

# **Merced County Civil Grand Jury Final Report 2016-2017**



**Los Banos Sub-Station/Courthouse (1980-2016)**



**Robert M. Falasco Justice Center, Superior Court of Merced County (2016)**

## Acknowledgement

The Merced County Civil Grand Jury is proud to present the new Robert M. Falasco Justice Center, Superior Court of California as its cover for the 2016-2017 Grand Jury Final Report.

The original Los Banos Courthouse built in 1980 served as the Westside's Justice Center for more than three decades. The facility was shared by the Superior Court and county Sheriff's Department. Approximately one-third of the county-owned building was occupied by the court, with a single courtroom and associated space for court operations. The facility was often overcrowded, with more than 300 people entering and exiting daily through one single entrance. In-custody detainees were transported through corridors also used by the public and court staff, which created potential security risks and safety issues. The old courthouse building had limited space for daily operations and inadequate heating/air conditioning, mechanical, plumbing, and electrical systems. The original Los Banos Courthouse qualified to be rebuilt with the passing of Senate Bill 1407 in 2008. This bill was enacted to fund new construction or renovation of outdated courthouses. Funding comes from designated judicial branch revenues from court fees, penalties, and assessments. These revenues were used to finance the construction of the new Los Banos Courthouse rather than using taxpayers' dollars from the General Fund. The total project cost was \$26.4 million.

The site for the new Robert M. Falasco Justice Center, Superior Court of California is located at 1159 G Street on the north side of Mercey Springs Road. Acquisition of this land was completed in January 2012, and construction of the new courthouse was completed in September 2016. The new courthouse includes two courtrooms that handle all case types, including criminal, civil, family, traffic, small claims, juvenile, and probate proceedings. Adequately sized and separate holding areas promote improved security features for the public, court staff, and those in custody. The building includes a new self-help center, jury assembly room, and attorney interview/witness waiting rooms. The building was designed with energy efficient features that qualifies it for the Leadership in Energy and Environmental Design Silver Certification by the United States Green Building Council.

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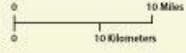
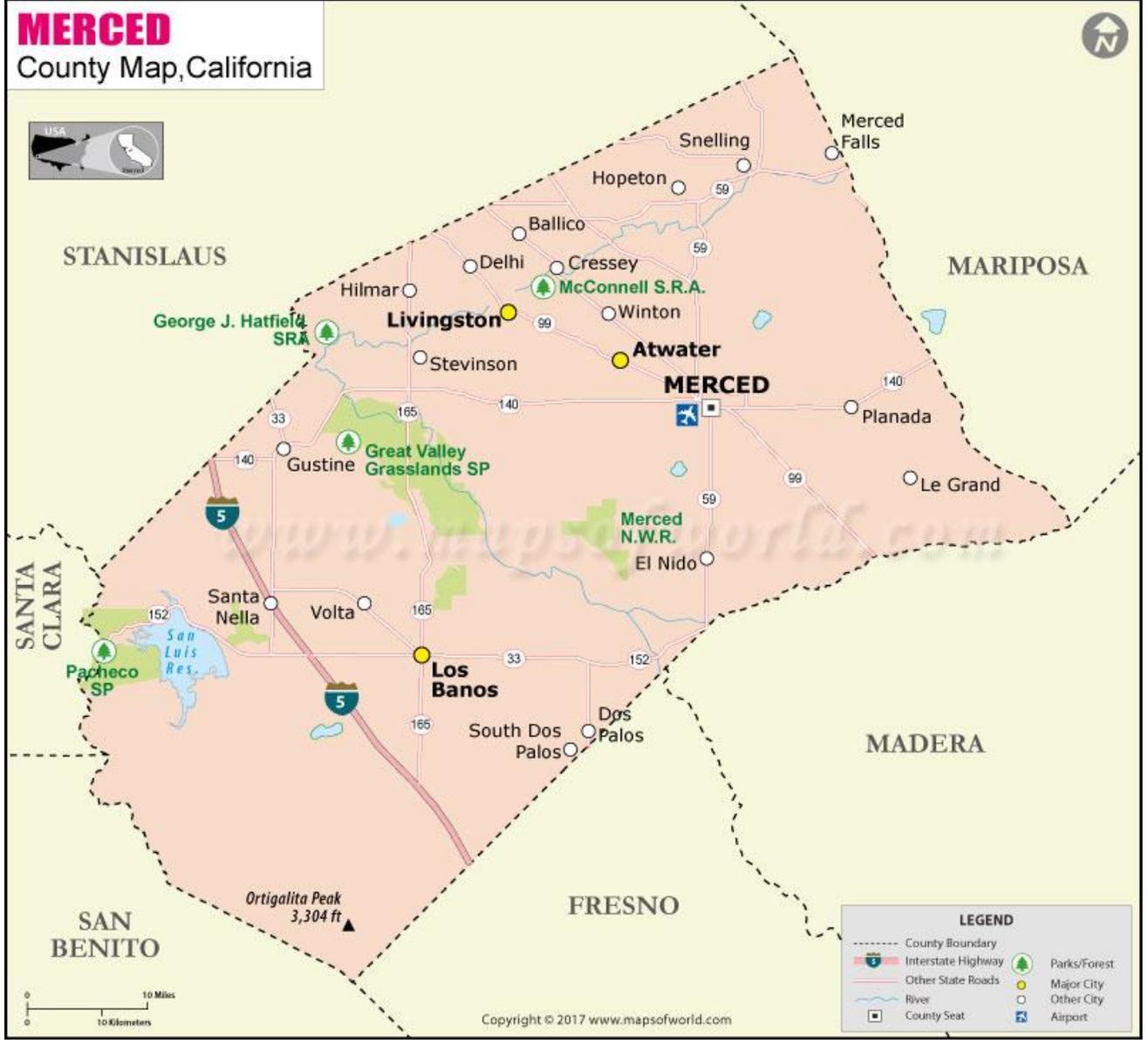
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Photos provided by Mang, Robert (April 2016)

# MERCED

County Map, California



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LEGEND	
County Boundary	Parks/Forest
Interstate Highway	Major City
Other State Roads	Other City
River	Airport
County Seat	

**MERCED COUNTY CIVIL GRAND JURY**

**FINAL REPORT**

**2016-2017**

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**Civil Grand Jury**

P.O. Box 2034

Merced, California 95344

<http://www.co.merced.ca.us/grandjury>

June 29, 2017

The Honorable Paul C. Lo  
Presiding Judge of the Civil Grand Jury  
Merced County Superior Court

Dear Judge Lo:

The 2016-2017 Merced County Civil Grand Jury (Grand Jury) is privileged and proud to be selected to serve as Civil Grand Jurors. We respectfully present our final report to the Merced County Superior Court and to the citizens of Merced County in accordance with California Penal Code, Section 933.05.

