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2023-2024

SAN BENITO COUNTY CIVIL GRAND JURY

FINAL REPORT

SAN BENITO COUNTY SHERIFF'S DEPARTMENT

SAN BENITO COUNTY SHERIFF'S DEPARTMENT

INTRODUCTION

“Everybody deserves the safest environment for their families.”

Safety-first priorities must exist for peace of mind and an excellent quality of life when a person, property, or area is affected by crime, violence, or disaster.

A safe community is healthy for real estate values, but it's also a poignant case of “you get what you pay for.” Experienced law enforcement teams provide security for peace of mind so that citizens of all ages can feel comfortable in public spaces and their neighborhoods.

The Sheriff is the highest-ranking position of law enforcement within the county.

The Sheriff's Department is responsible for crime prevention, investigation, and suspect apprehension in the county's unincorporated areas, including San Juan Bautista as a contracted city.

The SBC Sheriff's Department is responsible for responding to calls for the agricultural community, which covers 1,400 square miles and includes parts of Hollister, San Juan Bautista (SJB), and Aromas. South County residents live in the rural Tres Pinos, Paicines, and Pinoche areas.

METHODOLOGY

The 2023-2024 Civil Grand Jury:

- Conducted interviews with Sheriff's Department administrative staff and sworn personnel.
- Ride along with Deputies on patrol.
- Reviewed previous Civil Grand Jury reports.

BACKGROUND

The Sheriff is accountable for:

- The County Jail and
- Courtroom safety
- The duties of the Coroner
- Search and Rescue operations
- Emergency disaster response.

The coroner's vocation requires additional and extensive training regarding laws, rules, policies, and procedures specific to decedents and related statutes, as well as religious concerns and time constraints.

The Coroner's Division currently negotiates a contract with the Santa Clara County Medical Examiner to conduct San Benito County death investigations and autopsies. A removal service is contracted for the transportation of decedents.

DISCUSSION

STAFFING

Few people can deny that law enforcement has become a less desirable career path for young people. The job can be physically demanding and dangerous, filled with everyday risks and high exposure to injury.

Rural assignments lack backup and resources. Additionally, deputies may be called to assist Fish and Wildlife, CHP, or even the Civil Air Patrol with missing aircraft.

Through experience and vision, the Sheriff designs the best staffing protocols to manage the departments along with the community's needs. The bigger picture includes quality recruitment and administrative essentials with a team approach.

The San Benito County Sheriff's Department continually seeks qualified applicants to do the job. Consequently, the talent pool is limited.

We have a recruitment problem because of a competitive salary problem.

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

Communities with the highest priorities and expectations bid for the best candidates. San Benito County is a "bottom-tier" agency, and larger agencies steal applicants from the pool. There are multiple reasons deputies may be lured to leave San Benito County, chief among them is pay.

This is not to say that lower wages deter all department staff. Today's top administrators all relocated to San Benito County from nearby agencies. Quality of life factors were an essential part of their decision-making process.

COMMUNICATION

The communication system in San Benito County is subpar compared to surrounding areas. Previous Civil Grand Jury reports found that the old and flawed communication systems have not been fully functioning since it was outsourced to Santa Cruz County.

This issue affects both rural and urban areas, exposing law enforcement to greater risks. The riverbed has been especially problematic, where there are known drug deals and violent crimes that occur daily, which jeopardizes the safety of law enforcement and the community, creating a liability for all.

CONCLUSION

The San Benito County Sheriff's Department is vital to maintaining public safety. However, insufficient funding and competitive salary issues severely impact the department's ability to recruit qualified candidates and upgrade its communication systems.

FINDINGS and RECOMMENDATIONS

F1- The Civil Grand Jury recognizes that there is great competition for recruitment of Deputy Sheriffs and support personnel.

R1 – The County should look at new ways to create outreach for local employment, including outreach to the high school and Gavilan College to promote career opportunities in public safety.

