



STANISLAUS COUNTY CIVIL GRAND JURY

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

June 25, 2010

The Honorable Jeff Grover
Chairman
Stanislaus County Board of Supervisors
1010 10th Street, Suite 6500
Modesto, CA 95354

Dear Chairman Grover:

The Civil Grand Jury is providing the Stanislaus County Board of Supervisors with the attached copy of the portions of the Civil Grand Jury final report relating to you or your agency. These are being released to you two working days prior to their release to the public. The Penal Code prohibits you from disclosing any contents of the reports prior to their public release (PC Section 933.05 [f]).

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

Sincerely,

Denis D. France
Civil Grand Jury Foreperson
Fiscal Year 2009-2010

Attached reports: 10-11C
10-12C et al.
10-17C
10-46GJ
10-47GJ

BOARD OF SUPERVISORS
2010 JUN 25 1 P 12 15

HOW TO RESPOND TO FINDINGS & 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 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 findings and recommendations, the responding person or entity shall report one of the following actions:

- The respondent agrees with the finding
- The respondent disagrees wholly or partially with finding and shall include an explanation.
- 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.

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

SUMMARY

The 2009/2010 Stanislaus County Civil Grand Jury received a complaint requesting the examination of a long-standing administrative practice of the Turlock Rural Fire District (TRFD). The State of California reimburses fire districts that send crews to aid in fighting wild fires around the state. The matter in question involves a 16.51% administrative reimbursement that is retained by the Chief for fielding these mutual aid Strike Teams. The Chief may organize several strike teams a year. Historically, the money has been paid to the Fire District which in turn pays it to the Chief. The reimbursement amounted to over \$22,000 for the years 2008 and 2009. The Grand Jury also examined the financial practices of the District and made recommendations for improvement.

BACKGROUND

The Grand Jury received a complaint that the Chief of the Turlock Rural Fire District (TRFD) was receiving the administrative component of the State of California's reimbursement to the District. The TRFD is a party to the statewide mutual aid agreement administered by the California Emergency Management Agency. When TRFD responds to a mutual aid request, it normally sends one engine with 3 firefighters and a Captain. Deployments have ranged from 4 days to as long as 21 days. For deployments longer than 7 days, firefighters are normally rotated.

All of the TRFD personnel including the Chief and Assistant Chief have other jobs and are considered volunteers by the District, although they receive stipends to cover expenses. For regular duties within the district, volunteer firefighters receive \$7 per call or \$7 per hour if calls last longer than one hour. Prior to the initiation of this Grand Jury investigation, the Assistant Chief received \$15.50 and the Chief received \$15.75 per hour for their regular duties. As of January 2010, the Assistant Chief is paid a salary of \$900 per month and the Chief is paid \$950 per month. The Chief estimates that this is approximately equal to the hourly compensation they received for the number of hours they reported prior to January 2010.

When firefighters are sent out on mutual aid Strike Teams, they receive \$16.71 per hour. The engine is paid for at the rate of 16 hours per day equaling approximately \$11,000 for a 7 day deployment. The total for the apparatus and the 4 firefighters is about \$22,000 for a 7 day deployment. In addition, the California Emergency Management Agency pays a 16.51% administrative reimbursement to TRFD.

Although much of the administrative work is performed by the Strike Team Leader who is on the fire-line and by the County Office of Emergency Services and also by other members of the District, it has been the long term practice in the TRFD for the Chief to retain all of the administrative payment. This was also the case in the past when TRFD had a full time chief that

was well compensated. For years 2008 and 2009, the Chief has received over \$22,000 in Strike Team administrative payments.

The Chief supplied notes in writing to the Grand Jury outlining the following additional duties related to fielding a Strike Team:

- a) Monitoring statewide activity during fire season and alerting members of the potential to respond to a call for a Strike Team.
- b) Determining who is interested in going, which requires calling 10 to 12 members.
- c) Creating a spread sheet of staff availability.
- d) Determining which staff members will go.
- e) Notifying all who responded about who will be going and deciding on a contact method if the request comes in.
- f) Continuing to monitor the incident and update who is possibly going if the call comes in. The crew which will be going changes continuously due to family commitments and work schedules.
- g) Knowing whether TRFD can respond, when the call comes from the County Resource Officer.
- h) Notifying those fire fighters chosen to go and being sure they get to the station for deployment.
- i) Ensuring that all personnel have the equipment needed.
- j) Having backup ready if any chosen personnel are unable to go.
- k) Remaining responsible for the team until they get to the incident, and may be required to respond to equipment problems, etc.
- l) Arranging relief replacements if the deployment becomes extended.
- m) Documenting the response including dispatch time, staging point, at incident release or change out and return times.
- n) Resolving any issues that arise, either personnel or equipment.
- o) Participating in a conference call between County OES, Fire Warden's office and other agencies that are on the Strike Team. During the conference call, the Chief addresses what the team is doing, any needs they have, the incident itself and potential for rotation date, location and times and transportation.
- p) Debriefing the crew after deployment has ended about the incident including condition of equipment and performance of personnel.

Although these are extra duties for the Chief, it is estimated that if he were compensated at his normal hourly rate, he would be paid for approximately 1,400 hours performing these extra duties (based on the \$22,000 he has received, or approximately 175 eight hour days). There have been concerns expressed by members of the District that the Chief, who does not actually go to any of the incidents, is receiving inordinate compensation.

In investigating the complaint, the Grand Jury discovered that public funds were being commingled with the funds of the volunteer Association. The check from the State of California for Strike Team reimbursement is deposited into the account of the Fire Fighters Association, rather than into the account of the Turlock Rural Fire District. All payments of individual reimbursements are made from the Association account. The Association's financial records

consist of check stubs and bank statements. There is no external audit of this account because it belongs to the Association and not the District.

APPROACH

The Grand Jury interviewed members of the Turlock Rural Fire District, members of the District Board and other persons of interest. The Grand Jury examined in detail the financial records of the Association.

FINDINGS

F1. There is no correlation between the 16.51% administrative fee retained by the Chief and the amount of time he spends on Strike Team administration.

F2. Funds that are intended for the District and for firefighter reimbursement are received and deposited into the Association account where they are comingled with Association dues and fund-raising monies prior to being disbursed.

F3. There is no external oversight of the primary account (Association account) used for disbursing the wages and earnings of all District personnel.

F4. The firefighters are in positions that serve "at will" of the Chief and have no process available to them for reporting concerns or issues except to report them directly to the Chief.