As required by law, the Grand Jury inspected the county's three detention facilities: Merced County Sheriff's Department Main Jail Facility, John Latorraca Correctional Center, and the Los Banos Police Department Detention Facility. While not required by law, the Iris Garrett Juvenile Correctional Complex was visited.

The Merced County Civil Grand Jury is a vehicle for the residents of our cities and rural communities to express their concerns when they feel their voices are not being heard. When a complaint is filed with the Grand Jury, Jurors will not only listen, but will, if within their authority and jurisdiction, investigate and provide a report that all residents of the county can access.

The Grand Jury received complaints in a variety of forms. Some provided clarity to the issue and some did not. Some were received from anonymous complainants. Regardless of the complaint, all were evaluated for merit and were treated with respect and consideration. Of the twenty-one (21) complaints received, eight (8) were referred to other available resources for resolution, three (3) were outside the Grand Jury's scope of authority, four (4) were related to topics that were currently being reported by the Grand Jury, three (3) did not provide sufficient detail for the Grand Jury, two (2) in which no action was taken, and one (1) was discovered to be unfounded.

The 2016-2017 Merced County Civil Grand Jury used their expertise and collective knowledge to study the policies and procedures within the county to prepare this report. The complaints brought to our attention have given each of the Jurors a unique perspective and opportunity to understand how city and county governments work and respond with reasonable recommendations.

Jurors attended classes provided by the California Grand Jurors' Association with respect to the investigative process and report writing. Jurors also participated in a class on Ethics in Public Service provided by Merced County.

The Grand Jury extends its sincere appreciation to all city and county agencies for recognizing the importance of our service and their prompt responses for requested information. The acceptance, findings, and implementation of the Grand Jury's recommendations are now the responsibility of the elected officials, cities, and county agencies detailed in this Final Report for the 2016-2017 term.

Serving on the Merced County Civil Grand Jury is a privilege and opportunity for citizens who desire to help make Merced County a place to be proud of and offer an optimistic future for all residents who call our county home.

Respectfully submitted,

Shirley Davis Brown, Foreperson

## 2016-2017 Merced County Civil Grand Jury

(Listed in Alphabetical Order)

1. Anne-Marie Bandoni, Foreperson Pro-Tem
2. Shirley Brown, Foreperson
3. Michael Burger
4. Joe Cedillo
5. Phillip Cota
6. Scott Fisher \*
7. Marilyn Fontes
8. Maria Granica \*
9. Portia Green
10. Andrea Hogue
11. Dan Hultgren
12. Robert Mang
13. Steven Mills
14. Dorene (Bunny) Paskin
15. Brad Pickle
16. Becky Schindler \*
17. Arvery Shelton
18. Elizabeth (Lisa) Slaton
19. Shannon Wight
20. Sally Wooding\*

\* Jurors were unable to complete their term.

The 2016-2017 jury members reside in the following communities of Merced County:

Atwater

Ballico

Los Banos

Merced

Winton

# **MANDATED INSPECTIONS OF JAIL FACILITIES**

## **SUMMARY**

In accordance with requirements of California Penal Code (CPC) Section 919(b), the 2016-2017 Merced County Civil Grand Jury (Grand Jury) conducted inspections of the detention facilities in Merced County. According to CPC Section 919(b), the purpose of these inspections is to inquire into the conditions and management of the jails within the county. Under these provisions, the Grand Jury toured and inspected the following facilities:

- Merced County Sheriff's Department Main Jail
- Merced County Sheriff's Department John Latorraca Correctional Center
- Los Banos Police Department Jail Facility

The Grand Jury determined that all facilities met the minimum standards of the California Corrections Standards Authority (CSA), as specified in Titles 15 and 24 of the California Code of Regulations.

## **INVESTIGATIVE METHODS**

The Grand Jury used an inspection form provided by the California CSA and the California Grand Jurors' Association (CGJA). The inspection form allowed precise documentation of the observations the Jury made during its visit. Each facility manager was also provided the same form to be completed prior to the inspection. The Grand Jury documented facility staffing, condition of the grounds, and the interior and exterior of the buildings. The medical facilities were inspected for deficiencies and/or hazardous practices. The kitchen facility was inspected and meal planning procedures were reviewed for nutritional compliance. Educational and vocational programs were reviewed, as well as inmate discipline and grievance procedures. Inmate classification, orientation, visitation, and correspondence policies were reviewed. Cells were inspected and inmate interviews were conducted.

In addition, the Grand Jury reviewed previous Merced County Grand Jury reports, interviewed staff, and reviewed the most recent inspection reports prepared by the California CSA and the local fire and health authorities. Before and during inspections and the report process, Jurors communicated via email and telephone with the facility managers.

## **MERCED COUNTY SHERIFF'S DEPARTMENT MAIN JAIL FACILITY**

The 2016-2017 Merced County Civil Grand Jury (Grand Jury) inspected the Main Jail Facility located at 700 W. 22<sup>nd</sup> Street in Merced on September 15, 2016. The Main Jail Facility originally had a capacity for 189 inmates. Assembly Bill 109, Criminal Justice Alignment (2011) (AB109) now restricts the capacity to 170 inmates. At the time of the inspection, the jail was at capacity. When this occurs, additional inmates are transferred to the John Latorraca Correctional Center (JLCC) to avoid violating AB109. The Main Jail Facility was built in 1968 and is not up to current jail standards; however, the facility overall is safe for adequate supervision of inmates. Prior to AB109, this jail housed inmates serving terms of one year or less. There is a shortage of Maximum Security beds because the facility was not designed for Maximum Security or long-term inmates that AB109 now requires.

The intake area and holding cells are inadequate for the number of detainees who come through this facility. The broken glass panel in the in-take sober cell, which had been reported in the 2015-2016 Grand Jury report, was replaced.