F2- Only the County Board of Supervisors can authorize a salary increase.

R2 – Salaries and benefits should be improved to attract and retain local talent in San Benito County.

F3- Salary savings due to vacancies are used up by mandatory overtime shifts thus exhausting current staff and not providing needed respite time between shifts.

R3 – Raising salaries to a more competitive level, including enhancing the benefits package will aid in recruitment and retention of qualified staff.

F4– The current infrastructure of the communication systems leaves law enforcement agencies and the community vulnerable.

R4- For the safety of the community and law enforcement, the current communication infrastructure needs to be improved immediately.

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

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

From the following elected officials within 60 days:

From the following governing body within 90 days:

RESPONSES REQUIRED:

San Benito County Board of Supervisors

San Benito County Sheriff's Department

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FINAL REPORT

SAN BENITO COUNTY JAIL

SAN BENITO COUNTY JAIL

Medium Security – Type II Correctional Facility

INTRODUCTION

The Civil Grand Jury is required by law to “inquire into” the condition and management of “public prisons within the county.” (PC §919(b)) but a report is not required. If a grand jury decides to write a report, it must be based on a full investigation, not just a tour. A grand jury may not release information about their investigations or inquiries other than through a formal report, which must include findings based on verified evidence. (PC §916)

The San Benito County Jail received its annual inspection by members of the 2023-2024 Civil Grand Jury.

The county leadership should be disturbed with their budgeting deficiencies and potential liabilities by failing to provide for the safety of all incarcerated persons, employees, and the public at-large through Correctional Officer staffing deficiencies and flawed design issues.

For decades, individual leaders have been asked by members of the Civil Grand Juries to list their top three concerns, and SAFETY was the most mentioned issue of importance. Yet, over time, the Sheriff’s Department budgetary funding has been cut nearly in half, thus their ability to provide for a safe environment has been hugely compromised. Simply put, the demand for public safety in our growing community is higher, but the priorities for public safety are fewer as provided by the leaders of our local government.

METHODOLGY

The 2023-2024 Civil Grand Jury read the past 23 years of individual published reports on the jail facility, noting consistently recurring problems since the year 2000.

During this term, Civil Grand Jurors did the following:

- Examined the Adopted Budget.
- Conducted several visits and inspections, some unannounced, during various hours of the day and night.
- Interviews were conducted with varied staff members, including with the contracted medical healthcare provider.
- Review of prisoner complaints.

- Interviews with multiple inmates and follow-up with staff.
- Review of Policy and Procedures manuals and state reports.
- Review of local newspaper articles and other public documents
- Review of San Benito County's Jail web site and other relevant web sites.
- An exit interview was conducted with the most knowledgeable officials to review and confirm the draft report's findings.

BACKGROUND

The San Benito County Jail opened on November 17, 1992, at a construction cost of \$7 million. The new addition of the Curtis J. Hill Rehabilitation Center (CJHRC) opened in 2020 at a cost of \$25 million dollars. There are two medium-security modules.

- The current rated capacity for the jail is 124 inmates.
- The average inmate population is approximately 100 persons at any given time.
- "A" and "D" pod, have (11) two-person cells and (5) single person cells.
- "E" pod (female pod) houses (4) two person cells.
- Currently, the staffing issues continue to prevent additional inmates from being moved into the 72-bed addition, where the air is cooled with A/C.

The old jail has a longstanding grievance with the antiquated and inefficient swamp cooler that has been repeatedly noted in Civil Grand Jury reports for many years. As reported in the 2021-2022 CFR, the San Benito County RMA Department received an estimate of approximately \$2,000,000. The Capital Improvement Project (CIP) would require a new roof to support updated A/C system units. At that time, the roofing project is approximately \$500,000.

The CJHRC is a 28,000 square foot two-story housing unit with 72 beds, which include a dayroom, shower and storage spaces; indoor/outdoor recreation areas; a control room; two multi-purpose classrooms; and a staff restroom.

