

BOARD OF SUPERVISORS

2008 JUL 23 P 2: 24



**FINAL REPORT**  
**2007-2008**

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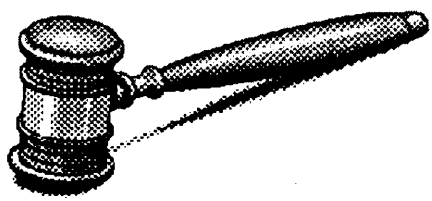
## **STANISLAUS COUNTY CIVIL GRAND JURY**

### **MISSION STATEMENT**

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

## 2007-2008 STANISLAUS COUNTY CIVIL GRAND JURORS

The Honorable Donald E. Shaver, Presiding Judge



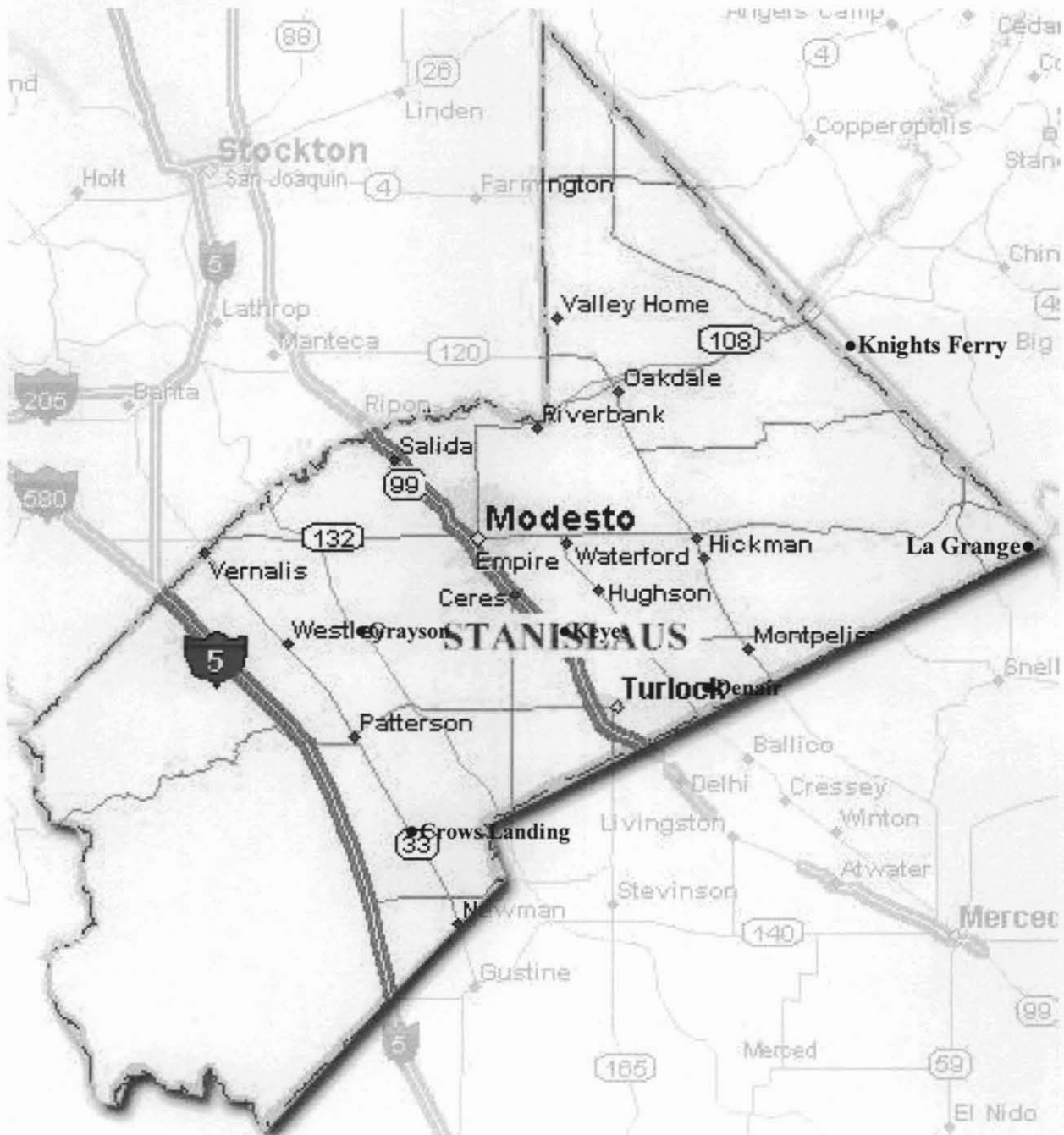
Foreperson .....	Judith C. Mahan
Foreperson Pro Tempore.....	Robert Brazil
Secretary .....	Joe Perry
Sergeant at Arms.....	Thomas Green

- |                     |           |
|---------------------|-----------|
| Stephen Bonrepos    | Modesto   |
| Robert Brazil       | Turlock   |
| W. D. "Jim" Burt    | Riverbank |
| Douglas Estes       | Modesto   |
| James Ewing         | Modesto   |
| Nancy Goodman       | Modesto   |
| Thomas Green        | Ceres     |
| Monika Hachiya      | Turlock   |
| Henry Hesling, Sr.* | Hughson   |
| Scott Hicks         | Oakdale   |
| Grace Huston        | Modesto   |
| Thomas Lambert      | Modesto   |
| Judith Mahan        | Modesto   |
| James Merriam       | Hughson   |
| Michael Miller      | Patterson |
| Dennis Nasrawi      | Modesto   |
| Joe Perry           | Modesto   |
| Carol Stephens      | Newman    |
| Elizabeth Vencill   | Modesto   |

\*Resigned on 2/26/08

## AREAS SERVED

The Stanislaus County Civil Grand Jury serves the cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, Waterford . . .



And the communities of Crows Landing, Denair, Empire, Grayson, Hickman, Keyes, Knights Ferry, La Grange, Salida, Valley Home, Vernalis, and Westley.



## STANISLAUS COUNTY CIVIL GRAND JURY

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

2007-2008

**GRAND JURY MEMBERS**

JUDITH C. MAHAN, FOREPERSON

June 24, 2008

STEPHEN BONREPOS  
ROBERT BRAZIL  
JIM BURTT  
DOUGLAS ESTES  
JAMES EWING  
NANCY GOODMAN  
THOMAS GREEN  
MONIKA HACHIYA  
SCOTT HICKS  
GRACE HUSTON  
THOMAS LAMBERT  
JAMES MERRIAM  
MICHAEL MILLER  
DENNIS NASRAWI  
JOE PERRY  
CAROL STEPHENS  
ELIZABETH VENCILL

The Honorable Donald E. Shaver  
Presiding Judge  
Superior Court of California  
P. O. Box 3488  
Modesto, CA 95353

Judge Shaver:

We are pleased to submit to you the 2007-2008 Stanislaus Civil Grand Jury Final Report.

This report was completed by a dedicated group of 19 citizens. The enthusiasm demonstrated by this year's jury reflected the diverse population of Stanislaus County. We demonstrated the ability to work cohesively to explore, investigate and complete reports which represented interests submitted by the citizens of the County.

The jury found the citizens of this county are being well served by the various jurisdictions representing them.

We thank Elisa Osnaya, Administrative Assistant to the Grand Jury, for her patience, skill and assistance throughout this process.

We are proud to have served on the 2007-2008 Stanislaus County Civil Grand Jury.

Sincerely,

Judith C. Mahan  
Foreperson





**Superior Court of the State of California**

COUNTY OF STANISLAUS  
P.O BOX 3488  
MODESTO, CALIFORNIA 95353

DONALD E. SHAVER, JUDGE

TELEPHONE  
(209) 525-7794

June 24, 2008

Ms. Judith C. Mahan, Foreperson  
Stanislaus County Civil Grand Jury  
P. O. Box 3387  
Modesto, CA 95353

Dear Ms. Mahan and Civil Grand Jury Members:

Congratulations on yet another busy and fruitful year for the Civil Grand Jury. Every year no matter how busy you are or how complicated the investigations, your services and recommendations serve such a useful purpose for our governments, special districts and our citizens.

The dedication to your duties, the quality and thoroughness of your work products is unquestionable. You are very much appreciated by me, the Superior Court Judges and its administration.

Our sincere thanks,

A handwritten signature in black ink, appearing to read "D. Shaver".

Donald E. Shaver  
Presiding Judge of the Superior Court

DES:eo

cc: Michael Tozzi, Executive Officer

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# Subjects Of Investigation

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**STANISLAUS COUNTY CIVIL GRAND JURY**  
**2007-2008**

**CASE # 08-07**

**STANISLAUS COUNTY**  
**DEPARTMENT OF ANIMAL SERVICES**

**SUMMARY**

The Stanislaus County Civil Grand Jury received a citizen complaint prompting it to review and assess the Stanislaus County Department of Animal Services.

Through the following items:

- Memorandum of “Issues and Recommendations Regarding Animal Services Facilities,” dated October, 2007
- The “Needs Assessment and Facility Program for the Stanislaus County Animal Shelter,” dated February, 2007
- Various applicable statutes
- Sworn testimony by county employees
- An unannounced site visit
- Attendance at meetings of the Animal Advisory Board

The Stanislaus Civil Grand Jury has determined that the current Animal Services facilities are being updated, and that the county is clearly and positively addressing other long-standing complaints.

The “Needs Assessment and Facility Program for the Stanislaus County Animal Shelter,” reads, in part:

“The existing facility was designed to accommodate 262 animals... At the present time, an average of 330 animals are held at the shelter daily—68 more than the facility’s daily average. The number of animals held at the facility on peak days may exceed 115% of daily average...”

This recognizes the current pet over-crowding problem in the county Department of Animal Services facility.

The Stanislaus County Civil Grand Jury, through its investigation, has determined that the County and its City partners are on track to build adequate facilities and to improve the Stanislaus County Department of Animal Services.

It is the Stanislaus County Civil Grand Jury’s recommendation that Stanislaus County and its City partners continue with the process to build adequate facilities for the number

of animals accepted into the Stanislaus County Animal Services Shelter and to continue to fund the Spay and Neuter [SCATE] program.

## **BACKGROUND**

The Mission Statement of the Department of Animal Services is as follows:

“The mission of the Department of Animal Services is to strive for community compliance of State and local laws. The Department shall provide a professional level of service along with promoting responsible pet ownership.”

The Department of Animal Services facility was built in the 1970s for the purpose of controlling packs of wild dogs that were affecting local agriculture and the public safety. Subsequent State legislation has broadened the responsibilities of all Animal Services Departments to include other mandated functions, requiring more space for both holding animals and performing medical procedures, and delivering more services to the animals. These mandates come from the 1998 Hayden Act and the Stanislaus County Pet Overpopulation Ordinance, among others.

According to the Department of Animal Services’ website, services provided by the Department include, but are not limited to, the following:

### In-House:

- Pet Adoptions
- Spay and Neuter Assistance
- Cruelty Report Investigations
- Education Outreach
- Lost and Found
- Low Cost Rabies Vaccination Clinics
- Micro-Chipping
- Licensing
- Veterinary Care for Animals in the Shelter

### Outside:

- Investigate and follow-up on animal-inflicted injuries
- Control rabies and report animal bites
- Leash law and other animal control ordinance enforcement
- Capture and impound stray animals
- Dispose of deceased animals in public access areas
- Enforce dog licensing laws
- Investigate animal cruelty, vicious animal, and nuisance animal complaints

The Department of Animal Services has responsibility for all unincorporated County areas and the Cities that contract with the Department. The Board of Supervisors of the County of Stanislaus’ “Action Agenda Summary,” dated March 20, 2007, lists the below percentages of participation by each entity:

<b>Agency</b>	<b>Percentage</b>
Stanislaus County	38.5
Modesto	41.0
Ceres	11.0
Riverbank	3.4
Patterson	2.3
Waterford	1.3
Newman	1.3
Hughson	1.2
Turlock	does not participate presently
Oakdale	does not participate presently

The Stanislaus County Board of Supervisors approved an Architectural Study in order to begin the building of a new Department of Animal Services facility, and is moving forward with plans for an adequate facility.

### **METHOD OF INVESTIGATION**

The Civil Grand Jury conducted its investigation using the following methods:

- ❑ Interviews with County employees who have day to day and oversight responsibilities for the Department of Animal Services.
- ❑ An unannounced site visit included inspection of all areas of the Department of Animal Services facility.
- ❑ Attendance at meetings of the Stanislaus County Animal Advisory Board
- ❑ A review of the following documents:
  - The memorandum “Issues and Recommendations Regarding Animal Services Facilities,” dated October 5, 2007, by the former Director of the Stanislaus County Department of Animal Services, and given to the following:
    - Stanislaus County Animal Advisory Board Members
    - Board of Supervisors
    - County Executive Assistant
    - County Executive
    - Chief Operations Officer
    - Management Consultant
  - The Stanislaus County Board of Supervisors and Administration’s, “Needs Assessment and Facility Program for the Stanislaus County Animal Shelter,” dated February, 2007, by George Miers & Associates.
  - Stanislaus County Civil Grand Jury Final Report of 2003-2004.
  - Stanislaus County Civil Grand Jury Final Report of 2004-2005.
  - Various ordinances and statues that apply to animal control.

**FINDINGS AND RECOMMENDATIONS**

**FINDING 1**

The Stanislaus County Department of Animal Services is operating within the constraints of an inadequate facility.

**RECOMMENDATION 1**

It is the Stanislaus County Civil Grand Jury's recommendation that Stanislaus County and its City partners continue with the process to build adequate facilities for the number of animals accepted into the Stanislaus County Department of Animal Services Shelter and that they fund this project without delay.

**FINDING 2**

The Stanislaus County Board of Supervisors is moving ahead with plans to complete an adequate animal shelter.

**RECOMMENDATION 2**

It is the Stanislaus County Civil Grand Jury's recommendation that the Stanislaus County Board of Supervisors, through the Department of Animal Services, continues to support the community in its efforts to improve services to its animals and continues to fund the Spay and Neuter (SCATE) program.

**RESPONSE REQUIRED**

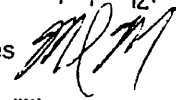
Stanislaus County Department of Animal Services  
Stanislaus County Board of Supervisors

MEMORANDUM

DATE: October 5, 2007  
TO: Stanislaus County Animal Advisory Committee  
FROM: M. S. McFarland, Director, Stanislaus County Animal Services  
SUBJECT: Issues and Recommendations regarding Animal Services Facilities

CHIEF EXECUTIVE OFFICE

2007 OCT -9 P 12:11



This memorandum is a simple listing of ideas and/ or recommendations concerning the facility and operational needs of the animal shelter based upon my experience and fifteen month tenure in the Department. Clearly it can be said that the need to increase the capacity and the conditions of the physical plant are self-evident to any reasonable evaluation of the facility, and has been reinforced with the recent needs assessment. This being said I will not go into the obvious shortcomings, but rather highlight my concerns and suggestions based upon what may or may not occur in the near future with this project.

1. The architectural design contract is scheduled for submission to the Board of Supervisors October 16, 2007, and is anticipated to be approved based upon the Board's previous commitment to proceed with this phase of the project. The architect being awarded this contract has committed to the project committee that his report will be available for Board of Supervisor presentation no later than mid-February 2008. Concurrently, the Board of Supervisors expects that any proposal by the County administration to proceed with a shelter expansion program contains a commitment of at least the City of Modesto, and preferably all other cities currently contracting for shelter services, and that these cities will share in the expansion costs. Neither a formal or informal commitment by Modesto, or any other city as of the date of this memorandum has been secured. This leaves four months until the architects report is ready, and the commitment of the contract cities can be acquired.

**Recommendation:** Your advisory committee needs to initiate contact with both city administration and elected officials concurrently with County administration. To date there has been far too much emphasis on the County's responsibility for the expansion of the shelter. Notice needs to be given to Modesto and the other contract cities that make up 62% of the workload within the shelter that this expansion is an absolute necessity. Modesto in particular needs to come to grips with the fact that the City makes up the lions share of the shelters' workload, currently 42% of the total.

In the event that Modesto is unwilling or unable to meet its' obligation for the expansion of the shelter you need to consider recommending to the County that it is no longer realistic to provide shelter services beyond the capacity of the current facility. This would allow the County to make relatively less costly renovations to the current facility to make it substantially a more healthy and safe facility for the number of animals generated from the unincorporated County and the smaller cities willing to contribute.

I had undertaken an investigation of such a plan by acquiring bids on such projects as doubling the stray kennel number, roof replacement, offsite surgical and adoption space, and other such improvements that could meet the needs of the unincorporated County. Such a project could be as little as \$850,000 to \$1,000,000 in one-time costs, and \$50,000 to \$75,000 in ongoing annual costs.

It is time the County understood that the facility has been at a critical stage for some time, and that continuing with accepting the workload that exceeds the capacity has reached a point that is unmanageable.

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2. In the event the County is successful in receiving the necessary city commitments, and a shelter expansion project is in fact approved the period of time before the project can even break ground will be late 2009, and this is if all falls into place. This would mean any real capacity expansion will not be available until late 2010 or early 2011, three to four years from today.

**Recommendation:** It has been tentatively agreed upon by representatives of your committee and County representatives that any shelter expansion project must include the use of the current facility. If that is the case then it seems most logical to proceed immediately with the current facilities upgrades that will be necessary in the final project.

During my tenure I began on this track by the remodel of the client services area, clinic, and Adoption Center, the acquisition of adequate cat kennels, re-flooring of the stray/feral cat area and clinic, and natural lighting projects. More such projects are needed and can be accomplished prior to any new expansion construction. The most critical, and a project I have previously recommended, is the replacement of the shelter buildings roofs and HVAC plan. This project alone will significantly help in creating a more healthy environment for all incoming animals, as well as improve our adoption and rescue programs.

