

Merced County

2003 – 2004

Grand Jury Report

MERCED COUNTY GRAND JURY



P.O. BOX 2284
MERCED, CALIFORNIA 95344-2034

**THIS FINAL REPORT HAS BEEN REVIEWED
AND UNANIMOUSLY APPROVED BY THE
2003 – 2004 MERCED COUNTY GRAND JURY.**

A handwritten signature in cursive script that reads "Yvette R. Brisco".

YVETTE BRISCO, Foreperson
2003-2004 Merced County Grand Jury

A handwritten signature in cursive script that reads "Carol Silva".

CAROL SILVA, Foreperson Pro Tem
2003-2004 Merced County Grand Jury

**MERCED COUNTY GRAND JURY
2003-2004 FINAL REPORTS**

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MERCED COUNTY GRAND JURY



P.O. BOX 2284
MERCED, CALIFORNIA 95344-2034

June 21, 2004

The Honorable Ronald E. Hansen
Presiding Judge of the Grand Jury
Merced County Superior Court

Dear Judge Hansen:

On behalf of the 2003-2004 Merced County Grand Jury, it is my honor and my privilege to submit a Final Report to you as required by California Penal Code Section 933.

The members of this Grand Jury have invested countless hours in performing the duties entrusted to us by the Court. The citizens of Merced County who devoted their time and energy to completing the tasks set before them are representative of the community spirit and dedication that make this County what it is. The level of professionalism and integrity exhibited by this group of individuals is to be commended.

As we investigated the matters of our County, we tried always to keep focused on maintaining an impartial approach. We experienced both simple and complicated investigations and hope that our diligence in conducting these investigations will result in improved governmental functions throughout the County.

We would also like to express our appreciation to the many administrators, officials, and staff members who gave of their time and provided support for our endeavors. We would also like to thank the citizens who expressed their concerns to us in an effort to improve specific areas of the county.

We are very proud to have served, and grateful to have been selected for such a rewarding experience.

Respectfully,

A handwritten signature in cursive script that reads "Yvette R. Brisco".

Yvette R. Brisco, Foreperson
2003-2004 Merced County Grand Jury

**2003-2004
MERCED COUNTY
GRAND JURY MEMBERS**

Carolene Archuleta

Yvette Brisco

Foreperson

Marylan Brown

Committee Chairperson

Jacqueline Brunger*

Roxanne Council

Committee Chairperson

Michael French*

Mary Gregory

Committee Chairperson

Leodore Hernandez

Meet Lea

Joanne Lorenzetti

Patricia Martinez

Secretary

Manuel Mayo

Debra Mulligan

Committee Chairperson

Kurtis Neu

James Reynolds

Carol Silva

Foreperson Pro Tem

Penelope Smith*

Richard Smith*

James Soper

Raymond Valadez

*Juror unable to complete a full year's term

2003-2004
MERCED COUNTY GRAND JURY

Yvette Brisco, Foreperson
Carol Silva, Foreperson Pro Tem
Patricia Martinez, Secretary

COMMITTEE MEMBERSHIP

AUDIT AND FINANCE/CITIES AND JOINT POWERS

Marylan Brown, Chair
Michael French*
Patricia Martinez
James Reynolds

COUNTY ADMINISTRATION/COUNTY SERVICES

Roxanne Council, Chair
Meet Lea
Penelope Smith*
James Soper
Carolene Archuleta

HEALTH, EDUCATION, AND WELFARE

Debra Mulligan, Chair
Leodore Hernandez
Manuel Mayo
Raymond Valadez

LAW, JUSTICE, AND PUBLIC SAFETY/SPECIAL DISTRICTS

Mary Gregory, Chair
Joanne Lorenzetti
Kurtis Neu
Richard Smith*

*Jurors unable to complete full term

Legal Requirements for Respondents

GRAND JURY FINAL REPORTS AND RESPONSES Penal Code Sections 933-933.05

933. (a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.

933.05. (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.
- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.
- (d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
- (e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.
- (f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

MERCED COUNTY SHERIFF'S DEPARTMENT
MAIN JAIL
Mandated Inspection

INTRODUCTION/BACKGROUND

The Merced County Grand Jury is mandated to inspect the detention facilities annually per California Penal Code Section 919. The main jail is located at 700 W. 22nd Street in Merced. The sheriff's department is responsible for the daily operation of this facility. Sheriff Mark Pazin is an elected official for Merced County.

METHOD OF INVESTIGATION

11-6-03 The Grand Jury met with Sheriff Mark Pazin, Commander John Burke, Commander Atkinson and Undersheriff Bill Blake. After a brief presentation by Sheriff Pazin, the Grand Jury was given a tour of the main jail.

FINDINGS

- Sheriff Mark Pazin presented the Grand Jury with a report indicating that this year's corrections budget is \$12 million dollars as approved by the Board of Supervisors.
- The main jail was constructed in 1968. In 1991 and 1994 portions of the main jail were remodeled. It has the capacity to house 192 inmates.
- Staffing allocations are as follows: 7 officers and 1 sergeant on the day shift, 7 officers and 1 sergeant on the night shift, and 6 officers and 1 sergeant on the graveyard shift. Excessive overtime hours worked by officers constitute both safety and fiscal issues. Fatigue and elevated stress levels can result when consistently working additional hours. Overtime hours are paid at time and a half, adding to budgetary burdens.
- According to a staffing analysis conducted March 2003 by the California Board of Corrections, current staff allocations are insufficient in two areas. First, sergeants are included in minimum staffing levels, which prevents them from adequately performing their supervisory duties. Second, there is a lack of a roving officer to assist in areas of staffing shortfall and to provide transitional coverage when required. For example, in the event of a medical emergency or when an out-of-control inmate requires additional manpower to subdue and control, the vacated area is left unattended.
- During our tour of the facility, the Grand Jury observed areas in need of repair. This included cracked glass on cell block doors and areas of chipping paint within the cells. Due to the age of the building and constant use, it appears run down, but is maintained as well as can be expected.
- Currently, the area allocated to house the inmates who are awaiting escort to the court is a multi-use holding cell that is inadequate for some of the purposes for which it is used. In addition to holding inmates for court, it is also used to hold out-of-control inmates, as well as inebriated individuals. Many times, the number of inmates that are placed in this holding area exceed what is recommended for maximum safety and security.

- When transporting the inmates from the holding area to the courtroom, the open exposure constitutes a public safety issue, in the event of an escape attempt or other situation that could arise. The inmates are paraded along the sidewalk, secured to each other at the waist and ankles by chains and shackles.
- The visiting area is acceptable for current use, but visitors are required to pass through secure sections of the jail to reach the visiting area, which constitutes a safety issue.
- There is a separate area that houses trustees that do laundry and other assigned duties.
- There are fourteen different uniforms worn by the inmates. The purpose of the different uniforms is to help separate potential gang members from being housed in the same area.

RECOMMENDATIONS

In addition to the annual budget requests to the Board of Supervisors, Sheriff Pazin should continue to seek outside funding sources, i.e. grants, to augment the annual budget shortfall, including exploration of the possibility of getting Federal and/or State funds for criminal justice system improvement.

In the future, in anticipation of population growth as a result of the impending opening of the University of California and normal area development, the Sheriff's Department should actively pursue the approval for construction of a new jail facility. A non-linear design would require fewer personnel than the current design model and should be considered in future deliberations regarding construction.

Human resource allocations as recommended by the California Board of Corrections Staffing Analysis should be addressed. Use of overtime for correctional officers should be drastically reduced and the funds saved could be used to hire additional officers.

Areas with chipping paint should be tested to ensure that lead-based paint is not present and repainted. Broken glass on cell doors should be replaced immediately.

The Sheriff's Department should work in conjunction with the court administration to ensure that the new court facility has an adequate holding area for inmates awaiting court proceedings.

With appropriate staffing during visitation, the issues involving reduced security due to the necessity of the visitors passing through secure areas would be resolved.

COMMENDATIONS

Sheriff Pazin stated that the issue of safely transporting inmates from the jail to the courtroom is being addressed by altering the route to an existing hallway through a more secure area.

The Sheriff's Department is commended for utilizing trustees to assist with laundry and other tasks that might otherwise require additional paid staff.

The Sheriff's Department is commended for recognizing the dangers posed by placing rival gang members in close proximity. Utilizing a color coding system for the uniforms increases the safety and security of all inmates and staff.

**MERCED COUNTY SHERIFF'S DEPARTMENT
SANDY MUSH CORRECTION FACILITY
MANDATED INSPECTION**

INTRODUCTION/BACKGROUND

Pursuant to California Penal Code Section 919, the Grand Jury has the responsibility to annually investigate the conditions and management of correctional facilities within Merced County. The Sheriff's Department is responsible for the daily operations of this facility under the command of Sheriff Mark Pazin. A tour of the Sandy Mush Facility, at 2584 W. Sandy Mush Rd. Merced, was conducted on November 6, 2003.

