



STANISLAUS COUNTY CIVIL GRAND JURY

PO Box 3387 – Modesto, CA 95353 – (209) 558-7766 – Fax (209) 558-8170

June 15, 2017

CONFIDENTIAL – DELIVERY IN PERSON

Mr. Vito Chiesa
Chairman, Board of Supervisors
1010 10th St., Ste 6500
Modesto, CA 95354

Dear Mr. Chiesa:

The Stanislaus County Civil Grand Jury has completed the attached report titled “City of Oakdale Residents Property Tax.” The Civil Grand Jury is providing you with a copy of this report two days in advance of its public release, as required by California Penal Code §933.05(f). The Penal Code also prohibits you from disclosing any contents of the report prior to public release by the Civil Grand Jury.

Your response to the jury’s findings and recommendations must be submitted to the Presiding Judge of the Superior Court, the Honorable Ricardo Cordova, at PO Box 3488, Modesto, CA 95353. Submit a hard copy and an electronic copy of your response. Enclosed are guidelines that may be helpful as you prepare your response.

Sincerely,

Timothy Warnock
Foreperson
2016-2017 Civil Grand Jury

Attachment: Report 17-03C

BOARD OF SUPERVISORS
2017 JUN 15 A 9:15

| Distribution Information | |
|--------------------------------|---|
| <input type="checkbox"/> Other | <input checked="" type="checkbox"/> In person |
| _____ Signature | June 15, 2017 _____ Date |
| _____ Printed Name | |

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 their 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 place 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 the 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.

Respond to:

Responses to the Civil Grand Jury's findings and recommendations are sent in the form of an original hard copy and an electronic copy (Microsoft Word or PDF) to:

**The Honorable Ricardo Cordova, Presiding Judge
Superior Court of California, County of Stanislaus
PO Box 3488
MODESTO, CA 95353**

Stanislaus County Civil Grand Jury City of Oakdale Residents Property Tax Bill 17-03C

SUMMARY

The 2016-2017 Stanislaus County Civil Grand Jury (SCCGJ) received a complaint from an Oakdale city property owner regarding a portion of the non-itemized 1% General County Tax (GCT) listed on their Stanislaus County property tax bill. The complaint questioned the authority for the OID portion of the tax levied on city property owners and what property owners received in return for the assessed tax. The complaint further alleges the Stanislaus County Auditor-Controller's Office (SCAC) did not disclose information about the property tax paid by Oakdale city property owners eventually being disbursed to the Oakdale Irrigation District (OID).

SCCGJ investigation researched to determine the authority for the property tax in question and what services are provided to the City of Oakdale property owners for said tax. During the investigation, the SCCGJ found that information explaining the breakdown of the GCT was not readily available to taxpayers regarding the assessed tax. It was also discovered that there are services available to City of Oakdale property owners resulting from the GCT, but these services were not common knowledge amongst city property owners. An additional concern of property taxpayers within the City of Oakdale is the value of the services provided by OID in return for the taxes they pay.

As a result of the investigation, SCCGJ recommends that the SCAC office develop methods to allow all property owners to demystify their tax bills. The SCCGJ recommends that OID and the City of Oakdale continue to work collaboratively on their Cooperative Action Plan and their Mutual Aid Agreement.

GLOSSARY

| | |
|--------------|--|
| GCT | General County Tax, also known as Parcel tax, Ad valorem tax, and a 1% tax-which is based on the assessed value of the property owner's property according to Prop 13. |
| OID | Oakdale Irrigation District |
| SCAC | Stanislaus County Auditor-Controller's Office |
| SCCGJ | Stanislaus County Civil Grand Jury |
| TRA | Tax Rate Authority |

BACKGROUND

The SCCGJ investigated a matter of public concern/interest in the city of Oakdale, in regards to the GCT that can be found on a property owners' tax bill. An investigation was conducted and several interviews were held to determine the origin for the authorization of the GCT in question. During the investigation, the SCCGJ learned that property owners in the city of Oakdale were unaware of the GCT. SCCGJ also discovered that over one million dollars is paid annually to OID by city of Oakdale property owners. Further concerns arose questioning whether or not the city of Oakdale property owners are receiving a fair market value for services from OID in exchange for the amount of money they pay in GCT annually.

METHODOLOGY

SCCGJ used many avenues to gather information for this investigation. The committee reviewed tax records, interviewed individuals, and researched water laws and policies. The individuals interviewed include the following:

- The complainant

- Employees from the SCAC Office

- An OID employee

- A City of Oakdale employee

Reviewed tax records from City of Oakdale

Attended OID Board Meetings

Reviewed the variances in the High/Low TRA tax rate

Reviewed the City of Oakdale's Master Water Plan

DISCUSSION

The SCCGJ has reviewed property tax data for those who live in the city limits of Oakdale. These property owners pay a 1% GCT on the assessed value of their property. That 1% is paid, as part of their entire tax bill, to the SCAC office. The distribution of these funds is not reflected on the tax bill; the amount of tax paid will vary depending upon which Tax Rate Area (TRA) the property is located. It was determined by the SCCGJ that together Oakdale property owners pay approximately one million dollars per year to OID.