F5. Some Board members have exceeded the maximum three year term with a two term limit that is allowed for serving on the TRFD Board of Directors as specified on the Stanislaus County Board of Supervisors website.

RECOMMENDATIONS

R1. Make a formal accounting of the actual hours expended by the Chief while performing strike team administration duties and clearly state the rate at which his compensation will be calculated. All money in excess of this amount should remain with the district.

R2. Establish a separate Turlock Rural Fire District account to be used for depositing and disbursing department funds and firefighter reimbursement. Discontinue the practice of comingling official department funds and the Association dues and monies.

R3. The account used for disbursing wages should be subject to oversight and auditing by an entity external to the TRFD.

R4. Implement a process that allows members of the department to express concerns and issues or make recommendations without fear of retribution. A three person committee elected by the firefighters that meets with the Chief or a form that can be submitted to the Board could be used for this purpose.

R5. The Stanislaus County Board of Supervisors should enforce the term limits or change the requirement.

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the grand jury requests responses as follows:

From the following governing bodies:

- Board of the Turlock Rural Fire District
- Stanislaus County Board of Supervisors

The governing bodies indicated above should be aware that their comment or response must be prepared subject to the notice, agenda and open meeting requirements of the Brown Act.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

Empire Sanitary District

Civil Grand Jury Case Nos. 10-12C, 10-14C, 10-15C and 10-16C

2009/2010

SUMMARY

The 2009-2010 Stanislaus County Civil Grand Jury received several complaints involving two members of the Board of Directors of the Empire Sanitary District as well as the Office Manager for the District. Taken together, the complaints generally alleged: 1) that two Board members - the Board President at the time of the complaints and her daughter, who was also a Board Member at the time of the complaints – did not, at least for a period of the time during which they were on the Board, reside within the District as required by law, 2) that the Board and the Office Manager were not handling the District’s finances in a prudent manner, and 3) that the Board used poor judgment in hiring “family members.”

Based on the allegations in the complaints, the Civil Grand Jury began an investigation. Subsequently, the Board President, the Board Member, and the Office Manager named in the complaints resigned. The Stanislaus County Board of Supervisors approved the resignation of the Board President and the Board Member.

After conducting a review of documents and several interviews, the Civil Grand Jury confirmed: 1) that for a period of time during which they were serving on the Board, the two Board members in question did not reside in the District, 2) that the Board and the Office Manager named in the complaints did not manage the District’s business affairs in a prudent manner, and 3) that the Board did not use good judgment in hiring personnel and appointing persons to fill Board vacancies.

BACKGROUND

The Empire Sanitary District (hereafter the “District”) was established on June 18, 1948, under the legal authority of the Sanitary District Act of 1923, California Health and Safety Code Section 6400 et seq. The District is an independent “special district” under California’s laws governing special districts. The District is responsible for waste water collection, treatment and disposal for the town of Empire. Presently the District serves approximately 1,000 customers.

The District is governed by a Board of Directors (hereafter “Board”) consisting of five members who are elected by the residents of the District to four-year terms. Pursuant to California Government Code Section 1780, vacancies on the Board can be filled by a quorum of remaining directors within 60 days; by the Stanislaus County Board of Supervisors between 60 and 90 days; and by election after 90 days. Appointees to the Board hold office until the next District election. The Board has experienced several

mid-term vacancies during the past few years, most of which have been filled by appointment. However, at least one of these vacancies has gone unfilled for much longer than 90 days.

Initially the District maintained its own waste water treatment facilities. However, it eventually became too costly for the District to meet the newer waste water standards and the District now relies on the City of Modesto to treat its waste water. The City of Modesto bills the District's customers, but customers can either send their payments to the City of Modesto or pay locally at the District's office in Empire.

While the Board is responsible for overall management of the District, the District's employees are responsible for day to day operations. For many years, the District employed just one maintenance person and an office manager/secretary. Within the past few years, in addition to this staff the Board hired an office assistant, and an "as-needed" part-time person to assist the maintenance person. This part-time position was eventually extended to a full-time maintenance person position.

The Stanislaus County Civil Grand Jury of 2000-2001 previously investigated allegations of wrongdoing at the Empire Sanitary District and issued a report as to its findings. In late 2009, the 2009-2010 Stanislaus County Civil Grand Jury received several complaints indicating concerns about District management, and determined that another investigation was warranted.

Summary of Complaints

Complaint No. 1 – 10-12C

- Improper Board meeting procedures.
- Possession of District vehicle for personal use.
- Hiring relatives of Board members.
- Failure to provide requested documents.

Complaint No. 2 – 10-14C

- Wrongful use of public funds.
- President and Vice President of Board do not reside within District.

Complaint No. 3 – 10-15C

- Unethical employment of family as employees and Board appointees.
- Failure to/unable to provide requested budget information.
- No financial audit.

Complaint No. 4 – 10-16C

- Two Board members are related to each other and do not reside in District.
- Board member receiving hourly wages for office work.
- Hiring of Board President's husband as full time maintenance person.
- Misuse of District money.

Three key people were named in the complaints received by the Civil Grand Jury. All three have since resigned from their positions with the District and are no longer involved in the District's operation. The first person of interest was the Board President in 2009, who will hereafter be referred to as "Board President A." The second person of interest was a member of the Board in 2009, and will hereafter be referred to as "Board Member." The third person was the office manager for the District in 2009, and will hereafter be referred to as "Office Manager."

Board President A was appointed by the remaining directors to fill a vacancy on the Board in 2005. Her appointment was approved by the Stanislaus County Board of Supervisors. She became President of the Board at a regular board meeting held on April 12, 2006, after the then-President (hereafter "Board President B") resigned. At the same April 12th meeting, the newly comprised Board approved a change in the office manager's position from hourly to salaried and former Board President B was hired as a part-time assistant to Office Manager in the District office.

At its March 20, 2007 meeting the Board appointed Board President A's daughter (Board Member) to fill a vacancy as a Director on the Board. At its November 14, 2007 meeting the Board agreed to hire a part-time person on an "as needed" basis to help the maintenance person when he needed to clear a sewer line. At its April 12, 2008 meeting the Board hired the step-sister of Office Manager as a part-time office employee.