METHOD OF INVESTIGATION

- 11-06-03 A presentation was given to the Grand Jury regarding the Sheriff's Department by Sheriff Mark Pazin with Undersheriff Blake and Commander Burke in attendance.
- 11-06-03 Sheriff Mark Pazin guided the Grand Jury on a restricted tour of the Sandy Mush Correctional Facility.
- 01-19-04 A committee made an unannounced visit to the Sandy Mush Facility and interviewed five staff members.
- 02-02-04 A committee met with Sheriff Mark Pazin.

FINDINGS

- The budget amount allocated to the Sandy Mush Correctional Facility does not meet the needs of operations.
- The facility operates at maximum capacity for incarcerated inmates throughout the year. Hundreds of inmates are released early each year to allow space for other inmates to be housed. Inmates that are released early are not necessarily a low risk to the public.
- The ratio of correctional officers to inmates is dangerously low. Currently, there are at least five officer vacancies, which the department is in the process of filling. There are 88 inmates on lock down with one correctional officer assigned to that area. There are three officers on the exercise yard for approximately 400 inmates. A shortage in staff constitutes a safety issue.
- There is a serious shortage of female correctional officers. There must be a female officer on duty while processing female inmates entering the facility. When a female correctional officer is removed from her assigned area to book incoming female inmates, it causes a deficit in that area.
- One correctional officer is in charge of the 80-90 inmates on work furlough. There is no officer supervising the furloughed inmates at the work sites. The officer assigned to furloughed inmates operates strictly from a desk.

- Visitation is conducted in the cafeteria. There is no partition between the inmates and their visitors, which facilitates the transfer of contraband.
- One inmate was being housed in the shower due to over capacity.
- There were three female inmates sleeping on mats on the floor due to over capacity, one of whom suffered severe respiratory difficulties and was being administered several medications. This inmate needed to be on an elevated surface per doctor's orders. No chest x-ray had been done due to the fact that the medical provider was not there to prescribe a chest x-ray.
- A pregnant inmate was not given timely access to adequate obstetrical care.
- There were several occasions when inmates in maximum security opened their cell doors. In one instance, the inmate entered a cell to fraternize with another inmate.
- Currently, no random cell searches are being conducted.
- One security system operator is responsible for monitoring the inmates on 13 closed circuit screens.
- A recommendation from a previous Grand Jury suggesting that a camera be installed at the front door of the facility was not implemented.
- There is no safety partition between the reception area and the receiving officer.
- There is excessive overtime due to the staff shortages.
- Currently, there is no law library available for inmate use.
- The Board of Supervisors does not make periodic visits to tour the facility to ascertain the needs.
- The Sheriff does not consistently make regular visits to the facility.

RECOMMENDATIONS

The Sheriff should work with the Board of Supervisors to have additional funds allocated for operational expenses. The Grand Jury recognizes that there are County-wide budgetary concerns, but the Sheriff and the Board should exercise diligence and creativity in pursuing alternate funding sources, including seeking federal, state, and private grants.

Overcrowding has peaked to a crisis level. It is beyond our comprehension that ill inmates are sleeping on the floor while others are sleeping in the shower. A committee should be formed to generate a plan to build on to the existing facility and finance the project.

Staffing should be a priority. Many concerns could be resolved if there was sufficient staff. Adequate staff, including female correctional officers, should be hired and maintained to avoid any further staffing crises. A portion of the funds expended to pay overtime could be used to cover the cost of additional employees.

Another officer should be assigned to the work furlough program to assist with onsite supervision. The employer should not be solely responsible for the supervision of the furloughed inmates.

There should be a more secured area for prisoner visitation.

All panels on cell doors in the maximum security area should be repaired or replaced.

Random cell searches should be routinely conducted.

A camera should be installed at or near the intercom just outside of the entrance. This will allow the staff inside the facility to view visitors at all times before entry. There is an existing camera monitoring visitors near the entrance. Once they enter the foyer, staff cannot see them. They can only be heard through the intercom.

Bullet-proof glass should be installed between the reception area and the receiving officer.

A law library should be considered, because the new Juvenile Hall facility will be opening soon, where court sessions will be conducted.

The Board of Supervisors should make annual visits to the facility.

The Sheriff should conduct monthly staff meetings with the correctional officers at the facility.

COMMENDATIONS

Management and staff showed great concern in regards to the existing problems they face on a daily basis.

Many employees work countless hours of overtime to meet the demands of staffing levels.

The facility maintains a clean environment.

Even with staffing issues and overcrowding, the facility works hard at maintaining organization.

MERCED COUNTY JUVENILE DETENTION CENTER

Mandated Inspection

INTRODUCTION/BACKGROUND

Under California Penal Code 919 (b) the Grand Jury is required annually to inspect the condition and management of detention facilities within the county.

Juveniles under the age of 18 years are classified as status offenders. It is because of their status that they are referred to the juvenile division. The facility is responsible for juveniles described by sections 601 and 602 of the Welfare and Institutions Code.

601: Describes juveniles that could be in trouble for truancy, runaways, out of control of their parents, etc. These are offenses for which they would not be punished if they were over 18 years.

602: Describes juveniles that commit a criminal offense such as petty theft, rape, murder, etc.

METHOD OF INVESTIGATION

10/1/03 Bill Davidson, Chief Probation Officer in charge of Juvenile Hall Operations, met with the Grand Jury. He gave a presentation on how the Probation Department operates and the progress of the new Merced County Juvenile Detention Center being built on Sandy Mush Road adjacent to the Merced County Sheriff's Adult Correctional Facility.

10/22/03 The Grand Jury toured the Juvenile Hall facility located at 1411 B Street in Merced conducted by Bill Davidson, Chief Probation Officer, and Franz Moosbaur, Division Director. We then proceeded to the new facility under construction on Sandy Mush Road for a tour.

FINDINGS

OLD JUVENILE DETENTION CENTER

- The current facility was built in 1946 and is in very poor condition. All the hallways are very narrow, making it unsafe for staff to pass through with juvenile offenders. Many of the rooms are used for multiple functions. For example, the break room is also used for fingerprinting and compiling background information on the juveniles.
- The hall has a rating capacity of 42 juveniles, but cannot exceed 50. There are 3 supervisors and 22 probation employees to watch the juveniles. During the day and evening shifts, there is one full-time correctional officer for every 10 juveniles. During the graveyard shift, which is 10 p.m. to 6 a.m. while juveniles are sleeping, there is one correctional officer for every 30 juveniles.
- Juveniles are detained while awaiting sentencing, which takes approximately 20 to 35 days. Usually, the juveniles serve about one-third of their sentenced time, depending on their behavior.
- At any given time, there are approximately 100 juveniles waiting to serve their sentences. Juveniles are segregated by age, size, gang affiliation, and seriousness of offenses.

- When the old facility was built, most offenders were juveniles out of control, runaways, or petty thieves. According to Bill Davidson, most juveniles are now detained for offenses against other persons versus property offenses.
- The west wing was built in 1984 and is the most up to date. There are two beds, a toilet, sink, and drinking fountain in each cell. Rules are posted on the wall in each cell. The east wing has no toilets in the cell; just two beds. Juveniles must be escorted to a central bathroom, which causes a security problem.
- There is a very small juvenile courtroom and Judge Thomas Burr presides over 50 to 60 cases per day.
- The Merced County Office of Education provides the curriculum and teachers for the classrooms.

NEW JUVENILE DETENTION CENTER

- Merced County offered 25 acres for the juvenile facility, which will be adjacent to the Sandy Mush Adult Correctional Facility. Pedersen Construction is contracted to build the new facility at a cost of approximately \$23 million.
- There are three buildings that consist of approximately 40,000 square feet. The main entrance will have a metal detector and booking area. There will be a control center manned 24 hours a day, 7 days a week, with bulletproof glass and an isolation room for juveniles who might injure themselves or others.
- The facility will also include a physical examination room and a nurse's station where pharmaceuticals can be dispensed.
- A new courtroom with "state of the art" computers and closed circuit TVs, clerks' offices, and judge's chambers will be utilized.
- There will be 10 self-contained living units with classrooms included for the juveniles. Merced County Office of Education will provide a vice-principal and teachers.
- A secure parking lot is gated for the detention center staff.
- A quarter mile track and recreation area will serve as one of the main recreation areas.
- The Juvenile Department tentatively plans to take possession of the new facility in April or May 2004. There will be 60 to 90 days used to train staff prior to moving the juveniles from the old facility to the new facility. The target date for the initial 60 juveniles to occupy the new facility is July 2004. These initial 60 juveniles will be waiting to go through the court process. The next 20 juveniles in October 2004 and the final 30 juveniles arriving in April 2005 will be juveniles that are serving their time. At this time the new facility will be fully staffed and operational. One building will open in July 2004 with 30 juveniles and the second building for the long-term program has an approximate opening date of October 2004.
- The Division Manager is presently working on a new manual of procedures for the new facility.

- The operating cost of the new facility will be approximately \$2 million more per year than the old facility. Currently, there are 30 full-time employees at Juvenile Hall. By the time full implementation of the new facility is completed, this number will increase to approximately 75 full-time employees. But, with extra help and ancillary support services, employees could range up to 100. Employee costs are 75 percent to 80 percent of budget. When fully implemented, the new facility will be three times larger than the current facility.
- This new facility is quite an improvement and will be safer and more efficient for staff and juveniles.