The facility has a full-body scan system that enables the officers to detect weapons or contraband hidden in or on the body. The Main Jail Facility is upgrading the central communication and monitoring system.

At the time of this inspection, approximately 25 percent of the inmate population was incarcerated for murder charges, and most inmates are gang affiliated. The outdated design of this facility makes segregation imperative. Gang classification is extremely important to maintain inmate and staff safety. Correctional Officers supervising the jail are trained in gang classification and update this training each year. Each cell accommodates eight inmates and contains eight bunks, a table, shower, washbasin, and toilet. Jurors observed that the cells were clean, orderly, and free from obstruction, which makes monitoring easier. The Main Jail Facility does not house female inmates.

When inmates are allowed into the recreational yard, their cells and personal items are inspected. Jurors were given the opportunity to observe the recreation yard from the look-out post on the roof. It was reported that Correctional Officers occasionally discovered and retrieved contraband thrown over the wired fence into the yard. The fence has since been reinforced and gaps eliminated to prevent contraband from being thrown over the fence.

There were no suicides, attempted suicides, escapes, or attempted escapes from the Main Jail since the last Grand Jury inspection. The jail did experience an altercation between inmates while Jurors were on-site. Evacuation of the Jurors was prompt, and the inspection was completed on a later date.

Two inmates assigned to the food and laundry details were interviewed by Jurors. One inmate shared his life as a gang member. He hopes to serve his time and begin a relationship with his children.

This facility provides a full medical unit. It was found to be clean and in order. Narcotics are double locked in a medical wall unit. Only the head of the department and nurse on duty have keys. Over-the-counter medications are stored behind locked doors. The department is staffed by registered nurses 24 hours a day, seven days a week. Doctors and/or physicians' assistants are available during the day and remain on call for emergencies. Dental care is also provided by appointment, and mental health care is available via satellite each Friday. Doctors and staff meet monthly with the Merced County Health Department to discuss and coordinate services.

Under Senate Bill 863, Merced County was awarded a \$40 million grant to improve housing, health care, and programs at JLCC. The county allocated an additional \$4.5 million to the project. Phase I of the project will entail construction of an administration building and renovations to dormitories, the kitchen, health care building, laundry, inmate processing, and release areas. The project is to be completed within five years. If funds are available, Phase II (relocating the Main Jail Facility to JLCC) will follow the completion of the JLCC renovations. This will house all inmates in one location. The Main Jail Facility will then be used for holding inmates for court appearances. The move to a one-house facility will allow inmates to have the same opportunity to attend school and rehabilitation programs.

#### **FINDING(S)**

- F1.** That a new communication and monitoring system is being installed. The full-body scanner allows the jail to confiscate contraband.
- F2.** That the broken glass panel in the in-take sober cell noted in the 2015-2016 Grand Jury report was replaced.
- F3.** That inmate cells were clean and organized.
- F4.** That improvements have been made to curtail contraband thrown over the fence.
- F5.** That the Main Jail is 47 years old and outdated according to the California Corrections Standards Authority. Plans for integrating the jail with the John Latorraca Correctional Center within the next few years will provide the county with a facility that will meet mandated standards.

#### **RECOMMENDATION(S)**

- R1.** That the Grand Jury recommends that the Board of Supervisors continue with the plan to implement a single facility at the John Latorraca Correctional Facility. This will improve safety for inmates and officers and reduce the mandatory over-time expenses for Correctional Officers at both facilities. The new single facility ensures that the inmates at

the Main Jail will have the same opportunities for education and rehabilitation as those at JLCC through the “In Custody Behavioral Intervention Program” which has been proven to decrease recidivism.

## **REQUEST FOR RESPONSE(S)**

Pursuant to Penal Code Section 933.05, the following responses are *required*:

- Merced County Board of Supervisors respond to F5 and R1 within 90 days.
- Merced County Sheriff’s Department respond to F5 and R1 within 90 days.

## **MERCED COUNTY SHERIFF’S DEPARTMENT JOHN LATORRACA CORRECTIONAL CENTER**

The 2016-2017 Merced County Civil Grand Jury (Grand Jury) inspected the John Latorraca Correctional Center (JLCC) located at 2584 W. Sandy Mush Road in Merced County on September 14, 2016. The facility has a state-rated capacity for 734 inmates. The average number of inmates is about 650, and approximately 10 percent of the inmates are women.

JLCC was originally built 25 years ago as a Minimum Security facility. Since the implementation of Assembly Bill 109 in 2011, the jail now houses medium to high-risk inmates. The interior and exterior of the buildings are in need of repair. In November 2015, Merced County was notified that it will receive a \$40 million grant from the California Board of State and Community Corrections to upgrade the facility. In addition, Merced County has allocated \$4.5 million for this project. The changes include new educational buildings and a new medical facility with 30 acute care and mental health beds. The inmate cell buildings will be upgraded to meet current jail standards. This project is on schedule and estimated to be completed within five years.

JLCC is current with all local inspections. The mandated California Corrections Standards Authority (CSA) inspection was completed in Spring 2016. The report was not available at the time of the inspection.

This facility maintains a minimum level of staffing because there is a shortage of Correctional Officers. The officers are required to take mandatory overtime. The estimated cost of the overtime is approximately \$2 million per year.

This facility houses a kitchen that provides approximately 2,000 meals per day. It serves JLCC, the Main Jail Facility, the Iris Garrett Juvenile Justice Complex, and the Marie Green Center. Food preparation was recently placed under new outside management for cost effectiveness. On inspection of the kitchen, grease was observed on the ceiling and light fixtures. There is no daily

inventory of knives or cooking utensils. The menu is reviewed by a licensed dietician annually. Special menus are provided for inmates who have health or religious restrictions. Inmates who work in food preparation are identified as low-risk. They are trained, medically cleared, and dressed according to health standards; however, it was noted that one inmate was not wearing the required beard net while cutting vegetables.

The medical facility was found to be clean, organized, and all drug cabinets were locked. The nursing staff distributes medications. They monitor blood sugars and insulin levels for diabetics. Mental health care is available via satellite on Fridays. The facility provides educational programs that enable inmates to receive either a high school or GED certification, or college level credits. Vocational and anger management classes are also available to inmates.