In or about March 2009 it appears the Board approved the remodeling of the District office, inside and out. However, it is difficult to ascertain the scope of this construction project and the process used to approve this expenditure. There is no record in the Board's meeting minutes indicating that the Board accepted bids for this construction job. Also, the Board's meeting minutes only reflect authorization of a "stucco repair" on the exterior of the District's building – not any remodeling of the interior of the building. Furthermore, the building in which the District conducts business is not owned by the District, it is merely leased. There is, however, a record that the Board paid for the construction work in March 2009. The meeting minutes also reflect that the construction work was completed by Office Manager's husband, who was an unlicensed contractor at that time.

At its July 25, 2009 meeting the Board adopted a resolution hiring Board President A's husband as a full-time employee to assist the maintenance person. As the reason for making this addition to staff, the Board cited an Occupational Safety and Health Administration (OSHA) regulation requiring that a second person be on hand during the infrequent occasions when the maintenance person needed to clear a sewer line obstruction. The new maintenance employee's salary was commensurate with the existing maintenance person's salary, and included benefits.

Based on a review of the Board's inadequate meeting minutes, it appears the Board operated without an attorney from its April 2007 meeting to its June 2008 meeting when a new attorney is noted in the minutes as attending. The new attorney appears to have attended two out of the first three meetings thereafter, and was then absent. At the

October 14, 2009 meeting another attorney appears to be in attendance. In reviewing the minutes of Board meetings, the Civil Grand Jury could find no record of any attorney having resigned or been dismissed, nor is there any record of the Board hiring an attorney.

Based on the Board's meeting minutes and other documents the Civil Grand Jury reviewed, the Board appears to have mishandled the notices and meeting schedules related to a proposed increase in sewer rates during the second half of 2009. The Board did not approve the proposed rate increase, due to vehement opposition on the part of District customers.

Pursuant to California Government Code Section 26909, all special districts are required to undergo an annual, independent audit.¹ There is no record of any independent audit of District finances during the tenure of the past Board. Additionally, it appears from the records the Civil Grand Jury reviewed that the past Board continually tapped into the District's reserve funds to pay for normal operating expenses. The District is in such a poor financial position that, as of January 14, 2010, the new Board voted to suspend compensation of Board members until the District's financial circumstances are resolved.

APPROACH

Much of the information gathered by the Civil Grand Jury during the course of its investigation deals with matters outside the scope of the Civil Grand Jury's jurisdiction. Other agencies will be investigating those matters. This report, as required by law, deals only with deficiencies in the "policies and procedures" under which the Empire Sanitary District operates.

The Civil Grand Jury reviewed the minutes of the Empire Sanitary District's Board meetings back to January 1, 2006 and monthly financial statements going back to January 1, 2007. The Civil Grand Jury's investigation took place over the course of several months. During this time, the Civil Grand Jury attempted to secure interviews with all of the persons named in the complaints. The Civil Grand Jury succeeded in interviewing the complainants, a present Board member, Board President A, and two additional parties of interest. However, the Civil Grand Jury attempted to interview a second member of the present Board, as well as Office Manager, and Board Member but was unable to do so.

¹ California Government Code Section 26909 provides, in part, as follows: "(a) (1) The county auditor shall either make or contract with a certified public accountant or public accountant to make an annual audit of the accounts and records of every special district within the county for which an audit by a certified public accountant or public accountant is not otherwise provided. In each case, the minimum requirements of the audit shall be prescribed by the Controller and shall conform to generally accepted auditing standards."

Under certain circumstances, the annual audit can be changed to a bi-annual audit if approved unanimously by the Board of Directors of the special district and the County Board of Supervisors.

Although Board President A was interviewed, she refused to answer any of the Civil Grand Jury's questions. Additionally, the Civil Grand Jury could not complete service of a subpoena seeking an interview with Office Manager despite several attempts to serve her. Calls seeking an interview with Board Member were ignored. A second member of the past Board, who served with Board President A and Board Member, failed to appear at a scheduled interview due to a reported illness.

FINDINGS

The Civil Grand Jury found the following after studying the information available to it:

F1. Two past members of the Board, Board President A and Board Member, did not reside within the District boundaries during at least a part of the time they served on the Board.

F2. The minutes of District Board meetings were minimal. The minutes did not include sufficient detail or statements of matters discussed.

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

F4. The Board's practice of appointing relatives of current Board members as new Board members, and hiring relatives of current District Board members and employees appears unethical.

F5. The Board appeared to lack knowledge of the exact number and type of customers located within the District, and there appeared to be confusion as to the proper billing practices for the different types of customers.

F6. It appeared that non-bonded employees were accepting bill payments in the District's office.

F7. The previous Board did not prudently handle the District's business affairs, as Evidenced, at least partially, by the present Board's decision to forego compensation until the District's financial position improves.

RECOMMENDATIONS

Based on its review the Civil Grand Jury recommends that the Empire Sanitary District Board:

R1. Confirm that its current and future Board members reside within the District.

R2. Expand on the details of the minutes of Board meetings so that an average citizen can understand the issues raised and discussed during meetings.

- R3. Commission an independent audit of the District's finances pursuant to the provisions of California Government Code Section 26909.
- R4. Review its hiring policies and, if one does not already exist, include a policy regarding the hiring of relatives of Board members or other employees. The hiring policies should include employee job descriptions.
- R5. Perform an inventory which classifies residential, commercial and educational customers; and set fees in accordance with standard practices for each classification.
- R6. Investigate the possibility of customers paying their service fees at a local financial institution instead of at the District office. Alternatively, require that any District employee accepting service fee payments at the District Office is bonded.
- R7. Conduct District business affairs in an ethical, professional manner including the following:
- Review the California State Statutes regulating special districts.
 - Receive training and up-dated information regarding the Brown Act once a year. New Board members should, upon taking office, be provided with a copy of the Brown Act and training as to its requirements.
 - Consistently retain legal counsel. While it may not be necessary to have an attorney attend each Board meeting, the Board should have one available for closed meetings or discussing matters of a legal nature, such as sewer rate increases.
 - Explore associating with similar special districts for information regarding problem solving, billings and other matters common to such special districts.
 - Pursue grant monies for system upgrades through Stanislaus County and the State and Federal Governments.
 - Consistently maintain a Board of 5 members.