RECOMMENDATIONS

Vocational Training needs to be incorporated into the curriculum.

Demolish the current facility. It is outdated and would cost a considerable sum to refurbish.

COMMENDATIONS

The Chief Probation Officer and Division Manager have educational credentials appropriate for their positions.

The department functions well even at minimal state staffing levels.

Several members of the Grand Jury attended the grand opening of the new facility. The department is commended for making the construction of such a wonderful facility a priority and for completing it in a timely manner.

**Merced County Human Resources
Complaint # 03-04-14**

INTRODUCTION:

The Merced County Human Resources Office works under the County Executive Officer to plan, organize, direct, and coordinate County activities as directed by the Board of Supervisors.

RECRUITMENT AND SELECTION FUNCTION:

One of the Human Resources Office's purposes is to maintain a recruitment and selection process consistent with the Affirmative Action Plan, Department of Fair Employment and Housing Directives, Executive Orders, Federal Statutes including American Disability Act, consistent with Federal and State guidelines.

BACKGROUND:

Complainant alleges that the Merced County Human Resources failed to follow department rules in filling the position of Payroll Technician in the Auditor's office.

METHOD OF INVESTIGATION:

- 3/22/04 Grand Jury Committee interviewed Complainant.
- 4/12/04 Grand Jury Committee interviewed the Human Resources Office Supervisor.
- 4/12/04 Grand Jury Committee interviewed a Human Resources employee.
- 4/12/04 Grand Jury Committee interviewed Steven Jones, Merced County Auditor/Controller.
- 5/5/04 Grand Jury Committee interviewed a Human Resources employee.
- 5/6/04 Grand Jury Committee obtained list of eligible applicants (upon approval of County Counsel.).
- 5/12/04 Grand Jury Committee interviewed a Human Resources employee.

DOCUMENTATION:

The Grand Jury Committee reviewed a copy of Merced County Resolution # 91-32, a resolution providing procedures for the selection process; eligible list, certification of names, applicant appeals and other matters pertaining to County recruitment and selection. Grand Jury committee obtained actual summary of interview questions, scores, and list of applicants upon approval of County Counsel.

FINDINGS:

- The Human Resource Office complied with appropriate rules and procedures as outlined in Resolution # 91-32.

- The final question of the interview, which asks the applicant if there is anything that they would like to add, could be construed as a non-rated closure to the interview.
- Applicants were graded on a 100% point system, with a total of 10 questions. Each is worth 10 points.

RECOMMENDATIONS:

The Grand Jury recommends that applicants be informed that all questions will be rated equally.

The Grand Jury recommends that Resolution # 91-32 be revised by the end of Fiscal Year 2005.

COMMENDATIONS:

The Grand Jury commends the employees of the Department of Human Resources for their assistance and cooperation during this investigation.

The Grand Jury commends Stephen Jones for supplying us with all requested documents in a timely manner.

MERCED CEMETERY DISTRICT
Complaint #03-04-21

INTRODUCTION / BACKGROUND

The Grand Jury selected to review the Merced Cemetery District at 1300 B Street, Merced, which also oversees Calvary Cemetery at 1005 S. Highway 59. The district is overseen by a Board of Trustees consisting of six members who are appointed by the Merced County Board of Supervisors. Cemeteries are not an entity of the county, but a special district such as the Airport District or the County Water District.

Subsequent to our investigation of the Merced Cemetery District, a citizen complaint was received alleging a violation of the Brown Act and a complaint about rate increases and management of the cemetery.

METHOD OF INVESTIGATION

- | | |
|---------|--|
| 1/29/04 | A Grand Jury committee interviewed Kimberli Gomes, Superintendent of the Merced Cemetery District. The committee requested Board of Trustees minutes from December 1999 through January 19, 2004, Policy and Procedures and a Summary of Burial Charges. |
| 2/23/04 | A Grand Jury committee interviewed Joanne Nigro, former Superintendent of the Merced Cemetery District. |
| 2/26/04 | Received the requested documents from Kimberli Gomes, Superintendent of the Merced Cemetery District. |
| 3/10/04 | A Grand Jury committee interviewed Brian Morse, President of the Board of Trustees for the Merced Cemetery District. |
| 3/24/04 | A Grand Jury committee separately interviewed two members of the Friends of the Merced Cemetery District. |
| 5/11/04 | A Grand Jury committee met with Bruce Gilbert, Deputy District Attorney for Merced County, regarding the Brown Act. |
| 5/25/04 | A Grand Jury committee met separately with Kimberli Gomes, Superintendent of the Merced Cemetery District, and three cemetery employees. |

FINDINGS

- The budget for 2003-2004 is \$427,000 with 33-35% coming from local property taxes, \$6,000 from the County Sheriff's indigent section and the remainder from endowments, burials, pre-need (prepaid for comprehensive services) and reserved plots (prepaid for the plot and upkeep of land). They do not receive federal or state funding.

- There are a total of 14 employees at the two cemeteries and all work out of the Merced Cemetery. There is the Superintendent, 2 office workers, Maintenance Supervisor, and 10 grounds keepers. They also receive help from Work- In- Lieu, Regional Occupational Program (ROP), California Youth Authority (CYA), and Central Valley Occupational Center (CVOC).
- During the course of the investigation it was reported to the Grand Jury by interviewees that the meeting notice was not posted at least 72 hours prior to the meeting. It was also indicated that they were required to provide a signature prior to gaining entry and prior to receiving meeting minutes. Not posting the meeting notice, requiring a signature prior to admittance to a meeting, and requiring a signature prior to receipt of meeting minutes would constitute a violation of the Brown Act.
- The term for the Board of Trustees is 4 years, but several of the members have been on the board for an extended period. Brian Morse, President, has served approximately 18 years; Ralph Busby, Vice President, has served approximately 25 years; Kaytie Peterson, Secretary, approximately 3 years; Bruce Gabriault, 2 years; and Ed Joseph, 3 years. They usually meet monthly and do not receive remuneration.
- Since the change in management in March 2003, many new problems and issues have arisen as listed below:
 - a. Large fee increases, such as the old rate for single burial of \$1,043 being raised to \$2,041.46.
 - b. Mistreatment people felt they received from the Superintendent and Board of Trustees and allegations of violation of the Brown Act.
 - c. Locked gates at both cemeteries.
 - d. Prohibition of memorabilia, keepsakes, and religious artifacts on graves.
 - e. Maintenance of cemetery grounds was poor.
 - f. Vandalism in the cemetery, such as tombstones being knocked over or broken and tools being stolen. There are no cameras or alarm systems in operation on the buildings or cemetery grounds.
 - g. Operational equipment not maintained.
- In the past, all cemetery record keeping has been written out in longhand, making it difficult to keep track of plot locations and accounting information.

RECOMMENDATIONS

Term limits for the Board of Trustees should be implemented, with staggered appointments of new members so there are always experienced people on the board. Prior to a Board members term expiration, notice of public interest should be posted as an agenda item for interested parties by the Board of Supervisors. By-laws should be amended to reflect this new election process.

Burial rates should be reduced to a more reasonable amount and consideration be given to devising a plan for the budget which would avoid large rate increases all at once.

Allegations of violation of the Brown Act were referred to the District Attorney. The Board of Trustees should be cognizant of the Brown Act (Open Meeting Laws in California) Government Codes §54950-54962.

An alarm system should be set up and activated to help prevent some of the vandalism on the cemetery grounds.

Record keeping would be much more efficient if all plot locations and records for the cemetery were computerized.

Communication between the Board of Trustees, cemetery employees, and the public needs to be a priority. Requests to the Board of Trustees on policy amendments or special requests from the public should be in writing on a specific request form so there are no misunderstandings from either party. All Board members should sign off on any special requests.

The cemetery employees should have regular monthly staff meetings with a Board member in attendance as a silent observer for a better understanding of operations at the cemetery.

COMMENDATIONS

The Merced Cemetery District Board of Trustees agreed to form an advisory committee to help resolve some of the controversies with the community. This cemetery advisory committee includes a member of the Board of Trustees, members of the Friends of the Merced District Cemetery, funeral home representatives and an impartial member of the community.

The Board has agreed to open more cemetery gates and also agreed to allow small Christian crosses and possibly other religious paraphernalia to be glued on the tombstones.

The maintenance of the cemetery grounds has improved.

BOARD OF SUPERVISORS AND COUNTY EXECUTIVE OFFICER
Complaint # 03-04-03

INTRODUCTION:

Demitrios O. Tatum serves as the County Executive Officer and reports directly to the Merced County Board of Supervisors. The County Administration Office is responsible for policy directives of the Board of Supervisor's and managing day-to-day operations and functions of County Government. The County Administration Office includes the County Executive Officer (CEO), the Assistant County Executive Officer, and the Deputy County Executive Officer and support staff. (See County Organizational Chart).

Each member of the Board of Supervisors is elected from the district in which they reside. Board members serve a four-year term with elections occurring every two years for alternate districts. A chairperson is elected annually to preside over the Board meetings and exercise leadership for the Board. Merced County is a General Law County, which must operate within provisions of California State Law. (See Merced County Code of Ethics).

