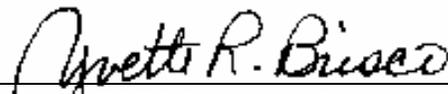


**Merced County**

**2004 – 2005**

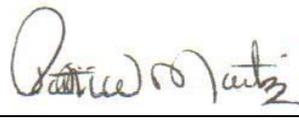
**Grand Jury Report**

**THIS FINAL REPORT HAS BEEN REVIEWED  
AND UNANIMOUSLY APPROVED BY THE  
2004 – 2005 MERCED COUNTY GRAND JURY.**



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YVETTE BRISCO, Foreperson  
2004-2005 Merced County Grand Jury



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PATRICIA MARTINEZ, Foreperson Pro Tem  
2004-2005 Merced County Grand Jury

**MERCED COUNTY GRAND JURY  
2004-2005 FINAL REPORTS**

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**MERCED COUNTY  
GRAND JURY**

PO Box 2034  
Merced, California 95344  
<http://www.co.merced.ca.us/grandjury>

June 21, 2005

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

Dear Judge Hansen:

On behalf of the 2004-2005 Merced County Grand Jury, it is my distinct honor to submit a Final Report to you pursuant to California Penal Code Section 933.

This Grand Jury has been diligent in carrying out its duties as the watchdog of Merced County government. It has been both a challenge and a privilege to serve in this capacity over the past year, and the Merced County citizens who responded to the call have dedicated many hours to this endeavor. They are to be commended for their resolve in committing to a full year of service.

Many of the complaints undertaken during this term were complex in nature, but we approached each and every investigation with the same attentiveness and meticulousness, constantly striving to concentrate our energies on providing unbiased and equitable consideration to each situation.

We feel that we have acted with professionalism and with regard to the charge given to the Grand Jury by the people of the County, by the Court, and by the California Legislature. We are proud to be a part of the betterment of the County and hope that we have made a positive impact on the community.

Respectfully,

Yvette R. Brisco, Foreperson  
2004-2005 Merced County Grand Jury

**2004-2005  
MERCED COUNTY  
GRAND JURY MEMBERS**

Ivon Angeles\*

Shelene Bernal

Committee Chairperson

Yvette Brisco

Foreperson

Corina Campos\*

Linda Dash

Yvonne Davis\*

Cindy Garcia

Secretary

Wayne Hague

Sarah Haynes

Committee Chairperson

Leodore Hernandez

Charnan Kenst

Committee Chairperson

Mariana King

Cheryl Langford\*

Harriet Lawlor

Committee Chairperson

Edward Martin

Patricia Martinez

Foreperson Pro Tem

Morris Puku\*

Gladys Roche

Robert Salles

Tony Sanders

Greg Soto

George Sziraki

\*Juror unable to complete a full year's term

**2004-2005**  
**MERCED COUNTY GRAND JURY**  
*Yvette Brisco, Foreperson*  
*Patricia Martinez, Foreperson Pro Tem*  
*Cindy Garcia, Secretary*

COMMITTEE MEMBERSHIP

AUDIT AND FINANCE/CITIES AND JOINT POWERS

*Chairperson: Charnan Kenst*

Linda Dash  
Morris Puku\*  
Bob Salles  
George Sziraki

COUNTY ADMINISTRATION/COUNTY SERVICES

*Chairperson: Shelene Bernal*

Mariana King  
Ed Martin  
Tony Sanders

HEALTH, EDUCATION, AND WELFARE

*Chairperson: Sarah Haynes*

Ivon Angeles\*  
Yvonne Davis\*  
Cheryl Langford\*  
Gladys Roche  
Greg Soto

LAW, JUSTICE, AND PUBLIC SAFETY/SPECIAL DISTRICTS

*Chairperson: Harriet Lawlor*

Corina Campos\*  
Cindy Garcia  
Wayne Hague  
Leo Hernandez

\*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**

The Merced County Grand Jury is mandated to inspect the detention facilities annually per California Penal Code Section 919.

**BACKGROUND**

The main jail, located at 700 W. 22nd Street in Merced, is administered by the Sheriff's Department. The correctional officers and administrators are responsible for the daily operation of this facility under the direction of Sheriff Mark Pazin.

**METHOD OF INVESTIGATION**

02-18-05      The Grand Jury toured the Main Jail accompanied by Undersheriff Bill Blake and Commander John Burke.

**NARRATIVE**

The 2004-2005 Grand Jury reviewed the previous year's report and noted that many of the concerns and findings expressed last year are pertinent to this year. During the tour this year, the Grand Jury paid particular attention to those areas that were recommended for correction in the 2003-2004 report.

**FINDINGS**

- The Main Jail was built in 1968. Renovations were completed in 1991 and 1994. The current capacity of the facility is 199 inmates.
- Condensation on the walls of the facility, caused by the poor ventilation system, formed pools of water in the walkways. This poses a safety issue to both inmates and staff.
- The staffing allocations remain inadequate. The correctional officers work an excessive amount of overtime due to the shortage of human resources. Overwork can have physiological and psychological consequences.
- The recreation area had fencing designed to separate inmates as required. The fencing had been extended upward to prevent the inmates from climbing over and initiating contact with each other.
- The medical and dental sections of the facility were adequate for care, but the beds in the exam room were torn and in need of repair.
- The inmates are identified by gang affiliation through the use of colored uniforms. They are housed separately in order to prevent altercations.

## **RECOMMENDATIONS**

The facility is in need of renovation and repair. In particular, the ventilation system should be addressed as soon as possible.

Staffing deficits should be addressed. The Board of Supervisors should be consistently and persistently approached to make correctional staffing a priority.

The exam room beds in the medical and dental section should be repaired or replaced.

## **COMMENDATIONS**

The Sheriff's Department is to be commended for addressing the issues of the cracked glass on cell block doors and chipped paint in the cells.

The Sheriff's Department is commended for their efforts in responding to the correctional needs of Merced County despite the fiscal restraints under which they operate.

**MERCED COUNTY SHERIFF'S DEPARTMENT  
JOHN LATORRACA CORRECTIONAL 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 John Latorraca Correctional Facility, at 2584 W. Sandy Mush Road, Merced, was conducted on February 11, 2005.

**METHOD OF INVESTIGATION**

- 08-04-04 Sheriff Mark Pazin gave the Grand Jury a presentation regarding the Sheriff's Department.
- 02-11-05 A sergeant guided the Grand Jury on a tour of the John Latorraca Correctional Facility.
- 03-01-05 A Grand Jury Committee interviewed personnel from the medical section.
- 04-05-05 A Grand Jury Committee interviewed the commander of the facility.
- 06-17-05 A Grand Jury Committee interviewed an inmate of the facility.

**FINDINGS**

- Before the tour of the facility began, we were given a quick presentation by Officer Blodgett regarding the Work Release Program. He presented a graph that demonstrated a savings to the County of almost \$3 million from the efforts of 180 work-in-lieu participants.
- Officer Griffith gave a quick oral overview of the Home Arrest Program and how the detained are tracked with a Global Positioning System (GPS) and the Internet. The Home Arrest Program saved the County \$320,000 the first year.
- The ratio of correctional officers to inmates is critically low. Currently, on any given shift, there are at least six, but no more than seven correctional officers on the grounds. The facility houses 514 inmates (full capacity) on a consistent basis. A large percentage of these inmates are charged with serious and violent felonies. The low staffing levels are at issue due to the danger both to the staff and the inmates.
- There is a grave shortage of correctional officers, particularly females. There must be a female officer on duty at all times. Because of this shortage, female officers are regularly denied requests for time off, which is essential in this high-stress position. The mental health of all officers are affected.

- There is excessive overtime due to the staff shortages.
- The facility operates at maximum capacity throughout the year. Annually, hundreds of inmates are released prematurely to allow space for incoming inmates to be housed.
- There is no library available for inmate use. The former library is currently under renovation to be converted into a dorm to house more prisoners.
- The Sheriff does not consistently visit the facility to meet with all levels of personnel.
- The staff are not adequately prepared or equipped to house inmates with varying degrees of mental illness.
- The 2003-2004 Grand Jury recommendation to install bullet proof glass between the reception area and the receiving officer was not implemented.
- There are no correctional officers in the kitchen while the inmates are preparing meals. The cook who oversees the process is not qualified to supervise inmates who have access to knives and other dangerous implements.

## **RECOMMENDATIONS**

Staffing must be a priority. More must be done to recruit correctional officers, especially females, to lighten the burden placed on the currently overworked staff. Additional employees would alleviate the safety issue that results from the 1:73 officer to inmate ratio that the facility currently maintains.

The Sheriff should conduct regular staff meetings at the facility to insure that he is aware of the needs and safety concerns of the employees.

Compliance with Title 15, Article 3, §3120 (a), §3122 (a)-(b), and §3163 (d) regarding providing a law library or materials to inmates is mandatory, and should be adhered to.

The Sheriff should work more closely with the Board of Supervisors to acquire additional funding for building more room for inmates; this would help with the public safety issue of early releases. The Sheriff's efforts to secure additional funds may be undermined by the Board of Supervisors' lack of creativity in meeting the needs of the public safety concerns of the county.

## **COMMENDATIONS**

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

Partitions have been erected in the visitation area in compliance with the recommendations of the 2003-2004 Grand Jury report. The Grand Jury commends the facility for their efforts to curtail the transfer of contraband.

**MERCED COUNTY JUVENILE DETENTION CENTER  
IRIS GARRETT JUVENILE JUSTICE CORRECTIONAL COMPLEX**

**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 or inmates. 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 they would not be punishable for if they were over 18 years.

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

**METHOD OF INVESTIGATION**

08/04/05 Bill Davidson, recently retired Chief Probation Officer in charge of juvenile hall operations, met with the Grand Jury. He gave a presentation on how the Probation Department operates in the new Merced County Juvenile Detention Center, now called the Iris Garrett Juvenile Justice Correctional Complex, located on Sandy Mush Road adjacent to the John Latorraca Correctional Facility.

01/14/05 A Grand Jury tour of the complex was conducted by recently retired Division Director, Franz Moosbauer.

01/14/05 The Grand Jury toured the new court room and spoke with Commissioner Tom Burr who reviewed the types of hearings performed: arraignment, pre-hearing, jurisdiction, disposition, review (every six months), restitution, etc.

01/14/05 The Grand Jury Committee visited the temporary holding areas, the living quarters, and the classrooms. The Committee also spoke with inmates, correctional officers, and educators.

05/06/05 The Committee contacted Commissioner Burr for follow up discussion.

05/06/05 The Committee contacted the Program Manager for follow up discussion.

**FINDINGS**

- The complex is a state of the art facility. It is projected to be fully operational in October 2005.
- The Department hired Brian Cooley as the new chief. An assistant chief position was created. The position of Division Director was vacant and had not been filled.
- The new facility will house 120 juvenile offenders and the county is committed to having them serve the full sentence.