Just as important as the physical needs of the current shelter are the programmatic projects. It was my intent to significantly bolster the foster care and rescue programs of the shelter. With the knowledge that it may be four years or more before an expansion is possible the immediate need is to reduce the number of animals having to be cared for within the shelter today. My instructions to the new Staff Coordinator, and he has begun already, is to develop a volunteer foster program that could move animal intakes from the shelter to private homes and spaces through a well managed foster program, creating a "virtual shelter". I had begun this to a small degree this last Summer by allowing the fostering of legally stray kittens, still maintaining the kittens on our website as stray, and instructing the foster parents of the special status of such animals. This program needs to be greatly expanded to ease the capacity issues. Expansion of the rescue program and cooperating with other shelters, non-profit and governmental, to increase the number of animals that can be placed in other facilities as to reduce our reliance on euthanasia as a space control mechanism. This will require establishing memorandums of understanding with other agencies and being more proactive in reaching out to non-profit rescue organizations both within and outside the County.

3. If the County maintains the contractual agreements with Modesto and the other cities over the next four years, until completion of an expansion, your shelter will have experienced approximately 75,000 to 80,000 more animals being handled in a facility that is only capable of handling properly 25,000 to 30,000 in the same four year time frame. Animals will continue to be subjected to unhealthy holding areas, such as the stray dogs kennels and the stray/feral cat room. And without the strictest of health protocols, cleaning procedures, and proactive veterinary care disease will continue to be a serious problem both within and outside of the shelter. The effect will be on adoption programs that cannot significantly expand due to the reputation of unhealthy animals coming out of the shelter perpetuated by many of the local veterinarians, who consistently warn their clients of the dangers of adopting shelter animals.

**Recommendation:** Your committee in conjunction with department management and staff needs to seek out the Northern San Joaquin Veterinary Medical Association (NSJVMA) and individual veterinarians to bring them into the process of improving shelter conditions. If finding a full time County veterinarian remains to be a problem it is all that more necessary to utilize local veterinarians in the shelter program. The County needs to continually reassure the veterinary community that the shelter is not a competitor in their profession but rather a



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consumer of their profession. We have been fortunate to have veterinarians such as Dr. Sue Sundburg, Dr. Grace Ma-Steenbergen, and Dr. Frankie Bonifacio to assist us in our shelter health program. And with the addition of Dr. Kwane Stewart, who is joining Animal Services on a part time basis as of October 8<sup>th</sup>, improvement should be even greater in this area. However, the importance of local veterinarians cannot be overstated. A greater understanding of your shelters' mission by local veterinarians is critical, and can only be done through engagement. I would recommend a joint NSJVMA and Animal Advisory Committee meeting to introduce a joint venture on improving the quality of animal care and pet owner responsibility in the community. Such a venture will benefit the interest of both Animal Services and the veterinary community.

4. In addition to animal health issues are the safety issues for staff and the public. Routinely in the stray dog kennels altercations occur between the several dogs that must be housed in the same kennel. As recently as this week an employee who had been on staff only two days was bit for this very reason. This is not unusual. Much as been made of my policy of insisting of on the public being escorted through the stray kennels for reasons of animal health and safety. During a recent visit by a Grand Jury committee the results of this inadequate housing and the value of my policy was demonstrated when the supervisor escorting the Grand Jury members attempted to give attention to a dog in one of these overcrowded kennels and a fight broke out between the dog receiving the attention and another in the same kennel. This occurred routinely when the public was allowed to view the kennels unescorted.

**Recommendation:** As discussed under #1 pursue an offsite surgical suite and adoption center. This would provide additional dog kennel space in the current Adoption Center, certainly not enough to alleviate the overcrowding entirely but would provide some relief. I would recommend that the onsite Adoption Center still maintain a limited number of adoptable animals, both dogs and cats, but up to 30 additional intake kennels could be made available for strays and/or owner released dogs.

In addition to the benefits of such an expansion would be the advantage of being able to place the Neuter Scooter in the community as a mobile spay/neuter clinic as it was intended to be used. This undoubtedly would also assist in gaining the support of local veterinarians that are committed addressing the spay/neuter issue in communities that represent the greatest animal control problems. I firmly believe the County and supporting non-profit organizations such as the Animal Services Auxiliary (ASA) would be able to find veterinarians for support of such a program.

5. Though during my tenure I instituted several protocols and added additional equipment to improve the air flow through a number of the animal holding spaces air borne disease issues remain unchecked in the majority of the facility. The reason simply is that the facility HVAC is inappropriate for an animal care facility. No isolation areas exist for dogs, and only the creative use of cat holding areas has helped in reducing some of the air borne disease issues.

**Recommendation:** Proceed with the new roof and HVAC system immediately. This project will be necessary in any expansion plan that utilizes the current facility. This being the case it would immediately assist in basic animal health issues by providing spaces for isolation of known diseased animals as well as containing the spread of air borne diseases in the general animal holding areas. Funds spent now for this project would be funds saved from the expansion phase of the project later.

6. Though not directly related to the facility there is an indirect correlation between the condition of the facility and attracting experienced staff. I did put significant effort in recruiting for the positions of Manager II (Operations Manager) and the Staff Coordinator (Volunteer, Foster Care, and Public Relations Officer) position and failed to attract any candidates with



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Substantial animal services or welfare background, though the salaries for these two positions are highly competitive for this field. A potential applicant has to only look at the physical condition of the shelter to see the priority of animal services in this community. In addition to the issues related to the aforementioned recruitment's there has been some criticism of the employee attrition rate during my tenure, specifically in the Animal Care Unit. Considering an inexperienced Animal Services Specialist I have a starting salary of \$12.65, the ability to attract appropriate employees is difficult. The high attrition rate also accounts for the serious failures in maintaining a trained staff in the most crucial positions in the organization. As high as the attrition rate was during my tenure I did maintain the standards necessary to ensure proper animal care. Violations of the Hayden Bill which were identified in the 2004-2005 Grand Jury report have been eliminated by the implementation and enforcement of strict policies established within the last year. Accountability, which I found lacking in June 2006, has been greatly improved, but remains to be an issue that requires attention. Working conditions faced by staff responsible for caring for the 300 to 400 animals they must care for on a daily basis are poor at best.

**Recommendations:** It has been my recommendation to the County's administration to develop new position classifications for Animal Care Specialists, new position of Client Services Assistant, reclassification of the Animal Services Operations Supervisor class into a field supervisor and shelter supervisor class separately. Also I recommended the reclassification of the Manager II position into an operations manager position that allows for recruitment of applicants that are more knowledgeable in animal shelter management. Your committee will no doubt find resistance to this due to the County's classification system. It is my experience in not only this county, but in many local governments, to resist expansion of employment classes. I maintain that there is a vast difference for example between the requirements of a Manager II in the County system from the needs in an animal shelter for an operations manager. Same is true when recruiting for an animal control field supervisor versus an animal shelter supervisor. I believe that many of the departments' issues support my belief in the need for the distinct classifications I have recommended.

In closing, I have only put forward these issues and accompanying recommendations for the purpose of bringing to your attention those issues I believe your committee has an obligation to take under consideration. I see your committee's role as advisory to the Board of Supervisors on how to improve the quality of animal services throughout Stanislaus County, as well as a venue for residents of the County to bring forth their concerns and issues. It is my hope that you will embrace these roles for the benefit of the community.

I wish only the very best for Stanislaus County Animal Services, your committee, and the community at large. The potential for meeting the goals of the Board of Supervisors for the Department as well as the vision I saw for the agency are both possible. I believe the potential is attainable, but it will require all stakeholders to be committed to the success of the Department. Leadership will be necessary, and part of that leadership must come from you.

I thank you for the opportunity to have served with you, and I hope in some small way I helped move the Department forward.

Cc: Members, Board of Supervisors  
County Executive, Richard W. Robinson  
Assistant County Executive, Monica Nino-Reid  
Chief Operations Officer, Patty Hill-Thomas  
Management Consultant, Doris Foster

**REFERENCES**

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Stanislaus County Code Title 7, Chapter 7.54. "Breeding, Transferring, Licensing, and Spaying and Neutering of Dogs and Cats (Chapter 7.54) Ordinance." The Board of Supervisors of the County of Stanislaus, "Action Agenda Summary," (December 5, 2006) Retrieved January 29, 2008, from <http://www.co.stanislaus.ca.us/BOS/Agenda/2006/20061205/B12.pdf>

**STANISLAUS COUNTY CIVIL GRAND JURY**  
**2007-2008**

**CASE # 08-12**

**STANISLAUS COUNTY HAZARDOUS**  
**MATERIALS/SITUATIONS NOTIFICATION**

**SUMMARY**

The purpose of this investigation was to determine the adequacy of Stanislaus County's handling of a variety of situations that could be hazardous to the citizens of the county. This investigation was undertaken by Stanislaus County Civil Grand Jury's initiative as a public safety measure.

Specific focus points of the investigation were:

- Identification and notification of the presence of seismically unsafe buildings located within the County.
- Identification and notification of the presence of lead in structures located within the County.
- Identification and notification of the presence of asbestos in structures located within the County.

These three distinct issues were studied from the viewpoint of the responsibility of Stanislaus County to notify the public or to handle or enforce abatement of these hazards. Stanislaus County agencies, State of California agencies, and federal-level agencies were contacted and their regulations and authorities studied regarding these responsibilities and their discharge.

As there are appropriate regulatory mechanisms in place, at the state and federal levels, this investigation finds that Stanislaus County has no responsibility in the identification and notification of seismically unsafe buildings, or lead or asbestos hazards, because these specific responsibilities are all charged to state and federal agencies.

## **INTRODUCTION**

The matter of regulation and notification of the presence of seismically unsafe buildings, and asbestos and lead, in structures located in Stanislaus County, was considered by the Stanislaus County Civil Grand Jury as a public safety measure. The matters were brought to the Stanislaus County Civil Grand Jury's attention through the general publicity that surrounds the issues of seismically unsafe structures, and asbestos and lead in structures. In this particular situation, no specific instances of improper handling of the regulation of these issues at the County level were brought to the attention of the Stanislaus County Civil Grand Jury to prompt an investigation into these matters.

As the citizens of Stanislaus County are subject to frequent exposure to many substances that can affect their lives and health, the 2007-08 Stanislaus County Civil Grand Jury – under its mandate to oversee the operation of County-level agencies that concern the public welfare – decided to evaluate the position of the county and its effectiveness in regulating citizens' exposure to these harmful elements.

Authority to investigate these matters is located in the California Penal Code §888, as it relates to “county matters of civil concern.”

## **METHOD OF INVESTIGATION**

The majority of the research and information gathered was from telephone conversations, government websites, and public documents, all relating to the activities of the pertinent public agencies charged with the responsibility for regulating the three hazards studied.

Information was gathered on the following occasions:

- Personal conversation with a realty agent at a Modesto realtor's office, November 2007, regarding the residential aspects of hazard notification [including lead, asbestos, and earthquake safety].
- Telephone and e-mail communications with a Senior Hazardous Material Specialist at the Stanislaus County Department of Environmental Resources, November, 2007, regarding the County's responsibility for reporting or tracking lead, asbestos or earthquake hazards.
- Telephone conversations with clerks at the Modesto City Building Inspection Department and Stanislaus County Building Inspection Department offices, October 2007, regarding the County's tracking of earthquake-sensitive structures.
- Online searches of Environmental Protection Agency [EPA], Housing and Urban Development [HUD], and Occupational Safety and Health Administration [OSHA], websites, December 2007.

### Earthquake Hazards

The first hazard studied was the identification and notification of the presence of seismically unsafe buildings located within the County. A seismically unsafe building is generally thought of as a public building constructed prior to the adoption of certain building codes designed to mitigate the effects of earthquakes on such buildings. Stanislaus County is in Seismic Safety Zone 3. [*Homeowner's Guide to Earthquake Safety*, p. 7] Most of the state regulations covering identification of and accountability for safety within seismically unsafe structures cover only structures within Seismic Zone 4. [1979 Health and Safety Code 19160, 1986 Government Code 8875, 1992 Government Code 8875.8 all apply only to Seismic Zone 4.] HUD Handbook 4930.3 contains a Seismic Zone Map of the United States of America [USA], in cases where the seismic conditions of a particular area are not known. Other sources offer California seismic maps. Thus, there is no Stanislaus County responsibility for identifying or cataloging such structures within the County.

### Lead

The second hazard studied was the identification and notification of the presence of lead in structures located within the County. Lead, usually in paints and coatings [banned by the Consumer Product Safety Commission in residential use in 1978], is required to be disclosed to new property owners upon transfer of title. This activity is regulated by the State of California. Title 10 Code of Federal Regulations [10 CFR Residential Lead-based Paint Hazard Reduction Act of 1992] sets the focus at the federal level for the handling of the lead situation. HUD Office of Lead Hazard Control has the federal level responsibility for lead hazard abatement. The EPA's Lead-and-Copper Drinking Water Rule [40 CFR 141] sets standards for municipal water testing and notification. EPA's 40 CFR 50 covers lead levels in the air and the responsibility of governments to respond to the situation. California's Safe Drinking Water and Toxic Enforcement Act of 1986 [Proposition 65] covers lead as a contaminant in drinking water. There is no Stanislaus County responsibility for the identification and notification of the presence of lead in buildings.

### Asbestos

The third hazard studied was the identification and notification of the presence of asbestos in structures located within the County. Most asbestos disclosure and abatement requirements are handled at the federal level [U.S. Dept of Housing and Urban Development or the Environmental Protection Agency]. The use of asbestos in varying forms of insulation was phased out in the 1970's. The use of asbestos [in paints and patching compounds] was banned in 1977. The EPA recommends that only persons who have undergone EPA-approved training do removal or handling of asbestos. HUD recommends that EPA or OSHA be contacted for specific information in dealing with asbestos. There is no Stanislaus County-level responsibility for the identification or notification of the presence of asbestos in buildings.

**FINDING**

This investigation finds that Stanislaus County has no responsibility in the identification or notification of seismically unsafe buildings, or lead or asbestos hazards, because these specific responsibilities are all charged to state and federal agencies.

**RECOMMENDATION**

As there are regulatory mechanisms in place, at the state and federal levels, the 2007-08 Stanislaus County Civil Grand Jury makes no recommendations regarding the County of Stanislaus' handling of these matters.

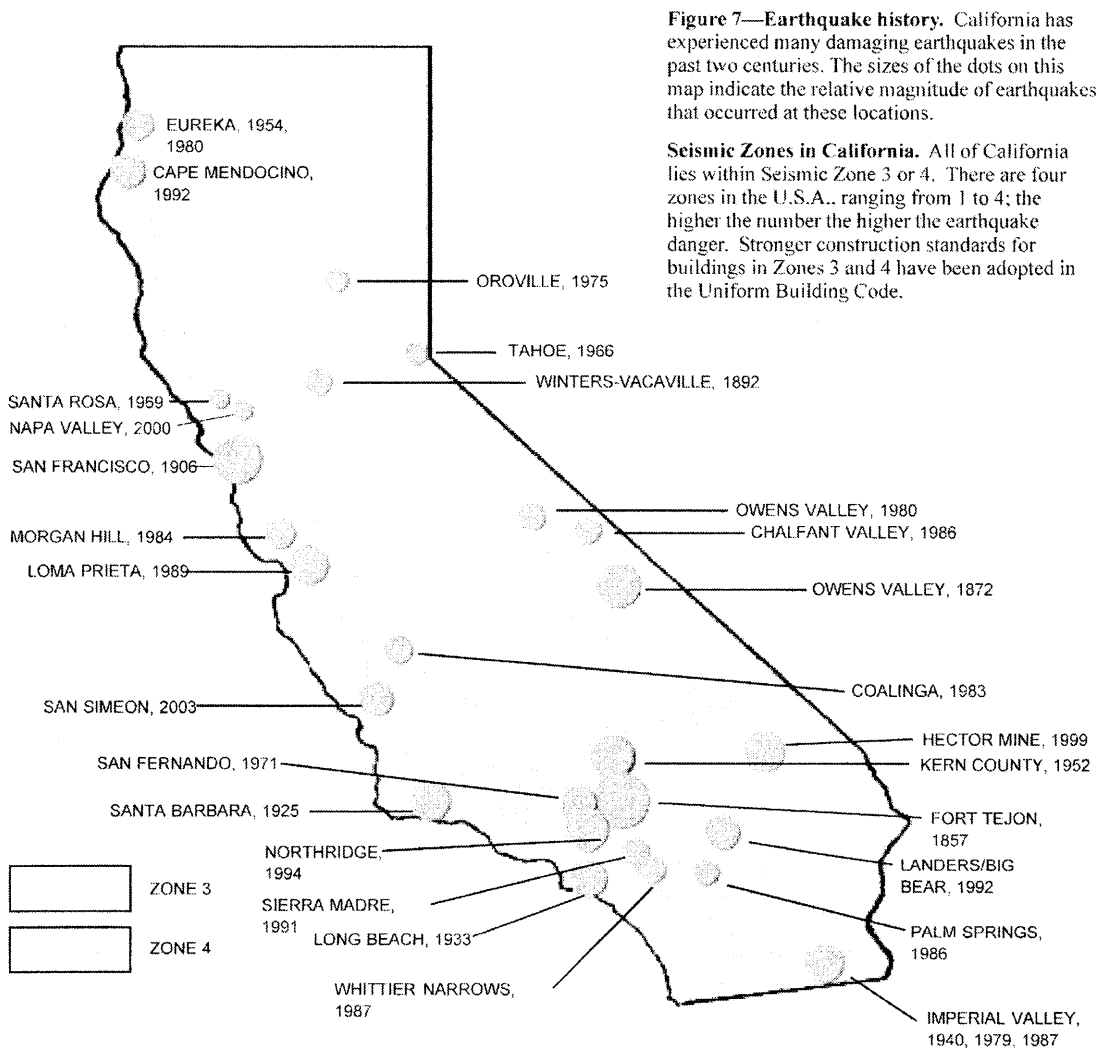
**RESPONSE REQUIRED**

As there are no recommendations to this finding, the Stanislaus County Civil Grand Jury makes no requests for response from any Stanislaus County agency.