BACKGROUND:

Complainant alleges that the County Executive Officer and Board of Supervisors acted inappropriately in the following areas.

- Changed the County Logo before using all materials such as paper and envelopes, creating thousand of dollars of waste.
- The Board of Supervisors continues to incur excessive travel expenses during a budget deficit.
- The Board of Supervisors voted themselves an upper management salary increase while discussing layoffs and pay cuts for line staff employees after the loss of State and Federal money.

METHOD OF INVESTIGATION:

12/15/03 A Grand Jury Committee interviewed the County Executive Officer.

1/28/04 A Grand Jury Committee interviewed Complainant #1.

2/03/04 A Grand Jury Committee interviewed Complainant #2.

2/19/04 A Grand Jury Committee interviewed Complainant #3.

2/27/04 A Grand Jury Committee interviewed a Buyer from Central Supplies, and spoke to Child Protective Services staff at Merced County Human Services Agency.

4/12/04 A Grand Jury Committee interviewed M. Stephen Jones, Auditor/Controller for Merced County.

4/13/04 A Grand Jury Committee reviewed invoices and purchase orders pertaining to the new County Logo.

- 6/7/04 A Grand Jury Committee interviewed Chris Tafoya, Director, and Robert Reed, Manager, from the Department of General Services.
- 6/7/04 A Grand Jury Committee interviewed Andrea Baker, Director of the Department of Workforce investment.

FINDINGS:

- CEO D. Tatum stated it was left to each department head's discretion when to change to the new logo. Most of the Department Heads were told verbally about the logo change.
- Blatant waste occurred when employees in the County discarded existing paper with the old logo. The County Controllers Office stated that there was an estimate of over \$120,000.00 loss due to the change of the County logo.
- A new County logo does not improve public relations when people are being laid off during a budget deficit.
- The Board of Supervisors' travel habits were not deemed excessive.
- The County CEO proposed a pay-for-performance increase, but due to concerned citizens' outrage it was withdrawn.

RECOMMENDATIONS:

The County Executive Officer should take responsibility to avoid excess waste. Clear directives should have been given to all Department Heads to phase out old logo prior to use of the new logo. It would have been cost effective to use old existing logo paperwork prior to implementation of new logo.

Board of Supervisors' travel must have justification. Due to the budget crisis the Board of Supervisors needs to be more fiscally responsible.

The Board of Supervisors' needs to remember that they are elected officials whose job is to serve the people of Merced County. It is totally inappropriate to give upper management raises while laying off hard working individuals.

COMMENDATIONS:

The Grand Jury commends the Merced County employees for their diligence in reporting waste and negligence within Merced County.

The Grand Jury commends those departments that continued using the old logo material until it was depleted.

The Grand Jury commends Stephen Jones Auditor/Controller for his honesty in regards to the logo change.

**COUNTY OF MERCED
EXECUTIVE OFFICER DEMETRIOS TATUM
CLOSING OF CENTRAL DUPLICATING DEPARTMENT
Complaint #03-04-02**

INTRODUCTION:

Under the direction of the General Services Director the Central Duplicating function provided printing and reproduction services to County departments. These services included composition work, darkroom technology, developing negatives, making plates, and production copy work. The department also printed forms, envelopes, postcards, snap-out forms, letters, books, and pamphlets.

COMPLAINT: (Anonymous)

Complainant states that Mr. Demetrios Tatum closed the Central Duplicating Department unjustly. Mr. Tatum allegedly switched to Kinkos as a favor to an acquaintance that is employed there. It was also alleged that the Central Duplicating Department was far more cost effective than Kinkos and that Central Duplicating Services were an asset to the County of Merced and saved the County money.

METHOD OF INVESTIGATION:

12-15-03	Interviewed Mr. Demitrios O. Tatum.
12-15-03	Reviewed Merced County Final Budget Books.
1-28-04	Reviewed Invoices from Central Duplicating and Kinkos.
2-24-04	Received Letter from Chris Tafoya, Director of General Services.
6-7-04	Interviewed Chris Tafoya, Director of General Services.
6-7-04	Interviewed Andrea Baker, Director of the Department of Workforce Investment.
6-7-04	Reviewed Board of Supervisors Board Agenda Item.

FINDINGS:

- Mr. Tatum was asked to explain why he felt that the closure of Central Duplicating Services was necessary. He stated that it wasn't cost effective due to the many errors that the employees made while printing the yearly report books and other County records.
- Mr. Tatum provided copies of the Merced County budget books that were printed by Central Duplicating Services and by Kinkos. The workmanship from Central Duplicating Services was extremely poor in comparison to that of Kinkos. Kinkos printed the Merced County Final Budget in color and without obvious printing errors. Central Duplicating Services

printed the book in black and white, had missing pages, had printed pages upside down and backwards, and had used the wrong format.

- After reviewing all invoices from both entities we found that Kinkos charged \$27.00 per unit compared with Central Duplicating Services fee of \$40.00 per unit.
- Mr. Tatum explained that he used outside print shops due to the poor quality of printing that was produced by Central Duplicating Services. He used Castle Printing and Carpenter Printing until Castle Printing went out of business. Brochures were printed by Central Duplicating Services for the Merced County Fair in Los Banos that were upside down and backwards. The fee for the poor quality work was \$3000.00. Using the services of Castle Printing reduced the fee to \$1500.00 and printed on time to meet the expected schedules. Outside vendors were faster and in compliance with departments' printing requests. Kinkos was the cheapest and did the best job for the printing services rendered.
- The County had not paid the supplier for the paper, which caused a depleted supply. The equipment used in Central Duplicating Services was antiquated and not appropriate for the current level of jobs.
- Board action was taken on January 14, 2003 by the Merced County Board of Supervisors. There was justification for the closure of the Central Services Department. There was a letter sent to all departments from Chris Tafoya, Director of General Services stating on January 14, 2003, that the Board of Supervisors took action to authorize the notification of reduction in workforce for the Central Services Operation with an effective date of February 28, 2003.

MERCED COLLEGE POLICE DEPARTMENT
Complaint #03-04-11

INTRODUCTION

The Merced County Civil Grand Jury received a complaint regarding inappropriate practices at the Merced College Police Department.

BACKGROUND

Merced College has an approximate student population of 15,000. The Merced College Police Department consists of three sworn officers, six extra help officers, two citation officers, one chief and two clerical personnel. Dr. Larry Johnson, Merced College Vice President of District Administrative Services, is responsible for the Merced College Police Department. At the beginning of our investigation, the Merced College Police Chief was Ron Pirtle. Chief Pirtle retired in December of 2003. The Merced County Sheriff's Department contracted with Merced College to assist in the overall operations in January of 2004. Merced County Sheriff Commander Doug Jensen was appointed by Sheriff Mark Pazin to manage the Merced College Police Department. B.J. Jones is the onsite Law Enforcement Manager.

METHOD OF INVESTIGATION

- 11-17-03 A Grand Jury committee met with Gordon Spencer, District Attorney.
- 11-23-03 A Grand Jury committee conducted an interview with Dr. Ben Duran, Merced College President.
- 12-29-03 A Grand Jury committee conducted an interview with the complainant.
- 4-06-04 A Grand Jury committee conducted an interview with Commander Doug Jensen, Supervisor of Merced College Police Department.
- 4-22-04 A Grand Jury committee conducted interviews with two Merced College Police Department employees.
- 4-28-04 A Grand Jury committee conducted interviews with two additional Merced College Police Department employees.
- 4-30-04 A Grand Jury committee conducted an interview with Dr. Larry Johnson, Merced College Vice President.
- 5-06-04 A Grand Jury committee conducted an interview with Joe Allison, Director of Fiscal Services.
- 5-19-04 A Grand Jury committee reviewed receipts regarding revenues collected by The Merced College Police Department dating back to 1999.
- 5-28-04 A Grand Jury committee conducted an interview with Ron Pirtle, former Merced College Police Chief.

FINDINGS

- Merced College Police Department collected money for fingerprinting. There was no proper documentation regarding receipts of money, which led to an unclear audit trail. There was no consistent use of receipt books. In 2000, the police department used three-part receipts with six digit sequential numbers. The receipts contained the customer's name and address. The badge number or employee number of the officer was indicated. The receipts were dated with quantity and total charges. During 2001 and 2002, the receipt books changed. There was no sequential number on the receipts. The demographics were vague. In 2003, the majority of the receipts viewed did not have a customer name, address, or signature of receiving officer. An uncashed check dated from a previous year was found in the box of receipt books.
- Currently, there is no accounting policy at Merced College.
- Inappropriate corrections were made on police employees' time cards. Employees were instructed to use compensatory time during the week following that in which it was earned.
- The police department had access to Defense Reutilization and Marketing Service (DRMS). This service offers military excess equipment at no cost. This equipment includes various items such as riot gear, all weather clothing, gas masks, and body armor. There is no policy regarding this equipment nor who has access to it. Many items were assigned to employees. There is no tracking system in place for retrieving equipment once an employee has left the department.
- Employees were removing DRMS equipment from the college premises with and without permission.
- DRMS equipment is stored in an old trailer that is rusted, packed beyond capacity, and unprotected from the elements. The current storage situation is unsafe for employees to access equipment. There are tents that are being stored outside completely exposed. Lack of use and maintenance is causing the equipment to deteriorate.
- Merced College police are not authorized to issue moving violations at this time. They continue to issue parking citations.
- There has been inadequate supervision and support for the employees of the Merced College Police Department for a variety of reasons. In the past, the MC Police Department staff did not believe they had effective communication with supervisors, management and administration.
- Extra help employees are not issued parking permits. They must pay the \$1 daily fee or the \$20 semester fee to park their automobiles.