- A total of 74 full-time staff are anticipated when the facility becomes fully operational. There is one full-time correctional officer for every ten juveniles during the day and evening shifts. There is one correctional officer on duty for every 30 juveniles during the graveyard shift, 10:00 p.m. to 6:00 a.m.
- There are three buildings that consist of approximately 40,000 square feet. One building house administrative functions. The other two house juvenile inmates. The main entrance has a metal detector and booking area. There is a control center manned 24 hours a day, 7 days a week, with bulletproof glass.
- There are four wings with 10 cells per wing in each building. The cells are furnished with two beds, a sink and toilet. Each wing has a separate classroom. The Merced County Office of Education provides a vice-principal, teachers, and curriculum for the students. Teachers rotate among the classrooms to provide specific subject area instruction.
- The facility also includes a medical examination room and a nurses station where pharmaceuticals can be dispensed.
- There is a “state of the art” courtroom complete with computers and closed circuit TVs, clerks’ officers, and judge’s chambers. The average number of cases presided over each day ranges from 45 to 50. Hearings are conducted on a daily basis.
- Juveniles are detained while awaiting sentencing, which takes approximately 14 days.
- At any given time, there are approximately 37 juveniles waiting to serve their sentences. This is a vast improvement over last year when there were 100 cases at any given time. Juveniles are segregated by their gang affiliation, gender, and the seriousness of their transgressions.
- A quarter mile track serves as the main recreation areas. There are also covered basketball courts to allow for exercise during inclement weather.
- The Division Manager has completed a new procedural manual for the facility staff.

## **RECOMMENDATIONS**

Hire one additional staff member per shift.

Vocational training should be incorporated into the curriculum for students.

Every opportunity should be used to bring programs and staff in to provide mental health, substance abuse, and other rehabilitation counseling.

The automated phone system should offer phone instructions in other languages in addition to English.

## **COMMENDATIONS**

The juvenile facility is a very modern, efficient, and well-run organization serving the county and community well.

The inclusion of the courtroom in the facility provides a more efficient use of human resources and is beneficial to the community.

The new facility is a vast improvement over the previous hall, which had a capacity that would not exceed 50.

The Grand Jury commends retired Chief Probation Officer Bill Davidson for his tireless efforts in pursuing the funding and other resources necessary to secure the new facility.

**MERCED POLICE DEPARTMENT**  
**Complaint #04-05-01**

**INTRODUCTION:**

The Grand Jury received a complaint alleging that the Merced Police Department did not have policies and procedures in place that address the identification of a non-custodial parent prior to the removal of a child from one residence to another. The Grand Jury assigned the case to the Law and Justice Committee.

**BACKGROUND:**

A minor child was removed from the complainant's home in which the minor had resided for a period of over one year. The complainant was told that when no court order is established, either parent can take a child at any time.

**METHOD OF INVESTIGATION:**

- 06/02/05      Met with Police Chief Tony Dossetti. The following items were reviewed:
- The police report addressing the incident.
  - The Merced Police Department's Citizens Complaint Procedure, Section 1020 handout detailing procedures for filing a complaint.
  - The internal complaint files of the Merced Police Department covering a six month period.
  - The pertinent parts of the "The Public Safety Bill of Rights" and the department complaint policies.
- 06/02/05      The committee requested reports on a number of cases that were assigned incident numbers over a specified period of time.
- 06/03/05      Contacted the complainant to confirm information.

**DOCUMENTATION:**

- MPD Form 19: Form the aggrieved community member fills out to initiate an investigation into the conduct or action of an officer.
- MPD Form 20: Form stating the Notification of Findings of complaint investigation which is filed upon completion.

**FINDINGS**

- The Law and Justice Committee found that the complaint had merit.

- The complainant called and complained to a Sergeant, but did not file a formal complaint under Section 1020 with the police department.
- The Merced Police Department has no written uniform policy and procedures to address the removal of a child from a home.
- Not all incidents had reports filed.
- There was no court order awarding custody to either parent at the time of removal.
- The officer's actions in the removal of the child were not erroneous.

### **RECOMMENDATIONS**

Written policies and procedures should be established that provide for due diligence investigation prior to the removal of a child or children from a home. A checklist should be developed that provides standard operating procedure in these situations (e.g. run the drivers license, check for warrants, review of the child's birth certificate, etc.). The officers of the Merced Police Department should be trained and tested to ensure that they understand the procedures and comply.

Each incident should have some type of documentation or notation that details the outcome of the call.

**ATWATER POLICE DEPARTMENT**  
**Complaint #04-05-02**

**INTRODUCTION:**

The Grand Jury received a complaint alleging unethical and discourteous conduct by Atwater Police Department (APD) personnel. The complainant further alleged that inquiries did not receive an immediate or professional response. The Grand Jury assigned the case to the Law and Justice Committee.

**BACKGROUND:**

The complainant was involved in a traffic accident with another vehicle. The complainant alleges that the report was biased and requested additional review by another agency. The complainant stated that due to the results of the report he has incurred financial and emotional stress. The complainant did not believe that fair and equitable treatment was demonstrated by the APD in conducting the investigation and follow-up report. The complainant also believed that his inquiries into the matter were met with disregard and rudeness when a request for additional information was made. The complainant did not believe the staff was addressing the concerns in a professional and timely manner.

**METHOD OF INVESTIGATION:**

- 06/10/05      A Grand Jury Committee visited the Atwater Police Department. The committee interviewed Richard Hawthorne, Atwater Police Chief.
- 06/16/05      A Grand Jury Committee re-visited the police department in Atwater to address additional questions regarding the complaint process to Chief Hawthorne.
- 06/17/04      The committee contacted Chief Hawthorne to clarify additional questions.

**DISCUSSION:**

Topics of discussion included how the following items are addressed:

- A complaint that is considered informal
- Complaints received in writing although not on an official APD complaint form
- Communication with complainant(s) regarding the findings of the complaint
- Professional development for police department staff related to current laws regulating law enforcement agencies
- Professional development of police department staff to include communication and sensitivity training.

**DOCUMENTATION:**

The Grand Jury Committee reviewed the following:

- \* Section 1020 – Personnel Complaint Procedure
- \* Section 1026 – Peace Officer Personnel Files
- \* APD Complaint Report log
- \* APD Complaint forms and reports made
- \* Traffic Accident Report log covering five month period
- \* Random number of Traffic Collision Reports over three month period

## **FINDINGS**

- The committee found that the complaint did not have merit. The results of the traffic collision report for the incident did not find either party at fault. The financial hardship and resulting repercussions were not caused by the APD report.
- The committee noted that the complaint filed with the Atwater Police Department was assigned for additional review. The professional opinion of an outside agency was sought within a reasonable time period.
- The committee noted that supplemental reports are made to reflect findings of follow-up. The committee also noted a supplemental report was made.
- The committee was informed that notification of findings relative to a complaint are shared with and/or made available to the complainant.
- The committee established that the Atwater Police Department has an ongoing staff development training program in place to address the needs of the department in their professional and interpersonal growth skills.
- The committee believes that circumstances surrounding the complaint were enhanced by difficulties in language barriers, acknowledgement of receipt of written communication, and an understanding of the complaint process.
- The committee noted that the Atwater Police Department is aware of the continuing needs of the community and strives to accommodate their needs.

## **RECOMMENDATIONS:**

The Grand Jury recommends that the Atwater Police Department ensure that the complainant has received the Notification of Findings related to submitted complaints.

The Grand Jury recommends that ongoing staff development programs addressing communication and interpersonal skills be required for all personnel interacting with the community.

**MERCED COUNTY CORONER'S OFFICE**  
**Complaint #04-05-03**

**INTRODUCTION:**

The Grand Jury received a complaint alleging excessive time to receive a final death certificate. The complainant further alleged that inquiries did not receive a professional response. The Grand Jury assigned the case to the Law and Justice Committee.

**BACKGROUND:**

The complainant was issued a "pending" death certificate at the death of their relative. A final death certificate had still not been issued approximately one year after the death. The complainant's inquiries into the matter indicated that a pathology report had been completed; however, the final determination of cause of death was still outstanding. The complainant contacted the Coroner's office about the delay and was told that there was a large backlog of pending cases. The Coroner's office staff indicated they could not get to the complainant's case at that time, nor could they give an anticipated time of completion. The complainant did not believe the staff was addressing their concerns in an appropriate manner.

**METHOD OF INVESTIGATION:**

- 09/09/04        A Grand Jury Committee met with the complainant.
- 09/09/04        A Grand Jury Committee interviewed a corroborating witness.
- 10/13/04        The committee met with professionals who routinely interacted with the Coroner's Office and who supported the allegation that it often takes an extraordinary amount of time to receive a final death certificate. The professionals confirmed that additional complaints had been common regarding the unreasonable amount of time utilized to determine the cause of death in what would seem to be routine cases. It was clearly and repeatedly stated that communication with the agency had improved in the last eight months under the direction of the new administration. Although communication has improved, lengthy time periods to resolve pending death certificates still remain.
- 10/15/04 -        The committee interviewed two employees of the Coroner's office. The legalities and government regulations that require them to investigate reportable deaths were reviewed. The number of cases currently awaiting a final death certificate was discussed.
- 10/22/04 -        A follow-up interview was conducted with the Coroner's Office employee who reviews the pending cases. He discussed a number of cases with the committee and identified situations that may cause a delay of issuing a final amended death certificate.

**DISCUSSION:**

Topics of discussion included:

- The process of issuing a routine death certificate and the requirements that must be met.
- The types of cases required by law to be reviewed.
- Those cases that require more thorough review (referred to as pending cases)
- The comparison of Merced County statistics against other same-sized counties (i.e. number of personnel and number of reportable deaths per year).
- The insufficient staffing of the office and the complicated process of coordination with the sheriff's department, city police, funeral homes and families.

- The process utilized by the Coroner's Office to record the number of deaths, certificates issued, completed and pending.

## **DOCUMENTATION:**

The Grand Jury Committee reviewed the following:

- a. Coroner's Office Death Register listing the deaths within the county for a number of years. The committee focused on the pending cases in the calendar year of 2003.
- b. Information provided by the Coroner's Office to the public.
- c. Job specifications for the Deputy Coroner's position.
- d. Death Certificate forms and other documents utilized for pending death certificates.
- e. The qualifications and certifications of Deputy Coroners.
- f. Forms for the physician/coroner's amendment.
- g. Section 10250 of the Health and Safety Code.
- h. Government Code Section 27491 and the Sheriff/Coroner's additional cases requested for referral.
- i. Monthly reports of Coroner's Office breaking down the number of deaths, the number still outstanding, the cost of the autopsies, and the staffing.

## **FINDINGS**

- The Committee found that the complaint had merit. As of January 17, 2005, the complainant still had not received the final death certificate.
- Cases pending final death certificates are identified with an orange circle label. Upon issuance of the final amended death certificate, the peel-off label is removed
- The Coroner's Office has over 100 pending cases covering a two year period. The oldest case has been outstanding for over two years. The pathologist report had been received, yet the case was still without the final cause of death.
- Evidence of systematic review and follow up were not apparent in the files. It was difficult to determine the last time a file had been reviewed and/or what action had been taken.
- There was an inordinate amount of responsibility assigned to a sole employee.
- The review of the official records and their record keeping practice demonstrated a drastic need for improvement. It is a contributing factor to a much greater problem. Utilization of a manual system versus up-to-date technology delayed a chronological updating of pending and final reports.
- It was also noted that the cost of the contracted pathologist had increased substantially over the years.

## **RECOMMENDATIONS:**

A database spreadsheet should be utilized to record information and include notations related to any complexity.

The delegation of the duties of the Deputy Coroner to a Deputy Sheriff, which may appear to be a cost saver, has hindered the effectiveness of the coroner's office. A Coroner/Pathologist, devoted strictly to the duties of a Coroner is strongly recommended.

Additional staff is needed to meet the needs of the county's growing population and the workload should be redistributed for greater efficiency. Employees should be adequately trained and cross trained.