# EARTHQUAKE MAPS OF CALIFORNIA

## DAMAGING EARTHQUAKES IN CALIFORNIA



Source: California Geological Survey, 1986; Earthquake History of the U.S., U.S. Department of Commerce and Interior, 1982; Records of California Office of Emergency Services; compiled and revised by California Seismic Safety Commission, 2004; International Code Council, Uniform Building Code 1997 Edition.

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Personal conversation with a realty agent at Matel Realtors, Modesto, November 13 2007, regarding the residential aspects of hazard notification [including lead, asbestos, earthquake safety].

Telephone and e-mail communications with Senior Hazardous Material Specialist at the Stanislaus County Department of Environmental Resources, November 2007.

Telephone conversations with clerks at the Modesto City Building Inspection Department and Stanislaus County Building Inspection Department offices, October 2007.

**STANISLAUS COUNTY CIVIL GRAND JURY**  
**2007-2008**

**CASE # 08-14**

**STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT**

**SUMMARY**

A citizen requested that the Stanislaus County Civil Grand Jury examine the Stanislaus Consolidated Fire Protection District to determine if the revenues from the Fire Suppression Assessment of December 9, 2004, were being used properly.

A review of documents pursuant to the ballot measure, budgets and financial statements, and interviews with key Stanislaus Consolidated Fire Protection District personnel revealed that the funds are indeed being used properly, and according to the ballot measure, for fire suppression services.

The Stanislaus County Civil Grand Jury further commends the Stanislaus Consolidated Fire Suppression District for its diligence in the stewardship of taxpayers' funds from this ballot measure.

**INTRODUCTION**

A citizen requested that the Stanislaus County Civil Grand Jury examine the Stanislaus Consolidated Fire Protection District to determine if the revenues from a special voted tax were being used properly.

**BACKGROUND**

The Stanislaus Consolidated Fire Protection District is a special district, according to the laws of the State of California governing special tax-based district entities, for the purpose of providing fire protection to the citizens of the geographical tax-based district. This particular district covers over 200 square miles of territory in Stanislaus County.

On December 9, 2004, a ballot was sent to "property owners within the Stanislaus Consolidated Fire Protection District" asking them to "vote on a proposed increase in Fire Suppression Assessments ("Assessments") that will become effective in Fiscal Year 2005/2006." The letter justifies the assessment increase by saying that the "cost of living has increased dramatically across the board over the last three years, especially in the areas relating to staffing and training mandates, health insurance, and injured workers compensation, but District revenues have not kept pace." The letter goes on to say that "The proposed new Assessments were determined by a recent Assessment Engineering Study performed by MuniFinancial and were designed to: 1) provide a more effective

level of fire suppression services for the future, 2) standardize assessment rates within the Empire, Riverbank, and Waterford/LaGrange areas of the District, 3) re-establish prudent operating reserves, and 4) provide a more equitable allocation of fire suppression expenses based on the benefit received by each type of property.” The amount of the assessment to homeowners is \$213.00 a year per property per year. The letter says the district expects to enhance the fire suppression level, but gives no timetable for the goals it lays out.

The mail-in ballot, and a special envelope to the Clerk of the Board, Stanislaus Consolidated Fire Protection District” were included with this letter, and property owners were asked to mark either:

“YES, I support the proposed assessment on my parcel for fire suppression services that benefit my parcel.”

Or

“NO, I oppose the proposed assessment on my parcel for fire suppression services that benefit my parcel.”

The voter then had to “declare, under penalty of perjury of the laws of California, that I am authorized to submit a ballot on behalf of the parcel identified above,” with a signature and date, and mail or take the ballot by December 9, 2004, to the Clerk of the Board of the Stanislaus Consolidated Fire Protection District.

A public hearing was set for December 9, 2004, at 7 PM at which time ballots could also be delivered to the Riverbank Fire Station Hall, 3318 Topeka Street, Riverbank, CA.

The total proposed assessment amount for the Fiscal Year 2005-2006 is \$4,903,321.

According to the Consolidated Fire Protection District FY 2005-2006 budget projection, the special assessment revenues were projected to be \$4,476,559 of the total budgeted revenues of \$7,160,600.

The ballot measure passed and the Fire Suppression Assessment revenues are being collected and used properly by the Stanislaus Consolidated Fire Protection District.

### **METHOD OF INVESTIGATION**

The Stanislaus County Civil Grand Jury examined the question posed by the citizen by using the following methods:

- Reviewing the ballot measure and letter submitted to property owners within the Stanislaus Consolidated Fire Protection District
- Reviewing meeting minutes of the Stanislaus Consolidated Fire Protection District Board of Directors

- Reviewing the Stanislaus Consolidated Fire Protection District financial statements and budget reports for Fiscal Years 2005-2006, 2006-2007 and 2007-2008
- Review of the Engineer's Report, Fire Suppression Assessment, Consolidated Fire Protection District, December 9, 2004, by MuniFinancial Company of Temecula
- Interviewing key personnel associated with the Stanislaus Consolidated Fire Protection District

## **FINDINGS AND RECOMMENDATIONS**

### **FINDING 1**

The Stanislaus County Civil Grand Jury finds that the Stanislaus Consolidated Fire Protection District does indeed use the Fire Suppression Assessment revenue from the December 9, 2004, ballot measure for fire suppression services as stated in the ballot measure, and according to generally accepted accounting procedures (GAAP).

### **RECOMMENDATION 1**

The Stanislaus County Civil Grand Jury has no recommendation on this finding, and commends the Stanislaus Consolidated Fire Suppression District for its diligence in the stewardship of the taxpayers' funds from this ballot measure.

### **FINDING 2**

The Stanislaus County Civil Grand Jury finds that the Stanislaus Consolidated Fire Suppression District will need to enhance revenues yet again, as the Fire Suppression Assessment will not cover all the needs that the District has and shall have in the future.

### **RECOMMENDATION 2**

The Stanislaus County Civil Grand Jury recommends that the Stanislaus Consolidated Fire Protection District Board of Directors review the needs of the Stanislaus Consolidated Fire Protection District, determine future population projections of the Stanislaus Consolidated Fire Protection District, and consider another ballot measure.

### **FINDING 3**

The Stanislaus County Civil Grand Jury has identified that the Stanislaus Consolidated Fire Protection District's Fire Chief has been required to function as a labor negotiator.



**RECOMMENDATION 3**

The Stanislaus County Civil Grand Jury recommends that the Board of Directors of the Stanislaus Consolidated Fire Protection District find the means, at its earliest convenience, to move this function to a professional labor negotiator, to allow the Fire Chief to function more effectively in the role of Fire Chief.

**RESPONSE REQUIRED**

The Stanislaus Consolidated Fire Protection District Board of Directors

**REFERENCES**

Stanislaus Consolidated Fire Protection District Assessment Ballot and letter to Property Owners

Kopecky, R. and Jewett, B. (January 13, 2005). *Engineer's Report, Fire Suppression Assessment*. Stanislaus Consolidated Fire Protection District Final Report. Available for examination at the Stanislaus Consolidated Fire Protection District Office, 3324 Topeka Street, Riverbank, CA 95367

Stanislaus Consolidated Fire Protection District budgets and financial statements for Fiscal Years 2004-2005, 2005-2006, 2006-2007 and 2007-2008, available for examination from the Stanislaus Consolidated Fire Protection District, Board of Directors, 3324 Topeka Street, Riverbank, CA 95367

**STANISLAUS COUNTY CIVIL GRAND JURY**  
**2007-2008**

**CASE #08-04**

**LA GRANGE ELEMENTARY SCHOOL DISTRICT**

**SUMMARY**

A complaint was submitted to the Stanislaus County Grand Jury alleging that the La Grange Elementary School District had submitted fraudulent attendance reports for the collection of funds, misused funds, housed staff and students in unsafe buildings, not complied with Department of Education mandates, and not received appropriate oversight from its Board of Trustees.

The methods of investigation included the following:

- A review of documents from the La Grange School District to appropriate education agencies
- On-site visits to the school
- Personal interviews with the complainants, key school personnel, and Stanislaus County Office of Education (SCOE) personnel
- Information gathered from relevant California state agencies having oversight or jurisdiction in school matters
- Comparison with relevant portions of the California Education Code (EdC).

Through the investigation, a number of specific findings were developed, summarized here.

- The La Grange Elementary School District administration did not fully and properly accomplish the tasks required by law.
- The La Grange Elementary School District Board of Trustees did not exercise the appropriate oversight of District educational, operational, personnel and financial matters.
- Students and staff were housed in classrooms that lacked adequate safety features, including fire alarms and communication systems. Mandated school safety inspections were not requested of the appropriate local fire jurisdiction. Mandated school safety exercises, fire drills, and planning were not carried out or documented.
- There were discrepancies in several mandated reports submitted to SCOE and the California Department of Education (CDE).
- The annual School Accountability Report Card (SARC) was not prepared.
- The District administration leased and sited relocatable classroom buildings without sufficient and appropriate approvals from the Division of the State Architect (DSA) and without mandated inspections during the construction.

## **INTRODUCTION**

### *Issues*

The issues raised in the complaint centered on the following:

- Improper use of school finances, including the inappropriate accounting of students for Average Daily Attendance (ADA), and inappropriate expenditure of grant funds
- Safety of teachers and students
- Lack of fire drills, lack of fire alarms, and lack of fire inspections
- Lack of appropriate school board oversight
- Failure to follow state regulations regarding school construction
- Failure to conduct the business of the School District in accordance with the EdC.

## **BACKGROUND**

The La Grange School District is an independent elementary school district governed by a three member Board of Trustees. It is classified as a “small school district.” The Board of Trustees is ultimately responsible for the operation of district schools, to be conducted in accordance with applicable provisions of the EdC.

The principal/superintendent is one position. For several years, the principal/superintendent was the only classroom teacher, and served as the administrator. In 2005-06, the La Grange School District added the La Grange Charter School to its campus. This resulted in growth from approximately 15 students in two classrooms to approximately 77 students. Owing to this growth, six relocatable, or portable, classrooms were added to the La Grange School site.

In California, Special Education services for students, who are defined as having special needs, can be obtained by contracting with the local county office of education, or by being provided by credentialed onsite personnel. In this school, the principal/superintendent is also the provider of student Special Education services by virtue of a credential.

### *Justification for the Investigation*

With the addition of the Charter School, the La Grange School District required more room for students and teachers. Several relocatable classrooms were leased and sited on the school property – allegedly without mandated approvals and inspections.

The complaint also alleged that school officials did not request most of the mandated periodic safety inspections.

In addition, the complaint alleged that the classrooms and other buildings had neither a properly functioning fire alarm system nor a properly functioning emergency communication system. The complaint further alleged that few fire drills were conducted on the school site.

Sworn testimony alleged that falsified student attendance records were kept and submitted to the SCOE for transmittal to the State Department of Education. Some of these allegedly false attendance figures were based on an improper method of accounting for absent students.

Additional sworn testimony alleged that categorical funds were expended without the appropriate oversight by a Schoolsite Council.

In addition, sworn testimony alleged that neither were Special Education services appropriately provided, nor were all the required Special Education conferences and meetings held. Further, it was alleged that the state-mandated annual School Accountability Report Card (SARC) was not produced.

Appropriate provisions of the EdC govern all of these functions. Relevant, individual citations are shown in the Findings and Recommendations section of this report.

## **METHODS OF INVESTIGATION**

The Stanislaus County Civil Grand Jury examined the allegations posed by using the following methods:

- Requests for pertinent documents from appropriate organizations and individuals with involvement in these matters
- Review of pertinent reports and documents from the La Grange School District including payroll records, students' attendance records, and classroom re-admit slips
- Review of pertinent reports with the SCOE personnel
- Review of pertinent reports with the CDE personnel
- Review of documents provided by witnesses.

Sworn interviews with:

- The complainants
- La Grange School personnel
- La Grange School District administration
- La Grange School District Board of Trustees
- SCOE personnel
- Stanislaus County Special Education Local Plan Area (SELPA) personnel
- Stanislaus County Fire Warden personnel
- Stanislaus County Consolidated Fire Protection District personnel
- Pertinent witnesses to the planning and construction at the La Grange School.

In several instances, documents requested by the Stanislaus County Civil Grand Jury of the La Grange School District were not provided. This resulted in alterations to investigation strategy and extensive time delays in the investigation.

Testimonies of witnesses and personnel with jurisdiction, and the allegations, were compared to appropriate sections of the EdC.

An on-site inspection by grand jury members of the La Grange School buildings and campus was performed in December 2007.

Relevant information was gathered online and through telephone calls from the DSA, SCOE, the California Department of General Services, the State Fire Marshal's Office, and online sources containing the EdC and the Public Contract Code.

## **FINDINGS AND RECOMMENDATIONS**

### **FINDING 1**

**Relocatable classrooms were placed on the La Grange School site in the absence of Division of the State Architect (DSA) approval.**

- a) Plans were not submitted to the DSA nor did DSA approve plans or issue permits for relocatable classrooms to be placed on the La Grange school site, per EdC 17280 and EdC 17350 et seq.
- b) No permits were issued by Stanislaus County, as that responsibility lies with the DSA.
- c) Construction inspections were not performed or reported, per EdC 17311 and EdC 17312.
- d) Final approval was not obtained before these buildings were put into use, per EdC 17315.

### **RECOMMENDATION 1**

The Stanislaus County Civil Grand Jury recommends that:

- a) DSA conduct an immediate inspection of the La Grange School facility to determine compliance with DSA requirements for construction on school sites.
- b) SCOE shall require all school districts to notify SCOE of all construction and to submit copies of DSA construction approval requests.
- c) SCOE shall require any district with no construction to submit an annual written report certifying to no construction.
- d) SCOE withhold funds for any school district construction until the district provides SCOE with evidence of DSA construction approval.
- e) La Grange School District immediately applies to DSA for construction approval for the relocatable classrooms.
- f) La Grange School District immediately requests an inspection from the California State Fire Marshal.
- g) La Grange School District removes students from un-approved buildings until they are approved for student occupancy.

## **FINDING 2**

**Relocatable classrooms, without final approval and containing several safety concerns, were occupied by students, for classroom instruction over a multi-year period.** EdC 17295, EdC 81133, and EdC 81130, et seq.

- a) Fire inspections were not performed.
- b) There were no fire alarm pulls or telephones for reporting fires or emergencies in these classrooms, per EdC 17077.10
- c) The central fire alarm could not be heard in these classrooms.
- d) Hasps and padlocks were installed on the outside of the only door of a classroom that housed students.

## **RECOMMENDATION 2**

The Stanislaus County Civil Grand Jury recommends that:

- a) The La Grange School District immediately applies to the DSA for construction approval for the relocatable classrooms.
- b) The La Grange School District immediately requests an inspection from the State Fire Marshal.
- c) The La Grange School District removes students from un-approved classrooms until they are approved for student occupancy.

## **FINDING 3**

**Safety drills and inspections were not regularly performed, reported, or recorded for several years.**

- a) The La Grange School District did not have a policy for conducting fire drills as required by EdC 32001.
- b) Fire drills were not conducted on a regular basis, per EdC 32001.
- c) Mandated inspections by the Fire Marshal were neither requested nor conducted as required. A fire inspection in March 2007 showed “no violations observed.” A fire inspection in January 2008 revealed many violations. A follow-up fire inspection in February 2008 showed that these had been cleared.
- d) Teachers had neither an adequate nor a reliable way of reporting a fire or emergency without leaving their classes unattended, per EdC 17077.10.
- e) Teachers had neither an adequate nor a reliable way of knowing if a fire or emergency was occurring elsewhere on campus.

## **RECOMMENDATION 3**

The Stanislaus County Civil Grand Jury recommends that:

- a) The State Fire Marshal immediately conducts an inspection of the buildings on the La Grange campus.



- b) The La Grange School is put on a State Fire Marshal priority list for regular safety and fire inspections.
- c) The La Grange School District installs a hardwired connection to a public, switched telephone network in each new or modernized classroom, per EdC 17077.10.

**FINDING 4**

**Categorical Funds were allotted to and spent by La Grange School District without having the required Schoolsite Council formed to oversee or authorize these expenditures.**

**RECOMMENDATION 4**

The Stanislaus County Civil Grand Jury recommends that:

- a) La Grange School District form a Schoolsite Council and document its formation and operation, per EdC 52850, et seq.
- b) SCOE verify that the La Grange Schoolsite Council has approved the expenditure of categorical funds, per EdC 41572.
- c) The CDE conduct an immediate audit of these expenditures by the La Grange School District and place the district on a priority list for future annual reviews.

**FINDING 5**

**Evaluation, reporting and delivery of services to Special Education students was inconsistent and appeared to be out of compliance with CDE requirements.**

- a) It appeared that Special Education services were not provided in accordance with the CDE requirements, per EdC 56340 et seq. and EdC 56360 et seq. It appeared that required members were not present at student Individual Education Plan (IEP) evaluation meetings, per EdC 56341
- b) Classroom teachers of Resource Specialist Program (RSP) students were neither advised of IEP meetings nor included in those meetings, per EdC 56341 (b) (2).

**RECOMMENDATION 5**

The Stanislaus County Civil Grand Jury recommends that:

- a) CDE conduct audits of the SELPAs within Stanislaus County.
- b) Stanislaus County SELPA audit the La Grange School District Special Education program and submit a copy of the audit report to SCOE and the Stanislaus County Civil Grand Jury.

- c) That SCOE develop a procedure to monitor the Special Education programs of its districts, with oversight for small school districts that do not contract with SCOE to deliver these Special Education services.

**FINDING 6**

**A Safe School Plan was neither properly prepared, distributed, nor maintained.**

- a) The required Safe School Plan was not available in the La Grange School office, per EdC 32280 et seq.
- b) The Safe School Plan was not filed with SCOE, per EdC 32280.