The facility experienced two suicides in 2015-2016. No escapes or attempted escapes were noted.

### **FINDING(S)**

- F1.** That the county is paying approximately \$2 million per year in overtime expenses to maintain adequate staffing of Correctional Officers.
- F2.** That there was an excessive amount of grease on the ceiling and light fixtures in the kitchen.
- F3.** That there is no inventory procedure for cooking utensils in the kitchen.
- F4.** That not all bearded food preparers were appropriately covered with a beard net.

### **RECOMMENDATION(S)**

- R1.** That the County Board of Supervisors and the Sheriff's Department should continue to be diligent in its search for qualified Correctional Officers to offset overtime and attrition.
- R2.** That the kitchen ceiling and light fixtures need to be thoroughly cleaned of grease upon receipt of this report and maintained thereafter.
- R3.** That the facility needs to develop a process for daily inventory and security of cooking utensils that could be used to cause injury to others.
- R4.** That the facility's kitchen manager should conduct a visual inspection of all food preparers for appropriate attire before handling food.

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code Section 933.05, the following responses are *required*:

- Merced County Board of Supervisors respond to F1 and R1 within 90 days.
- Merced County Sheriff's Department respond to F1-F4 and R1-R4 within 90 days.

## **LOS BANOS POLICE DEPARTMENT JAIL FACILITY**

The 2016-2017 Merced County Civil Grand Jury (Grand Jury) inspected the Los Banos Police Department Jail Facility located at 945 5<sup>th</sup> Street in Los Banos on September 21, 2016.

The Los Banos Police Department (LBPd) operates a Type 1J jail facility. Type 1J jail facility allows LBPd to house no more than 20 inmates for up to and for no longer than 96 hours (excluding weekends and holidays). There were three inmates in cells at the time of the inspection. The design of the cell area did not allow jurors to inspect individual cells safely.

By mutual agreement, the LBPd jail is used by the California Highway Patrol, the Dos Palos Police Department, the California Fish and Game, the Merced County Sheriff's Department, and the Gustine Police Department for booking purposes. The 911 dispatch is routed through this facility.

The jail was designed according to the standards in effect at the time of its construction in 1969. The jail has passed all required inspections, including those of the Merced County Health Department and the Los Banos City Fire Department. There is one padded cell provided for inmates who may be harmful to themselves or to others. The facility is well maintained, clean, and free from clutter. The department is reviewing the possibility of relocating in the future to meet current standards for jail facilities.

All detained individuals are interviewed at in-take to determine their medical history and/or special needs. This allows the department to place them in a classification system to determine if they require segregation. There is no medical staff or medical area on-site; therefore, all medical cases are immediately sent to John Latorraca Correctional Center for medical evaluation unless it is an emergency, in which case the inmate is transported to a local hospital. The facility does not house any violent inmates or persons with physical or mental illness. These inmates are considered high risk and are transported to the appropriate Merced County facility.

Inmates are provided three meals per day in accordance with Title 15, Article 4 of the California Corrections Standards Authority (CSA). The officers are responsible for shopping weekly for food. The meals are kept in a small kitchen on-site. The officers are also responsible for

preparing and serving the meals. The inmates are allowed 30 minutes to finish their meals inside their cells.

At the time of this inspection there have been no escapes, attempted escapes, suicides, or attempted suicides.

All personnel entering the jail area are required to place all weapons in a secured locker.

**FINDING(S)**

**F1.** That the facility is functional and currently serves the purpose at this time. Notwithstanding, the Los Banos Police Department is located in a 46-year-old building and is not up to current standards for jail facilities in accordance with Title 24 of the California Code of Regulations.

**RECOMMENDATION(S)**

**R1.** That the City of Los Banos continue to seek options to relocate the police department to a facility that will meet current jail standards.

**REQUEST FOR RESPONSE(S)**

Pursuant to Penal Code Section 933.05, the following responses are *required*:

- Los Banos City Council respond to F1 and R1 within 90 days.
- Los Banos Police Department respond to F1 and R1 within 60 days.

Responses are to be submitted to the Presiding Judge of the Merced County Superior Court in accordance with Penal Code Section 933.05.

**DISCLAIMER**

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

## **INSPECTION OF IRIS GARRETT JUVENILE JUSTICE COMPLEX**

The 2016-2017 Merced County Civil Grand Jury (Grand Jury) conducted a facility inspection of the Iris Garrett Juvenile Justice Complex located at 2840 W. Sandy Mush Road in Merced County on September 22, 2016. This facility is a complete complex for the juvenile justice system in Merced County.

At the time of the inspection, the juvenile complex housed 48 youths. (42 boys and six girls). It has a maximum bed capacity of 120, with a budget capacity for 105. There are 40 individual cells and 40 double cells.

The juvenile facility is supervised and funded solely by the Probation Department. This facility houses the Juvenile Court where all cases are adjudicated, including first-time offenders. The Juvenile Court operations includes 48-hour holding cells, long-term cells for offenders sentenced by the court, and intake facilities. The court area includes a courtroom, a clerk's office, and conference rooms for attorneys to meet privately with their clients.

The Grand Jury inspected the medical facility and the intake areas. These areas were found to be clean and organized. It was noted that the youth were well groomed, appeared healthy, and had clean clothing. The cells were clean and orderly. Their meals are prepared at the John Latorraca Correctional Center. Youth are provided with three nutritional meals per day with snacks.

The Grand Jury also toured the classrooms and spoke to some students. The classrooms were clean and orderly. The students were very respectful and shared their educational goals and interests, such as art and reading. The juvenile facility holds high school graduation ceremonies for those meeting graduation requirements. The students are allowed to invite family, and a celebration follows.

The juvenile facility provides various programs for the youth. The Bear Creek Academy Youth Treatment and Long-Term Program gives the youth opportunity to enter a coordinated system of care. The goal is to break old patterns that have resulted in negative and destructive behavior. The hope is to return these young men and women into the community with positive social skills and ethical values. The academy is structured into phases for the students to successfully complete the program. Students have to earn a required amount of points to pass each phase. Points are given on an evaluation system rating their participation in each phase.

The Jurors were allowed to observe some project-based learning. One such project was an area where they grow vegetables and herbs. Their instructor was teaching them about horticulture and how to create recipes such as salsa with the produce they grow. It was noted that their set up for cooking on a hot plate is less than optimal. A kitchen classroom setting would be a more appropriate learning environment.