The legal authority for this assessment derives from the fact that OID is an independent special district established in 1909, in accordance with the provisions of the 1887 Wright Act. Voters approved the formation of the District, agreeing to be taxed accordingly. This independent special district continues to the present time.

The specific amount of property taxes allocated to OID by the SCAC office depends on the following:

- 1) The assessed value of each individual parcel.
- 2) The TRA in which the parcel is located. The City of Oakdale has forty-three such TRA's.
- 3) The formula specified in the Assembly Bill 8 after passage of Proposition 13. (AB8, Chapter 282, Statutes of 1979)

Currently, the only way an individual property taxpayer can learn how his/her taxes are dispersed is by visiting the SCAC office and requesting an itemized printout of the distribution of the 1% GCT for the individual's TRA.

Property owners in the City of Oakdale pay approximately \$1 million per year to Oakdale Irrigation District. This represents approximately 20% of OID's operating budget. While it is true City of Oakdale property owners receive services in return for their property tax, it is debatable if the value of those services is commensurate with the amount of tax provided.

Currently, OID provides 10,000 acre feet of water rights from New Melones reservoir as a contingency for water emergencies. In addition, OID provides flood control and water run-off abatement for city streets. Even so, equity questions remain.

To that end, the City of Oakdale and Oakdale Irrigation District have begun a process to review the equity of services rendered by OID to city residents. SCCGJ received the following draft documents:

- Mutual Aid Agreement between the Oakdale Irrigation District and the City of Oakdale
- Cooperative Action Plan between the City of Oakdale and Oakdale Irrigation District
- Scope of Work-Oakdale Irrigation District: Reuse Feasibility Study

FINDINGS

- F1. The SCCGJ found no information was readily available to the City of Oakdale taxpayers explaining where the assessed 1% tax went and what if any services OID provided.
- F2. Oakdale City residents pay over \$1 million annually in property taxes to the OID.
- F3. The 1% tax that the Oakdale City residents pay is based on their TRA and assessed value of their property.

- F4. OID and the City of Oakdale are aware of the possible disparities between property taxes paid and services provided to property owners. Both OID and the City of Oakdale are engaged in a dialogue regarding this issue.

RECOMMENDATIONS

- R1. The SCCGJ recommends that the SCAC office create a way to explain the 1% ad valorem tax that is on property owners tax bills, or add an insert to their property tax bill explaining what this tax covers.
- R2. The SCCGJ recommends that SCAC office explore ways of providing a link on its website that is user friendly and explains the breakdown of this tax.
- R3. The SCCGJ recommends that OID commence dialog with the city of Oakdale residents regarding services provided by OID in regards to this 1% tax.
- R4. The SCCGJ recommends that OID and the City of Oakdale continue to work collaboratively on their Cooperative Action Plan and their Mutual Aid Agreement.

REQUEST FOR RESPONSES

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

OID Board of Directors

Oakdale City Council

INVITED RESPONSES

From the following individuals:

Stanislaus County Audit Controller

Board of Supervisors-Stanislaus

OID General Manager

City of Oakdale-City Manager



STANISLAUS COUNTY CIVIL GRAND JURY

PO Box 3387 – Modesto, CA 95353 – (209) 558-7766 – Fax (209) 558-8170

June 15, 2017

CONFIDENTIAL – DELIVERY IN PERSON

Mr. Vito Chiesa
Chairman, Board of Supervisors
1010 10th St., Ste 6500
Modesto, CA 95354

2017 JUN 15 A 9:15
BOARD OF SUPERVISORS

Dear Mr. Chiesa:

The Stanislaus County Civil Grand Jury has completed the attached report titled “Participation in the Annual Financial Audit Report.” The Civil Grand Jury is providing you with a copy of this report two days in advance of its public release, as required by California Penal Code §933.05(f). The Penal Code also prohibits you from disclosing any contents of the report prior to public release by the Civil Grand Jury.

Your response to the jury’s findings and recommendations must be submitted to the Presiding Judge of the Superior Court, the Honorable Ricardo Cordova, at PO Box 3488, Modesto, CA 95353. Submit a hard copy and an electronic copy of your response. Enclosed are guidelines that may be helpful as you prepare your response.

Sincerely,

Timothy Warnock
Foreperson
2016-2017 Civil Grand Jury

Attachment: Audit Report

| Distribution Information | |
|---------------------------------------|---|
| <input type="checkbox"/> Other | <input checked="" type="checkbox"/> In person |
| <u>Don Villarreal</u> Signature | <u>June 15, 2017</u> Date |
| <u>Don Villarreal</u> Printed Name | |

HOW TO RESPOND TO FINDINGS & RECOMMENDATIONS

Responses

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Content of Responses

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Respond to:

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**The Honorable Ricardo Cordova, Presiding Judge
Superior Court of California, County of Stanislaus
PO Box 3488
MODESTO, CA 95353**

**Stanislaus County Civil Grand Jury (SCCGJ)
Participation in the Annual Financial Audit Report
For the Fiscal Year Ended June 30, 2016**

SUMMARY

In accordance with California Penal Code Section 925, civil grand juries are required to investigate and report on the operations, accounts and records of the departments or functions of the county. Therefore, the 2016-2017 Stanislaus County Civil Grand Jury (SCCGJ) reviewed the Stanislaus County Audit Report dated June 30, 2016. The audit was completed by Brown Armstrong Accountancy Corporation.