REQUEST FOR RESPONSES

Pursuant to Penal Code Sections 933(c) and 933.05, the Civil Grand Jury requests responses as follows:

- The Empire Sanitary District Board of Directors
- The Stanislaus County Board of Supervisors
- The Stanislaus County Auditor/Controller

The governing bodies indicated above should be aware that the comment or response of each governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

**Stanislaus County Sheriff's Department
Adult Detention Division/Policy and Procedures
TASER
Civil Grand Jury Case No. 10-17C
2009 - 2010**

SUMMARY

The 2009-2010 Stanislaus County Civil Grand Jury received a complaint requesting examination of the use of TASER guns (hereafter "TASER" or "TASERS") by the Stanislaus County Sheriff's Department. The complaint alleged that either the TASER policy or the training provided prior to the issuance of TASERS is inadequate in light of the number of deaths that have occurred during or after the deployment of a TASER.

The Stanislaus County Civil Grand Jury determined that a limited investigation would be initiated.

BACKGROUND

TASERS are a less-lethal alternative to traditional guns, and are often used in an attempt to save lives while providing safety to people that might be in the surrounding area, and to reduce the injuries received by law enforcement personnel. TASERS render their targets temporarily unable to function by transmitting an electro-muscular disruption through either the darts that are projected from the gun and puncture the target's skin, or through the TASER coming in direct contact with the target's skin. TASERS essentially paralyze the target briefly, allowing law enforcement officers time to safely secure the target and, potentially, avoid injury to any bystanders.

Although TASERS are less-lethal than traditional guns, occasionally death may occur during or after use of the TASER. Deaths as a result of TASER usage are most often not caused simply by TASER deployment, but rather are caused by a combination of TASER deployment and underlying medical or other pre-existing conditions in the body of the subject. It is important to note that deaths occurring during or after TASER deployment are few in comparison to the vast number of times TASERS are deployed.

APPROACH

- The Civil Grand Jury reviewed the policy of the Stanislaus County Sheriff's Department regarding TASERS.
- The Civil Grand Jury interviewed the person in charge of the initial training and annual follow-up training that is required prior to certification to use TASERS.
- The Civil Grand Jury received a live demonstration of the use of TASERS.

- The Civil Grand Jury reviewed the log containing a description of each incident in which a weapon of any type, including TASERS, is deployed.

FURTHER INFORMATION

Set forth below in full is the Stanislaus County Sheriff's Department policy on the use of TASERS.

STANISLAUS COUNTY SHERIFF'S DEPARTMENT
GENERAL ORDERS
TASER NUMBER 13.03
ISSUED March 1, 2005, Revised October 27, 2009

PURPOSE:

The purpose of this General Order is to establish guidelines for the deployment, training and use of the TASER energy conducted weapon.

POLICY:

It is the policy of this department to authorize the use of the TASER as a use of force option. The TASER is considered a less-lethal use of force.

DEFINITIONS:

TASER- *An electro-muscular disruption weapon that disrupts the body's ability to communicate messages from the brain to the muscles causing temporary motor skill dysfunction to a subject.*

Drive Stun- *An alternate function of the TASER is to stun a subject by making direct contact with the body after the air cartridge has been expended or removed.*

Air Cartridge- *A replaceable cartridge for the TASER, which uses compressed nitrogen to fire two barbed probes on thin connecting wires sending a high voltage/low current signal into a subject.*

PROCEDURE:

Department members are not authorized to draw or display the TASER, except for training, unless the circumstances create reasonable belief that it may be necessary to use it. Operations personnel are authorized to carry the TASER into Adult Detention facilities in the course and scope of their duties. Adult Detention staff are authorized to carry the TASER inside detention facilities as authorized by a supervisor.

There are three separate types of reportable TASER applications:

1. *Spark Display - A non-contact demonstration of the TASER's ability to discharge electricity. This is conducted only when the cartridge has been removed from the weapon. The purpose of this display is to convince the subject to comply with a lawful order and avoid the TASER being deployed in the Drive Stun or Probe Mode.*
2. *Drive Stun - Contact is made by pressing the front of the TASER (cartridge removed) into the body of a subject resisting lawful orders, and activating the TASER. The drive Stun causes significant localized pain in the area touched by the TASER, but does not have a significant effect on the central nervous system. The Drive Stun does not incapacitate a subject, but may assist in taking a subject into custody. If a TASER is fired using the cartridge, at a distance of less than three feet, the effect will be very similar to a Drive Stun.*
3. *Probe - The TASER is most effective when the cartridge is fired and the probes/darts make direct contact with the subject. Proper applications will result in temporary immobilization of the subject and provide the deputy a "window of opportunity" in which to take the subject safely into custody.*

Optimum range for probe deployment is 7 to 15 feet with a 21-foot maximum distance. Deployment of the TASER cartridge at distances of less than three feet will not result in temporary immobilization or central nervous system disruption.

The TASER is one of the options available to deputies. The TASER, like the baton, OC spray or empty hand techniques may not be effective in every situation. Deputies must assess the effectiveness of each application and determine whether further applications are warranted or a different tactic should be employed. The decision to use the TASER will be dependent upon the actions of the subject, the threat facing the deputy, and the totality of circumstances surrounding the incident. The TASER may be used when a subject is displaying active, aggressive or aggravated aggressive resistance to a deputy attempting to conduct legal law enforcement activities.

While manufacturers have generally recommended that reasonable efforts should be made to target lower center mass and avoid intentionally targeting the head, neck, groin and chest, it is recognized that the dynamics of each situation and officer safety may not permit the deputy to limit the application of the TASER darts to a precise target area. As such, deputies should take prompt and ongoing care to monitor the condition of the subject if one or more darts strikes the head, neck, chest or groin.

The TASER will not be used:

1. *When the Deputy knows a subject has come in contact with flammable liquids or is in a flammable atmosphere;*
2. *When the subject is in a position where a fall may cause substantial injury or death;*
3. *Punitively for purposes of coercion, or in an unjustified manner;*
4. *When a prisoner is handcuffed, unless the prisoner is physically resisting and causing an immediate threat to staff members and the prisoner cannot be safely controlled using other restraint devices;*

5. *To escort or jab individuals;*
6. *To awaken unconscious or intoxicated individuals; or*
7. *When the subject is visibly pregnant, unless deadly force is the only other option.*

The TASER should not be used in the following circumstances (unless there are compelling reasons to do so which can be clearly articulated):

1. *When the subject is operating a motor vehicle;*
2. *When the subject is holding a firearm;*
3. *When the subject is at the extremes of age or physically disabled; or*
4. *In a situation where deadly force is clearly justifiable unless another deputy is present and capable of providing deadly force to protect deputies and/or civilians as necessary.*

TRAINING AND CERTIFICATION:

Personnel who have been certified as TASER instructors will be the only authorized persons to instruct on the TASER. Training will be conducted in accordance with department protocols. Deputies authorized to use a TASER must successfully complete an initial certification-training course, to include written and practical tests. Once certified, deputies must attend annual recertification training. All Patrol Division deputies who have been certified must carry the TASER, if available, when on duty and in uniform.