A nature excursion to Yosemite National Park is another opportunity for low-risk youth who have earned the privilege. This program is provided by Sacred Rok, a Yosemite-based nonprofit, and the Bear Creek Academy Mission I'mpossible, a program of the Merced County Probation Department. The youth learn leadership and life skills while experiencing the natural beauty of Yosemite. Photos of nature are taken and the youth are encouraged to write about their feelings.

### **FINDING(S)**

- F1.** That the facility was found to be clean and orderly.
- F2.** That the cells were also clean and the youths appeared well nourished and groomed and wearing clean clothes.
- F3.** That the Bear Creek Academy Program has been influential in many of the youth's lives.
- F4.** That the horticulture teacher has introduced innovative activities aimed at building self-esteem and teaching the youth to be self-sufficient, such as food preparation and cooking. However, the lack of a classroom kitchen hinders the ability to apply their skills.
- F5.** That the 2016-2017 Grand Jury commends Sacred Rok and the Bear Creek Academy Mission L'mpossible for their innovative program allowing juvenile offenders to experience the wonders of nature as a means to make positive changes in their lives.

### **RECOMMENDATION(S)**

- R1.** That the Probation Department seek funding to provide a classroom kitchen within the juvenile facility for the youth to learn cooking as a job skill.

### **REQUEST FOR RESPONSE(S)**

Pursuant to Penal Code Section 933.05, the following responses are *required*:

- Merced County Board of Supervisors respond to F4 and R1 within 90 days.
- Merced County Probation Department respond to F4 and R1 within 60 days.

Responses are to be submitted to the Presiding Judge of the Merced County Superior Court in accordance with Penal Code Section 933.05.

### **DISCLAIMER**

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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# **MUNICIPAL ADVISORY COUNCILS**

Internal Investigation 16-06-14

## **SUMMARY**

A Municipal Advisory Council (MAC) is an organization of residents in an unincorporated area of the county that advises the County Board of Supervisors on matters that relate to that area. It lacks authority to implement its recommendations directly; therefore, it seeks to accomplish its goals through recommendations to the Board of Supervisors. In response to a complaint, the Merced County Civil Grand Jury (Grand Jury) found that MACs lack adequate training and financial resources to adequately conduct their business. Recommendations were made to provide training regarding the Ralph M. Brown Act and parliamentary procedures, maintain the County website to keep rural residents informed, as well as county procedures for seeking financial assistance.

## **BACKGROUND**

The Grand Jury received a complaint concerning possible code violations and a zoning issue. Upon investigation, it was determined that the complaint was more specifically related to the conduct of Municipal Advisory Councils. The focus of the investigation was to determine how meetings are conducted and how the councils interact with their district Supervisor.

## **METHODOLOGY**

The Grand Jury held interviews with members from various MAC boards in Merced County and representatives of the County Board of Supervisors, Environmental Health, and Planning Department. In addition, Jurors attended MAC meetings in various districts. The county MAC website was also reviewed.

## **DISCUSSION**

The MAC boards consist of citizen volunteers from their respective rural community. The members are nominated by their respective Supervisor in each district and appointed by the entire Board of Supervisors. There are currently eight MACs within the County of Merced: Delhi, Franklin/Beachwood, Hilmar, Le Grand, McSwain, Planada, Snelling, and Winton. Each MAC has a Resolution specific to its organization that outlines the purpose and objective of the council, as well as the composition and term limits for its members.

Meetings are scheduled monthly. Their meetings are held in a local community facility within their rural location, often at a school or church that provides the space for the meetings. Local residents are encouraged to attend the meetings through distribution of flyers at local events, emails when a database is available, Facebook, personal phone calls, and other methods depending on the MAC. The respective County Supervisor is expected to attend the meetings. In its investigation, the Grand Jury found that some MAC boards had long-standing vacancies

and sometimes did not have a quorum to conduct business. The meetings are well attended by representatives from various county departments.

In interviews with four MAC members, the Grand Jury found that funding available through the county for MAC expenses was not well understood. Such funding is used for materials to conduct business and to distribute information to the local community. Three MAC members reported receiving no funds, and one MAC received \$50 over the past year. One MAC member reported using personal funds to maintain a Post Office box on behalf of a MAC. After further investigation, it was discovered that a memorandum was recently sent from the county to all MACs explaining their allocated budget and the purchasing procedures for services and supplies. The Grand Jury concluded that the communication between the county and MACs with regard to finances is not clear or frequent enough.

The Brown Act is legislation that requires public business to be conducted openly. MACs are advisory boards appointed by the Board of Supervisors and are, therefore, subject to the Brown Act. Investigation by the Grand Jury revealed that training of MAC members on the Brown Act and parliamentary procedures was inconsistent. In interviews with MAC members, training ranged from annually to every two to three years.

The Merced County website on MACs is a venue for rural county residents to stay informed about issues in the community. The website provides information on MACs including links to agendas and meeting minutes. The MAC page is difficult to locate and the information contained on the page is minimal. The county posting of events, agendas, and meeting minutes is not consistent or current.

Interviews with MAC members revealed that collaboration with other council members in the county would be helpful. Such sharing of information would be effective for their own organization. One such meeting was organized by the county in 2016. The meetings do not occur on a regular basis.

#### **FINDING(S)**

- F1.** That MAC members were not aware of the availability or the process for MACs to receive financial support to conduct business.
- F2.** That not all MACs receive annual training regarding the Ralph M. Brown Act and parliamentary procedures.
- F3.** That the Merced County website does not provide current information about all MACs.
- F4.** That MAC members need to collaborate with other council members in the county.
- F5.** That members of the Merced County Municipal Advisory Councils are to be commended for their ongoing work and commitment to the betterment of their respective communities.

## **RECOMMENDATION(S)**

- R1.** That the Board of Supervisors (or their designee) review and communicate county procedures to MAC members for reimbursement of business expenses.
- R2.** That the Board of Supervisors (or their designee) provide training annually for all MAC members to ensure compliance with the Ralph M. Brown Act. Training should also include parliamentary procedures in conducting meetings.
- R3.** That the Merced County Board of Supervisors (or their designee) establish a procedure to ensure that the MAC website is maintained with current information.
- R4.** That the Merced County Planning Department schedule semi-annual collaboration meetings with MAC members.