**RECOMMENDATION 6**

The Stanislaus County Civil Grand Jury recommends that:

- a) SCOE develop a program to oversee and ensure compliance with EdC 32280 et seq.
- b) SCOE report failure to comply with the Safe School Plan development requirements to CDE with a recommendation for suitable penalties.
- c) The La Grange School District develop a comprehensive Safe School Plan, per EdC 32280 et seq.

**FINDING 7**

**The School Accountability Report Cards (SARCs) were neither produced nor administered as required by EdC 33126 and EdC 35256.**

**RECOMMENDATION 7**

The Stanislaus County Civil Grand Jury recommends that:

- a) The CDE audit the production of SARCs by school districts.
- b) SCOE develop a system for oversight to ensure compliance by all school districts with this requirement.
- c) The La Grange School District immediately develop and implement a policy to ensure compliance with this requirement, per EdC 33126 and EdC 35256.

**FINDING 8**

**Attendance accounting procedures were irregular.**

- a) Documentation justifying attendance reports was not provided, per EdC 46000 et seq.
- b) Reported attendance showed irregularities in the multi-year pattern, per EdC 41601 et seq.

- c) There are no provisions for excusing student absences, to receive ADA for absent students, in the State Attendance Reporting procedures, per EdC 46300 et seq.
- d) Absent students were marked as present when the missed day's work was assigned to them by their teacher. This daily class work assignment program did not meet the requirements of an independent study program, making the reporting of these students as present out of compliance with CDE attendance reporting procedures.
- e) EdC 46300(e)(1) and EdC 46300(e)(2) define independent study programs as lasting five consecutive school days or more.

### **RECOMMENDATION 8**

The Stanislaus County Civil Grand Jury recommends that:

- a) CDE conduct an audit of the attendance procedures and reporting of the La Grange School District for the last four school years.
- b) CDE place the La Grange School District on a priority list for the conduct of all mandated attendance audits and reviews.
- c) SCOE review the attendance reporting procedures of the La Grange School District and establish a program for oversight of future reports.

### **FINDING 9**

**Duties of the principal/superintendent were neither specified, evaluated, nor known.**

- a) There was no La Grange School Board of Trustees policy for evaluating the principal/superintendent's performance.
- b) Some La Grange School Board members were unaware of the principal/superintendent's duties and responsibilities.
- c) The La Grange School Board renewed the principal/superintendent's contract without it having been seen by some La Grange School Board members and without conducting any evaluation of or accountability for the principal/superintendent's performance.
- d) There was neither school board policy requiring staff and teachers to be informed of the absence of the principal/superintendent, nor who the credentialed person in charge was, nor how the principal/superintendent could be reached in an emergency.

### **RECOMMENDATION 9**

The Stanislaus County Civil Grand Jury recommends that:

- a) The La Grange School Board develops policies and procedures outlining the principal/superintendent's duties and responsibilities.
- b) The La Grange School Board members immediately seek training on their duties, responsibilities and functions.

- c) SCOE provide the La Grange School Board with information on the Commission on Teacher Credentialing (CTC) requirements for credentialing administrators.
- d) The La Grange School Board evaluate the principal/superintendent's performance annually and keep written personnel records of them, with one of the evaluations taking place within the 90-day period immediately preceding contract renewal.

**FINDING 10**

**The La Grange School District Board of Trustees has not served with oversight and appears unaware of its responsibilities and liabilities in the conduct of district management and operations. Areas of concern include the following items:**

- a) The scheduling, conducting, and reporting of safety drills were not performed, per EdC 32001.
- b) The procurement of, construction of, permits for, and inspections of facilities and equipment placed or constructed on the La Grange School site, were not completed, per EdC 17263, 17267.
- c) Students were housed in classrooms without proper fire alarms having been approved by the DSA and the State Fire Warden's office, as required by EdC 17074.52(c) and (e).
- d) Students were housed in classrooms without proper emergency communication devices having been approved by the DSA and the State Fire Warden's office, as required by EdC 17077.10.
- e) The La Grange School Board did not require any reports or notifications of compliance with CDE mandates in the areas of construction, safety drills and activities, or the formation of committees, councils, programs, and activities.
- f) The La Grange School Board allowed the La Grange School District to function without adequate operational and personnel policies.
- g) The La Grange School Board provided inadequate supervision and oversight of the activities, decisions, and conduct of the principal/superintendent.
- h) The La Grange School Board did not practice the required oversight in the chain of command for decision-making, management, and operations, between the La Grange School Board and the principal/superintendent. It may or may not have been in a policy.
- i) The La Grange School Board neither provided for nor practiced adequate controls on funds expenditures, per EdC 42630 et seq.
- j) The La Grange School Board did not make mandated visits to school each term, per EdC 35292.

**RECOMMENDATION 10**

The Stanislaus County Civil Grand Jury recommends that:

- a) The La Grange School District immediately adopt and implement a policy requiring all school board members attend available training for school boards offered by SCOE, California School Boards Association (CSBA), and/or other sources on the Brown Act and the California Education Code.
- b) La Grange School District adopt a Board training policy that applies to the existing board members and to all future elected board members.
- c) The La Grange School Board immediately develop and adopt a policy, requiring the principal/superintendent to make monthly reports to the Board of any required safety drills, actions and activities, and compliance with same, of all mandated requirements from all agencies that pertain to the operation of the La Grange School District.
- d) SCOE develop and implement a program of semi-annual in-service board meetings, in January and August, for all school districts in the county. Further, that SCOE solicit and agendaize training items from the districts in advance, with items not addressed during the meeting to be addressed with the submitting district as soon as possible after the meeting. SCOE, through district superintendents, should stress the need and importance of this in-service meeting and encourage attendance.

**FINDING 11**

**The principal/superintendent of the La Grange School District has not fully met the duties and responsibilities of the position.**

**RECOMMENDATION 11**

The Stanislaus County Civil Grand Jury recommends that:

- a) SCOE develop and implement a program, or expand and existing programs, to train small school principals and superintendents, per EdC 44681 et seq.

**FINDING 12**

**In several instances, documents requested by the Stanislaus County Civil Grand Jury of the Grange School District were not provided.**

Explanations from the La Grange School District office varied:

- a) Some of the records were “not available”
- b) Some of the records did not exist
- c) Some of the records were lost in a computer theft
- d) For some of the records, there was no explanation.

**RECOMMENDATION 12**

The Stanislaus County Civil Grand Jury recommends that:

- a) The La Grange School District develops and implement policies and procedures to collect, maintain, and safely store appropriate school and district records.

**RESPONSES REQUIRED**

The Stanislaus County Civil Grand Jury requires that the following agencies provide written responses to the pertinent findings in this report no later than September 1, 2008.

1. La Grange School District administration
2. La Grange School District Board of Trustees
3. Stanislaus County Office of Education
4. Stanislaus County Consolidated Fire Protection District
5. Stanislaus County Special Education Local Plan Area (SELPA)
6. California State Department of Education
7. California Division of the State Architect

**APPENDIX**

California Education Codes, EdC

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=edc&codebody=&hits=20>

California State Fire Marshal

<http://osfm.fire.ca.gov/>

California Department of Education, CDE

<http://www.cde.ca.gov/>

California Division of the State Architect, DSA

<http://www.dsa.dgs.ca.gov/default.htm>

California School Boards Association, CSBA

<http://www.csba.org/>

Individualized Education Plan, IEP

<http://www.ed.gov/parents/needs/speced/iepguide/index.html>

Safe School Plan

<http://www.fresno.k12.ca.us/divdept/emergency/SafeSchoolPlanTemplate.html>

School Accountability Report Card, SARC

<http://www.cde.ca.gov/ta/ac/sa/>

Stanislaus County Consolidated Fire Protection District

<http://www.scfpd.us/index.cfm?Section=1&pagenum=197&titles=0>

Stanislaus County Office of Education, SCOE

<http://www.stancoe.org/>

Stanislaus County Special Education Local Plan Area, SELPA

<http://www.stanselpa.org/>

State Attendance Reporting, ADA

<http://www.doe.state.in.us/sservices/sao.htm>



**STANISLAUS COUNTY CIVIL GRAND JURY**  
**2007-2008**

**CASE # 08-27**

**CONTAINING THE EMERGING THREAT OF HEPATITIS C**  
**THROUGH A SYRINGE EXCHANGE PROGRAM**

**SUMMARY**

The purpose of this investigation was to examine the adequacy of Stanislaus County's response to the most prevalent emerging public health threat, the blood-borne pathogen disease Hepatitis C, with a reservoir in the injection drug user population and the potential to spread among the general population without adequate intervention. Hepatitis C is the second most frequently transmitted infectious disease in the county and the "GIANT IN THE CLOSET," according to Stanislaus County Public Health Department's Community Health Report of 2006. The Stanislaus County Civil Grand Jury, as a public health measure, initiated this investigation for the people of Stanislaus County.

The Stanislaus County Civil Grand Jury's review determined, from examining the existing legislation, studies, hearing testimony of expert witnesses and other resources, that a syringe exchange program is the best of the prevention measures available against the spread of Hepatitis C and other blood-borne pathogens.

The Stanislaus County Civil Grand Jury recommends that the provisions of AB 547 (Berg) be adopted by the Board of Supervisors of Stanislaus County to allow the Public Health Department or a contractor to provide syringe exchange program services in the county.

A syringe exchange program would reduce the rate of new infections from Hepatitis C, human immunodeficiency virus, which causes acquired immune response deficiency syndrome, (HIV/AIDS) and other blood-borne pathogen diseases in Stanislaus County. Further, a syringe exchange program would provide a means to exchange dirty syringes for sterile syringes, enabling proper disposal of dirty syringes and allowing for the introduction of other social and health services to the community.

Safe community disposal of used syringes is a significant public health issue. A syringe exchange program would reduce the spread of Hepatitis C and other blood-borne pathogens among law enforcement officials, health care workers, sanitation workers, and others exposed to discarded syringes, including injection drug users, their sexual partners and their children in Stanislaus County. Further, it would reduce significantly the ongoing risk to all health care workers who serve all populations without regard to medical, financial or social history.

A study titled Science-based literature on Syringe Exchange Programs (SEPs) 1996-2007, dated October 2007, by Joanna Berton Martinez, revealed the following information about syringe exchange programs:

- SEPs do reduce HIV transmission, (and, by extension, Hepatitis C)
- SEPs do increase enrollment in drug treatment programs
- SEPs do reduce risky behaviors and injection drug use
- SEPs do not promote substance abuse

In other studies, it was found that syringe exchange programs themselves do not encourage the use of illegal drugs and do not increase criminal activity.

### **BACKGROUND**

The Mission Statement of the Board of Supervisors of Stanislaus County reads:

“Stanislaus County serves the public interest by promoting public health, safety, welfare and the local economy in an efficient, cost-effective manner.”

In 2002 the Stanislaus County Hepatitis C Task Force was convened within the Public Health Department to create the Stanislaus County Hepatitis C Strategic Plan with a goal,

“To reduce the number of people newly infected with Hepatitis C in Stanislaus County.”

The Stanislaus County Hepatitis C Strategic Plan was completed in July 2006, and states in part:

“Stanislaus County has taken a lead in addressing Hepatitis C since 2002. In 2002 it was identified as one of the emerging health crisis (sic) of this county. The Stanislaus County rate exceeds the State of California rate as well as Healthy People 2010 target rate. Based on this data, Stanislaus County has taken a proactive role in reducing the number of infections in the county.”

However, the projection for 2008 sees a rise in reported cases. In the first quarter of calendar year 2008, 155 cases of Hepatitis C have been identified, which could indicate an annualized number of 620 cases will be reported, which is up from the previous year. That calculates to 11.9 newly identified cases of Hepatitis C each week.

Five actions steps were outlined in the Stanislaus County Hepatitis C Strategic Plan for the first year of a two-year strategy. All of the action steps have been completed except the most effective one,

“Seek to obtain approval to develop a syringe exchange program with the Board of Supervisors, Drug Advisory Board, and other interested parties.”

According to the Stanislaus County Hepatitis C Strategic Plan, it was an explicit objective of the Task Force to:

“Develop and implement a Hepatitis C education and prevention program for the general public, identified high risk populations, health care providers, law enforcement personnel, and other affected populations.”

Among other objectives, the plan reads:

“During year two the Public Health Department should: Develop and implement a syringe exchange program.”

The 2006 Stanislaus County Community Health Report, named Strength in Unity, noted that:

“In fact, **hepatitis C is the second most frequent communicable disease within Stanislaus County**, second only to Chlamydia, a sexually transmitted infection.”

The report noted this about Hepatitis C:

“It has been labeled the GIANT IN THE CLOSET because it is a chronic, insidious infection, which is not detected until severe liver damage has occurred.”

On August 10, 2006, the Stanislaus County Police Chiefs’, Sheriff’s and District Attorney’s Association sent a letter to the Board of Supervisors on the subject of Syringe Distribution, which in pertinent part states:

“We do believe there may be merit in a needle exchange program, depending on the structure employed.”

Thus, both the public health and law enforcement approaches can co-exist with the common goal of harm reduction in Stanislaus County, through reducing the spread of blood-borne pathogen diseases by providing new syringes to injection drug users in exchange for dirty syringes in a syringe exchange program.

## **METHOD OF INVESTIGATION**

The Stanislaus County Civil Grand Jury conducted interviews with Health Services Agency (HSA) management and staff, law enforcement management and harm reduction professionals. The Stanislaus County Civil Grand Jury reviewed science based literature, Stanislaus County statistical data, laws, worldwide statistics and harm reduction information.

## **FINDINGS AND RECOMMENDATIONS**

### **Medical/Health Considerations**

#### **FINDING 1**

Hepatitis C is the second most frequently transmitted communicable disease within Stanislaus County. Calendar year 2008 has started with 155 cases the first quarter, indicating that an annualized number of 620 cases could be reported, which is up from the previous year. New cases of Hepatitis C are projected to be identified at the rate of 11.9 per week for 2008.

#### **FINDING 2**

The most effective prevention strategy against Hepatitis C among injection drug users is the employment of a sterile syringe and needle for each injection.

#### **FINDING 3**

According to the Stanislaus County Health Services Agency, "Table 9. Mode of exposure 2007 Hepatitis C cases in Stanislaus," of the 519 cases identified, 69.4% did not know how they got the disease, 16.4% acquired it through injection drug use, and the remainder through other means.

#### **FINDING 4**

Currently there are no vaccines available against Hepatitis C or HIV.

#### **FINDING 5**

According to testimony, in a recent study in Stanislaus County, 25% of those tested at drug treatment programs tested positive for Hepatitis C.

#### **FINDING 6**

Further, 33.4% of reported HIV/AIDS cases in Stanislaus County were related to injection drug use.

#### **FINDING 7**

Injection drug users become infected by and transmit blood-borne pathogen disease viruses to others primarily through sharing contaminated syringes.

#### **FINDING 8**

The National Institutes of Health estimates that in the United States, at least seventy percent (70%) of injection drug users have Hepatitis C and between fifteen and twenty percent (15%-20%) have HIV.

## **Harm Reduction Factors**

### **FINDING 9**

According to the HIV Prevention Bulletin issued by the US Department of Health and Human Services, Centers for Disease Control, Health Resources and Services Administration (HRSA), National Institute on Drug Abuse, (NIDA), Substance Abuse and Mental Health Services Administration (SAMHSA), and the Morbidity and Mortality Weekly Report of the Center for Disease Control, November 9, 2007, persons who inject drugs should use sterile syringes to prevent the transmission of HIV.

### **FINDING 10**

Syringes and equipment are shared for many reasons, but primarily because legal barriers have limited the access to sterile syringes. Removing legal sanctions against syringe possession would encourage proper disposal of dirty syringes through a legal syringe exchange program

### **FINDING 11**

In a syringe exchange program, a used syringe is required in exchange for a new syringe, thereby enabling the proper disposal of dirty syringes and not increasing the number of syringes circulating in the county.

### **FINDING 12**

Harm reduction strategies, such as allowing legal syringe exchange programs, reduce the spread of Hepatitis C and other blood-borne pathogens to law enforcement officials, health care providers, family members, newborn infants, and uninfected injection drug users.

### **FINDING 13**

Outreach projects associated with syringe exchange programs provide introductions to early medical treatment for other problems affecting injection drug users. Services offered include risk reduction behavior counseling, housing programs, recovery programs, job placement, and referrals to related services.

### **FINDING 14**

Safe community disposal of used syringes is a significant public health issue. A legal syringe exchange program would reduce the spread of Hepatitis C and HIV/AIDS among people, their sexual partners, their children, law enforcement officials, health care providers, sanitation workers and others exposed to discarded syringes in Stanislaus County.

**Cost factors and related budget savings**

**FINDING 15**

HIV/AIDS patients are among the most expensive patients in the public health system. The direct lifetime medical cost for an HIV/AIDS patient from the time of diagnosis until death is estimated to be between \$144,000 and \$600,000.

**FINDING 16**

The direct lifetime medical cost of a Hepatitis C patient is estimated to be \$100,000. If a liver transplant is needed the additional cost would be at least \$300,000.

**FINDING 17**

The estimated costs of treatment of Hepatitis C and HIV do not include the social implications of lost wages, disability benefits, unemployment or the fiscal impact of lost tax revenue and Social Security contributions.

**FINDING 18**

A clean syringe costs pennies compared to the lifetime medical and social costs of caring for chronically ill patients.

**FINDING 19**

The 2007 budget for the Fresno syringe exchange program, a private enterprise, was \$47,000. None of its budget was subsidized by Fresno County. It was funded by grants and donations.

**FINDING 20**

A study titled Science-based literature on Syringe Exchange Programs (SEPs) 1996-2007, dated October 2007, by Joanna Berton Martinez, reveals the following information:

- SEPs reduce HIV transmission
- SEPs do increase enrollment in drug treatment programs
- SEPs do reduce risky behaviors and injection drug use
- SEPs do not promote substance abuse.