The Intake and Release area consists of a booking area, holding cells, dress-out stations, an exterior sallyport and vehicle turnaround driveway, officer's lobby, offices, public entrance and waiting room, restrooms and a visitation room.

Medical Services area includes a doctor's/nurse's office, exam room, inmate waiting area, supply room and janitorial storage.

Inmate Communications

To ensure the safety and security of the facility all calls are recorded, and Jail staff may monitor non-confidential telephone calls.

Unsentenced inmates in the holding cells are allowed free local calls within 3 hours of their booking.

Once housed, all calls are at the inmate's expense. Inmates who are not sentenced shall be provided free of cost local telephone calls to their attorneys upon request and as soon as it is physically possible. Long distance calls are provided at the expense of the person receiving the call. A detainee's account may be set up to accept collect calls from the County Jail through a contracted vendor or private service provider.

ADDITIONAL INFORMATION: REALIGNMENT AB 109

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

The Realignment AB 109 transfers responsibility for supervising lower-level felony offenders and state prison parolees from state prisons and state parole agents to local county jails in which they serve their sentences.

The statute says AB 109 was not created to relieve overcrowding issues in state prisons but meant to reduce recidivism. People convicted of more serious felonies, such as violent felonies or major sex crimes, are still eligible for sentencing to prison terms. It's a controversial issue, and California law enforcement officials have criticized AB 109. Los Angeles County District Attorney Steve Cooley wrote a letter to the Board of Supervisors stating that realignment poses "a grave threat to public safety."

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

STAFF

The Civil Grand Jury Consolidated Final Reports have consistently noted that staffing levels "did not meet minimum standards set by California Board of Corrections."

However, the staff at the facility are positive in attitude, friendly, and respectful.

“Stress, injury, and illness due to excess overtime” cause the department to exceed the allocated payroll budget and lose officers. Work shifts are 12 hours and if staff are held over, the length of overtime shift can add up which is of great concern.

In 2021, the Jail Commander retired, and a new commander took over after having worked at the facility for several decades before retiring in 2023.

The current Commander has been in the position since November 2023.

There are approximately 19 Correctional Officers, including 2 transport officers, in addition to Sergeants, and Administrative and Maintenance support staff within the Corrections Division.

*An exit interview revealed that one Sergeant had resigned, leaving a very important position open, and two officers out of that 19 on light duty or total disability.

The jail does not have maintenance staff assigned to the Correctional facilities. Maintenance requests are made through the County of San Benito’s Resource Management Agency for any repairs.

There are also Correctional Deputies assigned to Prisoner Transportation. The Sheriff does have a limited number of retired annuitants and reserve deputies to assist with Court Security.

DISCUSSION

Between the City of Hollister Police Department and the County Sheriff’s Department, and other local law enforcement agencies all individuals taken into custody are secured at the San Benito County Jail.

1. This detention center is operated locally by the San Benito County Sheriff's Office and
 - a. holds inmates: awaiting trial, or sentencing, those who are serving out their sentence.
- Training of SBC Corrections Officers is mandated by the State Corrections Board.
- Many incarcerated persons are in jail due to an alleged crime that may be the result
- Drugs and alcohol, and addiction issues are also common factors leading to incarceration.
- Inmates are segregated by multiple factors including gang affiliations and/or their criminal history.

- Detainees are examined and questioned upon intake and any medical issues, medications, dietary restrictions or concerns are noted by trained staff.
- Nursing staff are provided by vendor contracting with experienced and caring staff whose goal is to balance poor health choices with alternative positive options during the period of the inmate's incarceration at the jail facility.
- Mental Healthcare professionals are regularly available for examinations and observations of compromised individuals.

Other methods of supervision include:

- House Arrest
- Minimum Sentences
- Electronical Monitoring Devices /Bracelets
- CUSTODY ALTERNATIVE PROGRAM (C.A.P.)