## **REQUEST FOR RESPONSE(S)**

Pursuant to Penal Code Section 933.05, the following responses are *required*:

- Merced County Board of Supervisors respond to F1-F4 and R1-R4 within 90 days.
- Merced County Planning Department respond to F1-F4 and R1-R4 within 60 days.

The Grand Jury *invites* the following responses to F1-F4 and R1-R4 within 60 days:

- Municipal Advisory Committees, including Delhi, Franklin/ Beachwood, Hilmar, Le Grand, McSwain, Planada, Snelling, and Winton.

Responses are to be submitted to the Presiding Judge of the Merced County Superior Court in accordance with Penal Code Section 933.05.

## **DISCLAIMER**

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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# **MERCED COUNTY'S HOMELESS POPULATION - HOW LAW ENFORCEMENT CAN AFFECT SERVICES**

## **Internal Investigation 16-09-13**

### **SUMMARY**

As the cities within Merced County continue to grow, so does the homeless population. Law enforcement are often the first to respond and have the most frequent contact with the homeless. Law enforcement are called when there are disturbances with or among the homeless. This places them in a unique position to interact with the homeless population. A few communities use this interaction to promote and provide services. Although efforts to reduce the number of homeless have helped, there are those who do not wish to avail themselves of homeless services available in Merced County.

### **BACKGROUND**

The Merced County Civil Grand Jury (Grand Jury) received three (3) complaints regarding treatment of the homeless by law enforcement. These complaints were anonymous, limiting the Grand Jury's ability to investigate. The Grand Jury voted to conduct an internal investigation focusing on law enforcement's interaction with, as well as services available to the homeless.

### **METHODOLOGY**

The Grand Jury conducted interviews with several city police representatives within the county. The Jurors also took a tour of a homeless shelter and spoke with city and county representatives who advocate for the homeless. Jurors also reviewed county and state law and local ordinances applicable to homelessness in Merced County.

### **DISCUSSION**

In interviews with various law enforcement officials, it was determined that each community has issues with homelessness. Police officers are routinely called by citizens to investigate incidents involving the homeless. For example, the Grand Jury learned that urinating and defecating in front of businesses are common occurrences. The jury learned that there are no city ordinances against being homeless, but there are city ordinances that prohibit panhandling, camping on public property, or standing on the street median islands asking for money.

Police officers are required to ask the homeless to move or leave their "camping" area whether it be near abandoned buildings, under highway overpasses, or in vacated land areas. Often these individuals simply move to another location and stay until they are asked to move again. Law enforcement officers give the homeless ample opportunity to take all their property with them as it is time consuming to inventory and store the property in the police evidence facility. Rarely

does law enforcement have personal property removed and destroyed. This only occurs if the property has been abandoned without identification.

The Jury also learned that many of the homeless have made the choice to live in this manner. They prefer not to go to a shelter or seek assistance in finding housing because such services are accompanied by rules. Many of the homeless prefer living without such services in order to avoid the rules. The Jury also learned through interviews with law enforcement and homeless advocates that a majority of the homeless population have mental health or substance abuse issues.

To resolve and support homeless issues, some police officers receive special training in interacting with the homeless. They have various tools to help them, such as pamphlets in multiple languages and lists of resources to get shelter, meals, clothing, and other necessities. However, there are some communities that do not have the resources or services to help their homeless population.

The Jury was given a tour of the “D” Street Shelter in the City of Merced. The shelter houses 64 people per night. The homeless are given a hot meal, a shower, a place to sleep, and space to store their belongings. They sign up for a bed on the first of every month and are assigned a bed for one month at a time. No one is permitted to stay longer than six months per calendar year. All residents are searched each night before entering to ensure they have no drugs, alcohol, or weapons. This facility is only open at night. Meals are provided at no cost by different organizations within the county. For many years, the Merced County Rescue Mission has been providing meals to the homeless, but has experienced setbacks due to losing its building on Canal Street in Merced. It is now serving daily meals again at a local church.

In a recent newspaper article, it was reported that Los Banos now has a mobile shower (pictured to the right) for the homeless, thanks to the work of Bethel Community Church. Funding was provided by the Los Banos Memorial Hospital. When the need arises, the shower can be transported to anywhere in the city, but will normally be located at the church for use by the homeless. The Grand Jury researched and found that many cities in California have portable toilets and portable showers that improve not only the health and welfare of the homeless, but also have had a positive impact on those cities.



An event called “Homeless Connect” was recently held in the City of Los Banos that provided haircuts, health screenings, a hot lunch, and information on available services. Similar events are held in other areas within the county.

A majority of the homeless population have physical disabilities, mental health or substance abuse issues that prevent them from obtaining employment. A representative of the “D” Street shelter informed jurors of the PATH (Projects for Assistance in Transition from Homelessness) program administered by the Merced County Behavioral Health and Recovery Services. The program is provided at little or no cost to anyone with mental illness who is homeless or at risk of becoming homeless.

Through the collaboration of the Continuum of Care (a United States Department of Housing and Urban Development program), local law enforcement, faith-based and non-profit organizations, the county continues to strive to reduce homelessness.

### **FINDING(S)**

- F1.** That because there are no bathroom facilities for the homeless, businesses within the county continue to have issues with the homeless urinating and defecating on their property.
- F2.** That certain jurisdictions are taking effective measures to alleviate homelessness, including, special training for law enforcement, housing services, and hygiene resources. Notwithstanding such efforts, some communities still lack resources for the homeless.
- F3.** That the Grand Jury commends Bethany Community Church and Los Banos Memorial Hospital for their commitment and action in providing portable showers and restrooms for the homeless population in the City of Los Banos.

### **RECOMMENDATION(S)**

- R1.** That communities within Merced County implement a plan to provide and maintain portable restrooms and showers for the homeless.
- R2.** That all county and community law enforcement agencies provide special training for officers to effectively interact with the homeless.
- R3.** That all county and community law enforcement agencies be provided with informational materials on assistance programs for distribution to the homeless.