## **CATHOLIC HEALTH WEST COMPLAINT #04-05-06**

### **INTRODUCTION**

Complainant expressed concerns about the relationship between Catholic Health West (CHW), County of Merced, and the County owned hospital. Complaint stated that CHW has failed the community in the areas of the Emergency Room, the relationship with primary care physicians, and the relationship with specialty physicians. It further stated that the hospital has issues with cleanliness. The Grand Jury assigned the case to Audit and Finance Committee.

### **BACKGROUND**

In 1996, the County looked for a private concern (hospital) to help them shoulder their State Welfare & Labor Code Section # 17000 obligations. (All counties in the State of California are responsible for providing healthcare to its indigent residents). In exchange for a long-term lease to the county owned hospital, the private concern would offer medical care to the indigent population of the County and would accept government reimbursement levels.

Originally, the County awarded the contract to Sutter Health. Starting in late 1999, Sutter and CHW began discussions regarding a potential joint venture for future health care systems and services in Merced County. State seismic requirements (Senate Bill 1953 – Hospital Seismic Performance Ratings) require that all general acute care hospital buildings be capable of remaining intact after a seismic event, but also capable of continued operation and provision of acute care medical services after a seismic event. Both hospital facilities in Merced have an extension to 2008 under the ‘Diminished Capacity Criteria’. Per these earthquake requirements, both hospitals were faced with having to build new facilities prior to 2008. Their meetings led to the conclusion that a single hospital care system in Merced provided the most economical and service-viable alternative for the future. In 2000, Sutter petitioned the County to transfer the contract to CHW (St Josephs/Dominican) so that they might exit the Merced market. The County and the State Attorney General allowed Sutter to transfer the lease and operating agreements to CHW.

In 2002, CHW petitioned the County and the State to close its Emergency Room at the Dominican Campus. CHW built its petition around Urgent Care still being provided at the Dominican Campus. Dominican Campus Urgent Care was closed in 2004.

### **METHOD OF INVESTIGATION**

09/29/04 – A Grand Jury Committee met with the complainant.

10/13/04 – A Grand Jury Committee requested access to all County records regarding the County Hospital (now known as MMCM) from 1996 to present.

11/05/04 – A Grand Jury Committee received five legal size boxes of contracts, county records, correspondence, etc. from the Director of Public Health files. The Committee reviewed all documents.

12/03/04 – A Grand Jury Committee met with a Former County official involved in the two-county/hospital transitions.

01/28/05 – A Grand Jury Committee met with CHW affiliate.

03/04/05 – A Grand Jury Committee met with local surgeon.

03/10/05 – A Grand Jury Committee met with MMCM employee

03/18/05 – A Grand Jury Committee walked through MMCM and the Emergency Waiting Room

04/01/05 – A Grand Jury Committee met with recent surgical patient from University Surgical Center.

04/01/05 – A Grand Jury Committee met with recent emergency room patient from MMCM.

04/08/05 – A Grand Jury Committee met with recent surgical patient from MMCM.

04/13/05 – A Grand Jury Committee met with County Board of Supervisors

05/19/05 – A Grand Jury Committee met with Emergency Room Administrator

05/19/05 – A Grand Jury Committee walked through MMCM and the Emergency Waiting Room

## **DOCUMENTS**

1. Impact Evaluation Report of the Proposed Closure of Emergency Services, Mercy Medical Center Merced, Dominican Campus dated 10/18/02.
2. Proposal from Mercy Hospital (CHW) to enter into lease of Sutter Medical Center Merced, (formerly MCMC) from Merced County dated 5/18/00.
3. Review of Welfare & Labor Code # 17000 – Indigent Care in Merced County.
4. Asset Purchasing Agreement between MMH & Sutter dated 11/21/00.
5. Assignment & Closing Agreement #2000240 dated 11/21/00.
6. Amendment to Hospital Lease Agreement between CHW & Merced County #2000236 dated 11/21/00
7. Amended & Restated Health Operating Agreement between CHW & Merced County # 2000244 dated 11/21/00
8. Hospital Lease between Sutter & Merced County #9595 dated 11/12/96.
9. Health Care Operating Agreement between Sutter & Merced County #9596 dated 11/12/96.
10. Master Service Agreement between CHW & Merced Co # 2000241 dated 10/8/02.
11. Security Agreement between CHW & Merced Co # 2000242 dated 10/8/02.
12. Guaranty Agreement between CHW & Merced Co # 2000243 dated 10/8/02.
13. Merced County Goals & Objectives.
14. Various newspaper articles.
15. CHW Financial Statements – 1997 through 2000 and 2003.
16. Summary of MCMC Employee job classes and salary ranges – 1996
17. County Financial Obligation for Accrued Time of MCMC Employees at Transition to Lease dated 4/22/96.
18. Merced County Indigent Healthcare Program review of Operating & Facility Use Agreements & Medical Assistance Programs. Prepared for the County by Pacific Health Consulting Group, an outside consulting group.
19. Public response concerning CHW takeover.

20. Summary of medical services referred outside of Sutter (SMCM) that used to be provided by MCMC dated 8/22/00.
21. MCMC Capital Improvements for 2003.
22. Correspondence regarding ER problems in 2001.
23. CHW Charity Care/Financial Assistance Policy adopted 1/27/04.
24. State of California Employment Development Department, Labor Market Information Division, updated Jan. 14, 2005.
25. State of California Employment Development Department, Labor Market Information Division, Planning Information Packet Merced County 2004.
26. US Census Bureau

## **FINDINGS**

- Merced County is one of the poorest counties (sixth smallest budget among 58) in a state with a significant budget deficit (\$ 8-9 billion) that is in a nation with a tremendous budget deficit (\$412-422 billion). The County has one of the highest unemployment rates (13.8 %) in the state. The state rate is 5.4 %; the nation's rate is 5.1%. Merced County is among the most rural counties in the state. It is primarily agricultural with virtually no manufacturing or industrial base. The 2002 US Census estimates that 18.8% of all citizens in Merced County live in poverty. The hospital is required to provide services for a large majority of the indigent and uninsured populations.
- Of the various government programs (Medi-Cal, Medicare, State of California Extended Access Program (SCEAP), Indigent Health Care Program (IHCP) formerly known as Medical Assistance Program (MAP), no program appears to compensate the provider enough to cover expenses. While some state funding is available in the form of secondary programs, these as well do not seem to make up the loss. In other words, there is a very high level of un-reimbursed medical care in Merced County.
- The primary service area for MCMC consists of the eastern two-thirds of Merced County and parts of Madera and Mariposa counties. The latter two counties are almost exclusively rural as well.
- The secondary programs, available through the State of California Department of Health Services (DHS), consist of 'Acute Hospital Inpatient Disproportionate Share' (DHS-855) and 'Emergency Services & Supplemental Payment Fund (DHS-1255). Both of these programs make supplemental payments at a facility level. Basically, DHS-855 is available to hospitals that have a 25% or greater rate of indigent care.
- Most Medicare HMOs left due to the combination of low reimbursement levels and a lack of cooperation from local doctors.
- Many of the local physicians refuse to accept Medi-Cal reimbursement rates that are offered by CHW (roughly what the hospital receives for the same service) for staffing clinics or ER On-Call. The physician's view is there is no incentive to leave his or her own insured patients for un-reimbursed care emergency calls. It becomes a financial burden to the physician.
- The County will not reimburse non CHW clinics, (i.e., Golden Valley Health Centers) that will accept Medi-Cal reimbursement rates for treating IHCP clients.

- Due to the low rate of reimbursement, CHW has no incentive to hire on-staff specialists. Having the specialist on payroll would only increase their non-reimbursed care – It is fiscally unsound for both the private physicians and the hospital.
- In 1993, there were seven hospitals in Merced County: Westside (Gustine/Newman), Dos Palos Memorial, Memorial (Los Banos), Bloss & Castle (Atwater), Dominican & Merced Community Medical Center (Merced). There are now three that are still open – Mercy Medical Center Merced (formerly MCMC) in Merced, Memorial in Los Banos and Dos Palos.
- The MMCM Emergency Room is a high financial drain. Across the nation, emergency rooms have closed because of the cost to run them. Medical costs are high for a multitude of reasons all the way from the billions spent in research, expensive equipment, people living longer and the high level of over utilization by patients, etc.
- There is a shortage of nurses nationwide. Competition is fierce and Merced County is not in the best competitive position. This can be said of doctor recruitment as well. MMCM currently uses registry nurses to fill open spots in their schedule. Besides the high cost, there is generally an issue of lack of commitment and buy in from a temporary employee. Registered nurses in Merced County earn \$27.09 to \$39 per hour. If they are in a lead position, they earn 5% more. When they work in-house registry at MMCM, they are paid double time for overtime, with a number of provisions for on-call and call-back situations. There is also a clinical ladder that provides additional pay for certifications.
- Recruiting of new surgeons and specialists to the Merced area is another concern to the community. The current hospital facility and the economics of the county are a major issue to the potential new physician and their families.
- The closing of the Dominican Campus hurt the surgical community financially as many of their paying (insured) patients refuse to go to MMCM and opt to have their surgery performed out of the area. MMCM is often perceived as the “County” hospital and carries a stigma because of this perception. Its physical location and the age and look of the buildings itself. Many people are afraid to go to the facility.
- Some local surgeons have opened their own private surgical center in Merced. In response to this, MMCM contracted with the major health insurance companies to be the exclusive provider in the area.
- Dominican Campus had a long tradition of community support, including donation of time and money. Many contributors and volunteers are not committed to MMCM because of the stigma of it being a “County” hospital, its location on 13<sup>th</sup> Street and its physical appearance.
- There were no cleanliness issues during the unscheduled visits to MMCM.

## **SUMMARY & RECOMMENDATION**

A new Emergency Room team has been hired as of early December 2004. Not enough time has passed to truly evaluate their performance. A LVN is on duty in the ER waiting room 10 hours every day to assist waiting patients. Additional auxiliary staffing, (technicians in radiology, labs, etc.) would help to improve emergency room wait time.

At this time, this appears to be a result of the overall makeup of the County's economics, social perceptions as well as a game of sour grapes. All parties, (CHW, physicians, community) need to put aside their hurt, prejudices and differences and work together. Each group has a beneficial interest in its success or failure.

Cooperation and respect between all parties could only help the situation.

1. CHW needs to work on its' customer service in ER, marketing and the appearance of the present facilities.
2. Physicians need to understand the county's financial position and work for a better tomorrow.
3. Greater community involvement.
4. The County needs to help educate IHCP (MAP) clients better so they might utilize clinics instead of the ER in non emergency cases.

## **COMMENDATIONS**

Commendations to each member of the health community and the local community who have already put personal differences aside and have continued to work towards the good of the whole.

**MERCED COUNTY HUMAN SERVICES AGENCY**  
**Complaint #04-05-08**

**INTRODUCTION:**

This complaint alleged that the Merced County Human Services Agency removed a minor inappropriately from a foster parent's care.

**BACKGROUND:**

The Merced County Human Services Agency has many responsibilities, one of which is the charge to insure the health and well-being of children located in the county.

**METHOD OF INVESTIGATION:**

- 11-06-04      A Grand Jury Committee interviewed complainant.
- 02-12-05      A Grand Jury Committee interviewed a witness.
- 04-03-05      A Grand Jury Committee interviewed two social workers separately.
- 04/03/05      Grand Jury Committee interviewed Ana Pagan, Director of the Merced County Human Services Agency.
- 06-02-05      A Grand Jury Committee interviewed two social workers separately.
- 06/02/05      A Grand Jury Committee interviewed Ana Pagan, Director of the Merced County Human Services Agency.
- 06-02-05      A Grand Jury Committee interviewed an attorney affiliated with HSA.