GLOSSARY

Comprehensive Annual Financial Report (CAFR) A set of US government statements comprising the financial report of a state, municipal, or other governmental entity that complies with the accounting requirements published by the Governmental Accounting Standards Board.

SCCGJ Stanislaus County Civil Grand Jury

The Single Audit The Single Audit is a rigorous organization-wide audit or examination of an entity that expends \$950,000 or more of federal funds received for its operations. This Single Audit is also known as the Office of Management and Budget (OMB) A-133 Audit.

Unmodified Opinion The auditor's opinion of a financial statement, given without reservation. Such an opinion basically states that the auditor finds the entity followed all accounting rules appropriately and that the financial reports are an accurate representation of the entity's financial condition.

BACKGROUND

The June 30, 2016 Stanislaus County Audit Report addresses the CAFR, as well as the Single Audit Report. The 2016 CAFR is intended solely to describe the scope of financial internal control testing and to assure the county's financial statements are error free. The audit includes a sampling of departments and programs within Stanislaus County. This audit report received an unmodified opinion. The Single Audit addresses compliance with OMB A-133, which applies to the county's major federal programs. All programs in this report received an unmodified opinion; therefore no corrective actions were recommended by Brown Armstrong Accountancy Corporation.

The audit samples included the following: Health Services Agency, Inmate Welfare Audit, Regional 911, Insurance Fraud Program, North County Corridor Transportation Expressway Authority, Joint Powers Authority (JPA), Stanislaus Animal Services Agency, City-County Capital Improvement and Financial Agency, Treasury Oversight Report, Tobacco Endowment Investment Fund, and Public Guardian.

METHODOLOGY

Members of the SCCGJ 2016-2017 attended the Entrance Audit Conference on September 27, 2016, and the Exit Audit Conference, on February 21, 2017. During the Exit Audit Conference, Brown Armstrong Accountancy Corporation revealed the county Auditor-Controller's office adopted several new accounting pronouncements throughout the year, as set forth by the Governmental Accounting Standards Board (GASB). The GASB is a board that establishes accounting and financial reporting standards for state and local governments that follow Generally Accepted Accounting Principles (GAAP). The review of the 2016 Stanislaus County Audit was conducted by the Brown Armstrong Accountancy Corporation at the Exit Audit Conference.

FINDINGS

- F1. The audits showed that the accounting policies of Stanislaus County are being followed.
- F2. The Stanislaus County Auditor-Controller's office management team exhibits competent leadership.
- F3. The audit also showed that the management continuity at all levels of the departments results in an expertise and commitment by all staff to adhere to published accounting policies and procedures.

COMMENDATIONS

- C1. The SCCGJ commends the staff within the Auditor Controller's office, and the directors and staff of each audited Stanislaus County Department, for their efforts in adhering to the policies and procedures set forth by the GASB and the OMB.

INVITED RESPONSES

Stanislaus County Auditor-Controller

Stanislaus County Board of Supervisors



STANISLAUS COUNTY CIVIL GRAND JURY

PO Box 3387 – Modesto, CA 95353 – (209) 558-7766 – Fax (209) 558-8170

June 14, 2017

2017 JUN 14 A 10:04
BOARD OF SUPERVISORS

CONFIDENTIAL – DELIVERY IN PERSON

Mr. Vito Chiesa
Chairman, Board of Supervisors
1010 10th St., Ste 6500
Modesto, CA 95354

Dear Mr. Chiesa:

The Stanislaus County Civil Grand Jury has completed the attached report titled “Stanislaus County Law Enforcement and Detention Facilities Inspections.” The Civil Grand Jury is providing you with a copy of this report two days in advance of its public release, as required by California Penal Code §933.05(f). The Penal Code also prohibits you from disclosing any contents of the report prior to public release by the Civil Grand Jury.

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Sincerely,

Timothy Warnock
Foreperson
2016-2017 Civil Grand Jury

Attachment: Report 17-20C

| Distribution Information | |
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| <input type="checkbox"/> Other | <input checked="" type="checkbox"/> In person |
| <u>Amilland</u> Signature | <u>6/14/17</u> Date |
| <u>Dan Villarreal</u> Printed Name | |

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Superior Court of California, County of Stanislaus
PO Box 3488
MODESTO, CA 95353**

**2016 – 2017 Stanislaus County Civil Grand Jury
Stanislaus County Law Enforcement and Detention Facilities Inspections
Case # 17-20GJ**

SUMMARY

The 2016 – 2017 Stanislaus County Civil Grand Jury (SCCGJ) conducted its annual detention and other facility inspections. These inspections included the jail facilities, the Stanislaus County Sheriff's Office Coroner's Division (SCSOCD), Stanislaus Regional 911 (SR911), Juvenile Commitment Facilities (JDF), and the Day Reporting Center (DRC). The Stanislaus County Sheriff's Office Coroner's Division, a state-of-the-art facility that determines individuals' cause of death for the population of three counties: Mariposa, Stanislaus, and Tuolumne. The Stanislaus County Sheriff's Department detention facilities are also state-of-the-art. The SCCGJ participated in ride-along programs offered by Stanislaus County law enforcement agencies. SCCGJ commends the Sheriff's Department, Modesto Police Department, and Turlock Police Department for their cooperation and assistance during the various inspections and tours.