### **REQUEST FOR RESPONSE(S)**

Pursuant to Penal Code Section 933.05, the following responses are required:

- Merced County Board of Supervisors respond to F1-F2 and R1-R3 within 90 days.
- Merced County Sheriff’s Department respond to F2 and R2- R3 within 90 days.
- Community Police Departments within the County of Merced respond to F2 and R2-R3 within 60 days.

**INVITED RESPONSE(S)**

- Merced County Community Action Agency
- Continuum of Care

Responses are to be submitted to the Presiding Judge of the Merced County Superior Court in accordance with Penal Code Section 933.05.

**DISCLAIMER**

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# **DOS PALOS POLICE STATION**

## **Internal Investigation 16-10-10**

### **SUMMARY**

The City of Dos Palos is a small farming community located on the south side of Merced County. The population has remained consistent at approximately 5,000 since the census of 2000. Like so many small communities in the Central Valley, Dos Palos has experienced little growth in population and in revenue. As a result, many necessary services have suffered. This includes the police station facility. The station is located in an older building; however, with cleaning and repair, it could be a functional and safe working environment, as well as something the community can be proud of.

### **BACKGROUND**

In the past, the City of Dos Palos has had difficulty in fully funding the Police Department. As a follow-up to prior Civil Grand Jury Reports on the Police Department, the Merced County Civil Grand Jury (Grand Jury) voted to proceed with an internal investigation of the Police Department with emphasis on the station facility.

### **METHODOLOGY**

The Grand Jury interviewed several City of Dos Palos officials. In addition, a tour of the police station was conducted that included a walk-through of the 911 dispatch center and evidence room.

### **DISCUSSION**

On January 25, 2017, members of the Grand Jury toured the Dos Palos Police Station. Jurors observed the interior and exterior of the station. Over the years, the Police Department expanded into unused areas of the building. The older section of the building has holding cells which can no longer be used for that purpose. This area is currently used for storage and a computer server. Officers are currently working in an area with loose and broken floor tiles that are reported to have asbestos. There was an excessive amount of debris on the floors in the former holding cell and exercise areas. This space was dirty, cluttered, and covered with cobwebs. The halls were full of debris and trash cans were overflowing. Jurors were only able to look inside the evidence room as the shelves were full and evidence was knee-high on the floor. There was an adjoining room full of evidence that when released by the Superior Court should be destroyed. There were also boxes of old guns locked in the former holding cell for over a decade that need to be destroyed. City officials explained that the city budget does not provide adequate funding to cover the cost of destruction of evidence after release by the court.

There was a secured evidence storage container behind the station. Jurors were advised that it was filled with evidence, including marijuana from a recent case, that must be held until the

Superior Court releases it for destruction. The police yard, which holds the secured evidence storage container and police vehicles, is not a fenced and gated area. There was a travel trailer parked in the police yard, and the Jurors were not permitted to look inside.

While interviewing city officials, it was noted that Dos Palos was once a thriving small town in south Merced County. Even with the loss of revenue, city officials have been successful in writing grants and budgeting to pay off debts. The City of Dos Palos currently has no outstanding financial obligations.

City officials also indicated that a goal for the City of Dos Palos is to annex Midway and South Dos Palos. This annexation will allow the city to operate more cost effectively, as well as to provide additional funding and services for police, fire, water treatment, and other general city services. It is anticipated that the annexation would increase the population to approximately 6,200.

### **FINDING(S)**

- F1.** That the interior of the police station has not been properly maintained or cleaned on a regular basis.
- F2.** That the evidence is not properly organized.
- F3.** That the police yard, which holds the secured metal storage container and police vehicles, is not a fenced and gated area.
- F4.** That the City of Dos Palos has no debt and has a goal to annex Midway and South Dos Palos.

### **FOLLOW-UP**

On April 19, 2017, the Grand Jury made a follow-up inspection of the Dos Palos Police Station and noted the following:

- The station was clean and organized.
- The debris and cobwebs were removed.
- The hallways were clear of clutter, and the trash receptacles were emptied.
- The evidence room was organized and the floor cleared.
- The guns were in the process of being inventoried and prepared for destruction.
- The travel trailer had been removed.

### **RECOMMENDATION(S)**

- R1.** That the police station is cleaned and maintained for safety on a regular basis.
- R2.** That all evidence is organized and properly inventoried on a regular basis.
- R3.** That all evidence and old guns released by the court be destroyed in a timely manner.

**R4.** That the City of Dos Palos find funding to install a fence with a security gate around the police yard.

**REQUESTS FOR RESPONSE(S)**

Pursuant to Penal Code Section 933.05, the following responses are required:

- Dos Palos City Council respond to F1-F4 and R1-R4 within 90 days.
- Dos Palos Police Department respond to F1-F3 and R1-R4 within 60 days.

Responses are to be submitted to the Presiding Judge of the Merced County Superior Court in accordance with Penal Code Section 933.05.

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# **NEW BEGINNINGS FOR MERCED COLLEGE**

## **Internal Investigation 16-10-11**

### **SUMMARY**

When news reports about leadership and law enforcement at Merced College were widely publicized, the Merced County Civil Grand Jury (Grand Jury) opened an internal investigation. The Grand Jury reviewed policies and practices relating to the selection process of a new college president. College parking enforcement was also reviewed. Findings indicated that Merced College Board of Trustees used a well-defined, inclusive process in selecting a new college president. Current parking policies are under review by Merced College administration and college law enforcement. Merced College administration is taking decisive action to involve the students, staff, and the community with establishing goals and direction of Merced College.

### **BACKGROUND**

Several news reports about Merced College caused concerns for the students, staff, and community. At the same time, the college was in search of a new President. The law enforcement contract between Merced College and the Merced County Sheriff's Department had also expired. There were reports of inconsistent enforcement of parking policies on the campus. These events triggered an internal investigation by the Grand Jury.

### **METHODOLOGY**

The Grand Jury obtained information from several sources: local newspapers, community members, the Merced College website, and staff interviews.

### **DISCUSSION**

In the Spring of 2016, Merced College underwent several changes in administrative staff including the vacancy for the position of college president. In its investigation, the Grand Jury found that the Merced College Board of Trustees conducted a nationwide search for a new president. Forums were held in each of the seven (7) trustee districts seeking public input regarding important leadership qualities. Following the public forums, college staff created a publication to begin advertising for a new president. There were several local and out-of-state applicants. Applications were then blind-screened by a committee, and finalists were interviewed by a diverse panel. The candidates were ranked, and the Board of Trustees made its selection based upon the rankings. The new president was appointed in January 2017.

