesto, CA 95354
P O Box 770, Modesto, CA 95353-0770
Phone: 209.525.6398 Fax: 209.525.6487

July 16, 2010

The Honorable Jack M. Jacobson
Presiding Judge of the Superior Court
800 11th Street
P. O. Box 3488
Modesto, CA 95353

**SUBJECT: AUDITOR-CONTROLLER RESPONSE
2009-2010 STANISLAUS COUNTY CIVIL GRAND JURY
FINAL REPORT**

This letter will serve as the Auditor-Controller's response to the Grand Jury Final Report for the 2009-2010 year. The Auditor-Controller's Office is unable to comment on all of the findings and recommendations contained in the report. In some instances, a finding or recommendation deals with a specific issue the Auditor-Controller's Office has no previous knowledge of, on which to base a response.

We have included the Grand Jury findings and recommendations followed by our response.

Empire Sanitary District - Grand Jury Case Nos. 10-12C, 10-14C, 10-15C and 10-C.

FINDINGS

F3. There is no indication in the meeting minutes that the District Board conducted the yearly independent audit of its financial standing mandated by California Government Code Section 26909 during the period studied by the Civil Grand Jury (2006 to present).

The respondent agrees with the finding.

RECOMMENDATIONS

R3. Commission an independent audit of the District's finances pursuant to the provisions of California Government Code Section 26909.

Chemo

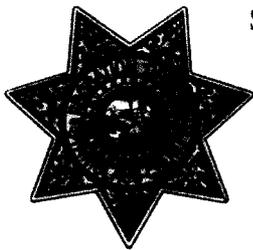
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The recommendation has not been implemented, but will be implemented within the next 12 months. Government Code 26909 requires all special districts to submit a copy of their audited financial statement to the State Controller's Office and to the County Auditor of the county in which the district is located. We will work with the District to ensure their compliance with California Government Code Section 26909.



Larry D. Haugh
Auditor-Controller

- C: Honorable William O'Brien, Supervisor – District 1
Honorable Vito Chiesa, Supervisor – District 2
Honorable Jeff Grover, Chairman Board of Supervisors – District 3
Honorable Dick Monteith, Supervisor – District 4
Honorable Jim DeMartini, Supervisor – District 5
Rick Robinson, Chief Executive Officer



STANISLAUS COUNTY PROBATION DEPARTMENT

2215 Blue Gum Avenue • Modesto, CA 95358-1097

Telephone: 209.525.5400 • Facsimile: 209.525.4588

JERRY POWERS
Chief Probation Officer

June 25, 2010

The Honorable Jack M. Jacobson
Presiding Judge
Superior Court – Stanislaus County
PO Box 3488
Modesto, CA 95353

Dear Judge Jacobson:

On June 25, 2010 the Stanislaus County Civil Grand Jury forwarded their report on Case #10-47GJ detailing their findings and recommendations following annual inspection of custodial facilities in the county as mandated by California Penal Code Section 919(b).

Thank you for the opportunity to respond to the comments and recommendations of the 2009-2010 Civil Grand Jury. The Juvenile Hall is inspected by a variety of agencies each year. We understand the value of having an external set of eyes to review the conditions and practices of our facility.

RESPONSE TO FINDINGS

The following is the Probation Department's response to the findings related to the Juvenile Detention Center.

1. **Finding:** *The facility seems to be well-maintained and orderly.*

Response: The department agrees with this finding.

2. **Finding:** *The kitchen and dining area appeared clean and adequate.*

Response: The department agrees with this finding.

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2215 Blue Gum Avenue
Modesto, CA 95358-1097
Telephone: 209.525.4598
Facsimile: 209.525.5486

Adult Division
801 11th Street, Suite B100
Modesto, CA 95354
Telephone: 209.567.4120
Facsimile: 209.567.4188

Juvenile Division
2215 Blue Gum Avenue
Modesto, CA 95358-1097
Telephone: 209.525.5400
Facsimile: 209.525.4588

Juvenile Institution
2215 Blue Gum Avenue
Modesto, CA 95358-1097
Telephone: 209.525.4580
Facsimile: 209.525.5469

1. **Finding:** *The facility is fully staffed, but faces a possible 5% budget reduction and the implementation of employee furlough days. A final decision on these issues will be made at the end of June 2010.*

Response: The department agrees with this finding.

Prior to the approval of the 2010-2011 Proposed Budget by the Board of Supervisors, the department was prepared to reduce the number of available beds by 30, reducing the capacity from 158 to 128 beds, as the result of a 9% reduction in funding. However, during discussions between the department and county Chief Executive Office staff, additional funding was identified to offset the propose reduction of the County General Fund contribution. We are optimistic that this revenue, along with transfers from other departmental budget units and the implementation of employee furlough days will allow the department to maintain the full capacity of the facility. The facility is currently fully staffed using a combination of full time and part time staff.