EQUIPMENT CARE AND HANDLING:

Deputies will use only authorized TASER equipment issued by the Stanislaus County Sheriff's Department. The TASER will be inspected for damage and cleanliness, and cartridges replaced when required by the deputy. The battery display will be checked on the Central Information Display at the beginning of each shift. A reading of 20% or less will require the DPM/battery pack be changed. The DPM/battery pack will not be removed from the TASERs except when the reading is 20% or less or to conduct a data download. Only authorized personnel will remove batteries from the TASER unit. The TASER will never be stored more than 48 hours without the DPM/battery pack attached.

TASERS must be stored and secured in the Armory when not in use. At the beginning and end of shift, the deputy must sign the TASER out on the Equipment Log Sheet. Before leaving at the end of shift, deputies must ensure the TASER has been returned to the Armory. Deputies must conduct a spark check at the beginning of shift to ensure the TASER will function properly. A spark check is an equipment check conducted outside of public view to ensure the TASER is operable. It is conducted by removing the cartridge, test firing the weapon and observing the electrical arc. This spark check does not require completion of a use of force report.

Uniformed deputies will carry the TASER in a department issued holster. The holster will be carried on the opposite side of the duty firearm, cross-draw position. Non-Uniformed deputies will carry the TASER in an approved holster on the side opposite the duty firearm. Deputies have

the option of carrying the standard DPM or the X-DPM, which is an extended version, capable of carrying a spare TASER Cartridge.

PATROL DIVISION DEPLOYMENT PROCEDURE:

Deputy Sheriff-Coroner Personnel:

- 1. Gives a warning, when practical, to the subject and other deputies before firing the TASER at the subject.*
- 2. Consider target options to reduce the intentional application of probes near the chest, groin, neck and head.*
- 3. When encountering subjects wearing heavy or loose clothing on the upper body, the legs should be considered as a target.*
- 4. Attempts to avoid hitting the subject in sensitive tissue areas such as head, face, neck, groin, or chest area, however probes penetrating these areas will be removed by medical personnel at a medical facility.*
- 5. Insures the probes are removed from the subject's skin by a TASER certified deputy.*
- 6. Use of the "Drive Stun" is discouraged except in situations where the "probe" deployment is not possible and the immediate application of the "Drive Stun" will bring a subject displaying active, aggressive or aggravated aggressive resistance safely under control. Multiple "Drive Stuns" are discouraged and must be justified and articulated on the TASER Use of Force form. If initial application is ineffective, deputies will reassess situation and consider other available options.*
- 7. Notifies detention medical personnel, at the time of booking, that the subject has been struck with TASER probes or received a drive stun. An examination will be conducted by detention medical personnel to determine whether the individual has suffered any injury, either directly from the TASER discharge or indirectly, such as by falling after incapacitation.*
- 8. Makes notification to immediate supervisor whenever the TASER has been used.*

Immediate Supervisor:

- 1. Responds to the scene when a TASER has been used, if possible.*
- 2. Notifies the area lieutenant and/or watch commander when a TASER has been used.*
- 3. Insures photographs are taken of the site of the probe impacts and any related injuries and attach to the TASER Use of Force Report.*

Lieutenant/Watch Commander:

- 1. Responds to the scene if serious bodily injury resulted from the use of the TASER, or other circumstances dictate.*

ADULT DETENTION DIVISION DEPLOYMENT PROCEDURE

Adult Detention Personnel:

1. *Obtains permission from the shift Sergeant prior to deploying the TASER, unless there are immediate exigent circumstances and the deputy is unable to contact the Sergeant prior to deployment.*
2. *Responds to the scene with at least two cartridges.*
3. *Considers other alternatives to resolve the incident before deploying the TASER.*
4. *Ensures sufficient back-up deputies are present prior to use.*
5. *Gives a warning, when practical, to the inmate and other deputies before targeting and firing the TASER at an inmate.*
6. *Consider target options to reduce the intentional application of probes near the chest, groin, neck and head.*
7. *When encountering subjects wearing heavy or loose clothing on the upper body, the legs should be considered as a target.*
8. *Attempts to avoid hitting the subject in sensitive tissue areas such as head, face, neck, groin, or chest area, however probes penetrating these areas will be removed by medical personnel.*
9. *Ensures the probes are removed from the subject's skin by a TASER certified deputy.*
10. *Use of the "Drive Stun" is discouraged except in situations where the "Probe" deployment is not possible and the immediate application of the "Drive Stun" will bring a subject displaying active, aggressive or aggravated aggressive resistance safely under control. Multiple "Drive Stuns" are discouraged and must be justified and articulated on the TASER Use of Force Form. If initial application is ineffective, deputy will reassess situation and consider other available options.*
11. *Notifies medical staff to respond to the scene of a TASER deployment.*
12. *Ensures photographs are taken of the site of the probe impacts and any related injuries.*

Adult Detentions Medical Staff:

1. *An examination will be conducted by Adult Detention medical personnel to determine whether the individual has suffered any injury, either directly from the TASER discharge or indirectly, such as by falling after incapacitation.*

POST- DEPLOYMENT

All Deputy Sheriff Personnel:

1. *Ensures the suspect is medically cleared by medical personnel prior to booking.*
2. *Handles the probes the same as contaminated needles and sharps in accordance with department biohazard disposal procedures. Impounds all probes removed at a medical facility.*
3. *Completes TASER Use of Force Report whenever a TASER is fired, whether a subject is struck or not.*

4. *Completes a detailed written incident/crime report describing the TASER use.*
5. *Forwards a copy of the TASER Use of Force Report to the watch commander.*

Supervisor:

1. *Ensures the deputies complete reports and that required photographs are taken.*
2. *Verifies the probes are disposed of properly and arranges for replacement cartridges.*
3. *Ensures TASER Use of Force Report is completed.*

Watch Commander/Supervisor:

1. *Ensures TASER Use of Force report is complete, accurate, and forwarded to the TASER Program Coordinator according to department protocols. For Adult Detention personnel, TASER Use Reports shall be forwarded to BAS.*
2. *Ensures a control log is maintained for weapon/cartridge check-out and check-in, and weapon repairs.*

ADDITIONAL INFORMATION

During the live demonstration of TASERs, the Civil Grand Jury learned that prior to being issued a TASER, each person who will use a TASER has a TASER deployed against him or her. This procedure is used to teach the TASER users intimately about the effects of the TASER.