The Inmate C.A.P. is in lieu of incarceration. To qualify, persons must have received a jail sentence of 30-days or less, present all paperwork and pay all fees at the time of their registration appointment.

Historically, the SBC County jail housed inmates sentenced to one year or less in custody. Since AB-109 outlined sentence restructuring models, the jail is forced to house inmates convicted of serious felony crimes for extended periods of time and presents challenges and threats to staff and other inmates.

To maintain cleanliness, the Jail uses some inmates to do housekeeping, including ground maintenance. Some of the work was done outdoors during night hours, but low staffing levels coupled with the physical and mental extremes of overtime hours do not always provide for complete supervision of incarcerated persons.

Recruitment and Retention:

From the 2021-2022 Civil Grand Jury Jail Report:

“It is common knowledge that the County Supervisors have not adequately funded the Sheriff's Department with competitive salaries to recruit and retain dedicated deputies. The report highlighted the salaries by comparison with surrounding counties. Hence, the Officers travel to work in communities elsewhere.”

In 2023, nothing has changed, but crime has gone up!

Civil Grand Jury Sheriff's Correctional Officer Comparable

ANNUAL

CO I/II (Actual CO I Starting) \$ 52,353.60
 (Actual CO II Top Step) \$77,376.00

SBC Salary Schedule Range:
 CO I \$52,361.30
 \$70,162.98

SBC Salary Schedule Range: \$57,728.11
 CO II \$77,384.32

Oct 1, 2024 MOU Pay increase 6% 1.06
 SBC Salary Schedule Range:
 CO I \$55,502.98
 \$74,372.76

SBC Salary Schedule Range: \$61,191.80
 CO II \$82,027.38

Starting Salary Comparable:
 City of Hollister \$100,608.56
 Recruit \$ 64,634.44
 City of Gilroy \$103,317.90
 Recruit \$103,317.96
 City of Watsonville \$ 94,663.50
 Recruit \$ 94,663.50
 City of Marina \$102,689.64
 Recruit (not found) - - -

City of Salinas \$ 96,312.00
 Recruit \$ 86,676.00
 County of Santa Cruz \$ 78,516.00
 Recruit (not found) - - -
 County of Santa Clara \$110,032.00
 Recruit \$103,018.24
 County of Monterey (Deputy) \$ 84,276.00
 Recruit (Deputy) \$ 72,324.00

There are not enough staff and vehicles to patrol and manage people disregarding the law of the land that covers nearly 1,400 square miles.

The area around the jail is in proximity to a municipal airport and commercial businesses with delivery vehicles coming and going constantly on a State Highway at the edge of town.

A recent escape incident at the San Benito County Jail drew the attention of statewide news, punctuating the need for changes in priorities. During a few-minute span without supervision, an incarcerated person quickly scaled the chain link fencing topped with a double row of razor wire, and quickly found freedom into the night. Due to only 2 CO's and 1 officer at the command post, the escapee could not be effectively pursued. It is important to note that the escaped inmate was returned to custody in San Benito County Jail within 48 hours.

San Benito Sheriff's Department maintains mutual aid partnerships with surrounding counties' Task Force units, canine teams, State and Federal agencies, including the US Marshalls, US Customs and Border Protection, and relationships between local Law Enforcement Agencies, the District Attorney, Judges, and the Probation Department.

A command post was set up at the jail, communications between dispatch and patrol personnel "in the field" were established, as was overt tracking and use of technology; cameras and drones, social media channels (such as Facebook- Instagram).

Whenever an escape event occurs, the priorities are to track and capture the escapee(s), return them to custody at the jail, study and resolve any preventable failures for the future. Internal Investigations reveal deficiencies, but it has been long forecasted that San Benito County is resource poor and lacks necessary staffing due to inadequate wages.

There is an urgent need to increase the compensation of the Sheriffs Enforcement and Corrections staff to recruit individuals to fill the chronic vacancies.