2. **Finding:** *Drastic reductions in available overtime will present a challenge in furlough implementation, which may lead to early release of minors due to staff limitations.*

Response: The department partially agrees with this finding.

The facility population is frequently at or above the rated capacity, thus necessitating early release of minors. The reduction in overtime and the implementation of furloughs may necessitate additional releases, however at this time due to fluctuations in population it is not certain that *additional* early releases will be required.

3. **Finding:** *Both inmate grievances and public complaints appear to be handled properly.*

Response: The department agrees with this finding.

4. **Finding:** *The facilities are inspected periodically in accordance with State requirements.*

Response: The department agrees with this finding.

5. **Finding:** *The video monitoring/recording system needs to be capable of recording continuously.*

Response: The department disagrees with this finding.

In May 2010, the department completed installation of an expanded video monitoring system. The system is designed to record all cameras continuously and when activated to archive those recordings.

RESPONSE TO RECOMMENDATIONS

The following is the Probation's Department's response to the recommendations related to the Juvenile Detention Facility.

1. **Recommendation:** *The current staffing level should be maintained or increased.*

Response: The department agrees with this recommendation.

The department believes that maintaining staffing to fully operate the facility at its designed capacity is in the best interests of public safety, and will attempt to maintain the current levels through the 2010-2011 fiscal year.

2. **Recommendation:** *Upgrade the video monitoring/recording system.*

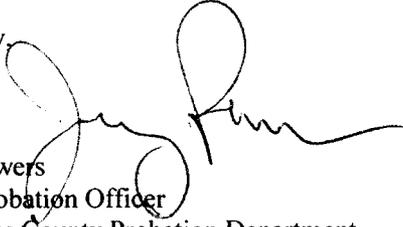
Response: The department disagrees with this recommendation.

In May of 2010, the department completed a major upgrade to the electronic security system which included closed circuit television camera surveillance and digital video recording capabilities. The new system is fully operational and has the capability of continuous recording. The department believes that the new system is more than sufficient for its intended purposes.

June 25, 2010
The Honorable Jack M. Jacobson
Page 4

Again, thank you for the opportunity to respond to the comments and recommendations of the 2009-2010 Civil Grand Jury. Please give my thanks to the members for their interest in the department and our facility. They were very thorough and professional in their work with us. In my eight years as the Chief Probation Officer, I do not recall a previous panel spending as much time, and exploring the facility as in depth as this panel did. Please do not hesitate to contact me if you have any questions or need further information.

Sincerely,



Jerry Powers
Chief Probation Officer
Stanislaus County Probation Department

cc: Stanislaus County
Board of Supervisors

Richard W. Robinson
Chief Executive Officer

John P. Doering
County Counsel

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: June 2, 1981

No. 81-0899'

On motion of Supervisor Starn , Seconded by Supervisor Terry
and approved by the following vote,
Ayes: Supervisors: Terry, Starn, Simon, Condit, and Chairman Ulm
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

SETTING OF LENGTH OF TERMS OF OFFICE
AND TERM LIMITATION OF COUNTY BOARDS,
COMMISSIONS AND DISTRICTS

WHEREAS, there are a number of county boards, commissions, and districts having no set length of the term of office and no limit as to the number of terms an individual can serve; and

WHEREAS, in order to make these consistent with the other county boards, commissions, and districts, and to facilitate recordkeeping and standardize procedures for all appointments made by the Board of Supervisors, staff has recommended to the Board the following:

1. That the length of terms of office and the number of consecutive terms which may be served on a given committee, board or district by any one person be set by the Board of Supervisors.
2. That term expirations be adjusted and extended as necessary to stagger expiration dates.

NOW, THEREFORE, BE IT RESOLVED that the following boards, commissions, and districts shall have the following set length of terms and be limited to a two consecutive term limit:

Affirmative Action Advisory Committee	3 years
Environmental Review Committee	3 years
Cannery Waste Site Review Committee	3 years
Emergency Medical Care Committee	3 years
Justice System Advisory Group	3 years
Mobilehome Mediation Board	3 years

ATTEST: LLOYD R. BROUILLARD, Clerk,
Stanislaus County Board of Supervisors,
State of California,

Solid Waste Citizens Advisory Committee	3 years
Industrial Development Authority Advisory Committee	3 years
Hills Ferry Cemetery District	3 years
Knights Ferry Cemetery District	3 years
Patterson Cemetery District	3 years
Denair Fire Protection District	3 years
Keyes Fire Protection District	3 years
Montpellier Fire Protection District	3 years
Mountain View Fire Protection District	3 years
Oakdale Fire Protection District	3 years
Riverbank Fire Protection District	3 years
Salida Fire Protection District	3 years
Turlock Rural Fire Protection District	3 years
Waterford-Hickman Fire Protection District	3 years
West Stanislaus Fire Protection District	3 years
Woodland Avenue Fire Protection District	3 years
CETA Planning Council	2 years
Private Industry Council	2 years
Youth Planning Council	