**DOCUMENTATION:**

A Grand Jury committee reviewed pertinent files.

**FINDINGS:**

- The Merced County Human Services Agency operated within legal guidelines.
- The policies and procedures manual had not been updated for approximately 10 years.

**RECOMMENDATIONS:**

The Grand Jury recommends that the Merced County Human Services Agency develop better inter-agency communication.

The policies and procedures manual should be updated and kept current.

The agency should implement staff development training to make sure employees are current on the updates.

**MERCED COUNTY  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
BOARD OF SUPERVISORS  
Complaint # 04-05-09**

**INTRODUCTION**

The Merced County Equal Employment Opportunity Commission works within the Human Resources Department under the County Administrative Officer. The mission is to enforce all affirmative action, educate all county employees, including management, regarding discrimination laws, as directed by the Board of Supervisors.

**BACKGROUND**

The complainant alleges that Merced County Equal Employment Opportunity Commission favors management in the outcome of its investigations including sexual harassment complaints made against members of management.

**METHOD OF INVESTIGATION**

- |            |   |
|------------|---|
| 11-15-04   | Sent letter to the EEOC requesting information regarding the sexual harassment policy and complaint procedures.   |
| 01-05-05   | Received packet from the EEOC director including:<br>Merced County Human Resource Department employee handout and a copy of the Merced County Zero-Tolerance Anti-Harassment and Discrimination Policy. |
| 03-04-2005 | Interviewed the Director of EEOC.   |
| 03-16-2005 | Received a list of sexual harassment cases filed in 2004.   |
| 04-29-2005 | Conducted a follow-up interview with the Interim Human Resources Director/EEOC Director Robert Morris to review 2004 cases and their outcomes.  |
| 05-27-2005 | Received AB 1825 Material that is distributed to all Board of Supervisors and County management employees.  |

**FINDINGS**

- The County has a Zero-Tolerance Anti-Harassment and Discrimination Policy for every county employee and elected official; however, any decisions made can be overridden by the Board of Supervisors.
- New employees review an 18-minute orientation video on Sexual Harassment. They are required to acknowledge that they have received and read a written copy of the policy.
- A complainant has up to 300 days from the alleged violation to file a complaint with the EEOC.
- A complainant has up to 365 days from the alleged violation to file a complaint with the Department of Fair Employment and Housing (DFEH).

- Although it is recommended that an employee file through the supervisor and continue through the chain of command, the complainant can file directly with the EEOC or the DFEH.
- There are five federally-trained human resource analysts who investigate complaints within the County, or the County can choose to contract with an outside investigating party.
- The Director of the EEOC may choose to investigate a complaint, or may excuse himself from the investigation if a conflict of interest arises.
- After conducting an investigation, the findings are reported to County Counsel and the County Executive Officer who determine whether the complaint is substantiated.
- In 2004, there were 18 complaints filed. Twelve of the complaints were against supervisors and/or managers. Of the 18 complaints, nine were closed and nine are still pending investigation.
- Of the nine closed cases, six were substantiated, three were not substantiated.
- Two of the nine closed cases were investigated and substantiated by county investigators. One was issued a written reprimand the other was given a three-day suspension. Both of the substantiated complaints were against regular county employees, not management.
- Six of the nine closed cases were not substantiated by the county and/or hired investigators.
- Seven of the nine unsubstantiated, closed cases were against a member of management, Board of Supervisors, or County Counsel.
- One of the unsubstantiated complaints was determined to have some merit due to the lack of professionalism displayed by the supervisor toward the employee. As a result, the Board of Supervisors ordered “Team Building” training to be attended by both parties.
- The Board of Supervisors indicated that they are not bound by the Code of Ethics and Policies Regarding Workplace Conduct that applies to all county employees.
- AB 1825 requires that all supervisors receive harassment, discrimination, and retaliation training by January 1, 2006. Retraining is required every two years. New supervisors must receive the training within six months of employment.
- The county administered this training to all of its supervisory employees on April 13 & April 28, 2005. This training was conducted by an outside legal firm.
- The county will have four or five employees trained by an outside legal firm to administer in-house training as needed.
- The current complaint & investigatory practice does not allow for an unbiased, objective process because the EEOC investigators are county employees themselves and they ultimately report to some of the very people against whom the complaints originate.

## **RECOMMENDATIONS**

Mandatory training should be implemented on every employee not only supervisory employees.

The Board of Supervisor should, at the very least, be bound by the same Code of Ethics and Policies Regarding Workplace Conduct under the Human Resources Rules and Regulations that apply to employees of the County. The Grand Jury feels that it is a travesty that the Supervisors do not adhere to any code of ethics.

The position of EEOC Director should not be filled by the same person acting, even in a temporary capacity, as the Human Resources Director. This creates the impression, if not an actual conflict of interest.

The County should contract with an outside investigatory firm for all complaints, or appoint a neutral panel from the community that would review the complaints to determine whether they are substantiated, and whose finding shall be final and binding.

**HUMAN SERVICES AGENCY**  
**Complaint #04-05-12**

**INTRODUCTION:**

The Merced County Civil Grand Jury investigated a complaint alleging inappropriate disclosure of confidential information.

**METHOD OF INVESTIGATION:**

- |         |  |
|---------|--|
| 4-26-05 | A Grand Jury committee interviewed the complainant.  |
| 4-26-05 | A Grand Jury committee interviewed a party mentioned in the complaint.   |
| 6-10-05 | A Grand Jury committee interviewed a daycare provider regarding the process of obtaining a license.  |
| 6-14-05 | A Grand Jury committee interviewed a social worker.  |
| 6-15-05 | A Grand Jury committee requested a foster parent orientation and application packet.   |
| 6-16-05 | A Grand Jury committee interviewed a special investigator with the Department of Social Services, Community Care Licensing Division's Fresno office. |

**DOCUMENTATION:**

Daycare facility licenses and certifications.

**FINDINGS:**

- There was no breach of confidentiality.
- The requested documentation was not received.
- Phone calls were not returned in a timely manner

**RECOMMENDATIONS:**

The Human Services Agency should work more collaboratively with the Grand Jury to further the investigative proceedings.

Representatives of the Human Services Agency should return phone calls and communicate with the Grand Jury in a timely fashion.

**LOS BANOS POLICE DEPARTMENT**  
**Complaint #04-05-15**

**INTRODUCTION:**

The Merced County Grand Jury received a complaint alleging the Los Banos Police Department did not follow proper procedures regarding issuing a search warrant, illegal search and seizure, and violating California Penal Codes 118 (perjury and oath of office), 118.1 (false reporting by a peace officer), 118a (false affidavit), 123 (materiality of false statements by the accused), 125 (false statement equivalency), 134 (falsifying records), 135 (destroying/concealing evidence), and 136 (malicious intent towards witnesses/victims), and the Second, Fourth and Fourteenth Amendments.

**BACKGROUND:**

A dispute arose between the party and the police officers as to whether it was a single family dwelling or a multi family dwelling when the search warrant was served.

**METHOD OF INVESTIGATION:**

11-17-04      The Merced County Grand Jury received and reviewed complaint.

2-12-05      A Grand Jury Committee interviewed Complainant.

2-16-05      A Grand Jury Committee checked the property zoning at the Planning Department.

2-21-05      A Grand Jury Committee interviewed a police officer.

2-21-05      A Grand Jury Committee interviewed a detective.

2-21-05      A Grand Jury Committee interviewed an animal control officer.

2-?-05      A Grand Jury Committee subpoenaed evidence regarding the investigation.

3-5-05      A Grand Jury Committee reviewed a file.

**DOCUMENTATION:**

The Merced County Grand Jury reviewed the California Penal Codes listed above.

**FINDINGS:**

- The property was zoned as a multi-family dwelling, but it was the two separate edifices rather than the single building to which the complainant referred.
- The Los Banos Police Department followed correct operating procedures regarding the above mentioned California Penal Codes.

- The Los Banos Police Department did not violate the Second, Fourth and Fourteenth Amendments.
- The complaint did not have merit.

**COMMENDATIONS:**

The Merced County Grand Jury commends the officers of the Los Banos Police Department for their time, assistance and cooperation during this investigation.

The Merced County Grand Jury commends Chief Knapp and Commander Fitchie for supplying the Grand Jury with any and all documents needed in a timely manner.

**ATWATER CITY COUNCIL**  
**Complaint #04-05-17**

**INTRODUCTION**

Complainant alleges that a Atwater City Council member, “uses his position as a council member as a tool to threaten city employees as well as trying to interfere in internal affairs.” Per California Penal Code, Title 4, Chapter 1, Sections 919 and 922 and Government Code, Sections 3060-3075, the Grand Jury has the authority to inquire and instigate proceedings for the removal of district, county and city officials who are engaged in willful misconduct. The complaint was assigned to the Audit and Finance Committee.

**METHOD OF INVESTIGATION**

- 03/09/05      The Grand Jury met with City Manager, Greg Wellman.
- 05/31/05      The Grand Jury met with current City of Atwater employee.
- 06/02/05      The Grand Jury met with former City of Atwater employee.
- 06/03/05      The Grand Jury met with current City of Atwater employee.
- 06/03/05      The Grand Jury met with current City of Atwater employee.
- 06/06/05      The Grand Jury met with City of Atwater Mayor Rudy Trevino, Council Members Ed Abercrombie, City Manager Greg Wellman, and City Attorney Sal Niverette.
- 06/09/05      The Grand Jury met with City of Atwater Council members Joan Faul and Gary Frago. Council Member Andy Krotik was unavailable.

**DOCUMENTATION**

1. Atwater City Code
2. Several recorded City Council Meetings.
3. Letters of complaint from numerous city employees.
4. Merced City Code

**FINDINGS**

- Atwater’s City Codes: 2:04.060 (City Manager) & 2:08.320 (City Council) each clearly state that City Council members are not to interfere with administrative services, either publicly or privately. They are not to give orders or instruction to any subordinate of the City Manager. A Council Member may give orders to the City Manager only with the knowledge and concurrence of the whole Council. The above-mentioned codes do not state consequences should a Council Member violate these ordinances.
- Atwater City Council meetings are aired live the second and fourth Monday of each month.
- The City of Atwater has a toll free phone number for people to report complaints against city employees. These complaints are reviewed by the appropriate department head.
- Council members violate Atwater City Code 2:08.320 on a consistent basis. There are numerous instances in open City Council meetings alone to verify this. These actions often go unchecked.

- Some Council members have tried to interfere in Internal Affairs investigations. This is a violation of California Labor Laws (Cite Law).
- A council member appears to use his authority to settle personal vendettas.
- Furthermore, some council members attempt to manipulate the Council calendar.

### **RECOMMENDATIONS**

The City Code of Atwater should be reviewed and revised to include consequences for code violations. There should be consistency of application and enforcement of these codes. The Merced City Code could be used as an example as it adequately addresses violations.

All Council members should observe the principle of unity of command. An employee should be under the direct control of one, and only one, immediate supervisor. Disregarding the proper chain of command is unlawful, per existing Atwater City Codes.

We strongly recommend that next year's Grand Jury continue to monitor this situation and if necessary, to reinvestigate.