**FINDING 21**

Syringe exchange programs do not encourage the use of injection drugs and do not increase criminal activity.

## **Enabling Legislation**

### **FINDING 22**

Assembly Bill 547, Berg, was signed by Governor Schwarzenegger and went into effect January 1, 2006. The bill amends previous legislation (AB 136, Mazzone) to allow counties and cities to authorize syringe exchange programs in their jurisdictions without the necessity to declare a state of local emergency. The purpose of AB 547 is to simplify the procedure for syringe exchange program authorization in order to encourage the integration of syringe exchanges into Hepatitis C and HIV prevention efforts throughout the State of California.

### **FINDING 23**

Five years ago, AB 136 was signed into law, creating Health and Safety Code Section 11364.7(a). The law reads, in part:

“No public entity, its agents, or employees shall be subject to criminal prosecution for distribution of hypodermic needles or syringes to participants in clean needle and syringe exchange projects authorized by the public entity pursuant to a declaration of a local emergency due to the existence of a critical local public health crisis.”

Health and Safety Code Section 11364.7(a) protected local government organizations, their employees, and authorized subcontractors in local health jurisdictions that declared a local health emergency from criminal prosecution for distribution of syringes.

The requirement to declare a local emergency has been rescinded by AB 547.

## **Support for Syringe Exchange Programs**

### **FINDING 24**

The Stanislaus County Civil Grand Jury finds that there is considerable support for syringe exchange programs and for AB 547. National organizations in support of syringe exchange programs include the following:

- American Bar Association
- American Medical Association
- American Academy of Pediatrics
- American Nurses Association
- American Public Health Association
- American Pharmaceutical Association
- American Psychological Association
- American Red Cross
- Council of State and Territorial Epidemiologists



National Black Caucus of State Legislators  
National Black Police Officers Association  
National Alliance of State and Territorial AIDS Directors  
National Association of State Alcohol and Drug Abuse Directors  
U.S. Conference of Mayors  
U.S. Government Accounting Office  
Health & Human Services  
National Institute on Drug Abuse

**FINDING 25**

California supporters of AB 547 and syringe exchange programs include:

Health Officers Association of California  
California Chapter, National Association of Social Workers  
California Narcotic Officers' Association  
California Medical Association  
California Peace Officer's Association  
California State Association of Counties  
County Alcohol and Drug Program Administrators Association of California  
County Health Executives Association of California

**FINDING 26**

Stanislaus County supporters of AB 547 and a syringe exchange program include:

Advisory Board for Substance Abuse Programs of Stanislaus County  
Hepatitis C Coalition of Stanislaus County  
Local Implementation Group of Stanislaus County

**RECOMMENDATION 1**

The Stanislaus County Civil Grand Jury recommends that the Stanislaus County Board of Supervisors adopt a resolution enabling the provisions of AB 547, thus allowing the operation of a syringe exchange program within Stanislaus County.

**RECOMMENDATION 2**

The Stanislaus County Civil Grand Jury recommends that the Stanislaus County Board of Supervisors direct the Public Health Department of the Health Services Agency to provide a syringe exchange program, or to seek a contractor, to provide syringe exchange program services within Stanislaus County.

**RESPONSES REQUIRED**

Stanislaus County Board of Supervisors  
Stanislaus County Department of Public Health

**APPENDIX**

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**STATE LEGISLATION:**

BILL NUMBER: AB 547      CHAPTERED  
BILL TEXT

CHAPTER 692  
FILED WITH SECRETARY OF STATE OCTOBER 7, 2005  
APPROVED BY GOVERNOR OCTOBER 7, 2005  
PASSED THE ASSEMBLY AUGUST 29, 2005  
PASSED THE SENATE AUGUST 23, 2005  
AMENDED IN SENATE JULY 11, 2005

INTRODUCED BY Assembly Members Berg and Richman  
(Coauthors: Assembly Members Bass, Calderon, Chan, Chu, Cohn, De  
La Torre, Dymally, Evans, Goldberg, Hancock, Jones, Koretz, Laird,  
Leno, Levine, Lieber, Montanez, Mullin, Oropeza, Pavley,  
Ridley-Thomas, Saldana, Salinas, and Vargas)  
(Coauthors: Senators Alquist, Chesbro, Kehoe, Kuehl, Lowenthal,  
Migden, and Romero)

FEBRUARY 16, 2005

An act to amend Section 11364.7 of, and to add Chapter 18 (commencing with Section 121349) to Part 4 of Division 105 of, the Health and Safety Code, relating to clean needle and syringe exchange.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 547, Berg  
Clean needle and syringe exchange projects.

Existing law authorizes pharmacists and physicians to furnish hypodermic needles and syringes without a prescription or permit for human use in the administration of insulin or adrenaline.

Existing law prohibits any public entity, its agents, or employees from being subject to criminal prosecution for distribution of hypodermic needles or syringes to participants in clean needle and syringe exchange projects authorized by the public entity pursuant to a declaration of a local emergency due to the existence of a critical local public health crisis.

This bill would instead authorize cities, counties, or cities and counties to have a clean needle and syringe exchange project that, in consultation with the State Department of Health Services, authorizes this exchange, as recommended by the United States Secretary of Health and Human Services and as part of a network of comprehensive services.

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

SECTION 1. The Legislature finds and declares all of the following:

(a) The rapidly spreading acquired immunodeficiency syndrome (AIDS) epidemic, and the more recent spread of blood-borne hepatitis, pose an unprecedented public health crisis in California, and threaten, in one way or another, the life and health of every Californian.

(b) Injection drug users are the second largest group at risk of becoming infected with the human immunodeficiency virus (HIV) and developing AIDS, and they are the primary source of heterosexual, female, and perinatal transmission in California, the United States, and Europe.

(c) According to the Office of AIDS, injection drug use has emerged as one of the most prevalent risk factors for new AIDS cases in California.

(d) Studies indicate that the lack of sterile needles available on the streets, and the existence of laws restricting needle availability promote needle sharing, and consequently the spread of HIV among injection drug users. The sharing of contaminated needles is the primary means of HIV transmission within the injection drug user population.

(e) Most injection drug users use a variety of drugs, mainly heroin, cocaine, and amphetamines. Because amphetamine- and cocaine-injecting drug users inject more frequently than heroin users, their risk for HIV infection is higher.

SEC. 2. Section 11364.7 of the Health and Safety Code is amended to read:

11364.7. (a) Except as authorized by law, any person who delivers, furnishes, or transfers, possesses with intent to deliver, furnish, or transfer, or manufactures with the intent to deliver, furnish, or transfer, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance, except as provided in subdivision (b), in violation of this division, is guilty of a misdemeanor.

No public entity, its agents, or employees shall be subject to criminal prosecution for distribution of hypodermic needles or syringes to participants in clean needle and syringe exchange projects authorized by the public entity pursuant to Chapter 18 (commencing with Section 121349) of Part 4 of Division 105.

(b) Except as authorized by law, any person who manufactures with intent to deliver, furnish, or transfer drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body cocaine, cocaine base, heroin, phencyclidine, or methamphetamine in violation of this division shall be punished by imprisonment in a county jail for not more than one year, or in the state prison.

(c) Except as authorized by law, any person, 18 years of age or over, who violates subdivision (a) by delivering, furnishing, or transferring drug paraphernalia to a person under 18 years of age who is at least three years his or her junior, or who, upon the grounds of a public or private elementary, vocational, junior high, or high school, possesses a hypodermic needle, as defined in paragraph (7) of subdivision (a) of Section 11014.5, with the intent to deliver, furnish, or transfer the hypodermic needle, knowing, or under circumstances where one reasonably should know, that it will be used by a person under 18 years of age to inject into the human body a controlled substance, is guilty of a misdemeanor and shall be punished by imprisonment in a county jail for not more than one year, by a fine of not more than one thousand dollars (\$1,000), or by both that imprisonment and fine.

(d) The violation, or the causing or the permitting of a violation, of subdivision (a), (b), or

(c) by a holder of a business or liquor license issued by a city, county, or city and county, or by the State of California, and in the course of the licensee's business shall be grounds for the revocation of that license.

(e) All drug paraphernalia defined in Section 11014.5 is subject to forfeiture and may be seized by any peace officer pursuant to Section 11471.

(f) If any provision of this section or the application thereof to any person or circumstance is held invalid, it is the intent of the Legislature that the invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application and to this end the provisions of this section are severable.

California Health and Safety Code, Division 105, Part 4, Chapter 18,  
**HEALTH AND SAFETY CODE SECTION 121349-121349.3**

121349 (a) The Legislature finds and declares that scientific data from needle exchange programs in the United States and in Europe have shown that the exchange of used hypodermic needles and syringes for clean hypodermic needles and syringes does not increase drug use in the population, can serve as an important bridge to treatment and recovery from drug abuse, and can curtail the spread of human immunodeficiency virus (HIV) infection among the intravenous drug user population.

(b) In order to attempt to reduce the spread of HIV infection and blood-borne hepatitis among the intravenous drug user population within California, the Legislature hereby authorizes a clean needle and syringe exchange project pursuant to this chapter in any city and county, county, or city upon the action of a county board of supervisors and the local health officer or health commission of that county, or upon the action of the city council, the mayor, and the local health officer of a city with a health department, or upon the action of the city council and the mayor of a city without a health department.

(c) The authorization provided under this section shall only be for a clean needle and syringe exchange project as described in Section 121349.1

121349.1. A city and county, or a county, or a city with or without a health department, that acts to authorize a clean needle and syringe exchange project pursuant to this chapter shall, in consultation with the State Department of Health Services, authorize the exchange of clean hypodermic needles and syringes, as recommended by the United States Secretary of Health and Human Services, subject to the availability of funding, as part of a network of comprehensive services, including treatment services, to combat the spread of HIV and blood-borne hepatitis infection among injection drug users. Providers participating in an exchange project authorized by the county, city, or city and county pursuant to this chapter shall not be subject to criminal prosecution for possession of needles or syringes during participation in an exchange project.

121349.2. Local government, local public health officials, and law enforcement shall be given the opportunity to comment on clean needle and syringe exchange programs on an annual basis. The public shall be given the opportunity to provide input to local leaders to ensure that any potential adverse impacts on the public welfare of clean needle and syringe exchange programs are addressed and mitigated.

121349.3. The health officer of the participating jurisdiction shall present annually at an open meeting of the board of supervisors or city council a report detailing the status of clean needle and syringe exchange programs including, but not limited to, relevant statistics on blood-borne infections associated with needle sharing activity and the use of public funds for these programs. Law enforcement, administrators of alcohol and drug treatment programs, other stakeholders, and the public shall be afforded ample opportunity to comment at this annual meeting. The notice to the public shall be sufficient to assure adequate participation in the meeting by the public. This meeting shall be noticed in accordance with all state and local open meeting laws and ordinances, and as local officials deem appropriate.



BILL NUMBER: SB 1159 CHAPTERED  
BILL TEXT

CHAPTER 608

FILED WITH SECRETARY OF STATE SEPTEMBER 20, 2004

APPROVED BY GOVERNOR SEPTEMBER 20, 2004

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AMENDED IN ASSEMBLY AUGUST 17, 2004

AMENDED IN ASSEMBLY JULY 2, 2004

AMENDED IN ASSEMBLY JUNE 21, 2004

AMENDED IN SENATE MAY 11, 2004

AMENDED IN SENATE MARCH 16, 2004

INTRODUCED BY Senator Vasconcellos

(Principal coauthors: Assembly Members Berg and Nation)

(Coauthors: Assembly Members Goldberg, Hancock, Jerome Horton,  
Koretz, Laird, Levine, and Vargas)

FEBRUARY 2, 2004

An act to amend Sections 4145 and 4147 of, and to repeal Section 4146 of, the Business and Professions Code, to amend Section 11364 of, and to add Chapter 13.5 (commencing with Section 121285) to Part 4 of Division 105 of, the Health and Safety Code, relating to hypodermic needles and syringes.

LEGISLATIVE COUNSEL'S DIGEST

SB 1159, Vasconcellos. Hypodermic needles and syringes.

(1) Existing law regulates the sale, possession, and disposal of hypodermic needles and syringes. Under existing law, a prescription is required to purchase a hypodermic needle or syringe for human use, except to administer adrenaline or insulin.

This bill, subject to authorization by a county or city, would authorize a licensed pharmacist, until December 31, 2010, to sell or furnish 10 or fewer hypodermic needles or syringes to a person for human use without a prescription if the pharmacy is registered with a local health department in the Disease Prevention Demonstration Project, which would be created by the bill to evaluate the long-term desirability of allowing licensed pharmacies to sell or furnish nonprescription hypodermic needles or syringes to prevent the spread of blood-borne pathogens, including HIV and hepatitis C.

The bill would require a pharmacy that participates in the Disease and Demonstration Project pursuant to county or city authorization to comply with specified requirements, including registering with the local health department. The bill would require the State Department of Health Services, in conjunction with an advisory panel, to evaluate the effects of allowing the sale of hypodermic needles or syringes without prescription, and

would require a report to be submitted to the Governor and the Legislature by January 15, 2010. The bill would encourage the State Department of Health Services to seek funding from private and federal sources to pay for the evaluation. The bill would impose various other duties on local health departments, thereby imposing a state-mandated local program. The demonstration program would terminate on December 31, 2010.

Alternatively, the bill would also authorize the sale or furnishing of hypodermic needles or syringes to a person for human use without a prescription if the person is known to the furnisher and has previously provided the furnisher with a prescription or other proof of a legitimate medical need.

The bill would make it unlawful to discard or dispose of a hypodermic needle or syringe upon the grounds of a playground, beach, park, or any public or private elementary, vocational, junior high, or high school. The bill would make a knowing violation of this prohibition a crime, thereby imposing a state-mandated local program.

(2) Existing law requires a pharmacist to keep detailed records of nonprescription sales of hypodermic needles and syringes. This bill would delete that requirement.

(3) Existing law prohibits the possession and sale of drug paraphernalia. This bill, until December 31, 2010, subject to authorization by a county or city, would allow a person to possess 10 or fewer hypodermic needles or syringes if acquired through an authorized source.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(5) This bill would make the operation of its provisions contingent upon the enactment of SB 1362.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4145 of the Business and Professions Code is amended to read:

4145. (a) Notwithstanding any other provision of law, a pharmacist or physician may, without a prescription or a permit, furnish hypodermic needles and syringes for human use, and a person may, without a prescription or license, obtain hypodermic needles and syringes from a pharmacist or physician for human use, if one of the following requirements is met:

(1) The person is known to the furnisher and the furnisher has previously been provided a prescription or other proof of a legitimate medical need requiring a hypodermic needle or syringe to administer a medicine or treatment.

(2) Pursuant to authorization by a county, with respect to all of the territory within the county, or a city, with respect to the territory within the city, for the period commencing January 1, 2005, and ending December 31, 2010, a pharmacist may furnish or sell 10 or fewer hypodermic needles or syringes at any one time to a person 18 years of age or older if the pharmacist works for a pharmacy that is registered for the Disease Prevention Demonstration Project pursuant to Chapter 13.5 (commencing with Section 121285) of Part 4 of Division 105 of the Health and Safety Code and the pharmacy complies with the provisions of that chapter.

(b) Notwithstanding any other provision of law, a pharmacist, veterinarian, or person licensed pursuant to Section 4141 may, without a prescription or license, furnish hypodermic needles and syringes for use on animals, and a person may, without a prescription or license, obtain hypodermic needles and syringes from a pharmacist, veterinarian, or person licensed pursuant to Section 4141 for use on animals, providing that no needle or syringe shall be furnished to a person who is unknown to the furnisher and unable to properly establish his or her identity.

SEC. 2. Section 4146 of the Business and Professions Code is repealed.

SEC. 3. Section 4147 of the Business and Professions Code is amended to read:

4147. (a) For the purposes of this section, "playground" means any park or outdoor recreational area specifically designed to be used by children that has play equipment installed or any similar facility located on public or private school grounds or county parks.

(b) Any hypodermic needle or syringe that is to be disposed of, shall be contained, treated, and disposed of, pursuant to Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code.

(c) It is unlawful to discard or dispose of a hypodermic needle or syringe upon the grounds of a playground, beach, park, or any public or private elementary, vocational, junior high, or high school.

(d) A person who knowingly violates subdivision (c) is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than two hundred dollars (\$200) and not more than two thousand dollars (\$2,000), or by imprisonment in a county jail for up to six months, or by both that fine and imprisonment.

(e) Subdivision (c) does not apply to the containment, treatment, and disposal of medical sharps waste from medical care or first aid services rendered on school grounds, nor to the containment, treatment, and disposal of hypodermic needles or syringes used for instructional or educational purposes on school grounds.

SEC. 4. Section 11364 of the Health and Safety Code is amended to read:

11364. (a) It is unlawful to possess an opium pipe or any device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking (1) a controlled substance specified in

subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, specified in

subdivision (b) or (c) of Section 11055, or specified in paragraph (2) of subdivision (d) of Section 11055, or (2) a controlled substance which is a narcotic drug classified in Schedule III, IV, or V.

(b) This section shall not apply to hypodermic needles or syringes that have been containerized for safe disposal in a container that meets state and federal standards for disposal of sharps waste.

(c) Pursuant to authorization by a county, with respect to all of the territory within the county, or a city, with respect to the territory within in the city, for the period commencing January 1, 2005, and ending December 31, 2010, subdivision (a) shall not apply to the possession solely for personal use of 10 or fewer hypodermic needles or syringes if acquired from an authorized source.

SEC. 5. Chapter 13.5 (commencing with Section 121285) is added to Part 4 of Division 105 of the Health and Safety Code, to read:

#### CHAPTER 13.5. DISEASE PREVENTION DEMONSTRATION PROJECT

121285. (a) The Disease Prevention Demonstration Project, a collaboration between pharmacies and local and state health officials, is hereby authorized for the purpose of evaluating the long-term desirability of allowing licensed pharmacists to furnish or sell nonprescription hypodermic needles or syringes to prevent the spread of blood-borne pathogens, including HIV and hepatitis C.