BE IT FURTHER RESOLVED that the following boards and commissions shall have a set limit of two consecutive terms:

- Air Pollution Control District Hearing Board
- Advisory Board on Alcohol Problems
- Area VI Board on Developmental Disabilities
- Assessment Appeals Board
- Building Code Appeals Board
- Child Health and Disability Prevention Advisory Board (CHDP)
- Advisory Committee on Drug Abuse
- Family Planning Advisory Board
- 49-99 Library System Lay Advisory Board
- Retirement Board
- Airport Advisory Committee

BE IT FURTHER RESOLVED that the Board of Supervisors reserves the right to waive the two consecutive term limitation for any one individual to serve on any board, commission, or district.

*Stanislaus copy*SHERIFF'S DEPARTMENT
Adam Christianson, Sheriff-Coroner

BOARD OF SUPERVISORS

2010 JUL 20 P 1:26

ADMINISTRATION
DIVISION

June 30, 2010

The Honorable Jack M. Jacobson, Presiding Judge
Stanislaus County Superior Court
P.O. Box 3488
Modesto, CA 95353

Re: Response to Grand Jury Report 10-47GJ

Dear Judge Jacobson.

The Sheriff's Department is in receipt of the Stanislaus County Civil Grand Jury's completed 2009/2010 Correctional Facilities Inspections report (case 10-47GJ) as mandated by California Penal Code Section 919(b). Included in the report are findings and recommendations regarding three Sheriff's Department facilities: the Main Jail, Public Safety Center and Honor Farm.

Pursuant to Penal Code Sections 933(c) and 933.05 the following is our response to the 2010 Civil Grand Jury Report from the Adult Detention Division as it pertains to the three detention facilities.

Stanislaus County Main Jail Findings:

F1. This facility needs to be replaced.

Response: The respondent agrees with the finding.

The updated Public Safety Center Jail Needs Assessment and Public Safety Service Master Plan submitted to the county Board of Supervisors on June 26, 2007 indicated there is a significant shortage of adult detention beds to meet today's public safety needs and demands. In addition to meeting growth demands, two of the three adult detention facilities, the Men's Jail and the Honor Farm, should be considered for replacement. The funding is not currently available to build more bed space, which could allow for closure of the facility.

F2. The humidity in the jail was overwhelming.

Response: The respondent agrees with the finding.

The age and design of the facility make replacement of the air conditioning system prohibitive. Bids are currently being sought to make improvements to an outdated air conditioning system.

- F3. The video monitoring/recording system needs to be capable of recording continuously.

Response: The respondent agrees with the finding.

California Government Code Section 34090.6 states that recordings of routine video monitoring must be retained for at least one year. With the large number of cameras inside the facility, the storage capacity required to retain all recordings for one year is cost prohibitive.

- F4. The medical and dental service appears to be adequate.

Response: The respondent agrees with the finding.

Stanislaus County Main Jail Recommendations:

- R1. Replace the existing facility with a larger, more modern facility.

Response: The respondent agrees with the finding.

The updated Public Safety Center Jail Needs Assessment and Public Safety Service Master Plan submitted to the Board of Supervisors on June 26, 2007 indicated that there is a significant shortage of adult detention beds to meet today's needs and demands. In addition to meeting growth demands, two of the three adult detention facilities, the Main Jail and the Honor Farm, should be considered for replacement. The funding is not currently available to build more bed space, which could allow for closure of the facility.

- R2. Upgrade the video monitoring/recording system.

Response: Improvements have been made to the monitoring system as a whole, including new monitors in Control and installation of some new cameras.

With regard to recording, California Government Code Section 34090.6 states that recordings of routine video monitoring must be retained for at least one year. With the large number of cameras inside the facility, the storage capacity required to retain all recordings for one year is cost prohibitive.

Stanislaus County Public Safety Center Findings:

- F.1. The Public Safety Center is a clean facility.

Response: The respondent agrees with the finding.

F.2. The inmate grievance procedure is adequate.

Response: The respondent agrees with the finding.

F.3. Inmates are separated and housed by appropriate classifications.

Response: The respondent agrees with the finding.

F.4. The medical staff is adequate and appears to display a caring attitude.

Response: The respondent agrees with the finding.

F.5. The use of closed circuit television for arraignments is both a cost-savings and safety benefit as it keeps more deputies available for security purposes at the Public Safety Center.