### **COMMENDATIONS**

The Grand Jury commends the employees who continue to support the functions of the City of Atwater, despite the extremely stressful and sometimes hostile work environment to which they have been subjected.

# BOARD OF SUPERVISORS

## INTRODUCTION

The Grand Jury elected to interview Merced County's Board of Supervisors. The Supervisors were asked a slate of questions regarding various issues faced in this County. Topics included:

1. Pay raises for A-level managers and elected officials, as well as their benefits and other perks.
2. Public safety – notably jail overcrowding, early release of violent offenders, and the understaffing currently experienced at each facility.

## METHOD OF INVESTIGATION

4/13/05            The Grand Jury conducted separate interviews of Supervisors Kathryn Crookham, Deidre Kelsey, Mike Nelson, Gerald O'Banion and John Pedrozo.

## FINDINGS

- Merced County recruits from the same job pool as every other county in this valley. Without competitive wages, potential employees either do not take the job or leave in a short time for more money. The same circumstance applies to private sector as well as government employees. The six counties Merced uses to compare its salaries are chosen because of their close proximity to the County. They are Fresno, Kings, Kern, Madera, Stanislaus and San Joaquin. This is referred to as the seven-county survey. This survey is also used in determining staff salaries.
- Retirement benefits are received by all county employees after they have been vested, (employed by the County for ten years). A Supervisor would need to serve two and a half terms in order to be vested.
- The current facilities, the John Latorraca Correctional Facility (Sandy Mush) and the Merced County Main Jail, are woefully inadequate to deal with the county's needs.
- The County does little in the area of adult or juvenile criminal rehabilitation.
- People with mental health issues are housed in the same facilities as other inmates.
- Infrastructure is the biggest obstacle to growth in this County. Infrastructure includes roads, public safety, schools, hospitals, air, water, and sewage.
- An inadequately trained work force is another obstacle to growth. Current agencies in the County attempting to remedy this include the Work Force Investment Board (also known as Work Net) and the Human Services Agency.
- The County is relying on the reuse of Castle Aviation and Development Center to build industry. Merced County Department of Commerce, Aviation, and Economic Development, located at Castle, is charged with that challenge.

- The County has adopted the County-wide Agricultural Preservation Strategy (CAPS). This program will create a funding source through mitigation fees that developers will be paying, matched with money from the State and Federal governments, as well as private organizations like the Packard Foundation. These funds will be used as an incentive for people who live in and near the areas being developed to cash out part of the value of their land through this conservation easement.
- Merced County adopted the Williamson Act, which enables local government to enter into contract with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value.

## **RECOMMENDATIONS**

Tremendous financial challenges face us at a county, state and federal level. Monies that would normally trickle down from the state and the federal government are not currently available. The County and its Supervisors need to start thinking outside of the box and become more creative to address these challenges.

The counties used for survey comparison should more accurately resemble the population size and economic demographics of Merced County.

The Merced County Correctional program work-in-lieu participants save the County approximately \$3 million in labor costs each year. If the Supervisors are unable to locate the funds to correct the overcrowding and understaffing issues at the correctional facility, then they should pay the costs that are being saved from these participants' efforts and allow the correctional facility to retain those funds for their building and staffing issues. In addition, the Supervisors should work with the Sheriff to identify outside funding sources to compensate for the shortfall.

Merced County should hire a full-time grant writer to pursue funding for the many areas experiencing serious shortfalls. Priorities should be set to address the most pressing issues, but all areas of operation should be placed in the plan.

# **Atwater Police Department**

## **INTRODUCTION:**

The Grand Jury may investigate, at its discretion the operations, account, and records of the officers departments, functions, and the method or system of performing the duties of any law enforcement agency located within the county in accordance with Penal Code §925 a. The 2004-2005 Grand Jury chose to review the City of Atwater Police Department's Internal Affairs Practice.

## **METHOD OF INVESTIGATION:**

06/10/05            The committee interviewed Richard Hawthorne, Atwater Police Chief with reference to the composition of the APD and the complaint process and procedures currently in place within the department.

06/16/05            A Grand Jury committee re-visited the police department in Atwater to address additional questions to Chief Hawthorne.

## **DOCUMENTATION:**

The committed reviewed the following policy, forms and records -

- \* Section 1020 – Personnel Complaint Procedure
- \* Section 1026 – Peace Officer Personnel Files
- \* APD Complaint Report log
- \* APD Complaint forms and reports made
- \* Traffic Accident Report log
- \* Traffic Collision Reports

## **FINDINGS:**

- The City of Atwater has an approximate population of 27,500. The department currently has 19 sworn officers, four detectives and four school resource officers who provide service to the community. There are bilingual services provided to the community as needed. Currently two sworn officer positions are vacant.
- The Atwater Police Department has employed an additional traffic officer whose position is funded through annual grants.
- There is an active community volunteer program within the department.
- Although the department has an established complaint procedure and guidelines, it does not have a handout explaining this procedure to the citizenry.
- Thoroughness of investigation is documented in departmental reports.

## **RECOMMENDATIONS**

1. The Atwater Police Department should develop a handout addressing the complaint process and procedures, which should be made available in English and other languages as needed.
2. Vacancies on the police force should be filled as quickly as possible.

## DOS PALOS POLICE DEPARTMENT

### **INTRODUCTION:**

The Merced County Civil Grand Jury has, at their discretion, under California Penal Code 925A, the ability to investigate and report on the operations, accounts, and records of officers, functions, methods or system of performing duties of law enforcement agencies within Merced County. The 2004-2005 Grand Jury chose to look at the City of Dos Palos Police Department Internal Affairs practices.

### **METHOD OF INVESTIGATION:**

- 3/26/05            A Grand Jury committee visited the police department in Dos Palos. The Committee spoke with a detective and toured the facility.
- 5/14/05            Chief Mann was interviewed by a Grand Jury committee.

### **FINDINGS:**

- The Dos Palos Police Department (DPPD) employs eight officers. Six are sworn officers, and two are sworn, non-paid reserve officers. The population of Dos Palos is approximately 5,000.
- DPPD had one complaint in the 2004 calendar year. There is one complaint to date in 2005.
- The chief takes the complaint during the day. At night, the complaint is sealed and given to the chief the next business day.
- While the complaint form is clear, it is only available in English.
- If the complaint is made against the rank of sergeant or lower it is investigated by the chief, who reviews it to determine if an Internal Affairs (IA) investigation is necessary. If the complaint is made against the chief, the complaint is turned over to either the city manager or the city public safety manager.
- Each step of the process is documented, including tape recordings of interviews.
- In the event the complaint is valid, one or more of the following may occur:
  1. Verbal counseling and complaint on file for five years
  2. Reduction in pay
  3. Reduction in rank
  4. Termination
- The complainant receives a letter from the chief of police after the investigation is completed. If the proposed consequences entail a lengthy suspension or termination, the officer may request a Skelly Hearing in accordance with State Personnel Board Rule 52.3.

**RECOMMENDATIONS:**

The Merced County Grand Jury recommends that the Dos Palos Police Department:

Develop a complaint form in languages that reflect the diversity of the Dos Palos community.

Research grants and other funding sources to augment their budget.

Complete the process of updating the policy and procedure manual by January 1, 2006.

**COMMENDATIONS:**

It appears the Dos Palos Police Department is doing a just and balanced job in their Internal Affairs Investigations.

The Department is commended for its efforts to modernize the facility and the operational procedures, including updating equipment (e.g. bar coding in the evidence room, new computer systems, etc.), renovating the older areas of the building, providing workstations for employees, and enhancing worker relations.

The Merced County Grand Jury would like to commend the Dos Palos Police Department for unwavering cooperation during this process.

# LIVINGSTON POLICE DEPARTMENT

## INTRODUCTION

The Grand Jury may investigate, at its discretion the operations, account, and records of the officers departments, functions, and the method or system of performing the duties of any law enforcement agency located within the county in accordance with Penal Code §925 a. The 2004-2005 Grand Jury chose to look at the City of Livingston Police Department Internal Affairs practice.

## METHOD OF INVESTIGATION

4/26/05 A Grand Jury committee visited the police department in Livingston. We spoke with the chief and toured the facility, including the evidence room.

5/26/05 A Grand Jury committee visited the police department in Livingston. Several Internal Affairs files were reviewed.

## FINDINGS

- Livingston Police Department (LPD) employs 26 people. Eighteen are sworn officers. The population of Livingston is approximately 14,500.
- LPD had a total of 22 complaints in the 2004 calendar year. There are a total of five complaints to date in 2005.
- A complaint is taken by a commander during the day and a sergeant at night. The administrative sergeant will go to complainant's home to take the complaint if they are afraid to come into the police station.
- The complaint form is clear. The complainant must sign a False Complaint Admonition, which is printed in ten different languages.
- If a complaint is made against someone at the sergeant rank or higher, it is investigated by another agency (e.g., Atwater Police Department, Merced Police Department, etc.).
- The commander reviews the complaint and determines if it becomes a Supervisor Inquiry (SI) or an Internal Affairs (IA). He then decides who will investigate the complaint. Most complaints are assigned to the administrative sergeant. All complaints are investigated by a sergeant or above.
- Each step of the process is documented, including transcripts of each interview.
- Once the investigation is completed, the investigator will offer his conclusions to the commander, who will then review the entire file and make a suggestion to the chief of police. The chief then determines the proper steps to take.
- In the event the complaint is determined to be valid the one or more of the following could occur:
  - a. Verbal counseling and complaint placed in the 'Watch File' (for SI's)

- b. Reduction in Pay
- c. Reduction in Rank
- d. Termination

- The complainant receives a letter from the chief of police after the investigation is completed. By law, the chief is not allowed to state the final determination or consequence.
- By state law, (State Personnel Board Rule 52.3) the officer may request a Skelly Hearing if they disagree with the final result of the investigation or its consequence.

### **RECOMMENDATIONS**

The Livingston Police Department should continue to follow proper procedure in conducting Internal Affairs Investigations.

### **COMMENDATIONS**

The Livingston Police Department is doing a just and balanced job in their Internal Affairs Investigations.

The Grand Jury would like to thank the Livingston Police Department for their level of cooperation and the exemplary thoroughness of their Internal Affairs Investigation process.

## LOS BANOS POLICE DEPARTMENT

### **INTRODUCTION:**

The Merced County Civil Grand Jury has at their discretion, under California Penal Code 925A, the ability to investigate and report on the operations, accounts and records of officers, functions, methods or system of performing duties of law enforcement agencies within Merced County. The 2004-2005 Grand Jury chose to look at the City of Los Banos Police Department Internal Affairs practices.

### **METHOD OF INVESTIGATION:**

03/05/05      A Grand Jury committee spoke with Chief Mark Knapp.

04/30/05      A Grand Jury committee visited the police department in Los Banos. Several Internal Affairs files were reviewed.