CONCLUSION

In view of the totality of circumstances, including the number of pending lawsuits which involve the use of TASERs in Stanislaus County, it is the opinion of the 2009-2010 Civil Grand Jury that it would be inappropriate to take a position on the TASER policy or make any recommendations at this time. The Civil Grand Jury is publicizing the above policy solely in an effort to increase the public's awareness.

RESPONSE

No response is required.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

Stanislaus County Community Services Agency

Civil Grand Jury Case No. 10-46GJ

2009-2010

SUMMARY

The Director and Staff of the Stanislaus County Community Services Agency are providing the best service possible to the community considering the poor economy and budget cuts imposed by the Stanislaus County Board of Supervisors and State of California. They have initiated procedural changes regarding the areas of need identified in the 2009-2010 Stanislaus County Single Audit and have actively adjusted programs to meet both fiscal limits and client needs.

BACKGROUND

Penal Code Section 925 requires the Civil Grand Jury to review the County's finances.

Members of the Civil Grand Jury of 2009-2010 visited the Stanislaus County Community Services Agency (hereafter "CSA" or "Agency") on June 17, 2010, as a follow-up to the "County Single Audit" published on February 22, 2010, by Brown Armstrong, an independent Certified Public Accountant firm. There was no complaint from the community with regard to the Agency's operation.

The "County Single Audit" report noted four cases in which the Agency committed errors needing resolution, although none of the errors resulted in monetary loss. The three programs involved, which are administered by CSA on behalf of Stanislaus County, were Foster Care, Aid to Adoption Programs, and Medi-Cal. The total number of cases reviewed for the audit was 80: 40 Aid to Adoption cases and 40 Foster Care or Medi-Cal cases. CSA agreed with all of the audit's findings and designed tools to address its error rate. Then, it took immediate action to resolve the errors.

During its visit, the Civil Grand Jury noted that procedures were already in place to correct the errors. The procedures included a Policy Action Memo, along with printed instructions and check lists designed to avoid future errors.

FINDINGS

The Stanislaus County Civil Grand Jury makes the following findings:

- F1. CSA takes audits seriously and immediately takes action to resolve any problems or errors found in its cases.
- F2. All errors identified in the most recent independent audit have been resolved.
- F3. For each error identified in the most recent audit, the Agency prepared a Policy Action Memo, along with printed instructions and check lists in order to prevent similar errors in the future.

F4. The Director and Staff of CSA appear to be conscientious, caring people who are attempting to serve those in need while being restricted by extreme budget cuts. Every budget season CSA is expected to do more with less.

F5. The various programs CSA administers are delicately balanced to serve the public in the best way possible. Having to cut the budget of one program upsets this balance and causes problems in the other programs. Losing staff because of budget cuts negatively impacts safety nets that are being utilized to keep family units together. This often results in more children being placed in Foster Care, which not only affects the well being of the children specifically, but also their families and communities in general.

RECOMMENDATIONS

The Stanislaus County Civil Grand Jury makes the following recommendation:

Continue to strive to offer the community the best service possible under difficult financial circumstances.

RESPONSE

No response is required.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

Correctional Facilities Inspections
Civil Grand Jury Case No. 10-47GJ
2009 – 2010

SUMMARY

The 2009-2010 Stanislaus County Civil Grand Jury conducted inspections of four correctional facilities: the Stanislaus County Main Jail, 1115 H Street; the Stanislaus County Safety Center, 200 E. Hackett Road; the Stanislaus County Juvenile Detention Center, 2215 Blue Gum Avenue; and the Stanislaus County Honor Farm, 8224 Grayson Road. The Civil Grand Jury is required to conduct these inspections by California Penal Code, Section 919(b).

Individual reports regarding each facility are included below, together with findings and recommendations for each facility.

INTRODUCTION

Section 919 (b) of the California Penal Code requires the Stanislaus County Civil Grand Jury to "...inquire into the condition and management of the public prisons within the county."¹ This requirement fulfills an overall need to ensure that public agencies are operating as efficiently as possible in order to properly serve both Stanislaus County and its citizens.

Upon completion of its inspections, the Civil Grand Jury identified one particular need within all of the facilities. While each facility utilizes a video monitoring system, the systems vary in terms of their features and capabilities. The Civil Grand Jury believes that all of the facilities should make it a priority to upgrade their video monitoring system. Each system should be capable of continuous recording. The Civil Grand Jury sees this as a serious safety issue not only for the inmates housed in each of the facilities but also for the employees of each of the facilities. Modern video monitoring/recording systems in each of the facilities would serve as a general deterrent to poor behavior.

METHODOLOGY

Members of the Civil Grand Jury:

- Conducted unannounced visits at all facilities.
- Toured and inspected each facility independently.
- Interviewed a variety of people including managers, supervisors and staff.
- Interviewed inmates, where possible.
- Reviewed records and reports.

¹ California Penal Code Section 919 (b)

FACILITY DISCUSSION, FINDINGS, AND RECOMMENDATIONS

STANISLAUS COUNTY MAIN JAIL

BACKGROUND

The Stanislaus County Civil Grand Jury made an unannounced jail inspection on November 2, 2009, and received an escorted tour by the Operations Sergeant and a deputy. Both were very knowledgeable and answered all of the members' questions. The Civil Grand Jury also spoke with additional deputies and inmates during the visit.

The Civil Grand Jury concludes that the Stanislaus County Main Jail facility is old and rundown and needs to be replaced. The facility appears as clean and as well kept as possible, considering its age. The inmate capacity is 396 and the facility is generally run at capacity. Some cells in the jail hold as many as eight inmates.

Medical services are supplied by Correct Care Solutions (CCS), which is a new provider for correctional facilities. The medical clinic area at the jail is small and cramped, but it appears to provide adequate services. There are licensed nurses on duty 24 hours per day and physicians are on 24-hour call.

The law library has been dismantled, but law books are still available to inmates upon request. A dental treatment area is being built where the law library used to be.

Inmates are classified upon incarceration and their classification is reviewed every 60 days thereafter.