Funding

The Board of Supervisors controls the budget appropriations and the salary schedules of the Sheriff's Department and dictates the funding available to keep the community safe, and yet the County leadership is unfamiliar with the day-to-day operations at the Jail site.

FINDINGS AND RECOMMENDATIONS

Since 1999, each Civil Grand Jury term has written their Annual Consolidated Final Report (CFR) with recurring Findings and Recommendations brought to the attention of county leadership regarding the policy and funding priorities for public safety.

The 2023-2024 Civil Grand Jury Finds and Recommends the following:

- (F-1) County leadership needs to appreciate fully the many and varied demands placed upon the Sheriff's Department.
of the Sheriff's Department's oversight responsibilities of the two facilities.**
- (R-1) The Civil Grand Jury urges the Board of Supervisors to tour the jail
At least once a year at various times/shifts at the jail facility to observe the working environment firsthand.**
- (F-2) Correctional Officers quit work at the jail facility due to higher pay and benefit enhancements available in neighboring counties.**
- (R-2) The Supervisors should increase pay and benefits for Correctional Officers.**
- (F-3) The lack of secondary perimeter fencing makes the jail vulnerable to future incidents which might endanger the public.**
- (R-3) To better prevent future escapes from occurring, a second perimeter fence should be installed immediately.**
- (F-4) Outdoors maintenance increases security risks without sufficient supervising staff.**
- (R-4) All outdoor maintenance should only be done during daylight hours and under direct supervision.**
- (F-5) All San Benito County Civil Grand Juries have found the County Jail has kept the highest standards of order and cleanliness.**
- (R-5) Jail staff are commended for continuity in keeping high standards.**

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RESPONSES REQUIRED:

San Benito County Board of Supervisors

San Benito County Sheriff's Department

**2023-2024
SAN BENITO COUNTY CIVIL GRAND JURY**

CITIZEN COMPLAINTS

Citizen Complaints were received and requests for Grand Jury action were resolved or did not result in formal action; thus, much of the time and efforts of the Jury are not reflected in the Final Reports.

The Civil Grand Jury may also forward the matters to appropriate agencies for resolution.

CITIZEN COMPLAINT #1

INTRODUCTION

The San Benito County Civil Grand Jury received an inquiry into the San Benito County Water District's (SBCWD) annual billing of a voter approved ballot measure from 1977 that was thought to have expired. This measure created an assessment to property owners to A. Enter into a water service contract with the Bureau of Reclamation of the United States Department of the Interior (United States) and B. 1 Borrow \$19.9M from the United States to provide funds to build a system to distribute imported water locally in Zone 6 of said District; 2. Levy charges and taxes sufficient to operate and maintain said system and to re-pay said loan; and 3. Also, levy charges sufficient to re-pay the United States for said District's share of the cost of the construction of the Federal facilities portion of said project and the cost of operation and maintenance of said facilities, the Engineer's estimate of charges and taxes sufficient to re-pay the above being as follows, but does not include unknown increases in cost that must be paid and that may occur from time to time during the 40 year repayment.

METHODOLOGY

The Civil Grand Jury met with the San Benito County Treasurer Tax Collector (TTC) to ask about the item that remains on the annual property tax bill. The item is listed as SB WATER-SAN FELIPE. This assessment is calculated at the rate of .25 per \$100.00 of Land value.

BACKGROUND

The TTC acknowledged the line item and stated it was the Auditor's office who would have additional information as they oversee setting rates for various districts and putting direct charges on the tax bills. The Auditor quickly responded and stated that in 2017 they received several calls from concerned taxpayers that felt the charge should have come to an end. The Auditor was very concerned about this, and asked County Counsel for an opinion, who in turn advised it was SBCWD's responsibility to provide legal support.

The attorney for the SBCWD responded there was nothing in the ballot measure that indicated the land tax expires, and in fact the ballot measure specifically authorizes the land tax for the continued operation and maintenance of the system.