### **FINDINGS:**

- The Los Banos Police Department (LBPD) employs 61 people. Thirty-seven officers are sworn. The population of Los Banos is approximately 32,380.
- LBPD had one complaint in the 2004 calendar year. There are a total of five complaints to date in 2005.
- A complaint is taken by either the chief or the commander during the day and by the on-duty sergeant or watch commander at night.
- The complaint form is clear. The complaint form is printed in 26 different languages.
- If the complaint is made against the rank sergeant or higher it is investigated by the City Manager or the City Attorney.
- The chief reviews the complaint and determines if it becomes an internal investigation. The chief then decides to whom the complaint should be assigned. Most complaints are investigated by a sergeant or above.
- Each step of the process is documented, including transcripts of each interview.
- Once the investigation is completed, the investigator will offer conclusions to the chief who will then review the entire file and make a suggestion to the chief of police. The chief then determines the proper steps to take.
- In the event the complaint is valid, one or more of the following may occur:
  5. Verbal counseling and information kept in complaint file
  6. Reduction in pay
  7. Reduction in rank
  8. Termination

- The complainant receives a letter from the chief of police after the investigation is completed. By law, (State Personnel Board Rule 52.3) the officer may request a Skelly Hearing if they disagree with the final result of the investigation or its consequences.

### **RECOMMENDATIONS:**

The Merced County Grand Jury recommends the Los Banos Police Department continue to follow current procedures regarding processing complaints against individuals in the department.

The Merced County Grand Jury recommends the Los Banos Police Department research grants and other funding sources to augment their budget.

### **COMMENDATIONS:**

It appears the Los Banos Police Department is doing a just and balanced job in their Internal Affairs Investigations.

The Merced County Grand Jury would like to commend the Los Banos Police Department for unwavering cooperation during this process.

# MERCED POLICE DEPARTMENT

## **INTRODUCTION:**

The Grand Jury may investigate, at its discretion the operations, account, and records of the officers departments, functions, and the method or system of performing the duties of any law enforcement agency located within the county in accordance with Penal Code §925 a. The 2004-2005 Grand Jury chose to look at the City of Merced Police Department Internal Affairs practice.

## **METHOD OF INVESTIGATION:**

06/02/05          A Grand Jury committee interviewed Police Chief Dossetti.

06/02/05          Several complaints from 2003 and 2004 were randomly selected and reviewed.

## **DOCUMENTATION:**

The following forms were reviewed:

Personnel Complaint Procedure – Section 1020.

Public Employees Relations Act – Section 3209, relates to Public Safety Officers Rights of the Merced Police Department – Section 340, Disciplinary Policy.

Merced Police Department Form 19 “Complaint Form.”

Merced Police Department Form 20 “Findings” includes disciplinary action if warranted.

## **FINDINGS:**

- The City of Merced has a population of 73,000. There are 81 sworn and 39 non-sworn officers. MPD offers some bi-lingual services in Hmong and Spanish. There are currently 5 sworn officers positions open.
- .Section 1020 relates to the following:
  - The purpose of the procedure.
  - The procedures for filing.
  - The various types of dispositions: sustained, not sustained, unfounded, exonerated.
  - Documentation of each finding.
  - Corrective Actions taken and
- The Merced City Police department has revised their complaint procedures to allow for an informal resolution prior to filing a formal complaint.
- In 2004, there were 17 complaints, seven were generated by the public. This is a reduction from the previous year when 27 formal complaints were filed.
- Complaint form 19 is provided in English only.
- In order for a full investigation to be conducted, the complainant must submit an official complaint form.

## **RECOMMENDATIONS**

1. Complaint form 19 should be made available in additional languages to reflect the diversity of the community.
2. Citizens complaint procedure handout should be changed to clearly define the process.

## **DISPOSITION OF OTHER COMPLAINTS**

### **COMPLAINTS**

### **DISPOSITIONS**

#04-05-04	Complaint was withdrawn by complainant.
#04-05-05	The Grand Jury determined that there was insufficient information to complete an investigation.
#04-05-07	The Grand Jury determined that the information provided was too outdated to complete an investigation.
#04-05-10	The Grand Jury determined that an investigation was not warranted at this time. A letter was sent to the complainant referring to another agency to file a complaint.
#04-05-11	The Grand Jury determined that an investigation should not be conducted at this time because the inordinate amount of publicity on the case could compromise the investigation, and the content of the complaint was in litigation.
#04-05-13	The Grand Jury determined that this complaint was not within the jurisdiction of the Grand Jury.
#04-05-14	The Grand Jury determined that since this case anonymous and additional information was necessary, this complaint could not be investigated.
#04-05-16	The Grand Jury determined that there was insufficient time to complete an investigation before the end of the term. Therefore, this complaint will be forwarded to next years Grand Jury for consideration.
#04-05-18	The Grand Jury elected not to investigate this complaint.
#04-05-19	The Grand Jury determined that the information provided was too outdated to investigate complaint.
#04-05-20	The Grand Jury determined that there was insufficient time to complete an investigation before the end of the term. Therefore, this complaint will be forwarded to next years Grand Jury for consideration.
#04-05-21	The Grand Jury determined that the content of this complaint was addressed in another complaint of similar nature.
#04-05-22	The Grand Jury determined that there was insufficient time to conduct an investigation before the end of the term. Therefore, this complaint will be forwarded to next years Grand Jury for consideration.
#04-05-23	The Grand Jury determined that there was insufficient time to conduct an investigation before the end of the term. Therefore, this complaint will be forwarded to next years Grand Jury for consideration.

#04-05-24

The Grand Jury determined that there was insufficient time to conduct an investigation before the end of the term. Therefore, this complaint will be forwarded to next years Grand Jury for consideration.

## RESPONSES TO THE 2003-2004 GRAND JURY REPORT

### MERCED COUNTY SHERIFF'S DEPARTMENT

#### MAIN JAIL

#### MANDATED INSPECTION

#### **Grand Jury recommendation:**

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.

#### **Response:**

I appreciate and thank the Merced county Grand Jury for their annual mandated inspection of the Merced County Main Jail and the Merced County Adult Correctional Facility.

In accordance with Section 933 of the California Penal Code and in response to those recommendations for the Merced County Main Jail and the Merced County Adult Correctional Facility, attempts will be made throughout the ensuing year to fulfill those approbations as suggested by the Merced County Grand Jury.

Sincerely,  
Mark N. Pazin  
Sheriff-Coroner

The Board of Supervisors has reviewed the findings and recommendations of the 2003/2004 Grand Jury Report. Responses from elected and appointed officials have been received and were forwarded in accordance with the provisions of Penal Section 933. The following acknowledgments and information are presented on those issues of significance pertaining to matters under the control of the Board of Supervisors.

## **SHERIFF**

The Grand Jury made a number of recommendations regarding the Main Jail and Correctional Facility. The recommendations included the Sheriff continuing to seek outside funding sources to augment the budget shortfall, exploration of funds for criminal justice system improvements, actively pursuing the approval for construction of a new jail facility, addressing human resource allocations as recommended by the California Board of Corrections Staffing Analysis, making necessary minor repairs to facilities, ensuring appropriate staffing during visitation, working with the Board of Supervisors for additional operating expense funds, forming a committee to develop a plan to build onto the existing correctional facility and to finance the project, ensuring adequate staff is hired and maintained, assigning another officer to the work furlough program, developing a more secure prisoner visitation area, conducting random searches of cells, installing a camera and bullet-proof glass for additional security, considering a law library, working with Court administration to ensure that the new court facility has adequate inmate holding areas, conducting monthly staff meetings with correctional officers and having the board of Supervisors visit the Sandy Mush Correctional facility on an annual basis.

The Sheriff responded to the recommendations. The Board has established public safety as a priority as evidenced in a \$17.2 million overmatch of the Proposition 172 Maintenance of Effort requirement. The Board supports and encourages the Sheriff to review and identify alternative funding resources towards facility staffing and operations. In addition, the Board of Supervisors will continue to work within fiscal constraints to assist the Sheriff regarding the various other recommendations listed.

The Board appreciates the Grand Jury's commendation to the Sheriff and staff for addressing the various issues regarding security, safety and operations.

## **PROBATION**

The Grand Jury made two recommendations under the mandated inspections section of their report. The report included recommendations to incorporate vocation training into the curriculum and to demolish the older juvenile facility.

The Chief Probation Officer responded to the recommendations. The Board is looking forward to full implementation of programs at the new Juvenile Justice Correctional Complex and appropriately disposing of the older facility that was vacated. The Probation Department is

currently working with the Merced County Office of Education in developing a vocational education program to be implemented during the next calendar year.

The Board appreciates the Grand Jury's commendation regarding the priority the Board has placed on completing the new facility and for ensuring appropriate credentials for the Chief Probation Officer and Division Manager positions. The Board also appreciates the Grand Jury's commendation to the Chief Probation Officer and staff for ensuring that the department functions well even at minimal staffing levels.

#### **HUMAN RESOURCES – COMPLAINT 03-04-14**

The Grand Jury made two recommendations for Human Resources. The Acting Human Resources Director responded to the recommendations that included a need to inform applicants that all interview questions will be rated equally and revising Resolution #91-32.

The Board of Supervisors support a fair employee selection process that identifies the most capable individuals for each job opening. The County Human Resourced Department's current interview process supports a practice that attempts to identify the most qualified persons through a series of questions presented to all applicants. Questions may vary in weight and importance depending on the significance that answers may have on required qualities and the merit of focus for questions. The same questions, with consistent weighing, are presented to all interviewees. During the interview process, applicants will continue to be advised of the importance of responding to all questions and to provide information about themselves and their qualifications. In addition, plans are already in process for revising Resolution #91-32 by the end of the 2005 Fiscal Year.

The Board appreciates the Grand Jury's commendation to the Acting Human Resources Director and staff for their assistance and cooperation during this investigation and to the Auditor-Controller for supplying requested documents in a timely manner.

#### **COUNTY EXECUTIVE OFFICE AND BOARD OF SUPERVISORS – COMPLAINTS 03-04-03 & 03-04-02**

The Grand Jury made recommendations for the County Executive Officer to avoid excess waste and for the Board of Supervisors to ensure their travel is necessary and justifiable and to keep in mind that they are elected officials whose job is to serve the people of Merced County.

The County Executive Officer responded to the Grand Jury recommendations. The Board of Supervisors remains committed to preserving the County's stability by ensuring that all spending is appropriate and that unnecessary waste is avoided. Board members will continue to be fiscally responsible by evaluating the necessity of all travel and always keep in mind their role in serving their constituents when discussing and making decisions that affect the County.

In addition, The Grand Jury also investigated the closing of the Central Duplicating department and their findings reported that there was justification in closing the department. The Board concurs with the findings of the Grand Jury that the closing of the department was necessary.

The Board appreciates the Grand Jury's commendation to County employees for their efforts to ensure appropriate expenditures within their departments.

#### **HUMAN SERVICES AGENCY – COMPLAINTS 03-04-09 & 02-03-08**

The Grand Jury made recommendations that Child Welfare Services comply with the mandated rates for foster families, that proper monitoring is provided to ensure the appropriate use of funds, that more people be employed to improve response times, that a training be hosted to include various mandated reporters, that communication be facilitated between their agency and mandated reporters, and that school districts are provided assistance in scheduling and providing training to mandated reporters on a yearly basis.

The Human Services Agency has responded to the recommendations. Child welfare and safety is a priority of the Board. The Board supports the agency's efforts in advocating for a different state rate payment schedule. Agency staff training will include guidelines for various checks to ensure physical and material needs are met. In addition, on June 11, 2004, the Board approved the addition of nine employees to the Child Welfare division to provide better response to the community. A number of other measures are being taken by the Human Services Agency which includes taking the lead role in facilitating and sponsoring a children's summit, publishing and distributing a booklet on sexual abuse, developing a program to improve communication and education regarding the issue of sexual abuse, working with Mental Health to develop a therapeutic foster parent program, working with the Foster Parent Association to improve relations and boost recruitment efforts, meeting with law enforcement officials for cross training of staff, and meeting with the educational community to improve collaborative efforts. Due to laws governing confidentiality of some child welfare information, all information cannot be communicated and thus staff may sometimes appear unresponsive. Although many responses have been via telephone, staff now responds in writing in order that proper documentation is available. Although the employer of record is the entity responsible for training their own mandated reporters, the Board encourages Human Services Agency to assist school, where feasible, with appropriate training and assessments for mandated reporters.