The SCCGJ conducted physical inspections of each facility between September 9, 2016 and March 21, 2017.

GLOSSARY

| | |
|---------------|---|
| BSCC | Board of State and Community Corrections |
| CAD | Computer Aided Dispatch |
| CJ | Stanislaus County Downtown Men's Jail |
| DRC | Day Reporting Center |
| IRT | Intake/Release/Transportation |
| JH | Juvenile Hall |
| JDF | Juvenile Commitment Facility |
| MSH | Maximum Security Housing |
| MHU | Minimum Housing Unit |
| MPD | Modesto Police Department |
| PSC | Public Safety Center (Adult detention facility) |
| SCDF | Stanislaus County Detention Facility |
| SCCGJ | Stanislaus County Civil Grand Jury |
| SCSD | Stanislaus County Sheriff's Department |
| SCSOCD | Stanislaus County Sheriff's Office Coroner's Division |

SR911 Stanislaus Regional 911
TPD Turlock Police Department

BACKGROUND

Stanislaus County currently has no public prisons; however, there are five jail facilities that SCCGJ chose to tour: CJ, PSC, MHU, IRT and MSH. With the exception of the CJ, all other Stanislaus County jails were funded 90% through state AB900 realignment funding. The remainder of funding is the responsibility of Stanislaus County. The most recent jail construction was completed in March 2017, and is known as AB900 Project 1 (MHU) and 3 (IRT). The DRC was completed in 2015.

METHODOLOGY

The SCCGJ conducted inspections at each of the following law enforcement facilities. Jurors interviewed command and operational staff, managers, and medical personnel at the detention facilities.

Stanislaus County Public Safety Center [PSC Unit 1, 2 & 3]
200 Hackett Rd.
Modesto, CA. 95358

Stanislaus County Downtown Men's Main Jail (CJ)
1115 H St.
Modesto, CA. 95353

Stanislaus County Juvenile Commitment Center (JCC)
2215-A Blue Gum Ave.
Modesto, CA. 95351

Stanislaus County Juvenile Detention Facility (JDF)
2215-A Blue Gum Ave.
Modesto, CA. 95351

The following Non-Detention Facilities were inspected:

Stanislaus County Day Reporting Center (DRC)
190 E Hackett Rd.
Modesto, CA. 95357
Stanislaus Regional 911 (SR911)
3705 Oakdale Rd.
Modesto, CA. 95357

Stanislaus County Sheriff's Office Coroner's Division (SCSOCD)
921 Oakdale Rd.
Modesto, CA. 95355

STANISLAUS COUNTY DETENTION FACILITIES (SCDF)

The Stanislaus County detention facilities consist of four main structures, three located on Hackett Road, in close proximity to the Sheriff's Department, and another in downtown Modesto. The downtown jail is called the Stanislaus County Men's Jail (CJ).

The three Hackett Road facilities are the Public Safety Center (PSC) and the Minimum Housing Unit (MHU). The MHU is divided into Units 1 and 2. New facilities, Intake/Release/Transportation (IRT) are also located on the Hackett Road site and opened in March 2017.

Documentation from the SCSD indicated the inmate population as of October 19, 2016, was 364 inmates at CJ, 498 at PSC and 355 at MHU for a total of 1,217 inmates. Gender breakdown consisted of 1,077 males and 140 females. The ethnic composition of inmates is displayed in the following table:

| Ethnic | Total | Male | Female |
|------------------|--------------|-------------|---------------|
| American Indian | 3 | 0 | 3 |
| Asian | 18 | 18 | 0 |
| Black | 144 | 124 | 20 |
| Hispanic | 470 | 427 | 43 |
| Mid-East/African | 11 | 11 | 0 |
| White | 520 | 446 | 74 |
| Other/Unknown | 51 | 51 | 0 |

There were 330 sentenced inmates and 887 un-sentenced inmates in custody. From the total inmate population 1,058 were charged with felonies and 159 were charged with misdemeanors. Security levels classify inmates. There were 78 maximum, 374 medium, and 465 minimum-security inmates.