(b) The State Department of Health Services shall evaluate the effects of allowing pharmacists to furnish or sell a limited number of hypodermic needles or syringes without prescription, and provide a report to the Governor and the Legislature on or before January 15, 2010. The State Department of Health Services is encouraged to seek funding from private and federal sources to pay for the evaluation. The report shall include, but need not be limited to, the effect of nonprescription hypodermic needle or syringe sale on all of the following:

- (1) Hypodermic needle or syringe sharing practice among those who inject illegal drugs.
- (2) Rates of disease infection caused by hypodermic needle or syringe sharing.
- (3) Needlestick injuries to law enforcement officers and waste management employees.
- (4) Drug crime or other crime in the vicinity of pharmacies.
- (5) Safe or unsafe discard of used hypodermic needles or syringes.

(6) Rates of injection of illegal drugs.

(c) The State Department of Health Services shall convene an uncompensated evaluation advisory panel comprised of all of the following: two or more specialists in the control of infectious diseases; one or more representatives of the California State Board of Pharmacy; one or more representatives of independent pharmacies; one or more representatives of chain pharmacy owners; one or more representatives of law enforcement executives, such as police chiefs and sheriffs; one or more representatives of rank and file law enforcement officers; a specialist in hazardous waste management from the State Department of Health Services; one or more representatives of the waste management industry; and one or more representatives of local health officers.

(d) In order to furnish or sell nonprescription hypodermic needles or syringes as part of the Disease Prevention Demonstration Project in a county or city that has provided authorization pursuant to Section 4145 of the Business and Professions Code, a pharmacy shall do all of the following:

(1) Register with the local health department by providing a contact name and related information, and certify that it will provide, at the time of furnishing or sale of hypodermic needles or syringes, written information or verbal counseling on all of the following:

- (A) How to access drug treatment.
- (B) How to access testing and treatment for HIV and hepatitis C.
- (C) How to safely dispose of sharps waste.

(2) Store hypodermic needles and syringes so that they are available only to authorized personnel, and not openly available to customers.

(3) In order to provide for the safe disposal of hypodermic needles and syringes, a registered pharmacy shall provide one or more of the following options:

- (A) An onsite safe hypodermic needle and syringe collection and disposal program.
- (B) Furnish or make available for purchase mail-back sharps disposal containers authorized by the United States Postal Service that meet applicable state and federal requirements, and provide tracking forms to verify destruction at a certified disposal facility.
- (C) Furnish or make available for purchase personal sharps disposal containers that meet state and federal standards for disposal of medical waste.

(e) Local health departments shall be responsible for all of the following:

(1) Maintaining a list of all pharmacies within the local health department's jurisdiction that have registered under the Disease Prevention Demonstration Project.

(2) Making available to pharmacies written information that may be provided or reproduced to be provided in writing or orally by the pharmacy at the time of furnishing or the sale of nonprescription hypodermic needles or syringes, including all of the following:

- (A) How to access drug treatment.
- (B) How to access testing and treatment for HIV and hepatitis C.
- (C) How to safely dispose of sharps waste.
- (f) As used in this chapter, "sharps waste" means hypodermic needles, syringes, and lancets.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

SEC. 7. This act shall become operative only if Senate Bill 1362 of the 2003-04 Regular Session is enacted and becomes effective on or before January 1, 2005.



## STANISLAUS COUNTY CIVIL GRAND JURY 2007-2008

CASE # 08-25

### CORRECTIONAL FACILITIES INSPECTIONS

#### 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.

The methods of investigation included:

- On-site visits with tours through each facility by members of the Stanislaus County Civil Grand Jury.
- Communication between the Stanislaus County Civil Grand Jury's Planning, Building, and Property Committee and the supervisors of the various facilities in the county.
- On-site conferences with selected members of each facility's staff.
- Examination of pertinent publications provided by the Stanislaus County Sheriff's Department staff and Probation Department 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's 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.

Four facilities were inspected in March 2008: the Main Jail, the Public Safety Center, the Probation Department's Juvenile Facility, and the Sheriff's Honor Farm. These custodial facilities, for the most part, are generally managed well and in reasonably good condition with exception of the Main Jail and portions of the Honor Farm, which show clear signs of age.

As a result of these investigations, various findings were developed.

The Main Jail is crowded and outdated. Staff work areas as well as custodial sections are in noticeably poor condition. The entire facility should be replaced. Replacement of this facility was recommended in the 1988 Jail Needs Assessment and Master Plan.

The Public Safety Center is in good condition but becoming crowded.

The Juvenile Facility is in good condition but needs expansion to handle the longer-term wards it is housing. In addition, the County needs to establish a separate long-term



commitment facility at that location to separate sentenced (commitment) wards from unsentenced (court-process) wards.

The Sheriff's Honor Farm is crowded and some sections are in poor-to-fair condition. Replacement of this facility was recommended in the 1988 Jail Needs Assessment and Master Plan. The Honor Farm needs a backup generator to handle power outages in winter.

Staffing levels should be evaluated and increased as necessary for staff and inmate safety. Increased advocacy for youth in the Juvenile Facility as a preventive measure should be proactive rather than reactive. It is the opinion of this Grand Jury that there is greater advocacy for animals in Stanislaus County than for children.

## **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 simple visits to one or more of the facilities within their jurisdiction with a brief report as to the condition of those facilities to very detailed inspections of specific aspects of a facility's operation. 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.

Custodial facilities are an unfortunate component of public service agencies. Aspects of their missions include:

- Public safety – keeping lawbreakers and dangerous individuals away from the general public
- Education and guidance – attempted re-education of offenders
- Individual safety – keeping various groups of offenders away from each other
- Law enforcement and justice – providing appropriate incarceration facilities as needed.

To properly fulfill their missions, these public service agencies need adequate, dedicated, and trained staff, and appropriate structural facilities. The 2007-2008 Stanislaus County Civil Grand Jury chose to focus on the physical facilities of the local correctional system, and inmate and juvenile ward programs.

## **METHOD OF INVESTIGATION**

Members of the 2007-2008 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.

The following areas were selected for review:

- Issues related to inmate, ward and staff safety
- Programs such as educational and recreational opportunities
- Medical care
- Inmate and ward classification
- Meals, visitation, and family contact
- Adequacy of the facilities/work spaces for administrative functions
- Overall condition of the facilities
- Effectiveness of the facilities to handle staff functions and the inmate and ward populations
- Staffing loads

The Stanislaus County Civil Grand Jury requested and was provided with safety inspection reports for all facilities for the past two years. Appointments were made with the various jail managers for on-site visits by the members of the Stanislaus County Civil Grand Jury.

Members of the Stanislaus County Civil Grand Jury made personal visits to the four facilities located within the county: the Main Jail at 1115 H Street in downtown Modesto; the Public Safety Center, 200 E. Hackett Road just south of Modesto; the Probation Department's Juvenile Facility, 2215 Blue Gum Avenue near the MJC West campus; and the Honor Farm, 8224 West Grayson Road. These inspections occurred during the week of March 3-7, 2008.

## **FACILITY DISCUSSIONS, FINDINGS AND RECOMMENDATIONS**

### **Main Jail Facility**

#### **Report on Main Jail Facility**

##### *Physical plant and general safety*

The Main Jail was built in 1954 to house 396 inmates. The structure predates the Americans With Disabilities Act (ADA) requirements. The overall condition of the facility was between poor and good, considering its age. The walls, floors, and windows appeared clean. However, there are apparent leaks, as many of the walls have water stains. There was standing water in some of the halls, particularly on the second and third floors. Plastic coverings of interior fluorescent ceiling lights are yellowed, making the lighting dim. Cables from outlets to the portable telephone carts (low-voltage) were lying on the floors in a manner to constitute a tripping hazard. In addition, severed cables were noticed. Further, these cables appeared to be vulnerable to inmate access as possible weapons. Some of the walls appeared to be in need of paint. The second floor medical room had paint peeling from the ceiling. The booking entry area was clean, apparently having been freshly painted. All areas were clean and free of trash.

Some safety signage needs replacement or refurbishing, as it was difficult to read. Exit signage appears adequate, given the age of the building. Some fire door signage was worn off in the inmate workers' quarters.

Building plans were maintained on site with two sets in the lieutenant's office and one in maintenance.

The back-up generator was located near the maintenance shed and is tested monthly.

Fire drills: Run-throughs are done per policy and procedures, on paper, as it is impractical to do any real tests due to security issues. Evacuation locations are the tunnel to courts, the inmate workers' quarters, and the sally port entrance to the facility.

Fire safety items (fire extinguishers, hoses, etc.) were clearly marked and appear to be adequate per applicable codes. Smoke detectors and fire extinguishers were available.

Contained breathing equipment is located throughout facility and tested yearly; the staff is trained to use it. The equipment is used to evacuate prisoners in case of fire.

#### Staff Working Conditions

The administration/staff areas appeared clean and neat. The walls in some areas looked old and in need of paint. The offices, some of which are used for booking, classification, supplies, medical treatment, etc. appeared adequately maintained. Some staff duty stations appeared neat but physically cramped – not allowing sufficient space for staff to conduct work tasks. Medical offices appeared cramped. Staff expressed need for more storage for files and inmate property.

A shortage exists per staff comments; current staffing level is 2 per 150 inmates.

Staff was cordial and very cooperative to all our queries.

#### Inmate Housing and Processing

About 35-50 male inmates are admitted daily. Normal length of stay is one year, or less, with some exceptions. Minimum Security sections consist of 12-man dorms and 1- or 2-man cells. Inmates are classified according to attitude and behavior, and any background abnormalities.

At the inmate entry area, officers store their guns in locked boxes and arrestees are searched.

Booking instructions are posted on the wall. Booking – Pre-booking area has a fingerprint scanner that provides information to determine if an arrestee is currently in the system. Post-booking area – The inmate waits until an officer comes to continue booking. Inmates with what may be considered lightweight charges are "cited out" with a court appearance date. If an inmate is not considered sober, the inmate is placed in the

sobering cell until he is coherent and cooperative. Inmate is visually observed every 15 minutes around the clock, and is given an arousal check every 30 minutes. An inmate's personal property is placed in the property drawer in sealed bag, after being listed, and the list is signed by the inmate and the booking clerk. Each new inmate is stripped and searched and issued a color-coded suit, based on initial pre-classification, then placed in a temporary cell until classified. Inmates are classified within 12 hours, and reclassified after 30 days or upon request and after 60 days

Inmates displaying good behavior have a chance to work in the kitchen and janitorial jobs. About 62 inmates work in this capacity and are housed near the kitchen in a "dark room" for inmates that work the graveyard shift and a dorm-style room known as the Inmate Workers Quarters. A common area has restrooms, separate showers and sitting room with tables and chairs, phones and television. The area was clean with minimum odor. These inmates are given extra food and other benefits as an incentive for work and good behavior.

A cell is provided on the first floor for sight-impaired or physically handicapped individuals. Alternatively, these inmates might be sent to the Public Safety Center.

In the cell management scheme, all cells are searched with one or two cells being randomly selected for search per shift.

The first floor unit has two safety cells with padded walls. Inmates placed here are evaluated every four hours by medical staff. Every safety cell is checked every 15 minutes. Handicapped inmates would stay on the first floor level. The second floor is permanent housing for medium security inmates and the third floor is for maximum security inmates. Monitors display all areas on the floor that can be video monitored; however, cameras do not view into cells, per privacy laws.

There is a tunnel from the jail to the courthouse. There are holding cells located in the tunnel near the courthouse entrance for inmates waiting to appear. Usually, 70-100 inmates per day are handled here. All Stanislaus County adult detention facilities bring inmates to this area for court appearances.

The visitor foyer is clean and well marked, with locked boxes available for visitors. Inmates are allowed two half-hour visits per week.

#### **Inmate Medical Care**

All incoming inmates must complete a medical questionnaire – this is the collection point for inmate-declared medical issues. After this, field officers and jail staff share information regarding observed medical issues, psychological issues, etc.

The 2005-2006 Stanislaus County Civil Grand Jury made several recommendations for revisions to the medical screening process as the result of a complaint filed by an arrestee. It appears that all of these recommendations have been put in place and current staff feels that the issues brought up in that investigation have been resolved.

Any inmate displaying any warning signs of suicide is placed in a padded, safety cell, and observed twice every 30 minutes. These inmates are evaluated by medical staff every 6 hours. Inmates with an infectious or communicable disease are isolated in a cell (or, possibly transported to Doctors Hospital) and a public health officer is notified. There is a medical office on each floor, located next to locked staff area. There is a defibrillator located on the control floor. The dental office is rather austere. No preventative dentistry or hygiene is provided. Some cases are referred out.

#### **Inmate Programs**

As inmates are charged for telephone use, all telephone income is used to benefit inmates through the Inmate Welfare Fund (for television, etc.). There are outdoor exercise areas on the roof, which are divided into two areas with a separate area for two staff members. The area appeared to be adequately maintained and well supervised. Staff stated that many inmates do not take advantage of this recreation facility. This area is open all year from 6:00 a.m. until 10:00 p.m. Inmates are allowed three hours of recreation per week in two or three sessions. Inmates are provided with General Education Development (GED) programs. There is a law library on the third floor with reference material, however all books remain in the library.

#### **Kitchen**

The food preparation area appeared clean. All food is prepared at the central kitchen in the Public Safety Center and then transported to the downtown site. Most food is heated on-site, then distributed on carts and served to inmates. Trash was bagged and placed in proper bins.

#### **Findings for Main Jail Facility**

The Stanislaus County Civil Grand Jury finds the following:

- 1] The staff does a good job with order and cleanliness considering age of facility and size constraints. Medical offices appeared cramped. Storage areas for inmate property are crowded. Cell areas are very crowded.
- 2] There were wet floors, with standing water, in the outside aisles of the second and third floors.
- 3] Low-voltage cables from outlets to the portable telephone carts were draped over the floors in a manner to constitute a tripping hazard. In addition, there were severed cables on the floor. Further, these cables appeared to be vulnerable to inmate access for use as weapons.
- 4] Some staff duty stations appeared physically cramped – not allowing sufficient space for staff to conduct work tasks.
- 5] Additional staffing is needed.

### **Recommendations for Main Jail Facility**

1] Include the following items in designs for a new facility – and proceed with the construction of that new facility:

- Larger staff work areas: medical offices, cell-floor duty stations
- Larger inmate property storage areas
- Larger inmate housing areas

Replace this facility as recommended in the 1988 Jail Needs Assessment and Master Plan.

2] Improve housekeeping to eliminate the water standing on the floors.

3] Use cable spools to contain loose cables. Remove or repair severed cables.

4] Digitize as many records as possible to save storage space.

5] Evaluate operation and expand staffing to fill appropriate vacancies. The Jail Needs Assessment, June 2007, recommended a number of staffing increases as shown in Section G, pages G.1-G.2.

Facility escort staff  
Correctional officers in Central Control

### **Sheriff's Public Safety Center**

#### **Report on Public Safety Center**

##### *Physical Plant and General Safety*

The facility is in overall excellent condition; it was built in 1993. The walls, floors, and windows are clean and well maintained. Some areas are carpeted and most furniture is in good shape. The halls are wide with good lighting. Many areas have skylights. No offensive odors were detected. The public areas have adequate restrooms and drinking fountains. Sprinkler systems are apparent throughout.

The general grounds are almost "park-like." The buildings are situated in a large open area. There is ample parking and the areas appear clean and well lit. Stanislaus County owns the land and has long-range plans for expansion.

Building plans are kept on-site in the Master Control Room, Unit B. There is a backup generator near the food preparation building. Fire drills are performed according to existing policies and procedures. There is plenty of secure outside space to evacuate inmates. Breathing apparatus and other fire safety/life safety equipment appears adequate and up to standards. Exits are clear. The building signage appears up to applicable code.



The visitor foyer is clean and freshly painted. A display case listed prisoners' names and housing locations. Locked boxes are available for officers' guns as well as lockers are available for visitors to store personal belongings during visit.

The Intake Area is currently under review for some re-design.

#### Staff Working Conditions

The administration/staff areas are clean and well equipped. The furniture is in very good shape and the areas have ample lighting.

The operating staff consists of 23 sheriff deputies for 680 inmates. One officer in a central control room controls the entire facility. In addition, two officers are stationed in the B Unit control center, which surrounds the main control room.

Staff comments that the facility is understaffed; the operation needs the staff doubled for safety and thoroughness. Overtime usually amounts to 8-12 hours per shift.

#### Inmate Housing and Processing

Intake Area - Only female inmates are booked here. Bookings average 45 per day, or about 12-14 per shift. Males are not booked at the Public Safety Center, but are received via the main jail or Honor Farm transfer. There is a common area for non-disruptive inmates to wait for booking. There are two holding cells for disruptive inmates and one "sobering" cell for inmates under the influence of drugs or alcohol. Inmates placed in these padded cells are checked every 15 minutes. Each incoming inmate is provided two free telephone calls within two hours of intake. Inmates being admitted are fingerprinted, photographed, searched, and issued a color-coded uniform, depending on their classification.

B Unit – The Master Control Room is located in a raised, secured, glass-walled room in the center of this unit. The control room is surrounded by locked areas dividing inmates. This unit houses inmates with mental health issues as well as other problematic inmates. Cell doors are solid, as these inmates tend to spit and throw body fluids at staff. Regarding inmates housed in B-Unit, staff feels that mentally unstable inmates should not be housed in a jail facility, as they are unpredictable and dangerous. Manageable inmates can leave their cells and recreate with the group in an area outside and in front of their cells. Inmates are allowed three hours per week to exercise. Those who exhibit poor behavior can only come out and exercise individually. There is one safety cell in this unit, as well as a visitor room. Another section is provided for problem inmates.

The maximum length of stay in this facility is one year per conviction.