The Board appreciates the Grand Jury's commendation to the Child Welfare Services for developing a Human Services Agency Profile 2003/2004, for providing training to teachers at the school sites and for sponsoring and participating in the Merced County Children's Summit.

## **OTHER ISSUES**

Under the section relating to various other concerns of the Grand Jury, several recommendations were put forth that would save time, money, and better assist the Grand Jury in their duties. The recommendations included modifying the Merced County Grand Jury website to present important information to potential Grand Jury applicants, advertising in local newspapers to increase public awareness and to provide an avenue for prospective Grand Jurors to apply, to obtain a dedicated space to create and house essential handbooks, training manuals, policies and procedures of various county departments, past Grand Jury reports, and other resources, to facilitate a dedicated phone line and email address to improve the public's communications with the Grand Jury, to update all the forms used by the Grand Jury and provide the forms on the Merced County Grand Jury website for download, and to increase the budget allocation for printing and distributing the final report.

The Board of Supervisors is committed to ensuring that the Grand Jury is provided with the resources necessary to effectively perform their duties. To improve accessibility, the Information Systems Department has created an e-mail address specifically for use by the Grand Jury, has made available various new forms and the 2002/2003 and 2003/2004 Grand Jury Reports on the Merced County website, and has provided the Grand Jury Foreperson with a cellular phone.

**Grand Jury Follow-up:**

Grand Jury accepts the response.

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

**Grand Jury recommendation:**

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.*

*Bulletproof 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.*

**Response:**

**Grand Jury Follow-up:**

**MERCED COUNTY JUVENILE DETENTION CENTER**  
**Mandated Inspection**

Grand Jury recommendation:

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.

**Response:**

Contained within the Grand Jury's Report is a section on the mandated inspection of the Merced County Juvenile Detention Center, otherwise known as the Juvenile Hall. That report contains eight "Findings", relative to the current Juvenile Hall, eleven "Findings", relative to the new Iris Garrett Juvenile Justice Correctional Complex, and two "Recommendations". Following is this Department's response to these "Findings" and "Recommendations", as required pursuant to sections 933 and 933.05 of the California Penal Code. Below, each of the "Findings" relative to the current and new facility will be responded to in the order in which they were presented in the Grand Jury's Report with comment on the two "Recommendations" made by the Grand Jury.

AT the outset of the report it is mentioned that juveniles are under the age of 18 and are classified as "status offenders". This in part is true in that being under the age of 18 gives them the status of juveniles. However, Probation Departments, when referring to status offenders are usually referring to Welfare and Institutions Code section 601 minors who are described as runaways, out-of-control or truant minors. By virtue of this description their status imparts their crime and if they were adults they could not be in charged with any wrong doing.

**Findings – Juvenile Hall**

1. Finding One, is accurate with reference to the current facility and it's condition.
2. As clarification to Finding Two, it is important to note the rated capacity of 42 for the Juvenile Hall is set by the State board of Corrections. The maximum capacity of 50 was set by this writer in consultation with the Superior Court Judges and takes into account the safety of both

the employees who work at the facility, the minors incarcerated therein, and the requirements set forth in the California Administrative Code. The staffing ratios are correct as noted.

3. Finding Three is accurate relative to minors going through the court process. It is also correct that most youngsters serve only one third of any court ordered commitment at the facility, the remaining two thirds of the commitment is served at home on an electronic monitoring program or in an alternative program.
4. This writer concurs with the information in Finding Four.
5. This writer concurs with the information in Finding Five.
6. Finding Six notes that the “west wing was built in 1984 and is the most up to date.” As clarification the most recently built and up to date wing would be south wing II. Relative to the other three wings (south I, east and west) all have up to two rooms with toilets, however the other rooms without toilet or sinks require that minors be taken to a central restroom facility. This will not be the case in the new facility where each room has a toilet, sink and drinking fountain.
7. This writer concurs with the information in Finding Seven.
8. The information contained in Finding Eight is accurate.

#### Findings – Iris Garrett Juvenile Justice Correctional Complex

1. Relative to Finding One it should be noted the total cost for the new Iris Garrett Juvenile Justice Correctional Complex was \$23 million which included planning, assessments, Architectural fees, Engineering fees, Construction Management fees and the cost of actual construction.
2. As clarification to Finding Two, the new facility comprises 58300 square feet contained within three buildings. In addition, the “booking area” for law enforcement officers is not located off the main entrance, but in a secure location on the western side of the Administration/Intake building.
3. This writer concurs with the information in Finding Three.
4. This writer concurs with the information in Finding Four.
5. Finding Five refers to “10 self-contained living units”. There are in fact eight self contained living units or “pods”. Other information in this finding is accurate.
6. The information is correct in Finding Six. In addition, it should be noted this same area will provide parking for the Juvenile Court Commissioner and the entrance and area of delivery for minors being admitted to the facility by law enforcement officers.
7. This writer concurs with the information in Finding Seven.
8. At the time of the Grand Jury’s inspection the information in Finding Eight was accurate. However, as of this writing the dates for occupying and opening this new facility have changed.

The Department took possession of the new facility on June 7, 2004, for the purposes of furniture set up. On June 21, 2004, the Department was given authorization to begin using the facility to conduct training, and therefore, the first week long training session with employees began. Those training sessions have been taking place every week since that date. It appears all is in order for the facility to begin operating in mid August 2004. At that time the Administration/Intake and first residential living unit will open for the purpose of holding youngsters in detention while they go through the Juvenile Court process. This residential living unit is rated by the Board of Corrections to hold 60 minors in detention. In January of 2005, it is now anticipated the first 30 rooms of the second residential living unit will be opened and staffed allowing for minors to serve time on court ordered commitments and to provide the beginning for the new R.E.T.U.R.N. commitment program. This program will be aimed at youngsters who need time away from the community in order to restructure their lives before being released to attempt to live a delinquency free lifestyle. This program will be evaluated and adjusted to respond to the minors committed to it over the first six to nine months of its trial period. In September of 2005, it is anticipated this program will go fully operational. This will mean that the last 30 rooms in the second residential living unit will open bringing that building to a rated capacity of 60 rooms of which 15 will be used for short court ordered commitments and 45 will be used for the R.E.T.U.R.N. program. When fully operational the facility will house up to 120 minors.

9. This writer concurs with the information in Finding Nine.

10. This writer concurs with the information in Finding Ten.

11. This writer is convinced and hopes the information in Finding Eleven will prove to be true. Only operation of the new facility will bear this finding out.

#### Recommendations

1. The information contained in Recommendation One has been forwarded on to the Director of the school program for the new facility. Planning for vocation education has been in the planning stages for some months with a component to hopefully allow practical application of the skills learned.
2. The disposition of the current facility will be made by the Board of Supervisors. Once all functions of the current facility are moved to the new Iris Garrett Juvenile Justice Correction Complex this Department will no longer occupy, operate or maintain the facility.

Cc: Deidre Kelsey, Chairperson, Merced County Board of Supervisors  
Demitrios Tatum, County Executive Officer  
James Brown, Assistant County Executive Officer

#### ***Grand Jury Follow-up:***

Grand Jury accepts the response.

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

#### **Grand Jury recommendation:**

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.

**Response:**

Human Resources completed a review of the Merced County 2003-2004 Grand Jury Report and in response to the findings and recommendations for Complaint #03-04-14 are the following comments.

**FINDINGS**

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

Response: CEO-Human Resources concurs that we are in compliance with 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.

Response: Candidates are informed they are to come prepared to respond to the questions, and to give information about themselves within the time frame allotted. They are further informed they are to be prepared to tell the interview panel why they believe they are qualified and suited for the position. The final question is part of their score of their overall presentation.

- \* Applicants were graded on a 100% point system, with a total of 10 questions. Each is worth 10 points.

Response: The questions are not worth 10 points each. The questions are divided among four rating sections, and the interview panel members grade from 65 (Unacceptable) to 100 (Superior) the response to the questions that correspond to that rating section. The panel members then total each of the four sections; then divide by four to receive the average score for the candidate.

**RECOMMENDATIONS**

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

Response: Each question is not rated equally as stated in the previous response. However, the applicants are informed that they are to be prepared to respond to the questions asked, and to give information about themselves, and why they believe they are qualified and suited for the position.

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

Response: Human Resources was already involved in revising #91-32. It will be completed prior to the end of Fiscal Year 2005.

***Grand Jury Follow-up:***

Grand Jury accepts the response.

**MERCED CEMETERY DISTRICT**

**Complaint #03-04-21**

**Grand Jury recommendation:**

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.

**Response:**

Thank you for allowing us to respond to the findings and recommendations of the Grand Jury in regards to Complaint #03-04-21. As I mentioned to you over the phone we were completely unaware of this until this afternoon. The Superintendent went out on sick leave on September 29<sup>th</sup>, 2004. I have been acting on her behalf since that time.

In response to the findings:

- We currently employ 6 groundskeepers, 2 office staff personnel and myself (grounds supervisor). We have been working at this level since about July/August of 2004. The board of trustees made a decision to cut the grounds crew down to 7 from 10. We are in the process of possibly bringing on 1 more grounds man. I am waiting for the board of trustees to pass the next budget to determine if it is feasible to do so. We currently utilize all of the extra – help personal to help with the duties here at the Cemetery.
- We have made every effort to make sure all notices pertaining to public meetings have been posted at least 72 hours in advance. We have not received any complaints to the contrary that I am aware of. We have not asked for nor required a signature to any person requesting public meeting minutes or admittance to a public meeting.
- I cannot personally address the issue of term limits for board members
- The fee increase in regards to burials has remained. During my time as acting superintendent I have not received nor heard any complaints about the prices.
- In General, the overall public relation issues have improved dramatically. We currently receive a lot of positive feedback from the general public, Funeral Home Directors, The Friends of the Cemetery Members and admitted long time complainers. There is always more work to be done, but we have worked tirelessly at improving the overall appearance and image of the Merced Cemetery District.
- All but two gates at Calvary Cemetery have been reopened. The last gate on Highway 59 south, closest to Childs Avenue, will remain closed indefinitely for obvious safety reasons. We will reopen the last gate sometime early in July, 2005.
- Vandalism and theft is unpredictable, but has seemed to slow down this past new year. We have not had any major items lost or stolen in quite some time. This is due largely to two new higher security steel cargo containers purchased in the past year and a much more diligent and responsible work crew.
- We currently have alarms on our main shop buildings and maintenance yards but not on our main office building. I agree that we should have some type of alarm system. I will look into this matter.
- We currently, and for the last year and a half, keep all vehicles and equipment maintained and serviced on a regular schedule. This is done primarily by one of our staff designated as mechanic. Some larger repair and service requirements are sent out. We keep all records of any service or repair performed on all equipment.
- I am currently in the process of trying a couple of Cemetery software programs that will help organize the Cemetery operations. One of our board members has been a huge proponent of

computerizing all record keeping. The current software demos I am looking at are Cemtrak and Pontem. Both appear to be viable options at this point. It is just a matter of settling on one.