The Sheriff's Department has a formal grievance policy that allows inmates to file a written grievance against any action, policy, regulation, procedure or activity they feel is

detrimental. The table below represents the number of grievances filed during Fiscal Years 2014-2015, 2015-2016, and 2016-2017 to date (October 19, 2016).

| Grievance | 2014- | 2015- | 2016- | Total |
|---|-------|-------|-------|-------|
| Medical | 230 | 185 | 70 | 485 |
| Staff Conduct | 117 | 89 | 10 | 216 |
| Visits | 11 | 12 | 1 | 24 |
| Class/Programs | 9 | 10 | 2 | 21 |
| Recreation | 4 | 2 | 3 | 9 |
| Commissary | 3 | 16 | 9 | 28 |
| Discipline | 3 | 26 | 12 | 41 |
| Maintenance | 3 | 14 | 1 | 18 |
| Meals | 2 | 3 | 8 | 13 |
| Missing | N/A | 7 | 19 | 26 |
| Housing | N/A | N/A | 37 | 37 |
| Mail | N/A | N/A | 5 | 5 |
| Policy | N/A | N/A | 3 | 3 |
| Property | N/A | N/A | 1 | 1 |
| Other | 2 | 6 | 12 | 20 |
| Total | 384 | 381 | 193 | 958 |
| N/A: New grievance category not yet counted | | | | |

The staff of the Board of State and Community Corrections (BSCC) conducted the 2014-2016 biennial inspection of Stanislaus County Downtown Men's Jail and both facilities at the Public Safety Center on June 7, 2016. One corrective action was noted related to Title 24 Physical Plant Inspection. At the time of the inspection, some of the single cells contained more than one inmate. This resulted in non-compliance with Title Section 470A.2.6, Single Occupancy Cell. With the spring opening of the new PSC detention facility, this should not be an issue in the future.

Stanislaus County Downtown Men's Jail (CJ): The CJ was opened in 1955 and, for the most part, has been well maintained despite the age of this facility. It is a three-story structure built adjacent to the Superior Court and has a secured underground hallway leading from the CJ to the Superior Court. It houses sentenced, un-sentenced, maximum security and high-risk inmates. Only male inmates are booked and housed at this location. The men's jail processes approximately 1500 arrests per month. The federal maximum capacity is 396 inmates. At the time of the inspection, this facility housed 364 inmates.

During the booking process, inmates are interviewed to determine if they have any gang affiliations. For those inmates with medical needs, additional follow up is required. Inmate clothing is specifically color coded for gang classification, general population, maximum security, mental health and protective custody.

Public Safety Center Units (PSC) Minimum Housing Units 1 & 2: The first unit was built in 1992, followed by incremental openings of other facilities. The last PSC unit opened in 2013. In sharp contrast to the CJ, these facilities were built with a more contemporary style of construction and adhere to a more progressive jail management philosophy that provides for more direct supervision of all inmates. Only women are booked at this facility, although both men and women are housed at this location. The maximum bed capacity of this facility is 534; there were 498 inmates at the time of the inspection. During the inspection, the SCCGJ observed a very clean and well-managed facility. The booking area, temporary holding cells, interview rooms program classrooms, and medical facilities were inspected.

Maximum Security Housing (MSH) & Intake/Release/Transportation (IRT): MSH, also known as Project 1, includes 2 maximum-security housing units that have 480 beds. There are 72 beds in the medical and mental health housing unit; of those, 15 are sheltered medical beds, bringing the total to 552. Additionally, there is a Health Services Facility and a Security Administration. Project 1 and IRT were funded 90% by the State of California and 10% by Stanislaus County. The budget for Project 1 was \$83.9M.

IRT, also known as Project 3, is the hub where all processing, booking, staging and transportation occurs and is the vital support for the Phase II jail expansion that was completely funded by Public Facility Fees. The budget for IRT was \$24M. The SCCGJ inspected these facilities on Feb. 21, 2017; the command staff and other operations staff were on site to support the inspection. A facilities dedication was planned for March 7, 2017, and movement of inmates was scheduled to begin March 20, 2017. As indicated, there were no working operational staff or inmates at this facility, although a training class was in progress during inspection.

Juvenile Hall and Commitment Center (JH & JCF): JH provides temporary, safe and secure detention for minors who are alleged to have committed violations and are awaiting Juvenile Court hearing, placement in foster care, or placement in the Department of Juvenile Justice. Originally constructed in 1978, with additional units added in 2000, this facility is very well-managed and maintained. At the time of inspection, JH had an inmate population of 56 juveniles: 54 males and 2 females. Overall capacity is 158 inmates, housing general and maximum security juveniles.

During the JH inspection, operational staff explained the intake process for both male and female offenders that included screening for syphilis. If, during the medical evaluation, the juvenile shows symptoms of other sexually transmitted diseases, then additional screening will occur. Other diseases, such as hepatitis B or C are not routinely screened.

JCF houses youth who require a period of incarceration as part of their final disposition or pending placement. Only one of the three units was populated when inspected. There were 28 males incarcerated at the time of the inspection, with a capacity of 60 general population juveniles. No maximum security inmates are housed at this facility. This facility opened in 2013, and the SCCGJ found the grounds and facility to be clean and well-maintained.

The BSCC staff conducted the 2014-2016 biennial inspection of JH and JCF and found no corrective action required.

STANISLAUS COUNTY LAW ENFORCEMENT INSPECTIONS

Stanislaus County Sheriff's Office Coroner Division (SCSOCD): On Tuesday, December 6, 2016, the SCCGJ toured the SCSDCD. This facility contains 16,000 square feet of space, with 11,000 square feet currently in use. There is room for expansion in the future. The Division also provides contracted services to Tuolumne and Mariposa counties, because neither county has coroner's facilities.