The restraint chair is a device used to subdue an out-of-control inmate without the risk of choking. A prisoner in the "chair" is checked every 15 minutes. Constraining an individual in this manner is very staff-intensive.



The facility is divided into units, and inmates are assigned to a unit by classification. Each unit houses 86 inmates with 1 staff member. Each unit has a recreation area and six showers. One unit is handicapped-compliant. Inmates are provided GED opportunities, drug counseling, and access to clergy.

Video Court – An inmate can opt to be arraigned by this method. There is a room equipped with a TV monitor and camera wherein arraignment occurs.

There is the Minimum Housing Unit – a separate building – on the property. The housing building is divided into two areas. Inmates have access to a common area within each enclosure. The common area has game tables, telephones, restrooms and showers. Inmates can recreate outside this unit in a separate exercise area.

There is a Visitor Center building near this Minimum Housing Unit where visits are allowed on Saturday and Sunday; each inmate gets two 30-minute visits per weekend. The visitor room is one large area with double rows of chairs that face each other, two or three feet apart. Visitors are pre-qualified (screened) by staff before admittance.

#### Inmate Medical

This facility has a medical isolation room for inmates with tuberculosis. At intake, the inmate's Medical Questionnaire is used to determine medical issues, contagious ailments, or psychological issues, whereupon medical staff meets with the inmate and the inmate is given a thorough work-up. There is a nurse on the premises as well as a physician on shift and on call.

#### Inmate Programs

The outdoor exercise areas are extensive. They include both cemented and grassy areas. The location of this facility creates an expansive, very open environment. Inmates are allowed clergy contact, doctor, and lawyer visits. A multipurpose room in each unit is used for these visits.

#### Food Preparation and Handling

The food preparation building is state-of-the-art and has the capacity to prepare 30,000 meals per day. It provides meals for Stanislaus County and one other county. Stanislaus County is currently in negotiations to provide meals to a third county. The kitchen currently makes 5,000 meals per day with a crew of 30 inmates and 12 staff members. The kitchen is very clean, organized, and well maintained. Cost of food is \$5.50 per day per inmate. Special meals are provided on appropriate documentation. All meals are turkey-based, eliminating many problems in accommodating dietary restrictions. A very nice staff cafeteria is part of this facility. This facility is periodically inspected by the Stanislaus County Health Department.

### **Findings for Public Safety Center**

The Stanislaus County Civil Grand Jury finds that:

- 1] A video arraignment program had been implemented, but not utilized to full capacity.
- 2] Staff feels that mentally unstable inmates should not be housed in a jail facility, as they are unpredictable and dangerous.
- 3] Additional staffing is requested. The Jail Needs Assessment, June 2007, recommended a number of staffing increases as shown in Section G, pages G.1-G.2.

Internal facility escort correctional officer  
External transportation staff  
"B" Control staff (jail command post and inmate supervision)  
Minimum Housing Unit staff  
Medical security position  
CSO positions.

- 4] The facility overall is in excellent condition; it was built in 1993. All visible areas appeared clean and well maintained. No trash was visible.

### **Recommendations for Public Safety Center**

The Stanislaus County Civil Grand Jury recommends the following actions:

- 1] Expand the video arraignment program to include all inmates (to the extent possible). Can this program be made mandatory? This should have several positive impacts on the operation of the Public Safety Center. It would:
  - Reduce staffing needs and possibly reduce under-staffing situations.
  - Save money that is being used for transport vehicle operation and maintenance.
  - Decrease security vulnerabilities at the Public Safety Center because fewer inmates would need to be transported outside the facility.
  - Improve control of combative or abusive inmates who are easier to control when they are not taken outside the facility.
  - Allow the prompt arraignment of inmates who have medical conditions.
- 2] Evaluate the placement of verifiably mentally unstable inmates in this facility.
- 3] Evaluate operations and expand staffing to fill appropriate vacancies.
- 4] Continue good housekeeping.

## **Probation Department/Juvenile Detention Center**

### Report on Juvenile Detention Center

#### *Physical Plant and General Safety*

Building plans are kept on site. The building was opened in 1978, expanded in 2000 (30 more beds), and again in 2002 (40 more beds); and now has 158 beds. This is the only juvenile facility in Stanislaus County. The building is in good condition, and the facility is clean, trash is properly contained, and no odors were noticed. Exterior doors were well painted; a few interior doors had peeling paint.

There is a back-up generator on site, with two 500-gallon fuel tanks. There are evacuation drills monthly. Wards are evacuated into secure yard areas. Exits were clear, exit signage is good; and appears up to code. Fire safety equipment is contained in secure plumbing chases. Fire extinguishers are adequately placed throughout building.

#### Staff Working Conditions

Staffing levels are governed by Title 15, which requires one staff member for every ten wards. Staff stated that the booking area is sufficient, but could be re-organized to make the space more efficient.

The staff stated that the greatest need is for a juvenile commitment facility where longer-sentenced wards could be placed for continued care after their initial stay. Stanislaus is the only county south of Sacramento, regardless of size, that does not have such a Commitment Facility. Presently, wards that stay longer than 20-25 days receive recycled facility programs, as that is what the probation department can offer. Programs are repeated every 20-25 days, as that is the current program interval based on the typical ward's expected length of stay. Repeating the program is not effective, and causes boredom. A commitment facility is designed for longer term wards wherein effective counseling, parental counseling, training programs, drug and alcohol programs, vocational programs, agricultural programs, and other intervention programs would be offered. This facility would offer a better chance of "breaking cycles".

The administration continues to request that funds for this commitment facility be allocated by the County CEO and County Board of Supervisors. Presently there are some funding opportunities – such as a grant for 75 percent of building costs from the State of California. If this grant is obtained, the Board of Supervisors might be more willing to provide the amount remaining for this much-needed facility. The County owns 14 acres adjacent to the present Juvenile Detention Center that could be used for this purpose. The facility would be built to house about 90 wards. Much of the infrastructure is already present on the existing property.

#### Inmate Housing and Processing

About 1800-2000 youths are processed annually at this facility. The population is co-ed, although housed separately. The average stay is 20-25 days and then the ward is usually

released to home, foster care, or group home, and sometimes to other counties for continued care.

Hard cases are sent to Department of Juvenile Justice (the old California Youth Authority).

Unit 1 - Booking: All wards are booked, evaluated by medical staff, and classified within two hours. Each ward gets one telephone call after booking; he or she can repeat the attempt until successful. The ward enters and pertinent information is put in the system. Wards are fingerprinted and photographed and data is sent electronically to Department of Justice for verification. The ward showers and is issued a clean, color coded uniform - orange for maximum security or grey tee shirts with navy blue pants for all other wards. The ward's personal property is placed in blue garment bags and the ward signs-off on the storage. The property bags are locked in a secure area.

Unit 3 – A typical unit: Cells are single, double, or quads. The honor room is larger and awarded to wards with good behavior. The common area between units is used for classrooms. Each room has a call-button for wards to reach the staffed desk. The common area and cells were clean. This unit housed the Intensive Treatment Unit (ITU) for wards with drug and alcohol problems. There is one-to-one counseling for these wards.

Unit 5 - Maximum Security wards.

Unit 6 - Transition Unit, all cells are single cells.

Unit 7 - Special Needs: This unit is for wards with mental health issues, or who are achieving below grade level.

Unit 8 – This unit houses female wards.

Room check is every 15 minutes, facility-wide (every 30 minutes between 11PM and 7AM).

The units have a separate classroom adjacent to the common area. The wards receive 270 minutes per day of instruction time. The Welfare Fund is used for exercise equipment and television. Beds have solid concrete bases. Regular telephone calls are limited to 10 minutes. One cell is handicap-accessible.

The wards are locked in their cells during shift change. Girls are not routinely allowed make-up. Posters are awarded for good behavior. The wards participate in a Behavior Modification Program wherein points are given for good behavior and can be used for TV time, chips and sodas (provided by parents), or more exercise time.

Inmate Medical

Health Services – During initial intake, wards undergo a mental health screening as well as a medical exam. If there is an immediate need for medical treatment, the ward is sent

to Doctors Hospital for medical clearance. Physicals are given within 72 hours of booking. The medication room is locked. The file room must keep wards' health records for 5 years, 10 years for pregnant wards. The facility is staffed by RNs and LVNs, and a physician visits the facility once a day.

#### Inmate Programs

Exercise - Weekdays, each ward engages in one hour of large-muscle exercise per day; weekends, three hours per day. Wards may recreate outside; there are basketball and volleyball courts, and a BBQ area with tables. The exercise field is surrounded by 16' fencing (8' is anti-climb fence) topped with razor wire.

Clergy and a "Youth for Christ" program are available. Clergy offers one-to-one counseling, Bible study, and church services.

#### Food Preparation and Handling

Food for the facility is provided by The Howard Training Center in Ceres.

### **Findings for Juvenile Detention Center**

The Stanislaus County Civil Grand Jury finds:

- 1] That there are inadequate juvenile justice, mental health, and vocational programs to properly rehabilitate the sentenced (long-term) wards being housed in the facility. Currently, both sentenced and un-sentenced wards are housed here. The current programs are designed for short-term wards (about 30 days); so long-term wards (60 days or longer) just receive repetitions of the same short programs.
- 2] That the Stanislaus County Juvenile Justice program is a critical element in the overall justice system, and its successful operation is to the immediate benefit of Stanislaus County.
3. That the housing capacity of the Stanislaus County Juvenile Justice facility will have become inadequate by the year 2010. In the Juvenile Commitment Needs Assessment, April 2008, it was previously recommended to add at least 80 beds at this location, to bring the total to 238 beds. This addition would bring the housing capacity in line with the recommendations of that assessment as projected through the year 2010. By the year 2020, the projections showed a potential need for a total of 297 beds, or an additional 139 beds more than currently available.
- 4] Lack of family involvement in offenders' treatment can affect recidivism.

## **Recommendations for Juvenile Detention Center**

The Stanislaus County Civil Grand Jury recommends the following items:

1) Develop longer-term juvenile justice, mental health, and vocational programs for those sentenced wards that serve longer terms (more than 60 days). This could reduce recidivism, boredom, attitude problems, etc.

In the juvenile justice scheme with both a juvenile hall and a juvenile commitment facility, the juvenile hall residents would be un-sentenced wards (pre-adjudication); the commitment facility residents would be sentenced wards (post-adjudication).

2) Develop plans and move forward with the youth commitment facility (youth honor farm) project for housing sentenced wards. This project should have about 90 beds. As the County already owns the land, there is no land acquisition problem in proceeding with this project. The need for this facility is described in the Juvenile Commitment Needs Assessment, April 2008, as an “urgent service gap in the Juvenile Criminal Justice System.” (Executive Summary, page EX.2)

Potential benefits include:

- Keeping sentenced wards local, allowing for more family involvement in the rehabilitation process.
- Enhancing family counseling opportunities with local incarceration.
- Separating sentenced wards from court-process wards.
- Allowing for more comprehensive education programs, including vocational programs.

3] Expand the current facility for un-sentenced wards, per the recommendations of the Juvenile Commitment Needs Assessment, April 2008.

4] Strongly advocate for more family-involvement programs – such as whole-family counseling – for all wards. Possibly, even advocate for the courts to mandate such whole-family programs, where possible.

### **Sheriff’s Honor Farm**

#### **Report on Sheriff’s Honor Farm**

#### ***Physical Plant and General Safety***

The facility was built in the late 1960s and the barracks were added in the early 1970s. The barracks are not ADA-compliant; if remodeled or expanded, the facility would have to be brought into compliance.



### Staff Working Conditions

Current staff level is 41, with 2 vacancies. Four more positions are clearly needed, especially on the graveyard shift, the lack of which constitutes a security risk.

The facility needs a reliable generator, as there is no alternative reliable power source available during outages. During power outages, which can be frequent during the winter, the sewer system pumps fail, creating a serious wastewater problem.

### Inmate Housing and Processing

The downtown main jail classifies the inmates and then they are sent to the Honor Farm, which houses 360 inmates. The average maximum length of stay is three to seven months. There are three main barracks, with 86 inmates per barracks with a common bathroom that includes toilets, sinks, and showers. There is a security check every hour. An additional barracks is Barracks 4, a medium security unit, mostly housing unsentenced inmates. This is overflow from the downtown main jail. The capacity of Barracks 4 is 90 inmates, with 6 per cell. Barracks 4 is U-shaped, and the inmates' recreation area is an open area in the middle.

### Inmate Programs

Inmates work for extra food, a chance to learn a trade, other privileges, and early release credit. All inmates are required to work. Staff is trying to organize a job placement program.

The Inmate Welfare Fund is used for a large screen TV, tractors, etc. The inmates participate in a weekly "Clean Barracks Contest" where the winning barracks gets to choose the movie to be shown on the large screen.

Outside work crews are dispatched from the Honor Farm; an average of 100 inmates participate per day. Half of these crews are supervised by civilians. The inmate crews work on projects for city parks, Department of Forestry, landfill, public works, and roadside cleanup.

Training programs include wood shop, metal shop, greenhouse, and small engine shop. The Honor Farm staff looks for inmates who have skills to match jobs and then offers an apprentice program for other eligible inmates.

There is a large recreation field, fenced with anti climb and razor wire.

There are several intervention programs available to the inmates: - drug counseling, parenting programs, Men in Recovery, T.A.L.K. (Teaching And Loving Kids) a positive-parenting program, Breaking Barriers, and Friends Outside. A chaplain is available.

The Honor Farm has a recycled metal bin, and revenue from sales of metal is returned to the County General Fund. There is an inmate garden where potatoes, corn, onions, and garlic are grown. A safety meeting is held every Monday, where use of tools and general safety matters are covered.



### Food Preparation and Handling

Meals are delivered from the central kitchen at Public Safety Center. The Honor Farm keeps three days of food on hand at all times.

### **Findings for Sheriff's Honor Farm**

The Stanislaus County Civil Grand Jury finds:

- 1] That the Honor Farm is generally short-staffed; particularly the graveyard shift.
- 2] That serious sewer problems develop during power-outage situations. This happens frequently during the winter. When electrical power is out for more than a half hour, the sewage system ceases to operate, creating a health hazard. Portable toilet units (Porta-Potties) can be placed in the barracks, but the main sewer problems must still be dealt with separately.
- 3] The vocational skill programs available are limited in scope and depend, to a great extent, on outside donations.
- 4] Some of the Honor Farm buildings are in poor condition.
- 5] Many of the Honor Farm projects result in significant cost savings to the County.

### **Recommendations for Sheriff's Honor Farm**

The Stanislaus County Civil Grand Jury recommends that the County:

- 1] Evaluate operations and expand staffing to fill appropriate vacancies. The Jail Needs Assessment, June 2007, recommends a number of staffing increases as shown in Section G, pages G.1-G.2.

Correctional staff for Barracks 2 and 3 on the night shift  
Transportation staff (all three shifts).

- 2] Immediately obtain and install a new emergency generator system. This would alleviate winter sewer problems caused by power outages.
- 3] Expand vocational skill programs as much as possible. Fund these programs to provide a permanent base of skills opportunities. Provide a vocational job-placement and tracking program.
- 4] Replace or rebuild buildings and upgrade others as needed. Replacement of this entire facility was recommended in the 1988 Jail Needs Assessment and Master Plan.
- 5] Continue and expand these programs. Seek appropriate partnerships with the business community.

## **General/All Facilities**

### **General Findings**

1] Jail management and staff are doing extremely well with the current environment and within existing constraints. The Public Safety Center and Juvenile Detention Center are excellent facilities. However, there are many structural shortcomings in the Main Jail and the Honor Farm. The Main Jail's outdated design and cramped location will not allow for expansion. The Honor Farm facility lacks adequate security and its remote location creates a response time problem in case of a need for backup personnel. From County of Stanislaus Sheriff's Department – Jail Needs Assessment, June 2007, Executive Summary, p EX.2).

2] The Juvenile Detention Center houses sentenced and un-sentenced wards in the same facility.

3] Review of a sample of the safety inspection reports and related documents provided by the Sheriff's Department and the Probation Department found that items identified as deficient were handled in a reasonable and timely manner.

The staff and management personnel of each facility were operating their plant in a responsible manner. The staff members knew their jobs and performed their duties well. The management was comfortable responding to questions posed by the visiting members of the grand jury.

4] The total bed count in the three adult detention facilities is currently 1492. The executive summary of the County of Stanislaus Sheriff's Department – Jail Needs Assessment, June 2007 show a projection of 1913 total beds needed – an increase of 421 beds. The bed count of 1492 includes 100 double-bunk beds. Should the county need to eliminate this condition, then an additional 521 beds must be produced to meet the projection that is only two years in the future. The report describes this bed shortage as an "urgent service gap in the adult criminal justice system" (Executive Summary, p EX.1). Should this recommended expansion not take place, additional, critical pressure on early release programs is certain.

5] All of the facilities provided many of the necessary programs for the inmates.

6] There are critical staffing shortages that put the safety of staff as well as inmates and wards in jeopardy. The Jail Needs Assessment, June 2007, details staffing recommendations in Section G, pages G.1-G.2.

7] Staffing shortages impede professional development programs, which, in turn, negatively affect staff promotion and retention.

8] All four facilities appeared reasonably clean and trash-free.

**General Recommendations**

- 1] Demolish the Main Jail and Honor Farm and add the needed beds at the Public Safety Center property, as the County owns additional property at that location. These changes were already recommended in the 1988 Jail Needs Assessment and Master Plan. Conversion of the Main Jail to a short-term court holding facility has also been proposed.
- 2] Build the juvenile commitment facility immediately. This commitment facility would enable the separation of sentenced and un-sentenced wards. In the current Juvenile Commitment Facility Needs Assessment, it has been recommended that the county build this commitment facility on the existing property on Blue Gum Avenue.
- 3] Continue to train all staff thoroughly.
- 4] Expand bed capacity by building new facilities on existing County-owned property.
- 5] Expand inmate programs as needed – especially the educational and counseling programs at the Juvenile Detention Center.
- 6] Carefully evaluate staffing needs at all adult facilities. Recruit, hire, and train new staff members. The Jail Needs Assessment, June 2007, recommends a number of staffing increases as shown in Section G, pages G.1-G.2.