Response: The respondent agrees with the finding.

F.6. The annual mental health training appears to be beneficial.

Response: The respondent agrees with the finding.

F.7. The facility keeps appropriate records regarding any discharge of weapons.

Response: The respondent agrees with the finding.

F.8. The video monitoring/recording system needs to be capable of recording continuously.

Response: The respondent agrees with the finding.

Stanislaus County Public Safety Center Recommendations:

R1. The current level of staff should be maintained or increased.

Response: The respondent agrees with the finding.

Currently, the Public Safety Center (PSC) is fully staffed with full-time employees and also with overtime hours, no positions are left vacant. The firm Crout & Sida conducted a staffing analysis in conjunction with the Needs Assessment for the expansion of the PSC. Their findings are in line with the Grand Jury's recommendation to increase staff. The

Sheriff's Department has submitted the report to the Board of Supervisors and the CEO's Office. No progress has been made on this issue due to the current economic climate.

- R2. The annual mental health training should be maintained.

Response: The recommendation has been implemented.

This training will be maintained on a yearly basis for staff. In addition, the PSC continues to staff a mental health deputy who receives mental health training throughout the year.

- R3. Upgrade the video monitoring/recording system.

Response: The recommendation has been implemented.

This past year, the cameras and monitors were repaired and upgraded. As part of the proposed expansion of the PSC, a new Control Center will be added which will have updated video monitoring and recording capabilities. The current Control Center is very outdated and not capable of recording. The current panel has no room for upgrades without a complete overhaul and replacement of the entire system; it is cost prohibitive.

Stanislaus County Honor Farm Findings:

- F.1. The Honor Farms appears to be a well-organized, well-run facility.

Response: The respondent agrees with the finding.

- F.2. Closing or significantly reducing the population of inmates housed at the Honor Farm, may have significant negative effects on the community at large. Not the least of which will be fewer available workers to accomplish the duties of the three entities who rely on the road-work crews provided by the Honor Farm - the Department of Public Works the Department of Environmental Resources and the City of Modesto.

Response: The respondent agrees with the finding.

- F.3. Due to the remote location of the Honor Farm, cutting back on readily available medical services could result in a failure to timely treat emergent injuries.

Response: The respondent agrees with the finding.

In an effort to avoid major medical issues, medical is implementing much stricter criteria for medically clearing inmates to be housed at the Honor Farm.

- F4. The video monitoring/recording system needs to be capable of recording continuously.

Response: The respondent disagrees wholly or partially with the finding.

The video system does continuously record to the hard drive. It holds approximately 2 weeks of data. Any permanent record that needs to be archived to d.v.d. can be captured during that two-week time frame.

Stanislaus County Honor Farm Recommendations:

- R1. The Sheriff's Department should endeavor to keep the Honor Farm fully staffed and all the barracks open. Justice will not be served if all arrestees, except those charged with a felony, are immediately released back into the general population.

Response: The respondent agrees with the finding.

Unfortunately, due to budget cuts and a decrease in appropriations by the Board Of Supervisors, Adult Detention was forced to implement a reduction in force. With a reduction of custodial staff, mandated posts cannot be filled. Without proper supervision, inmates must be released.

- R2. The Sheriff's Department should attempt to continue providing road work crews to the Department of Public Works, the Department of Environmental Resources and the City of Modesto.

Response: The respondent agrees with the finding.

We are making every effort to transfer this function to our Jail Alternatives Unit. It is not without challenges and will require much patience from our partners. Our hope is that once the current economic challenges improve; we will once again be providing the same level of service that our partners have come to expect.

- R3. The medical service should continue to provide treatment on 24 hours per day, 7 days per week basis.

Response: The respondent agrees with the finding.

The provider is available 24 hours per day, 7 days per week.

- R4. Upgrade the video monitoring/recording system.

Response: The respondent agrees with the finding.

During the Grand Jury visit, our large Pelco Monitor was being replaced and we were using a smaller screen in the interim. It is still under warranty. We plan on installing more fixed

The Honorable Jack M. Jacobson
Re: Response to Civil Grand Jury Report 10-47GJ

June 30, 2010
Page 6 of 6

cameras, primarily focusing on the Waste Water Treatment Plant, as well as a couple of other locations.

We appreciate the time the Civil Grand Jury has devoted to inspecting our facilities and operations. Please extend my appreciation to the 2008/2009 Civil Grand Jury for their work.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Christianson', with a long horizontal flourish extending to the right.

ADAM CHRISTIANSON
Sheriff-Coroner

cc: Supervisor Jeff Grover, Chairman
Stanislaus County Board of Supervisors

Diane A. Sol, Foreperson
Stanislaus County Civil Grand Jury

Richard W. Robinson, Chief Executive Officer
Stanislaus County