The SCSOCD is led by a Stanislaus County Sheriff's Department sergeant who supervises a staff of twelve that includes five Deputy Coroner investigators, a legal clerk, a public administrator, a full time pathologist, a part-time pathologist, and three autopsy technicians.

The various areas of the compound include administrative offices, areas where bodies and vehicles are processed into the facility for examination and evidence, and cold storage that is kept at 39 degrees and can hold up to 120 bodies, as necessary. There are also two rooms where family members can wait, as well as two chaplain's offices where chaplains can privately provide comfort to families. The facility also has a large conference room that can be transformed into a Stanislaus County command center in the event of a disaster.

The facility contains an additional Decomposition Autopsy room, used for extreme cases of bodily decay and for high-profile cases; the room can be sealed off to protect the chain of evidence. The facility also has a donor network room that can be used to extract bone, tissue, and skin for transplantation purposes. Bodies are transported to Doctors Medical Center if x-rays are needed.

The actual autopsy room is currently set up with two stations, but, as needed for growth, can expand to set up to three additional stations. The autopsy room has state of the art forensic equipment. Autopsies can be observed from an observation deck that overlooks the autopsy stations. This observation deck is sealed off from the autopsy stations, and a closed-circuit video monitor is employed to facilitate communication between the two areas, useful for law enforcement and legal personnel to observe and listen while an autopsy is in progress. All air in the labs is filtered through HEPA (High-Efficiency Particulate Air) filters.

Since January 1, 2016 through January 1, 2017, the SCSOCD has processed 2,756 cases. The breakdown of this number is as follows:

- 1,933 reportable deaths
- 475 autopsies
- 283 chart review/co-sign/storage cases
- 65 cases from Mariposa and Tuolumne counties

Day Reporting Center (DRC): This facility is designed to offer a multitude of services to offenders who are under the jurisdiction of the probation department, with the goal of reducing recidivism (repeat offenders). The DRC serves as a one-stop shop for offenders to meet with their Probation Officer, submit to drug and/or alcohol testing and receive a variety of rehabilitative services. A Probation Orientation Meeting is scheduled for the second Monday of each month. These meetings consist of educating recently released offenders about additional services available in the community that can assist them and their families.

The SCCGJ found this facility and grounds to be clean and well-managed. SCCGJ observed the assessment offices, several of the classrooms and the computer room; all were adequately equipped. On the afternoon of the inspection, March 21, 2017, only one class was in progress, a 52 week domestic violence/batterer's treatment course attended by three female offenders. Only three absences are allowable; a fourth absence will result in termination from the program, and the offender is referred back to court. To increase participation in the program, bus passes are offered to those needing transportation.

Stanislaus Regional 911 (SR911): The current SR911 is located at 3705 Oakdale Road, Modesto, California. The Dispatch Center has been located at this location since 2000. Dispatch services are provided to all local county fire and law enforcement agencies, with the exception of Oakdale Police Department, Ceres Police Department, Newman Police Department, and Turlock Fire and Police Departments. Dispatchers are responsible to answer emergency and non-emergency phone calls. The annual call volume for 2016 is reported as 196,394 emergency calls and 390,372 non-emergency calls. However in 2016 cell phone calls were not taken by SR911.

The SCCGJ toured the SR911 on Tuesday January 24, 2017. Two of the center's dispatch managers were present and were interviewed. A general overview of the center, staff and operations was given during the interview. During the tour, the SCCGJ was able to see call takers and dispatch staff in their work space conducting routine business.

The CAD System was updated in 2016. Upon implementation of the upgraded system, the staff was trained in new functionality and operations. When asked if the updated CAD System was a positive one, staff commented that it is somewhat more complex to navigate but will better meet future growth.

The current staff consists of four full-time call takers and 39 dispatchers. In addition, there are four managers and a director on the operations side. Although they were interviewing on the day of the tour, it was mentioned that the number of staff has not been increased in several years. Despite this, the center attained a 98% staffing measurement by year-end. The current volume of staff is such that overtime is a common occurrence. In addition, managers are occasionally required to work 24-hour shifts to help with coverage. Starting in 2017, cell phone calls will be received at SR911 and will significantly increase the volume of calls.

Ride-Along Program

Modesto Police Department (MPD): The Ride-Along occurred between 11:00 am and 4:00pm. Prior to the start of the ride-along, the officer advised about procedures for the participant of the ride-along. The officer encountered a variety of calls, including cruelty to animals, a possible suicidal individual, homeless issues and a runaway juvenile. The officer exhibited professional 'conflict resolution' skills. Overall, it was an informative experience, and resulted in a better understanding of the difficulties encountered daily by law enforcement.

Stanislaus County Sheriff's Department (SCSD): At the afternoon Ride-Along with the SCSD, the participant was advised by the sheriff's deputy of the safety procedures for the ride-along. On this ride-along, the deputy encountered crimes including the following: a cruelty to animals call, involving training fighting roosters and a call regarding found credit cards and ID documents, which were eventually returned to the owner.

During briefing the subject of a new SCSD program called, "Community Ambulance", operated by AMR, an ambulance service, was shared. As part of the program, when officers encounter a person with possible mental health issues, the Community Ambulance is dispatched. Based on the AMR technicians' evaluation of the subject, the subject may be transported to a facility by the ambulance service for further evaluation. In this manner, the deputy is then free to continue on to the next call.