There are security cameras located throughout the facility, but the video monitoring/recording system needs to be updated and modernized.

The Civil Grand Jury members noted that inmates hose down their cells in the jail. The water from this activity runs into drains located in the main walkways and through ceilings to lower floors. This practice, in combination with other normal hygiene activities, makes the jail almost unbearably humid.

The 2008-2009 Civil Grand Jury found that there were no citizen complaint forms available upon request. This deficiency has been corrected and citizen complaint forms were readily available at the time of this Civil Grand Jury's visit.

FINDINGS

The Stanislaus County Civil Grand Jury makes the following findings:

- F1. This facility needs to be replaced.
- F2. The humidity in the jail was overwhelming.
- F3. The video monitoring/recording system needs to be capable of recording continuously.
- F4. The medical and dental service appears to be adequate.

RECOMMENDATIONS

The Stanislaus County Civil Grand Jury makes the following recommendations:

- R1. Replace the existing jail facility with a larger, more modern facility.
- R2. Upgrade the video monitoring/recording system.

RESPONSE REQUIRED

The Stanislaus County Sheriff's Department.

The Stanislaus County Board of Supervisors.

PUBLIC SAFETY CENTER

BACKGROUND

On February 18, 2010, the Civil Grand Jury made an unannounced visit to the Stanislaus County Public Safety Center. The facility is well lighted and airy. On the date of the Civil Grand Jury's visit, the facility had a number of empty desks and equipment in the administrative area due to lay-offs caused by the current economy as well as some decentralization. There appears to be a lack of adequate staffing, but those who remain seem to be making the best of a bad situation.

The Public Safety Center was opened in 1992 at least in part as the result of a lawsuit challenging overcrowded conditions at the Main Jail. At the time of the Civil Grand Jury's visit, the Center housed 586 inmates, with a total capacity of 725. It provides minimum to maximum security housing. At the time of the inspection, there were 96 staff members at the Safety Center.

When entering the Center, each inmate is placed in a particular classification for housing purposes. Classification officers conduct the screenings which determine where an inmate should be housed. There are several different types of housing, including special needs, special handling (which is high security), regular housing and temporary housing.

Males and females are housed separately in several different incarceration areas. Each area is made up of pods, which are large rooms that contain a number of cells around the outer edge. There are windows instead of bars on cell doors. In addition to the cells in the pod, there is a common area, like a day room, in the center of the cells in which the inmates can socialize, read, watch TV, etc. Each cell in a pod houses one to two inmates.

Inmates at the Public Safety Center are offered the opportunity to perform chores such as mopping floors or doing laundry. Inmates who perform chores receive points that may result in their early release for good behavior. However, if an inmate refuses to perform chores when asked, or otherwise behaves inappropriately, he or she loses points and will not have the opportunity to shorten the duration of their sentence.

The Civil Grand Jury noted that the Public Safety Center utilizes the availability of arraignments via closed circuit television, thereby eliminating the need to transport detainees to the courthouse in central Modesto for their arraignment. Because they do not need to transport detainees to arraignments, more deputies are available to provide security when needed by medical personnel or other staff.

The medical staff at the Public Safety Center is contracted by Correct Care Solutions (CCS). Medical personnel are on duty at all times at the Center. There are two psychiatric nurses, and one psychiatrist. The psychiatrist is available on an as-needed basis.

Inmates can access medical care by way of:

1. The “sick call” list. This list includes inmates who have requested medical care by submitting a medical request form. They are taken from their pods to a multi-purpose room where an examination takes place. Although a guard is required to be nearby during the exam, he or she must not be able to hear the conversation between the inmate and the medical provider due to privacy requirements.
2. Acute care. Inmates needing care for an acute condition are seen by nursing staff or a doctor as needed.

There is annual training for staff on mental health issues, which has resulted in a reduction of the number of incidents of inmates assaulting staff in the past five years. Recent reductions in the facility’s operating budget have not resulted in a reduction in this training.

The facility keeps a detailed log on every discharge of any type of weapon. The log includes diagrams of the location of the incident and a narrative containing specific details of the incident.

Inmates who have a grievance with regard to policies, procedures or conditions at the facility can file the grievance using forms that are readily available to them. Grievance forms and complaint forms are also readily available to the public.

There are security cameras located throughout the facility, but the video monitoring/recording system needs to be updated and modernized.

FINDINGS

The Stanislaus County Civil Grand Jury makes the following findings:

- F1. The Public Safety Center is a clean facility.
- F2. The inmate grievance procedure is adequate.
- F3. Inmates are separated and housed by appropriate classifications.
- F4. The medical staff is adequate and appears to display a caring attitude.
- F5. The use of closed circuit television for arraignments is both a cost-savings and safety benefit as it keeps more deputies available for security purposes at the Public Safety Center.

- F6. The annual mental health training appears to be beneficial.
- F7. The facility keeps appropriate records regarding any discharge of weapons.
- F8. The video monitoring/recording system needs to be capable of recording continuously.

RECOMMENDATIONS

The Stanislaus County Civil Grand Jury makes the following recommendations:

- R1. The current level of staff should be maintained or increased.
- R2. The annual mental health training should be maintained.
- R3. Upgrade the video monitoring/recording system.

RESPONSE REQUIRED

The Stanislaus County Sheriff's Department.

The Stanislaus County Board of Supervisors.

PROBATION DEPARTMENT'S JUVENILE FACILITY

BACKGROUND

On March 19, 2010, the Civil Grand Jury made an unannounced visit to the Stanislaus County Probation Department's Juvenile Facility, also known as "Juvenile Hall", at 2215 Blue Gum Road.

Juvenile Hall has a rated capacity of 158 minors. The original building was opened in 1978. Two additional modules were opened in 2000. Juvenile Hall is a maximum security detention facility for juveniles who have committed offenses prior to their 18th birthday. Minors detained in Juvenile Hall are provided with a generally safe environment. Juvenile detainees are also provided with educational, recreational, counseling, health and religious programs. In general, the Civil Grand Jury noted that the staff has implemented creative and relevant programs in each of these areas and appears to execute them with a high level of commitment. To reach this conclusion, the inspecting members of the Civil Grand Jury interviewed members of the medical, mental health and other staff at the facility.