RECOMMENDATIONS

At this time the MC Police Department does not receive money for provided services. All services rendered are to be prepaid at Student Fees. Student Fees has a computerized program for receiving money, which provides a receipt. This process should be implemented throughout the College for consistency and record keeping, should other departments initiate the collection of fees for services.

There should be a Policy and Procedure manual developed regarding revenue collection.

Supervisors and employees should be shown the proper way to complete time cards, so there is no need to adjust them. Time cards should reflect the actual number of hours that an employee works each week. Compensatory hours worked should be reflected on the time sheet, and should be taken at the employee's discretion, subject to the approval of his or her immediate supervisor.

DRMS equipment should only be assigned to employees of the MC Police Department and should be left at the College. This eliminates the need for employees to take equipment home and insures the return of the equipment when the employee vacates their position from the department.

DRMS equipment should be stored in a more accessible location and free from exposure to elements. Equipment should be used on a regular basis during training and disaster drills. Maintenance of equipment should be done on a semi-annual basis.

An inventory should be conducted annually on the DRMS equipment.

The supervisors from Merced County Sheriff's Department should be more accessible to the College police and should have regular hours on campus.

Administration and the Board of Trustees should give serious consideration to allowing all police officers with the proper qualifications to issue moving traffic violations on campus sites. This would address safety issues raised by violators.

Monthly staff meetings should be held at the MC Police Department and should include immediate supervisor, management, and Dr. Larry Johnson. A quality assurance advisory committee should be developed to allow better communications and problem solving. The committee should include, but not be limited to, management, police department staff, faculty and students.

Dr. Johnson should report verbally and in writing to the Board of Trustees monthly regarding the progress at the MC Police Department.

Extra help employees should be issued parking permits on a semester basis. This alleviates the need for them to pay the daily or semester parking fee.

GRAND JURY FOLLOW UP

It is recommended that the 2004-2005 Grand Jury follow up.

CITY OF DOS PALOS POLICE DEPARTMENT

INTRODUCTION

The Merced County Civil Grand Jury has the capabilities to look at law enforcement in Merced County. The 2003-2004 Grand Jury chose to look at the city of Dos Palos Police Department.

METHOD OF INVESTIGATION

- 3/18/04 A Grand Jury committee visited the police department in Dos Palos.
- 3/18/04 A Grand Jury committee conducted interviews in the city of Dos Palos.
- 3/25/04 A Grand Jury committee conducted an interview in Angels Camp, CA.
- 4/2/04 A Grand Jury committee made a return trip to Angels Camp, CA for an interview.
- 4/21/04 Dos Palos Police Chief Paul C. Lopez was issued a subpoena but failed to appear.
- 5/19/04 Paul C. Lopez and Paul A. Lopez testified before the Grand Jury pursuant to subpoena.
- 5/19/04 A Grand Jury committee interviewed Dos Palos City Manager Darrel Fonseca.
- 6/4/04 A Grand Jury committee conducted an interview in Merced.
- 6/9/04 The Grand Jury interviewed Dos Palos City Manager Darrel Fonseca and Dos Palos Mayor Jerry Westlake.
- 6/10/04 The Grand Jury interviewed acting Police Chief Barry Mann.

FINDINGS

- The Dos Palos Police Department is responsible for a 2.2 mile radius city area.
- The department has six patrol vehicles and one animal control vehicle.
- Routinely, the arrestees are booked into Sandy Mush Jail or taken to Los Banos Police Department.
- There was an inappropriate use of police association funds. An excessive number of checks were written to liquor stores and the mini mart for unsubstantiated purchases.
- Shortly after the appointment of Paul C. Lopez as chief of police, five officers resigned from the department.
- The department could not produce any written procedures or protocols for evidence handling.
- Excessive personal use of the department-issued cell phone by a reserve officer was inappropriate.
- There is no written nepotism policy.

- Not all officer certifications were verified.
- Recordkeeping of personnel and internal affairs investigation files were improperly maintained.
- A Reserve Officer employed by the Department, who exhibited a pattern of non-continuous service, was not always in compliance with P.O.S.T. training requirements. After his initial hiring with the department, the Reserve Officer left for employment elsewhere. When he was later rehired by the department, the P.O.S.T. qualifications had changed. P.O.S.T. documentation indicated that he was out of compliance with the knowledge of the chief, who also happened to be his father, but was allowed to continue employment.

RECOMMENDATIONS

An initial audit of the Police Association accounts should be conducted encompassing the period 1997 to present. Annual audits should be conducted to promote accountability. Documents were turned over to the Merced County District Attorney for criminal investigation.

The department should develop a written policy that establishes specific protocols and procedures for the handling of evidence.

A written policy should be developed that identifies the parameters of allowances for department-issued cell phone usage, and this policy should be enforced.

The department should develop a nepotism policy that defines the nature of the professional relationship that is permitted. This policy should reflect the best interests of the department.

All complaints against officers should be investigated. The results of these investigations should be noted in both the personnel file and the internal affairs investigation file.

Due diligence should be exercised in screening potential employees to ensure that they are qualified for the level of employment for which they are being considered. If any compliance issues are discovered, they should be addressed expeditiously, and the employee should be placed on administrative leave until the matter is resolved.

GRAND JURY FOLLOW UP

It is recommended that the 2004-2005 Grand Jury follow up and investigate any additional allegations that may arise.

**MERCED COUNTY HUMAN SERVICES AGENCY
CHILD WELFARE DIVISION
Complaint #03-04-09**

INTRODUCTION

The Merced County Child Welfare Services was chosen for review.

Child Welfare Services is responsible for investigations of child abuse, neglect, and providing assistance with rebuilding families. Child Welfare Services is located at 2115 West Wardrobe Avenue in Merced.

METHOD OF INVESTIGATION

- 10/14/03 A Grand Jury committee interviewed Alan Rasmussen, Superintendent of the Merced City School District.
- 1/13/04 A Grand Jury committee interviewed Richard Hawthorne, Atwater Police Chief.
- 2/9/04 A Grand Jury committee interviewed Ana Pagan, Director of Merced County Human Services.
- 2/27/04 A Grand Jury committee had a follow up interview with Ana Pagan. Martha Mackenzie gave us a presentation on actual child abuse cases.

FINDINGS

- To become a potential foster parent applicants must pass FBI, state, and local clearances. Foster families are inspected with scheduled and unscheduled visits of their homes by social workers. There are not enough families that want to become foster parents. Currently, there are only 53 foster families in Merced County. Money for foster families varies, starting at \$300, or more per child, depending on the needs of the child. The rates are mandated by the state of California.
- Child Welfare Services works diligently with family members in an attempt to keep families united. Child Welfare Services receives 800 to 1000 calls per month. Depending on the nature of the call, the response time can be anywhere from immediate to up to 10 days.
- Child Welfare Services believes that law enforcement and the schools are not collaborating with their agency.

RECOMMENDATIONS

The Grand Jury recommends that Child Welfare Service complies with the mandated rates for foster families and monitors the proper use of these funds.

The Grand Jury recommends Child Welfare Services employ more people to reduce the response time. There is a dire need for social workers in Merced County. Unfortunately, many people may not enter into this field of work because they see too many negative examples.

The Grand Jury recommends that Child Welfare Services host a training including mandated reporters but not limited to school boards, school administrators, teachers, and law enforcement. The community and agencies need to take responsibility to care for the children. It takes a community to address this issue, and not just an agency.

COMMENDATIONS

The Grand Jury commends Child Welfare Services for developing a Human Services Agency Profile 2003/2004 and providing training to teachers at the school sites. We also want to commend them for co-sponsoring and participating in the Merced County Children's Summit, which took place at the Boys and Girls club in Merced on April 30th and May 1st 2004.

**MERCED COUNTY HUMAN SERVICES AGENCY
CHILD WELFARE DIVISION**

Complaint #02-03-08

Grand Jury Recommendation #1

To facilitate communication between mandated reporters and Child Welfare Services, the comment section of the Emergency Response Notice of Referral Disposition should be complete.

Grand Jury Recommendation #2

Child Welfare Services should assist school districts in scheduling and providing training to mandated reporters on a yearly basis.

Response

Child Welfare Services has trained mandated reporters in all Merced City School sites with the exception of two, which they are in the process of scheduling. During the training, they will be going over how they fill out the Emergency Response Notice of Referral Disposition forms.

Grand Jury Follow-up

Recommended that the 2004 – 2005 Grand Jury do a follow up.

CONCERNS OF THE MERCED COUNTY GRAND JURY

During the course of serving as members of the Grand Jury, several areas of concern have emerged. The areas of concern listed below would save time, money, and better assist the Grand Jury in their time consuming duties. It is important that the following suggestions be seriously considered in order to increase the effectiveness of the Grand Jury.