Turlock Police Department (TPD): At the beginning of the TPD ride-along, the officer in charge advised the participant about necessary safety and security procedures. Interactions included contact with several homeless people. The officer handled the encounters in an understanding and compassionate manner, ensuring safety for everyone involved.

FINDINGS

- F1. The Stanislaus County Sheriff's Department is extremely adept at managing and maintaining its detention facilities.
- F2. The CJ is approaching the end of its useful life and is using valuable correctional resources that could be better utilized at newer detention facilities.

- F3.The Stanislaus County Sheriff's Department was proactive in securing AB900 state project funding.
- F4.During booking procedures at Juvenile Hall, male and female inmates are screened for syphilis but not hepatitis B or C.
- F5.Working from a state of the art facility, the Stanislaus County Sheriff's Office Coroner's Division facility provides much utilized services to assist in determining causes of death.
- F6.With the implementation of the new CAD system, the staff was provided adequate training and the system is now in full operation. Additionally, Stanislaus Regional 911 will now be responsible for receiving 911 cell phone calls.
- F7.The MPD, SCSD, and TPD are committed to protecting and serving the citizens of their respective cities.
- F8.AMR operates a new program called Community Ambulance to assist SCSD officers when they are dealing with a person with possible mental health issues. The Community Ambulance program follows through with the subject, allowing officers to proceed with their duties.

RECOMMENDATIONS

- R1.The Stanislaus Sheriff's Department should develop a plan to better utilize the CJ.
- R2.The SCCGJ recommends Stanislaus County Probation Department screen for hepatitis B and C during the intake process.
- R3.There is a real need for the Coroner's Office to acquire its own X-ray machine. Needless time and money is spent transporting autopsy cases to Doctors Medical Center for X-rays. There is currently room at the facility for this machine to be installed.
- R4.The Stanislaus Regional 9-1-1 should consider developing a resource plan that would identify potential solutions in minimizing overtime, increase the retention of current workers, and reduce the loss of candidates during the hiring process.

COMMENDATIONS

The SCCGJ commends the Stanislaus County Sheriff's Department in providing professional leadership, management and maintenance of the detention facilities under their supervision.

The SCCGJ commends the Stanislaus County Sheriff's Department and the County of Stanislaus in securing AB900 funding and managing Projects 1 & 3 to a successful completion.

The SCCGJ commends the Stanislaus County Sheriff's Office Coroner's Division personnel for providing outstanding services for three counties and maintaining a state of the art facility.

The SCCGJ commends the Regional Dispatch Center on its improvements, management, and a well-run operation considering current staffing constraints.

REQUEST FOR RESPONSES

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

- Stanislaus County Board of Supervisors

INVITED RESPONSES

From the following governing bodies:

Stanislaus County Sheriff's Department

Stanislaus County Coroner's Division



STANISLAUS COUNTY CIVIL GRAND JURY

PO Box 3387 – Modesto, CA 95353 – (209) 558-7766 – Fax (209) 558-8170

June 14, 2017

2017 JUN 14 A 10:05
BOARD OF SUPERVISORS

CONFIDENTIAL – DELIVERY IN PERSON

Mr. Vito Chiesa
Chairman, Board of Supervisors
1010 10th St., Ste 6500
Modesto, CA 95354

Dear Mr. Chiesa:

The Stanislaus County Civil Grand Jury has completed the attached report titled “Stanislaus County Probation Department.” The Civil Grand Jury is providing you with a copy of this report two days in advance of its public release, as required by California Penal Code §933.05(f). The Penal Code also prohibits you from disclosing any contents of the report prior to public release by the Civil Grand Jury.

Your response to the jury’s findings and recommendations must be submitted to the Presiding Judge of the Superior Court, the Honorable Ricardo Cordova, at PO Box 3488, Modesto, CA 95353. Submit a hard copy and an electronic copy of your response. Enclosed are guidelines that may be helpful as you prepare your response.

Sincerely,

Timothy Warnock
Foreperson
2016-2017 Civil Grand Jury

Attachment: Report 17-30C

| Distribution Information | |
|---|---|
| <input type="checkbox"/> Other | <input checked="" type="checkbox"/> In person |
| <u><i>Pan Villarreal</i></u> Signature | <u>6/14/17</u> Date |
| <u>Pan Villarreal</u> Printed Name | |

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 their 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 place 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 the 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.

Respond to:

Responses to the Civil Grand Jury's findings and recommendations are sent in the form of an original hard copy and an electronic copy (Microsoft Word or PDF) to:

**The Honorable Ricardo Cordova, Presiding Judge
Superior Court of California, County of Stanislaus
PO Box 3488
MODESTO, CA 95353**

**2016 – 2017 Stanislaus County Civil Grand Jury
Stanislaus County Probation Department
Case # 17-30C**

SUMMARY

The Stanislaus County Civil Grand Jury (SCCGJ) received a complaint alleging the Stanislaus County Probation Department (SCPD) acted in an illegal manner when conducting a property search, failed to follow SCPD procedures, and intimidates citizens from filing formal complaints. SCCGJ chose to investigate the complainant's allegation that the SCPD Citizen Complaint Form and Citizen Complaint Declaration language may prevent citizens from filing complaints. The SCCGJ agrees and recommends SCPD review their Citizen Complaint and Declaration Forms with the intent of removing any language that would discourage citizen input. There may also be an issue with the current form's language not meeting the requirement of a recent judicial opinion.