All minors arrested by law enforcement agencies in Stanislaus County are referred to the Probation Department, either by issuance of a citation in their name or by being booked into Juvenile Hall. A probation intake officer investigates the minor's delinquent behavior and other circumstances and may dispose of the referral by counseling and releasing the minor, referring

the minor to a community counseling agency, placing the minor on informal probation for up to one year, or referring the minor to the District Attorney for formal charging in Juvenile Court. There are two judges assigned to Juvenile Court.

In dealing with juveniles under their jurisdiction, the Probation Department continues to emphasize mental health and substance abuse awareness. A juvenile's mental health is assessed for purposes of classification and treatment. Various grants provide for staff to attend training in areas like "Anger Management, Moral Reasoning, and Substance Abuse."

Grievance forms are available for all juveniles held in the facility. Grievance forms are placed in locked boxes for collection and review. Upon entering the facility juveniles are informed of the grievance policy through their orientation packets. Complaint forms are also available for members of the public. The director of the facility reviews all grievance and complaint forms personally.

There are security cameras located throughout the facility, but the video monitoring/recording system needs to be updated and modernized.

The facility is inspected periodically in accordance with requirements imposed by the State of California. The Civil Grand Jury reviewed the records of the most recent inspections and there were no reportable problems.

FINDINGS

The Stanislaus County Civil Grand Jury makes the following findings:

- F1. The facility seems to be well-maintained and orderly.
- F2. The kitchen and dining area appeared clean and adequate.
- F3. The facility is fully staffed, but faces a possible 5% budget reduction and the implementation of employee furlough days. A final decision on these issues will be made at the end of June 2010.
- F4. Drastic reductions in available overtime will present a challenge in furlough implementation, which may lead to early release of minors due to staff limitations.
- F5. Both inmate grievances and public complaints appear to be handled properly.
- F6. The facilities are inspected periodically in accordance with State requirements.
- F7. The video monitoring/recording system needs to be capable of recording continuously.

RECOMMENDATIONS

The Stanislaus County Civil Grand Jury makes the following recommendations:

- R1. The current staffing level should be maintained or increased.
- R2. Upgrade the video monitoring/recording system.

RESPONSE REQUIRED

The Stanislaus County Probation Department.

The Stanislaus County Board of Directors.

STANISLAUS COUNTY HONOR FARM

BACKGROUND

On June 2, 2010, the Stanislaus County Civil Grand Jury made an unannounced visit to the Stanislaus County Sheriff's Department Honor Farm facility, met with deputies in charge of the Honor Farm, and received an extensive tour of the facility.

The Honor Farm employs 39 staff members, with at least six working per shift on a 24 hour, 7 day a week basis. The inmates housed at this facility are categorized as "low risk." All inmates housed at the Honor Farm are male. There are several barracks, each of which can house 86 inmates. However, at the time of the visit, the Civil Grand Jury learned that by the end of June, 2010, there may only be one, possibly two barracks still in use. If the Sheriff's Department decides to keep two barracks in use and there are only enough inmates for one, the inmates will be split between the two. These changes may be necessary because of extensive cuts to the Sheriff's Department's budget mandated by the Stanislaus County Board of Supervisors.

Because of cutbacks in the number of Deputy Sheriffs in the custodial division, inmates are being released early. Upon arrest, almost all persons cited for misdemeanors are booked into the County Jail facilities and then released on their own recognizance or on bail to await trial and sentencing. Upon sentencing, most of these persons are immediately released to the Alternative Work Program (AWP).

Unlike other operations within the Sheriff's Department, the Honor Farm receives no grant monies from either the State of California or the federal government. Additionally, any income the Honor Farm generates is deposited in the County's general fund. For instance, if the Honor Farm makes money by implementing a recycling program, that money is sent to the County and spent as the Stanislaus County Board of Supervisors sees fit. In addition to losing income, there are costs the County will incur no matter whether they populate the barracks or not. The County

will be forced to maintain the barracks – providing power and pest control at the least – or else risk losing the buildings to decay and deterioration.

Pursuant to the budget cuts, many educational programs will be eliminated. However, some of the educational programs at the Honor Farm, such as the literacy program, will continue. Additionally, there are several outside organizations that will continue to be involved at the Honor Farm, such as the Chaplain service, Friends Outside, Alliance Network, and Behavioral Services. Once an inmate completes a program provided by the Honor Farm and is released from custody, he receives a certificate of completion but no assistance in finding employment.

From all indications, because of the budget cuts, the Honor Farm will no longer provide road crews to the Department of Public Works, the Department of Environmental Resources, and the City of Modesto. Road crews will have to be formulated through AWP. Also, because of the budget cuts, the Honor Farm's medical services, now provided 24 hours per day, 7 days per week, may have to be cut back to 16 hours per day, 7 days per week.

If an Honor Farm inmate chooses to work and has the necessary skills, he can work at the wood shop, small engine repair shop, or the metal shop. These shops appear to be fully equipped with the proper tools and necessary parts. If an inmate chooses not to work, he is allowed full use of the exercise yard during the day.

Although not extensive, the staff at the Honor Farm does receive annual training regarding the identification of individuals with medical issues such as mental illness.

If any inmate has a grievance of any type, there are grievance forms readily available to the inmate. Inmate grievances are handled at the lowest level of staff possible but can be taken up the chain of command as necessary.

The Civil Grand Jury members were allowed to talk to any inmate if they so desired. There was no attempt to downplay or minimize any part of the facility or deter the members from seeing anything on the campus. The facility appears to be under the capable hands of the deputy in charge and the rest of the staff appeared to handle their positions capably.

There are security cameras located throughout the facility, but the video monitoring/recording system needs to be updated and modernized.

FINDINGS

The Stanislaus County Civil Grand Jury makes the following findings:

F1. The Honor Farm appears to be a well-organized, well-run facility.

F2. Closing, or significantly reducing the population of inmates housed at the Honor Farm, may have significant negative ripple effects on the community at large. Not the least of which will be fewer available workers to accomplish the duties of the three entities who rely on the road-work

crews provided by the Honor Farm – the Department of Public Works, the Department of Environmental Resources and the City of Modesto.

F3. Due to the remote location of the Honor Farm, cutting back on readily available medical services could result in a failure to timely treat emergent injuries.

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

RECOMMENDATIONS

The Stanislaus County Civil Grand Jury makes the following recommendations:

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

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

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

R4. Upgrade the video monitoring/recording system.

RESPONSE REQUIRED

The Stanislaus County Sheriff's Department.

The Stanislaus County Board of Supervisors.

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.