***Grand Jury Follow-up:***

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

**Grand Jury recommendation:**

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.

**Response:**

This is a response to the Grand Jury Report regarding the new County logo, and employee compensation plan, and Board of Supervisor's travel, found on pages 22 and 23 or the selected reviews section (Complaint #03-04-03). The Report includes findings and recommendations referring to the County Executive Office and the Board of Supervisors.

*New County Logo:* The County Executive Office is committed to preserving the County's stability by ensuring that all spending is appropriate and that unnecessary wastes are avoided. The new County logo was developed in connection with a new mission statement committing the organization to a new level of service and professionalism. In order to ensure a cost effective implementation of the new logo, it was electronically incorporated into each department's letterhead to provide the ability to print documents directly from their computers without ordering pre-printed stock. In addition, departments were requested, during an all department head meeting, to phase out their old stock prior to using the new logo. At the same time, the new logo was being implemented, the United States Post Office was changing requirements for presort mail which receives reduced rates. Therefore, many departments were ordering new envelope stock to incorporate these new requirements. This may have created some confusion over the amount of expenditures mentioned in the Grand Jury's Report related to the ordering of supplies.

*Employee Compensation Plan:* In order to meet the changing needs and growth within the community, the county is evaluating its business practices, which includes the type and delivery of services provided to the community. One of the business practices considered was compensation plan that would require employees to perform and not just show up to work. The proposed pay-for-performance plan would have done away with annual cost of living adjustments and required employees to meet and exceed certain standards in order to receive any future increases in compensation. If an employee did not strive to help the organization excel to the meet the needs of the community, they would not receive any increase in compensation the next year. Since the proposed plan would have been a significant change in business practices, it was proposed to be implemented in phases. The first phase considered department heads with phasing in the remaining employees. The pay-for-performance plan was not implemented, and the Board of Supervisors did not approve a salary increases for any employees while considering the proposed pay-for-performance plan.

*Board of Supervisor Travel:* The Grand Jury Report includes findings that the Board of Supervisors' travel habits are not excessive. The Board members serve the interest of their constituents, and are always conscientious about ensuring that travel expenses are incurred only when necessary and when justifiable. Board travel may be necessary for variety of reasons, including but not limited to, advocating for new legislation or county issues, researching funding opportunities, finding better ways of doing business and for training. Board members continue to be fiscally responsible by evaluating the necessity of all travel.

***Grand Jury Follow-up:***

Grand Jury accepts the response.

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

**Response:**

This is a response to the Grand Jury Report regarding the closing of the Central Duplicating Department, found on pages 24 and 25 or the selected reviews section (Complaint #03-04-02). The Report includes findings and recommendations referring to the County Executive Office.

The County Executive Office concurs with the findings of the Grand Jury that the closing of the Central Duplicating Department was necessary due to the cost and quality of the product. The need for accurate and quality materials required the County to look at other more reliable and cost effective alternatives. The County Executive Office is charged with ensuring that services is as premier as what is expected from all County Departments and employees.

***Grand Jury Follow-up:***

Grand Jury accepts the response.

**MERCED COLLEGE POLICE DEPARTMENT**  
**Complaint #03-04-11**

**Grand Jury recommendation:**

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.

**Response:**

**GRAND JURY REPORT RESPONSES**

**FINDINGS:**

1. **Finding:** 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 the 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 un-cashed check dated from a previous year was found in the box of the receipt books.

- *Respondent agrees with the finding.*

2. **Finding:** Currently, there is no accounting policy at Merced College.

- *Respondent agrees with the finding with respect to the police and security department.*

3. **Finding:** Inappropriate corrections were made on police employee's time cards. Employees were instructed to use compensatory time during the week following that in which it was earned.

- *The respondent disagrees with the finding on the basis of lack of information.*
- *Nonetheless, all MC Police Department employees will be instructed as to proper procedure for completion and changes on employee time cards. Employees will indicate prior to accruing overtime if that time will be taken as compensatory time.*

4. **Finding:** 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.

- *Respondent agrees with the finding.*

5. **Finding:** Employees were removing DRMS equipment from the college premises with and without permission.

- *The respondent disagrees with the finding on the basis of lack of information.*
- *However, proper procedure for removing equipment from college premises will be reviewed with all department employees.*

6. **Finding:** 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.

- *Respondent agrees with the finding.*

7. **Finding:** Merced College police are not authorized to issue moving violations at this time. They continue to issue parking citations.

- *Respondent agrees with the finding.*

8. **Finding:** 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.

- *Respondent agrees with the finding.*

9. **Finding:** Extra help employees are not issued parking permits. They must pay the \$1 daily fee or the \$20 semester fee to park their automobiles.

- *Respondent agrees with the finding.*

## **RECOMMENDATIONS:**

1. **Recommendation:** 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. The process should be implemented throughout the college for consistency and record keeping, should other departments initiate the collection for fees for services.

- *This recommendation has been implemented for the MC Police Department and requires further analysis for other college departments.*

2. **Recommendation:** There should be a policy and procedure manual developed regarding revenue collection.

- *The recommendation has not yet been implemented but will be implemented in the 04-05 year.*

3. **Recommendation:** 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.

- *The recommendation has been implemented.*

4. **Recommendation:** 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.

- *The recommendation requires further analysis.*
- *Some of the equipment may be appropriate for other employees and departments. Proper procedure for removal of college equipment from district property will be reviewed with the department in six months.*

5. **Recommendation:** 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.

- *The recommendation requires further analysis.*
- *District staff will review DRMS equipment storage and use within six months.*
- *The equipment will be inventoried and stored/used as appropriate.*

6. **Recommendation:** An inventory should be conducted annually on the DRMS equipment.

- *The respondent disagrees.*
- *The equipment will be inventoried as per college procedures.*

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

- *The recommendation requires further analysis.*
- *District staff will be addressing the accessibility issue as part of a contract with a local law enforcement agency.*

- *The district anticipates contracting with a local law enforcement agency within six months and will address hours on campus in the contract and accessibility issues. The Sheriff's Department is currently available 24/7 by pager or phone.*

8. **Recommendation:** 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.

- *The recommendation has not been implemented.*
- *The department will study and review this issue before making a recommendation to the Board of Trustees during the 04-05 year for discussion.*

9. **Recommendation:** 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.

- *The recommendation requires further analysis.*
- *The Board will consider requiring meetings and committees as appropriate after review during the next six months.*

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

- *The recommendation requires further analysis.*
- *The Board will determine who is responsible for progress reports as appropriate within six months.*

11. **Recommendation:** 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.

- *The recommendation requires further analysis.*
- *The district will review this issue and take appropriate action within six months.*

***Grand Jury Follow-up:***

There was little information given as to the type of analysis needed in order to implement the recommendations, nor was there any justification given as to why certain recommendations would not be implemented. It is strongly recommended that the 2005-2006 Grand Jury follow up with this response.

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

**Grand Jury recommendation:**

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.

**Response:**

***Grand Jury Follow-up:***

Grand Jury accepts the response.

**CITY OF DOS PALOS POLICE DEPARTMENT**

**Grand Jury recommendation:**

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.

**Response:**

Thank you for providing a copy of the Merced county Grand Jury final report to this agency (the City of Dos Palos) for review.

Please note the following responses as required by law per Penal Code 933 b and 933.05 a:

“The respondent (this agency) agrees with the finding(s).”

Please note the following responses as required by law per Penal Code Section 933 b and 933.05 b:

“The recommendation(s) have been implemented, with a summary regarding the implemented action as follows:

1. Regarding an audit of **police association** accounts and documents turned over to the Merced County District Attorney for criminal investigation: As neither this association nor its accounts are part of the City of Dos Palos, and as it does not use city funds or taxpayer dollars, this recommendation apparently does not apply to the City of Dos Palos.
2. The Dos Palos Police Department has developed a written policy for the handling of **evidence and property**, approved by the city council on August 3, 2004 and implemented on August 4, 2004.
3. The Dos Palos Police Department has developed a written policy for **department-issued cell phone usage**, approved by the city council on August 3, 2004 and implemented on August 4, 2004.
4. The Dos Palos Police Department has developed a written policy regarding **nepotism**, approved by the city council on August 3, 2004 and implemented on August 4, 2004.
5. The Dos Palos Police Department has developed a written policy regarding **complaints against officers**. All future complaints against officers will be investigated (none pending). Future investigation results will be noted in both personnel files as permitted by law and an internal affairs investigation file, approved by the city council on August 3, 2004 and implemented on August 4, 2004.
6. The Dos Palos Police Department has developed a written policy regarding **employment qualifications** approved by the city council on August 3, 2004 and implemented on August 4, 2004. Due diligence will 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, the issues will be addressed expeditiously, and the employee will be placed on administrative leave until the matter is resolved. In addition, the Police Department has developed a written policy regarding Reserve Officers entitled “**Reserve Officer Guidelines**” approved by the city council on August 3, 2004 and implemented on August 4, 2004.

***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 #02-03-08**

**Grand Jury recommendation:**

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

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

**Response:**

The Grand Jury did a good job in sorting reality from misinformation and flawed perceptions. Their recommendations are received with acknowledgement of their positive intent and we will strive to meet the stated goals.

To the issue of monitoring the proper use of foster care funds, we have scheduled an in-service training for Social Workers to remind them to check the children's belongings when they go out to do their face-to-face contacts. They are also to do a face-to-face with each child without the foster parents being present to ensure that their physical and material needs are being met. This will also be added to the induction training for all incoming Social Workers.

To the issue of adding more staff – the Department of Human Services went to the Board of Supervisors on June 11, 2004, and with the assistance of CEO Demitrios Tatum, was successful in adding nine (9) positions to the Child Welfare division.

The Department of Human Services took a lead role in facilitation and sponsorship of the Children's Summit for the purpose of engaging people to embrace the well being of children as a county-wide community issue.

We published a booklet on sexual abuse – what it is and what to do about it as part of our community education outreach. Additionally, we are in the developmental stages of a broader more comprehensive communication and community education campaign.

To the issue of foster homes – we are advocating with the State for a different rate payment schedule. We are working with Mental Health to develop a therapeutic foster parent program. We are also working with the Foster Parent Association to improve relations and boost recruitment efforts.

To the issues of improving relations with law enforcement and education, we met with Chief Dossetti and with Sheriff Pazin to discuss cross training of our staff. We are also sitting on the P16 council and engaging the educational community in dialogue as well as working on joint projects to further improve collaboration.

The Response Notice of Referral Disposition is completed by the social worker and sent back to mandated reporters to let them know that we have gone out on their call. It does not tell them what we have done about the issue of if we have legal cause to take action. By law we are unable to provide any more feedback. Regrettably many mandated reports feel they should get more information and consider us unresponsive. We are required to respond via phone call or in writing. We have stopped responding by phone and do so exclusively in writing, so that we have documentation verifying our response. We have also incorporated proper response procedures into our induction training for new worker to ensure the dutifully fill out the referral disposition.

To the issue of assisting schools to schedule and provide training to mandated reporters on a yearly basis. The employer of record is the responsible party for training their mandated reporters. They can hire someone to do the training, or do it themselves. As a courtesy, when asked Human Services provides the training at no cost. We are very willing to accommodate the training needs of the community about mandated reporting, but we do not have the resources to do scheduling for other agencies. Since this is the second year that this issue has been addressed we have contracted with the Family Resource Council, and the Children's Services Network to develop a permanent display and instructional exhibit about mandated reporting.

***Grand Jury Follow-up:***

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