Main Jail

Facility escort staff  
Correctional officers in Central Control

Public Safety Center

Internal facility escort correctional officer  
External transportation staff  
“B” Control staff (jail command post and inmate supervision)  
Minimum Housing Unit staff  
Medical security position  
CSO positions.

Honor Farm

Correctional staff for Barracks 2 and 3 on the night shift  
Transportation staff (all three shifts)

- 7] Improve professional development programs as needed.
- 8] Continue the good housekeeping.

**RESPONSES REQUIRED**

Office of the Stanislaus County Sheriff  
Stanislaus County Probation Department  
Board of Supervisors, Stanislaus County  
Stanislaus County C.E.O.

**APPENDIX**

TRG Consulting. June 26, 2007. Stanislaus County Public Safety Services Master Plan.  
Stanislaus County, CA.

TRG Consulting. April 11, 2008. Juvenile Commitment Facility Needs Assessment.  
Stanislaus County CA.

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# Appendices

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## WHAT IS THE CIVIL GRAND JURY?

- **The Civil Grand Jury is empowered to investigate complaints** from citizens, civic groups, government employees and others about the operations of county and city governments and the conduct of their officers and employees. The Civil Grand Jury may also investigate complaints about special districts and school districts.
- **The Grand Jury is the guardian of public trust in local government.** This is known as the “Civil Watchdog” function. The Grand Jury exists to assure honest and efficient government.
- **Certain functions of the Grand Jury are mandated by law,** such as examining the condition of the detention facilities within the county. The Grand Jury is mandated to audit the books, records and accounts of county offices and to contract for an outside auditor to conduct such audits.
- **Committees are formed to study citizen complaints.** The Grand Jury itself also selects additional areas that it wishes to study/investigate. The Grand Jury publishes its findings, conclusions and recommendations in a single report for each investigation.
- **Final Reports and Responses.** The complete set of all reports released in a given fiscal year constitutes the Final Report of the Civil Grand Jury. Each individual report is labeled as Part One, Part Two, etc. as each is a single part of the Final Report. Each separate report, and in turn the Final Report, is distributed to the public officials, libraries, and the press.
- **Agencies or departments,** which are the subjects of investigations, are required to respond to the findings and recommendations within 60 days, and 90 days in certain cases, from the date of the receipt of the report. All reports and responses are available for viewing on the Grand Jury website: <http://www.stanct.org>.
- **Grand Jury Complaint Forms** may be obtained from the office. Complaints presented in the form of a letter will be accepted, but it is desirable to use the form whenever possible. A complaint form is also available from the website.
- **Grand Jury Confidentiality.** In all Grand Jury proceedings and investigations members and staff are sworn to maintain secrecy. All complaints are handled with the utmost confidentiality. The complainant’s name is never divulged or used in a written report.
- **While the Grand Jury is a part of the judicial system,** it is an entirely independent body. Whereas the State Attorney General, the Presiding Judge of the Superior Court, the District Attorney, and the County Counsel, may act as its advisors, they cannot control the actions of the Grand Jury except to ensure legality. The Grand



Jury is an institution not answerable to any administration, politician, or legislator. It is the overseer of the public interest.

- **The selection of the Civil Grand Jury is a process directed by the Presiding Judge** of the Superior Court and involves names which have been randomly selected from the master jury pool, names which have been submitted by community leaders, and those citizens requesting an application. Every person who responds (that meets initial requirements) in the affirmative that he or she wants to serve is afforded an interview with the Presiding Judge. The court seeks to select a cross section of the community based on geographical location, skills, age, sex and ethnic background. Out of those interviewed, the Judge selects 30 names. On July 1<sup>st</sup>, 19 names or fewer if there are “holdovers” from the prior term’s panel, and four alternates are drawn to become the new Civil Grand Jury. Civil Grand Jurors volunteer to serve for one fiscal year, or longer, as applicable for holdover jurors.

**2007-2008 CIVIL GRAND JURY  
SELECTION PROCESS**

**PHASE I: INITIAL RECRUITMENT PROCESS**

**Letters mailed to:**

- A. **400 names were randomly selected from the Master Jury Pool of 206,552 names.**
- 21 responded interested (5.25%)
  - 4 responded interested. Later disqualified or withdrew (1.0%)
  - 173 responded not interested (43.25%)
  - 150 did not respond (37.50%)
  - 52 returned as undeliverable (13.0%)
- B. **143 Community Leaders were asked to submit names.**
- 10 responded with names (7.0%)
  - 133 did not respond (93.0%)
- C. **20 names were submitted by 143 Community/Union Leaders.**
- 13 responded interested (65.0%)
  - 3 responded not interested (15.0%)
  - 4 did not respond (20.0%)
- D. **33 persons asked for an application to serve.**
- 30 responded interested (90.9%)
  - 3 did not respond (9.1%)
- E. **16 persons from last year's selection process were contacted.**
- 2 responded interested but later withdrew (12.5%)
  - 2 responded not interested (12.5%)
  - 12 did not respond (75.0%)

F. Persons from 16 cities received questionnaires via **random selection**.

<u>City</u>	<u>Number</u>	<u>Percentage</u>
Ceres	28	(7.0%)
Crows Landing	2	(.5%)
Denair	5	(1.25%)
Empire	6	(1.5%)
Hickman	1	(.25%)
Hughson	7	(1.75%)
Keyes	3	(.75%)
La Grange	1	(.25%)
Modesto	200	(50.0%)
Newman	12	(3.0%)
Oakdale	23	(5.75%)
Patterson	17	(4.25%)
Riverbank	14	(3.5%)
Salida	9	(2.25%)
Turlock	67	(16.75%)
Waterford	5	(1.25%)
<b>Total</b>	<b>400 random names</b>	

G. Persons from 7 cities received questionnaires after having their **names submitted by Community Leaders**.

<u>City</u>	<u>Number</u>	<u>Percentage</u>
Ceres	2	(10.0%)
Hughson	2	(10.0%)
Modesto	6	(30.0%)
Newman	4	(20.0%)
Oakdale	1	(5.0%)
Turlock	4	(20.0%)
Waterford	1	(5.0%)
<b>Total</b>	<b>20 submitted names</b>	

H. Persons from 7 cities requested an application:

<u>City</u>	<u>Number</u>	<u>Percentage</u>
Ceres	1	(3.0%)
Hughson	1	(3.0%)
Keyes	1	(3.0%)
Modesto	18	(54.6%)
Oakdale	3	(9.1%)
Riverbank	2	(6.1%)
Turlock	7	(21.2%)
<b>Total</b>	<b>33 requested an application</b>	

I. Persons from 4 cities were contacted from last years' applicants:

<u>City</u>	<u>Number</u>	<u>Percentage</u>
Ceres	1	(6.25%)
Modesto	13	(81.25%)
Riverbank	1	(6.25%)
Turlock	1	(6.25%)
<b>Total</b>	<b>16 were contacted from last years' applicants</b>	

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

- A. There were 51 prospective jurors scheduled for interviews. **Thirty-nine** (76.5%) completed the interview process; 12 (23.5%) persons withdrew or did not appear.
- B. As required by the Penal Code, 30 names were selected from those interviewed -- 21 ((70%) male and 9 (30%) female.
- C. Of the 30 persons selected; 18 (60%) requested an application, 10 (33.3%) names were submitted, and 2 (6.7%) names came from the random selection process.

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

- A. From the list of 30, **seventeen** names were drawn at random. **Two** persons were designated as holdovers from the 2006-2007 Grand Jury; the Presiding Judge appointed one Foreperson. Four additional names were drawn as alternate members.
- B. **11** persons (or **64.7%**) requested applications, Community Leaders submitted **5** names (or **29.4%**), and **1** person (or **5.9%**) was from the random selection.
- C. The **19** members of the Civil Grand Jury for 2007-2008 come from the following cities and communities:

<u>City</u>	<u>Number</u>	<u>Percentage</u>
Ceres	1	(5.3%)
Hughson	2	(10.5%)
Modesto	9	(47.3%)
Newman	1	(5.3%)
Oakdale	1	(5.3%)
Patterson	1	(5.3%)
Riverbank	1	(5.3%)
Turlock	3	(15.7%)
<b>Total</b>	<b>19 members</b>	

- D. **6** (31.6%) are female, **13** (69.4%) are male.
- E. Occupations of the grand jurors include:

Agribusiness	Registered Nurse
Architectural Design/Drafting	Retired Military/Educator
Care Giver	Real Estate Office Manager
Ret. Chief of Recovery Stan. Co.	Retired Teacher
Clinical Laboratory Scientist	Safety Officer
Community Relations Officer	Self-Employed
Ret. City Manager/Police Chief	Telephone Splicer
Retired Dairyman/Farmer	Trucking Company owner
Retired Firefighter	Ret. VP of Technology
Retired Management Analyst	

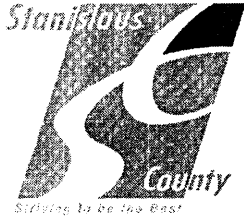
**PHASE IV: DEMOGRAPHIC DATA ON GRAND JURORS**

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

	<b>39 Prospective Regular Grand Jurors</b>	<b>17 Selected Grand Jurors</b>	<b>2 Carry Over Grand Jurors</b>
<b>GENDER</b>			
Female	9	5	1
Male	30	12	1
<b>ETHNICITY</b>			
Black/African Amer.	2	1	0
Asian	1	1	0
Hispanic/Latino	7	1	0
White	28	14	2
Declined Answer	1	0	0
<b>AGE GROUP</b>			
18-25	0	0	0
26-34	0	0	0
35-44	3	2	0
45-54	8	4	0
55-64	17	7	1
65-74	8	4	1
75+	3	0	0
<b>APPLIED VIA:</b>			
Application	24	11	2
Nomination	11	5	n/a
Random	4	1	n/a

Occupations of the 39 Prospective Regular Grand Jurors Include:

- |                                  |                                  |
|----------------------------------|----------------------------------|
| Agribusiness                     | Retired Medical Administrator    |
| Architectural Design/Drafting    | Retired Military/Educator        |
| Auctioneer/Dental Technician     | Retired Operating Engineer       |
| Calif. Youth Authority Employee  | Probation Dept. - Supervisor     |
| Care Giver                       | Registered Nurse                 |
| Certified Public Accountant      | Real Estate Office Manager       |
| Ret. Chief of Recovery Stan. Co. | Real Estate Broker               |
| Ret. City Manager/Police Chief   | Retail Sales                     |
| Clinical Laboratory Scientist    | Salespersons                     |
| Community Relations Officer      | Self-Employed                    |
| Ret. Dairyman/Farmer             | Stock Clerk                      |
| Ret. Firefighter                 | Retired Teachers                 |
| Health Care - Hospice            | Telephone Splicer                |
| Management Analyst               | Trucking Company owner           |
| Marketing Consultant             | Ret. VP of Technology            |
| Mail Carrier                     | Retired Youth Authority Employee |



**STANISLAUS COUNTY CIVIL GRAND JURY**  
**CITIZEN COMPLAINT FORM**

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

**THIS COMPLAINT IS AGAINST:**

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

**GJ OFFICE USE ONLY**

DATE RECEIVED:  
  
GRAND JURY CASE NUMBER:  
  
COMMITTEE ASSIGNMENT:

**MY COMPLAINT AGAINST THE ABOVE IS:**

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

**OTHER PERSONS OR AGENCIES CONTACTED:**

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

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

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

**COMPLAINANT**

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

Address: \_\_\_\_\_  
City/State Zip Code

Home Phone Number Work Phone Number

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

Signature Date

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



**MISSION STATEMENT:**

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

**INVESTIGATIONS:**

The civil grand jury conducts three types of investigations.

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

**ACCEPTANCE:**

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

**FINAL REPORTS:**

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

**CONFIDENTIALITY:**

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

**TERM OF SERVICE:**

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

**PROCESS:**

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

**ACTION REQUESTED:**

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

## **HOW THE GRAND JURY PROCESSES A COMPLAINT**

- All complaints should be submitted in writing and signed. There is a complaint form available for citizen use. Complaints are the property of the full grand jury. (See sample complaint form.)
- The grand jury may choose to examine or to disregard anonymous complaints.
- As soon as possible after a complaint is received, the foreperson will determine if the complaint is within the jurisdiction of the grand jury. If deemed acceptable, the complaint will be entered into the computer database and an office file and a case-tracking sheet prepared. The foreperson will then assign it to the appropriate committee. Each member of the grand jury will receive a synopsis of the new case printed from the database that will be distributed at the next full panel meeting. All members of the committee will receive a complete copy of the complaint.
- All complaints will be assigned a file number. The computer database and the office file will both reflect the same number. To keep track of the complaints for a particular fiscal year, the following numbering system was devised.

Example: 07-01-C. All complaints for the fiscal year 2006-2007 would be given an 07 number. The numbers following the year signify the sequential order in which that complaint was received. The letter(s) following the numbers designate the following:

C Citizen  
GJGrand jury initiated investigation  
C.C. Case closed

Example: 07-14-C. Fiscal year 2006-2007, 14th case received, from a citizen.

Example: 07-12-C.C. Fiscal year 2006-2007, 12th case received, case closed.

- All complaints are acknowledged in writing. The letter is signed by the foreperson and acknowledges receipt of the complaint. Each jury can prepare its own letter.
- The jurors to whom the case has been assigned investigate the complaint more thoroughly to determine whether it is legitimate, has substance, and is within the jurisdiction of the grand jury. During this preliminary investigation, the case is in **PHASE 0**. If all three concerns are answered affirmatively, the committee will recommend to the full panel to accept the case. If not, the case will be presented to the grand jury for a vote to reject it.
- If the case is closed due to lack of validity or jurisdiction then no report is written. **PHASE 1**.

- Once the complaint has been judged worthy of investigation, the committee to whom it has been assigned will meet to determine how to conduct their investigation. The case has been accepted and is now in **PHASE 2**.
- The assigned committee will conduct all proceedings in the handling of the complaint. No other jury member should engage in activity regarding the complaint unless requested by the committee chairperson. Any jury member having information regarding aspects of the complaint or complainant should inform the chairperson. The committee chairperson will advise the foreperson of ongoing activities and review progress with the full panel at the regular meeting.
- The committee should consider interviewing the complainant(s) first. By interviewing the complainant, the committee can receive a more detailed explanation of the complaint and it allows the complainant to bring in additional documents supporting the allegations. The subject of the complaint should also be interviewed during the investigation. All witnesses interviewed will be sworn to tell the whole truth and will be admonished not to reveal to anyone what he or she or the grand jury said during the interview.
- Part of the investigation may involve reading or reviewing documents. Examples are minutes of meetings, agendas, certificates, licenses and court orders. Jurors are encouraged to visit the office, site or facility being investigated. The committee can make an appointment, or show up unannounced as long as there are at least two panel members. Jurors must wear their grand jury identification badge when making a site visit.
- At the conclusion of the investigation, those most intimately involved with the case will write the final report.
- During the writing of the report, the case is in **PHASE 3**.
- Once the investigating committee has written the final report, it will be distributed to the Editorial Committee. **PHASE 4**.
- The report is put on the Full Panel Agenda and read and approved by the full grand jury. **PHASE 5**.
- The Presiding Judge reads and approves the report for accurate legal content. **PHASE 6**.
- Once the report has been approved and signed off by the Presiding Judge, the case is closed--**PHASE 7**. The grand jury publishes its findings, conclusions and recommendations in a single report for each investigation. The complete set of all reports released in a given fiscal year is the Final Report of the civil grand jury. Each individual report is labeled as Part One, Part Two, etc. as each is a single part of the Final Report. The approved report is released to the entity in question two working

days prior to it being released to the public and the press. The bound final report released at the end of the fiscal year will include all those reports released separately.

- A closing letter will be written informing the complainant that the investigation is completed. The complainant receives a copy of the Final Report once it becomes public.
- The entity that is asked to respond to the findings and recommendations has 90 days to submit a response. Elected officials have 60 days to respond.
- All Final Reports will be available for public review on the civil grand jury website located at: <http://www.stanct.org/courts/grandjury/index.html>.
- Response received from the entity--**PHASE 8**. Response added to the response book in the grand jury library and added to the website. The fact that the response has been received is noted in the database.
- The response is also given to the Follow Up Committee for review and discussion at a full panel meeting. The response is also mailed to members of the outgoing grand jury if that panel conducted the investigation.

## **Summary of Investigation Process**

### **Phase Definition**

- |         |   |
|---------|---|
| Phase 0 | Preliminary investigation to establish validity and proper jurisdiction.  |
| Phase 1 | Case closed due to lack of validity or jurisdiction. No report written.   |
| Phase 2 | Case accepted. Committee investigating complaint.   |
| Phase 3 | Committee is writing the Final Report.  |
| Phase 4 | Editorial is editing the Final Report   |
| Phase 5 | Grand Jury reads and approves the Final Report  |
| Phase 6 | Presiding Judge reads and approve the Final Report  |
| Phase 7 | Grand Jury votes to close the case. The Final Report is released to the entity two working days prior to it being released to the public. |
| Phase 8 | Response received from the entity.  |

## **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.

***RESPONSES TO THE FINAL REPORT RECOMMENDATIONS ARE SENT  
IN THE FORM OF  
AN ORIGINAL AND THREE (3) COPIES TO:***

***Superior Court - Stanislaus County  
Presiding Judge Donald E. Shaver  
PO Box 3488  
Modesto, CA 95353***

Stanislaus County Civil Grand Jury  
1021 I Street, 3<sup>rd</sup> Floor  
P. O. Box 3387  
Modesto, CA 95353

Telephone: (209) 558-7766  
Facsimile: (209) 558-8170  
Website: [www.stanct.org](http://www.stanct.org)