FINDINGS AND RECOMMENDATIONS

F1: The item on the tax bill appeared to have expired.

R1: the Auditor's Office add verbiage such as "ongoing O&M" to the line item to denote there is no actual end date for the Operations and Maintenance (O&M) of the system while it services the agricultural community of San Benito County.

F2: The ballot measure in question was not worded so that the voting public was made aware of actual end dates and items that will remain in perpetuity.

R2: Ballot measures should be written with clear language and provide an opportunity for the public to examine the language and possible outcomes.

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RESPONSES REQUIRED:

San Benito County Board of Supervisors

San Benito County Treasurer Tax Collector

San Benito County Department of Elections

CITIZEN COMPLAINT #2

INTRODUCTION

The 2023-2024 San Benito County Civil Grand Jury received a complaint about the handling of the County's Other Post Employment Benefits (OPEB) Fund. There were 2 clear areas of concern:

- 1) the transfer of funds from one savings and investment institution to another, and
- 2) the way the County Board of Supervisors had assigned oversight.

METHODOLOGY

The Civil Grand Jury met with the County Auditor-Controller (Auditor) to learn about the management and oversight of the OPEB Fund.

BACKGROUND

In 2009 the Governmental Accounting Standards Board (GASB) issued standard 75 that updated the handling of OPEB retiree benefits. These benefits may include medical, dental and vision, prescription drugs, hearing and certain other benefits. The County introduced an actuarial report that identified the need as well as the legal foundation for establishing a Section 115 Trust of the Internal Revenue Code dedicated to prefunding employer contributions to a defined benefit pension systems for eligible California public agencies. Funds were deposited with the California Employee Retirement Benefit Trust (CERBT) and remained there until an actuarial report demonstrated moving the account to Public Agency Retirement Services (PARS) would yield higher returns. PARS is a private company that offers investment strategies and asset management to public agencies to meet their liabilities such as OPEB obligations. To adequately compare the 2 institutions the County moved 50% of the funds from CERBT to PARS to study the outcomes. After 2 years PARS had significantly outperformed CERBT, so the County decided to consolidate all funds with PARS. Since then, the investment has fared much better resulting in a significant increase to the Section 115 Trust. While the cost of PARS is higher, their management strategies and oversight have clearly benefited the County and its long-term liability to retirees.

The County has 3 main functionaries regarding financial matters. The Board of Supervisors is the only body that can set policy. The Auditor-Controller audits and records transactions, applying adopted policies. The Treasurer Tax Collector has fiduciary custody and presents an annual investment policy to the Board of Supervisors for consideration. This creates a system of checks and balances. The complaint stated the Auditor had too much oversight over the Section 115 Trust. Given the legal definition of the Auditor, it is the determination of the Civil Grand Jury that the Auditor is the most appropriate custodian due to the level of financial expertise required to manage the funds from within. There are legal consequences for acting outside of the Boards authority and policy decisions. The Civil Grand Jury was unable to find any malfeasance or collusion to suggest there was internal mismanagement of Section 115 Trust.

FINDINGS AND RECOMMENDATIONS

F1 - The Civil Grand Jury finds Section 115 Trust is in fact more than adequately funded to meet future and long-term OPEB obligations.

R1 - The Civil Grand Jury recommends funds remain with PARS and the biannual actuarial report should be the instrument to consider future performance, including what entity is most appropriate to manage the funds.

F2 - The Civil Grand Jury finds oversight of the PARS account is appropriately placed under the purview of the County Auditor-Controller.

R2 - The Civil Grand Jury recommends that the Auditor continue to manage PARS utilizing bi-annual actuarial reports and take future action if PARS does not continue to perform in a manner that benefits retirees and the County.

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From the following governing body within 90 days:

RESPONSES REQUIRED:

San Benito County Board of Supervisors

San Benito County Auditor-Controller