FINDINGS

- Numerous applicants and eventual members of the Grand Jury lacked the advanced knowledge of the time commitments expected of them from the questionnaire they received. This resulted in time and additional work spent to find additional qualified applicants willing to become Grand Jurors.
- The Grand Jury does not advertise in the local newspapers when preparing to impanel jurors for a new term.
- The Grand Jury is an entity that is impaneled throughout the year. There is no dedicated space that is only accessible to the Grand Jury. Currently, the room utilized by the Grand Jury is shared with another department, which requires that the room be scheduled each and every time it is needed. Although the room is generally available, and confidential information is secured in locked cabinets, the freedom of use and space is restricted.
- The Grand Jury does not have an effective communication system in place to provide confidential access for the citizens of Merced County. The Grand Jury does not have a dedicated phone number nor email address available to the citizenry.
- The forms currently used by the grand jury are antiquated and should be updated to reflect current needs and recent advances. Not all forms are available online.
- The final report is available on the website, but the hard copy distribution is very limited and could be expanded to include the entire County citizenry.

RECOMMENDATIONS

Applicants must be made aware that this duty is time consuming, ranging from as few as a couple of hours per week to as many as 10 plus hours per week. Many hours are often spent on research, writing reports, interviews, and additional tasks. It is a duty that requires commitment and devotion. The Grand Jury Foreperson spends even more time performing his or her duties in preparing agendas, attending committee meetings and interviews, presiding over regular meetings, and a multitude of other tasks as they arise. Questions should be asked regarding an applicant's interest in being the Grand Jury Foreperson and time availability to perform those duties. The Merced County Grand Jury website should provide information to potential applicants.

The Grand Jury should advertise in local newspapers to increase public awareness and to provide an avenue for prospective Grand Jurors to apply. This advertisement should be placed in March or April of each year. In addition, an informational press release should be submitted to local newspapers during the beginning of each term.

A dedicated space is greatly needed to create and house a much needed library of essential handbooks, training manuals, policies and procedures of various county departments, past Grand Jury Reports for Merced County and the other California counties, and other resources that will better aid future Grand Jurors with the extensive and important duties and responsibilities that these duties carry. A commitment and investment of space in the new Merced County Court facility that is to be constructed at the corner of 23rd and M Streets should be dedicated and set aside to meet the needs of future Grand Juries to maximize the efforts of this important and statutorily required voluntary civil service.

The Grand Jury should have a dedicated phone number and email address that the public can utilize to communicate with the Grand Jury. This information should be posted on the website and distributed with any printed materials that are provided.

The Grand Jury should update all forms used in order to provide more comprehensive information to the public. These forms, once updated, should be placed on the Merced County Grand Jury website for download by the public.

The Grand Jury should work with the jury administration, presiding judge, and Board of Supervisors to increase the budget allocation for printing and distributing the final report. The report should be distributed via local newspapers in such a way as to encompass the entire county.

ACTIONS TAKEN

The Grand Jury revised the Prospective Grand Juror application form to better reflect the time commitments involved in performing this service.

The Grand Jury has requested an email address from the Director of Merced County Information Systems that will allow the public to communicate with the Grand Jury. The Grand Jury has also requested a dedicated phone number for citizens to use to ask questions and communicate with jurors. The Grand Jury Foreperson will be provided with a cellular phone and this number will be placed on the website to provide access.

The Grand Jury has updated the complaint form to assist citizens in providing more information during the complaint process. The Grand Jury has requested that the Director of Merced County Information Systems place the new form on the website.

The Grand Jury has explored the costs associated with County-wide distribution of the final report and will request these funds from the Board of Supervisors during the next fiscal year.

GRAND JURY FOLLOW UP

It is recommended that the 2004-2005 Grand Jury follow up with these concerns to ensure that subsequent Grand Juries are able to perform their duties in the most efficient manner possible.

DISPOSITION OF OTHER COMPLAINTS

Complaint

Disposition

#03-04-01	This complaint was considered by the Grand Jury and felt that the complaint was investigated in the previous report. No action was taken.
#03-04-04	Complainant was unavailable for interview and follow up. No action was taken.
#03-04-05	Complainant was unavailable for interview and follow up. No action was taken.
#03-04-06	This complaint was not within the jurisdiction of the Grand Jury and complainant was advised to contact the appropriate State department.
#03-04-08	This complaint was considered by the Grand Jury and it was determined that there was insufficient information to pursue investigation.
#03-04-10	This complaint was anonymous and not supported by sufficient information to warrant investigation by the Grand Jury.
#03-04-12	This complaint was not within the jurisdiction of the Grand Jury, and complainant was advised to contact the appropriate State department.
#03-04-13	Information from this complaint was included in the mandated report. The complainant was advised to exhaust other options for those portions of the complaint not included in the mandated report.
#03-04-15	Information from this complaint was included in the mandated report.
#03-04-16	This complaint was anonymous and there was not sufficient information to warrant an investigation.
#03-04-17	This complaint was considered by the Grand Jury and it was determined that necessary information would not be available for review until 2004-2005. Therefore, this complaint will be forwarded to the 2004-2005 Grand Jury for consideration.
#03-04-18	This complaint was anonymous and was considered by the Grand Jury, but it was determined that necessary information would not be available for review until 2004-2005. Therefore, this complaint will be forwarded to the 2004-2005 Grand Jury for consideration.
#03-04-19	This complaint was anonymous and not supported by sufficient information to warrant investigation by the Grand Jury.
#03-04-20	This complaint was considered by the Grand Jury and it was determined that necessary information would not be available for review until 2004-2005. Therefore, this complaint will be forwarded to the 2004-2005 Grand Jury for consideration.

- #03-04-22 This complaint not received in sufficient time to allow for investigation by the current Grand Jury. Therefore, it will be forwarded to the 2004-2005 Grand Jury for consideration.
- #03-04-23 This complaint was not received in sufficient time to allow for investigation by the current Grand Jury. Therefore, it will be forwarded to the 2004-2005 Grand Jury for consideration.
- #03-04-24 This complaint was not received in sufficient time to allow for investigation by the current Grand Jury. Therefore, it will be forwarded to the 2004-2005 Grand Jury for consideration.

RESPONSES TO THE 2002-2003 GRAND JURY REPORT

MERCED COUNTY SHERIFF'S DEPARTMENT MAIN JAIL AND SANDY MUSH FACILITIES

Grand Jury recommendation

The Grand Jury recommends that at least one additional correctional officer be added per shift for both the Main Jail and Sandy Mush Correctional Center to alleviate the danger of leaving areas unsupervised. Special consideration should be given for the needs of female officers at the Correctional Center.

The Grand Jury also recommends the expeditious opening of the new dormitory building at the Correctional Center.

Commendation:

The staff of both these facilities merits commendation for their work under conditions that contribute to the danger that is ever present in this profession.

Response

The Sheriff responded to the recommendations. The Board has established public safety as a priority, especially during these times of fiscal constraints. In the last two years, the Correctional budget has been increased by 41.5 million with six additional Correctional officers. The board supports and encourages the Sheriff to review and identify alternative funding resources towards staffing and operations. In addition, the new dormitory mentioned in the report is currently opened and staffed according to Board of Corrections requirements.

The Board Appreciates the Grand Jury's commendation to the Sheriff and staff for their work under conditions that contribute to the danger that is ever present in the profession.

Grand Jury follow-up

Response accepted

Merced County Juvenile Detention Center Mandated inspection

Grand Jury Recommendation

The Grand Jury recommends that the county proceed with hiring additional full-time Juvenile Correctional Officers.

The Grand Jury recommends that the salary differences between Adult and Juvenile Correction Officers be reviewed.

Commendation

The Grand Jury recognizes the difficulty in running an over-crowded, antiquated facility, and commends the employees for their efforts and concern for the well being of juveniles.

Response

The Chief Probation Officer responded to the recommendations. The board has maintained that opening the new Juvenile justice Correctional Complex is the highest priority. The Board has committed through Resolution 2000-21 that, at the completion of construction, the facility would be staffed appropriately according to the Board of Correction requirements.

During FY 2002/2003 the Board approved five (5) additional Juvenile Institution Officers for Probation to lessen the reliance on extra-help staff and begin transition to the new facility. In addition, the Board allocates twenty-nine (29) additional position to Juvenile Hall in the FY 2003/2004 budget to continue the transition to the new facility. In regard to the salary difference between officers at the adult correctional facility and juvenile facility, current job descriptions reflect that Adult Correctional Officers require a broader knowledge of the law and more self-direction than the Juvenile Institution Officers. With the opening of the Juvenile Hall facility and the implementation of additional justice programs, the Chief probation officer plans to work with the Management Services Department to review the responsibilities and compensation level for Juvenile Institution Officers.

The Board appreciates the Grand Jury's commendation to the Chief Probation Officer and staff in their effort and concern for the well being of juveniles working in the current conditions at Juvenile Hall.

Grand Jury Follow-up

Response accepted

MERCED COUNTY ANIMAL CONTROL

Grand Jury Recommendations

Make the building of an adequate facility a priority by the Board of Supervisors in order to facilitate a "No Kill" program for adoptable animals.