GLOSSARY

| | |
|--------------|--|
| CPC | California Penal Code |
| SCCGJ | Stanislaus County Civil Grand Jury |
| SCPD | Stanislaus County Probation Department |

BACKGROUND

On December 1, 2016, a citizen filed a written complaint with SCCGJ alleging perceived intimidation when completing the SCPD Citizen Complaint and Declaration form. He alleges that each of these forms contains language that threatens the complainant with a misdemeanor charge and possible prosecution if they knowingly make a false complaint against any peace officer. The text of this language is derived from Section 148.6 of the California Penal Code. This section has come under judicial review of the 9th Circuit Court of Appeals and was recently revised effective January 1, 2017.

The SCCGJ interviewed the complainant and an SCPD employee regarding the use of this form. Additionally the SCCGJ conducted a review of other Stanislaus County law enforcement agency complaint forms and found that none contained similar language. As a result, the SCCGJ believes the SCPD Complaint and Declaration form is outdated, intimidating and prevents citizens from filing complaints.

METHODOLOGY

The SCCGJ conducted an investigation using the following methods:

- Interviewed the complainant.
- Interviewed an SCPD employee.
- Reviewed citizen complaint forms from other Stanislaus County law enforcement agencies.
- Reviewed SCPD's Citizen Complaint Form and administrative policy manual

DISCUSSION

An interview was conducted with the complainant on February 24, 2017 and summarized the facts of the complaint as follows: On January 12, 2016, the complainant filed a report with the SCPD as a result of a search of his front and back yard areas by SCPD officers on December 16, 2015. Officers were searching for a probation violator who SCPD's GPS tracking system indicated was in the complainant's back yard. When the probation violator was not found to be on the complainant's property, a complaint was filed with the SCPD. In doing so, the complainant stated he felt threatened and intimidated by the use of language on both the Citizen Complaint and Citizen Complaint Declaration forms. Specifically, the form stated, "It is against the law to make a complaint that you know to be false. If you make a complaint against an officer knowing that it is false, you can be prosecuted on a misdemeanor charge." The complainant believed that even a small reporting error could result in being charged and prosecuted with a crime. Additionally, Section 148.6 CPC was ruled unconstitutional by the 9th Circuit Court of Appeals in *Chaker v. Crogan*, 428 F.3d 1215 (9th Cir. 2005), cert. denied, 126 S. Cr. 2023 (2006); and should be removed from the citizen complaint forms.

On March 22, 2017 the SCCGJ interviewed an employee of SCPD. Questions were asked regarding SCPD's citizen complaint process. Additionally, the SCPD employee stated that a new Chief Probation Officer was recently appointed and the SCPD has begun a review of all current department forms, including the citizen complaint forms.

Due to the complainant's allegation that portions of SCPD's complaint forms have been ruled unconstitutional by the 9th Circuit Court of Appeals, the SCCGJ reviewed other Stanislaus County law enforcement complaint forms. None of them contained the disputed language from Section 148.6 CPC.

FINDINGS

- F1. The Stanislaus County Probation Department's current Citizen Complaint and Citizen Declaration forms may discourage some citizens from filing a formal complaint due to the 148.6 CPC declaration.

RECOMMENDATIONS

R1. SCCGJ recommends that the SCPD review their Citizen Complaint and Declaration forms to foster filing of legitimate complaints and to come into compliance with the ruling of the 9th Circuit Court of Appeals ruling on Section 148.6 CPC.

REQUEST FOR RESPONSES

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

From the following individuals:

- Stanislaus County Chief Probation Officer

INVITED RESPONSES

Stanislaus County Board of Supervisors

APPENDIX-STANISLAUS COUNTY PROBATION DEPARTMENT CITIZEN COMPLAINT FORM



Probation

STANISLAUS COUNTY PROBATION DEPARTMENT CITIZEN COMPLAINT



STANISLAUS COUNTY PROBATION DEPARTMENT CITIZEN COMPLAINT DECLARATION

Section 148.6 of the California Penal Code

You have the right to make a complaint against a police officer for any improper police conduct. California Law requires this agency to have a procedure to investigate citizen complaints. You have the right to a written description of this procedure. This agency may find after investigation that there is not enough evidence to warrant action on your complaint; even if that is the case, you have the right to make the complaint and have it investigated if you believe an officer behaved improperly. Citizen complaints and any reports or findings relating to complaints must be retained by this agency for at least five years.

It is against the law to make a complaint that you know to be false. If you make a complaint against an officer knowing that it is false, you can be prosecuted on a misdemeanor charge.

I have read and understand the above statement.

Complainant

Date

NOTE: Your right to complain also extends to probation officers, probation corrections officers and all other peace officers.