Review Kennel attendants' job classification and adjust to better represent/compensate their major job duties.

Continue public education in regard to spaying and neutering animals.

Implement their marketing ideas such as pet fairs and the sale of pet-related items.

Develop a volunteer program at the new facility.

Commendation

The Grand Jury commends the kennel attendants for working daily with little resources to bring comfort to the homeless animals in Merced County. Their integrity and commitment in spite of the negative aspect of the job is to be applauded.

Response

The Agricultural Commissioner responded to the Grand Jury recommendations. The Board supports operations of the Animal Control facility. The front section of the facility was recently expanded in order to improve public access and employee working conditions. The Board has also allocated \$200,000 towards a needs assessment study to evaluate various alternatives to improving remaining sections of the facility. These alternatives vary from renovating the existing sections to

constructing a new facility. It is anticipated that the study will be presented to the Board for consideration during this fiscal year. In addition, the Board encourages efforts to market the services provided by Animal Control and encourages the development of a productive volunteer program prior to moving into a new facility.

As an integral part of a multi-faceted program aimed at reducing the County's pet over-population problem, the Board encourages Animal Control to utilize public education. In regard to the Kennel Attendants' job classification, the Animal Control department will be working with the Management Services department to review the position's responsibilities and compensation level.

The Board appreciates the Grand Jury's commendation to Animal Control and the Kennel Attendants for their ability to work with the little resources to bring comfort to homeless animals and for their integrity and commitment in light of the difficult aspects of their job.

Grand Jury follow-up

Response accepted

MERCED COUNTY AUDITOR-CONTROLLER **ELECTIONS-VOTER REGISTRATION DEPARTMENT**

Grand Jury Recommendations

The Merced County Auditor-Controller's Office should insure that the Superintendent of Merced County Schools has completed the process of finalizing boundary/voting issues of all school districts in the county before deadlines for the November 2003 election.

Confirmation that school districts have finalized their boundary maps for the November 2003 election should be forwarded to the 2003/2004 Grand Jury.

School boundary maps should be updated yearly. The Merced County Office of Education has provided updated data to the Merced County Association of Governments, which greatly reduces the cost of producing updated maps.

A procedure should be in place to check that each polling station has correct ballots before citizens vote.

If polling precincts deal with multiple voting districts, a procedure should be in place to insure that voters receive correct ballots. The election department should provide election codes and laws so law enforcement can effectively monitor problems that may arise at polling precincts.

A copy of any findings reported in the investigation of the Livingston polling precinct by the Office of the Secretary of State to the Auditor-Controller should be forwarded to the 2003-2004 Grand Jury.

Response

The Board is committed to ensuring that all citizens are provided an opportunity to their Constitutional right to vote in an impartial and harassment free environment. The board strongly encourages the Auditor/Controller/County Clerk to review existing policies and procedures and work with the appropriate law enforcement officials, where necessary, to ensure that all elections are conducted in an impartial manner, and that citizens are provided an opportunity to cast their vote in a pressure free environment. The Board also requests that the Auditor/Controller/County Clerk provide any findings in the Livingston polling precinct investigation by the Office of the Secretary of State to the Grand Jury. On July 22, 2003 the Board approved the purchase and implementation of a new touch screen electronic voting system. The Auditor/Controller/County Clerk has stated

that the new touch screen voting system will no longer require the poll worker to select the ballot for the voter. Instead, the system will provide the opportunity for the voter to match their registration form with the correct a ballot electronically in multiple ballot precincts.

Grand Jury follow-up

Grand Jury accepts response

MERCED COUNTY DEPARTMENT OF MENTAL HEALTH

Recommendations

None

Commendations

The staff at Children’s System of Care is commended for the capable handling of client services during the process of organizing the facility at the new location. The facility is well organized for the efficient use of available space.

Response

No recommendations were included in the report and the department concurs with the findings. The Board appreciates the Grand Jury’s commendation to the Mental Health staff for the capable handling of client services during the process of organizing the facility at the new location and for their comments that the facility is considered well organized for the efficient use of space.

MERCED COUNTY OFFICE OF THE PUBLIC DEFENDER

Grand Jury Recommendations

The Grand Jury recommends that the County of Merced upgrade this facility.

The Public Defender’s Office should be a facility comparable to private counsel handling a comparable law practice.

Contract public defender’s should be reviewed and assigned on the basis of experience and qualifications by a panel of legal professionals (including at least one judge).

The Bar Association should be consulted regarding the credentials and prior experience of proposed contract public defenders.

Response

The County Executive Officer and Public Defender responded to the recommendations. The Board acknowledges that the Public Defender’s office has limited space and fiscal constraints have precluded the county from building new facilities for departments. The County has been able to move forward on some capital projects primarily due to grant funding or alternative funding sources. The Board has encouraged departments to proactively seek alternative means to accommodate space issues.

Through the development of a special Executive Council, the Board has been able to further concentrate on facilities utilization and the development of alternatives. When established, the Board of Supervisors allocated \$350,000 towards a comprehensive space utilization plan, which will provide the framework and long-term plan for county facilities.

The Board has also verified that the County Executive Officer and Executive Office staff has visited the Public Defender facilities, as with other County facilities.

The Board of Supervisors is committed to ensuring that experienced and qualified attorneys are utilized as contract public defenders. The board approved a contract with one law firm for all indigent defense services when the Public Defender's Office declares a legal conflict. The firm was selected as a result of a comprehensive Request for Proposal (RFP) process and included an in-depth examination of attorney qualifications and experience. Both the Board of Supervisors and Courts recognize this firm as having the experience and qualifications required to provide professional and competent representation to indigent defendants. The performance of public defenders is monitored on a regular basis.

Grand Jury follow-up

Response accepted

MERCED COUNTY JUVENILE DIVISION

Grand Jury Conclusion

Ratio guidelines for probation officers to students need to be established.

Measures have been taken to supervise the behavior of the juveniles and to ensure their safety. The committee commends the COOL Program for its expediency in addressing this matter.

Response

The Probation department has developed guidelines regarding the maximum number of students per classroom for the departments COOL (Correcting Offenders Outcomes Locally) program and has since put them into effect.

Grand Jury follow-up

Response accepted.

MERCED COUNTY HUMAN SERVICES AGENCY CHILD WELFARE DIVISION (CHILD PROTECTIVE SERVICES)

Grand Jury Recommendation

To facilitate communication between mandated reporters and Child Protective Services, the comment section of Emergency Response Notice of Referral Disposition should be completed. Child Protective Services should assist school districts in scheduling and providing training to mandated reporters on a yearly basis.

To provide coordination between Child Protective Services and school personnel/mandated reporters, social workers could be assigned to school sites.

Response

The Human Services Agency has responded to the recommendation. The Board concurs that completing the Notice of Referral Disposition form could facilitate communications between mandated reporters and Child Protective Services. Although the number of incomplete forms may be very few, the Board is very interested in ensuring that the appropriate training is provided for employees regarding the accurate completion of these forms. In addition, training functions within the Human Services Agency have recently been restructured and completion of these forms has become part of a performance management process issue. The Board also encourages Human Services Agency to continue efforts to provide community based services in schools, within fiscal and human capital resources, to assist with the coordination between mandated reporters and Child Protective Services. Human Services has placed social workers at several schools in the County. Although the employer of record is the entity responsible for training their own mandated reporters, the Board encourages Human Services Agency to assist schools, where feasible, with appropriate training and assessments for mandated reporters.

Grand Jury follow-up

Response accepted

CITY OF ATWATER

Grand Jury Recommendation

The City of Atwater Police Department should continue to use standard investigative techniques in the detective division.

Visa credit cards should be kept locked up by each department head and signed out and in for each transaction. All receipts shall be turned in to the department head when returning the credit card. All departments should use more efficient purchasing practices for items under \$1000.00 (grouping, bulk purchases) to avoid small frequent Visa credit card purchases.

The City of Atwater should implement the recommendation from the Price Paige & Company annual financial review for the year ending June 30, 2002 regarding the use of city purchase orders for invoices in excess of \$1000.00

The City of Atwater should adopt transportation & travel policy that includes a per diem for meals, lodging and other travel items.

Response

The Detective Sergeant and Detectives assigned to the Detective Bureau of the Atwater Police Department have and will continue to receive training to maintain their investigative skills and knowledge involving the various types of criminal investigations they encounter. The Police Chief and the City Manager meet with the Merced County District Attorney at least each month to seek feedback regarding these investigations. Recommendations made by the District Attorney to improve efficiency of the Detective Bureau have been implemented.

Credit card usage has been revised and amended. The City originally had a total of 21 credit cards assigned to department heads and a few to other key personnel. Of the 21 cards, 12 cards have now been destroyed and 9 remain active. The Police Chief, Fire Chief and Public Works director are the only department heads assigned credit cards. These departments from time to time do have emergencies which requires immediate purchases, as well as night and weekend purchases when it is not possible to use the purchase order process. Each of these department heads keeps the card locked up under their control. The card may be checked out for necessary use for emergency purchases, when a purchase warrants its use and is in accordance with the City Purchasing Manual.

A log of such use is to be maintained and all receipts are to be returned to the department head with the credit card after purchase.

The other 6 City credit cards are the responsibility of the City Clerk, and they are kept locked in her office. The cards may be checked out for necessary purchases when a purchase warrants its use and is in accordance with the City Purchasing Manual. A log of such use is maintained and all receipts are to be returned to the City Clerk with the credit card after purchase.

The City does have a central purchasing process for office supplies. Also, open purchase orders are used at vendors, which are used frequently for purchasing parts and supplies. This allows employees to obtain necessary parts and supplies without needing cash, check, or credit card. The City is then billed monthly for items obtained. All warrants for payment appear on the City Council's agenda in open, public session.

During audit for the year ending June 30, 2002, our auditing firm Price Paige & Company noted that the City was not always following through and preparing purchase orders for all purchases over \$1000 as required in the City's Purchasing Manual. Once this was brought to staff's attention the proper procedure as required in the Purchasing Manual have been followed. For purchases over \$1000 a Request for Purchase Form is completed by the department and signed by the department head. This is forwarded to the Administrative Services Department for preparation of the purchase order for the City Manager's approval and signature.

A draft policy covering travel and employee business related expenses is being developed and reviewed for implementation. Staff reviewed travel policies from at least six (6) other cities. Also, information has been gathered from a number of cities regarding the amount provided for meals. Currently staff has prepared a rough draft travel policy and is in the process of revising and finalizing the policy.

Since the City provides for very limited travel, it is felt that the travel policy should be kept to the point and not overly burdensome on those that do travel. Generally, for approved travel the City will provide registration hotel/motel accommodations when appropriate, a City vehicle or mileage reimbursement and up to \$50 per day for meals. Receipts would be required for the meals. The particulars for travel are being finalized into a written administrative policy and will be presented to the City Council for acceptance.

Grand Jury follow-up

Response accepted

CITY OF ATWATER

Grand Jury recommendations

None

Response

The public Works Committee meets once a month on Thursday following the first regular City Council meeting of the month at 2:00 PM. The meetings are open to the public and noticed per the requirements of the Brown Act. The Committee consists of two Council members, selected by the Mayor with the approval of the City Council every two years following each election cycle. The Public Works Department and Community Development Director serve as City staff advising the Committee, along with any department managers who have business for consideration before the committee. This Committee review matters related to public works projects, services and operations and makes recommendations to the City Council on such issues.

The City of Atwater follows a bid process for projects, services and equipment where the estimated cost is over \$10,000. On public works improvement projects where the estimated cost is over \$45,000, the bid process is followed. The bid process is detailed in the City's Purchasing Manual. The City retains a vendor list for many items acquired through the bid process. The City also accepts additional vendor's request to be placed on the list and solicits by open advertisement any and all additional bidder's, as part of the process.

Bid openings are not conducted at the Public Work's Committee meetings. All sealed bids are mailed or delivered to the city Council and remain unopened until the date and time designated in the bid package. Bid openings are performed by the City Clerk's office, and all bids are opened in a public setting in the Council Chambers at the set date and time indicated in the bid advertisement, with a written record made of each bid and its compliance or deficiency in relation to the bid specifications. This review for compliance is mainly related to attachment of bonds, subcontractor list, signatures, etc. A detailed review of the bids for compliance or deficiencies is than made by staff prior to submitting a report to City Council. Bids are awarded to the "lowest responsible bidder", meaning the bidder who had the lowest price and has met all the criteria and specifications required in the bids package. City staff makes a recommendation to the City Council for bid ward on that basis

Grand Jury follow-up

Response accepted

CITY OF ATWATER

Grand Jury Recommendations

The City of Atwater should not allow employees to check out any city owned equipment. Atwater City Council Members should contact the City Manager or his assistant regarding needed maintenance and repairs to city property.

Since there is a full-time secretary and part-time secretary working at Public Works office, schedules should be adjusted for coverage of the front office and phones during lunch hours and vacation.

The City of Atwater should require the Boys' and Girls' Club or any non-city agency to have sufficient liability insurance and provide a copy of the insurance policy and sign a hold harmless agreement.

The Department of Public Works should be utilizing city purchase orders rather than Visa cards for repairs and maintenance that exceeds \$1000 for city vehicle repair.

Invoices and forms used for vehicle repair should include vehicle make, model, year, reason for repair, date of repair and work completed.

Response

The City agrees with this recommendation and the limited practice of allowing public Works personnel to check out City owned property was discontinued immediately after it was brought to the attention of management by the Grand Jury.

The Mayor and Council Members in most all instances do work through the City Manager, his assistants and/or the department heads when making request or providing information. They are also entitled to receive general information that would be provided to a citizen or the public. This type of information may be provided by an employee. The City Manager and department heads will continue to work closely with the Mayor and City Council to meet Atwater Municipal Code Section 2.04.060, which was spelled out in the response.

The Mayor and City Council are extremely valuable to the City Manager's efforts to conduct City business. Reports of road/stoptlight conditions, malfunction of water systems, code enforcement issues and general complaints from the public are but a few of the items communicated on a regular basis to the City Manager. The City Manager also serves as the Director of Public Protection and in those rare instances where the City Manager is out of communication range, the Mayor and City Council Members have been requested not to wait, but rather to make necessary reports to department heads or City employee responsible for service intervention. The department head/employee in turn insures that the City Manager is made aware of the situation at the earliest practical time. This team approach works well in serving City residents.

In the 2003-04 Fiscal Year budget staff identified the need for two full time administrative assistants in the Public Works Department. They currently have staggered lunch break and break times to accommodate the public and minimize any inconvenience.

The City of Atwater does require that the Boys and Girls Club or any non-city agency have sufficient liability insurance in a minimum amount established within City policies and that a copy of the insurance certification be provided and on file with the City. The insurance certification must also name the City of Atwater as an additional insured. The current minimum amount required for vehicle use is \$100,000, \$300,000 public liability and \$425,000 property damage insurance and for facility use is \$1,000,000 liability insurance. The Boys and Girls Club have provided liability insurance for the use of the Castle Youth Center and City vehicles since the beginning of their use of the facility. Current insurance certificates are on file with the City at this time.

The City agrees that credit cards should not be used for repairs or maintenance of vehicles. Repairs and vehicle maintenance will be closely monitored and purchase orders will be used in a more diligent manner. The credit card should only be used when no other form of payment can be utilized, such as in emergencies. Currently only one credit card is assigned to Public Works.

The City of Atwater has developed a data collection stamp that has been distributed to all departments. All invoices will be processed for payment only if all the following is provided: date, amount, description, purpose, budgeted account number and department approval. This insures the City has current information on the effect these purchases have on cash balances, and the current operating budget.

In the interest of efficiency, the vehicle identification number is on the invoice. From that number, all of the vehicle information is readily available. The reason for the repair, date, work completed and other essential information is collected on the invoice. This information will also be provided on City generated work order for vehicle maintenance and repair.

Grand Jury follow-up

Response accepted

MERCED CITY POLICE DEPARTMENT

Grand Jury Recommendations

It is a conflict of interest to have a sexual harassment complaint by an employee of the City of Merced investigated by another employee of the City of Merced. An independent panel should review sexual harassment or hostile work environment claims.

Procedures and protocol for reporting sexual harassment needs to be understood and followed by all the employees of the City of Merced and its representatives.

Response

The City of Merced disagrees wholly with the conclusion that an independent panel should review sexual harassment or hostile work environment claims. It is common and accepted practice to allow employers to conduct their own investigations. There is no legal prohibition against employers conducting their own investigations and certainly it is not a legal conflict of interest for them to do

so. There was no finding of inappropriate response by the City to the allegation. In fact, when it was found internally that the Police Department had begun its own internal investigation, outside of established City policy and practice, the established policy and practice for conducting such an investigation was followed by the City. The allegation was investigated pursuant to City procedures. Subsequent to the City investigation, the complainant has the right to an independent review of the matter by both the State Department of Fair Employment and Housing and the Federal Equal Employment Opportunity Commission. Once this is done, the complainant also has the right to have the matter adjudicated in either State or Federal Court. The complainant availed herself to these options.

Implementing an independent review board would unduly limit the City's ability to take corrective action at the earliest possible date and would be an unwarranted cost and expense in these difficult budgetary times given the numerous avenues open to employees for independent review of these claims.

The City of Merced agrees with the findings of the Grand Jury and has for many years had policies and trainings in place for each of its managers and employees regarding harassment of any kind. Even before this complaint was filed and the Grand Jury began its review, the City was taking steps to join an Employment Risk Management Authority. This is available to the City as a result of its newly acquired membership in the Central San Joaquin Valley Risk Management Authority. This Authority is providing specific training in the areas of discrimination, sexual harassment, unsafe work practices, Worker's Compensation fraud and retaliation, workplace violence, Family Medical Leave Act, Americans with Disabilities Act, and work place theft. The training will further ensure that all the City of Merced employees are aware of and understand the City's policies and procedures in those areas. This training will reinforce existing City of Merced training efforts and was one of the important benefits the Authority offers to member entities.

Grand Jury Follow-up

Response accepted