In interviews with current Merced College administrators, the Grand Jury learned of proposed improvements, projects, and plans for the college. Jurors learned that administration was determined to improve the image of the college, as well as communication among staff, students, and the community. To rebuild trust with the students, staff, and the community, administrators

indicated that transparency and rapport are of the utmost importance. This will allow staff, students, and the community to have an opportunity to voice their opinions and ideas to college administration, therefore cultivating a better learning environment.

In September 2016 after the law enforcement contract with the Sheriff's Department expired, the contract for Merced College was awarded to the Merced Police Department (MPD). Awarding the contract to MPD provides an opportunity for the Merced College police officers to participate in training offered by MPD. The contract provides the Merced College Police Department with a broader range of available services to ensure the safety of students on campus. Available resources from MPD include a bomb squad, SWAT team, canine units, and other necessary law enforcement equipment. Despite the conflicts in the past between administration and law enforcement, the Merced College Police Department is looking forward to establishing a good working relationship with the new administration.

With the increase in enrollment at the college came the problem of parking. In an interview with a law enforcement official from the college, jurors were advised that the college would be reviewing their policies regarding permit parking for those with handicapped placards, as well as those using the parking lots on the campus for community activities. The law enforcement official also stressed to jurors that the college must find a balance between enforcement and revenue to support parking services.

Administration is working diligently to obtain funding to renovate facilities and to maintain mandated staffing levels. With improved facilities and adequate staffing, the college can better prepare students to enter today's workforce or prepare for higher education.

To improve the reputation of the college, administration is focusing on public relations strategies to keep the community informed and involved. These strategies include: public forums, community outreach, current website content, and increased visibility in the community. This will help Merced College recover from recent controversies and re-establish trust with the community.

## **FINDING(S)**

- F1.** That the Merced College Board of Trustees used a well-defined, inclusive process in selecting a new college president.
- F2.** That Merced College administration is taking decisive action to involve the students, staff, and the community with the goals and direction of Merced College.
- F3.** That Merced College law enforcement is reviewing enforcement of parking policies on its campuses.
- F4.** That a new law enforcement contract was awarded to the Merced City Police Department. This contract provides training and purchasing opportunities for the Merced College Police Department.
- F5.** That college administration is planning to renovate existing buildings on campus when funding becomes available.

**RECOMMENDATION(S)**

- R1.** That Merced College continue to use an open and transparent selection process for hiring when appropriate.
- R2.** That law enforcement at Merced College continue to update and post its parking policies.
- R3.** That Merced College continue to build a positive relationship with the Merced Police Department to ensure appropriate law enforcement on campus.
- R4.** That Merced College continue making plans to renovate existing buildings to better suit the requirements of a 21<sup>st</sup> Century institution of higher education.

**RESPONSE(S)**

Pursuant to Penal Code Section 933.05, the following responses are *required*:

- Merced College Board of Trustees respond to F1-F5 and R1-R4 within 90 days.
- Merced College Office of the President respond to F1-F5 and R1-R4 within 60 days.

The responses are to be submitted to the Presiding Judge of the Merced County Superior Court in accordance with Penal Code Section 933.05.

**DISCLAIMER**

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# **THE VIPER AERIAL THE CITY OF ATWATER'S NEW FIRE TRUCK**

## **Internal Investigation #17-01-10**

### **SUMMARY**

The City of Atwater used Measure H funds to purchase a Viper Aerial fire truck with a ladder that extends 109 feet. Atwater has no structures over two stories high. The Merced County Civil Grand Jury (Grand Jury) became aware of multiple Letters to the Editor in a local newspaper questioning the purchase of the fire truck and began an internal investigation. It was found that the acquisition of the Viper Aerial afforded significant benefits for the City of Atwater and its citizens. One such benefit is reduced insurance premiums.

### **BACKGROUND**

Members of the Grand Jury became aware of multiple Letters to the Editor in the local newspaper regarding the cost of a fire truck purchased by the City of Atwater. The Grand Jury voted to proceed with an internal investigation regarding the purchasing practices of fire equipment by the city, with an emphasis on the acquisition of the Viper Aerial.

### **METHODOLOGY**

The Grand Jury reviewed Letters to the Editor and newspaper articles from a local newspaper. Jurors examined related city budget spreadsheets, the contract with the California Department of Forestry and Fire Protection (Cal Fire), and the City of Atwater Purchasing System Manual. Jurors also interviewed a Cal Fire official.

### **DISCUSSION**

Cal Fire has a current Fire Protective Reimbursement Agreement with the City of Atwater effective July 1, 2015 through June 30, 2017 for a maximum amount of \$5,226,975. This is a "Do Not Exceed Agreement". The City of Atwater and Cal Fire determined and agreed upon an acceptable dollar amount for fire protection for the city. Cal Fire strives to work within that budget and is responsible for managing all aspects of the Fire Department for the City of Atwater; however, the city retains and owns all property and equipment. The Cal Fire contract covers personnel services that include salaries, benefits, training, retirement, workers' compensation, and overtime. Cal Fire is a statewide entity with a large pool of professionally trained personnel. If personnel are unable to perform their duties due to injury or retirement, there are staffing resources prepared and available to fill the position.

The City of Atwater is fiscally responsible up to the maximum amount of the Agreement (\$5,226,975). If costs exceed that amount, the excess would be paid by the State of California, not by the City of Atwater. This allows the City of Atwater to have a fixed budget for fire protection. Records indicate that Cal Fire has never exceeded the Agreement amount. A designated Cal Fire official has the authority to make purchases on day-to-day items under \$5,000. The City of Atwater has policies and procedures in place for any item over \$5,001.

According to the city's Purchasing Systems Manual, all departments making purchases of \$25,001 or more must justify expenditures for City Council approval. Department designees, including Cal Fire, research, gather bids, and present a report to the City Council. It was through this process that the Atwater City Council adopted Cal Fire's recommendation that a new fire truck was necessary.

The last ladder truck was purchased by the City of Atwater in 1947. Currently, the 1947 fire truck is in reserve to be used for backup if necessary. This truck has a ladder reach of only 35 feet. It has been well maintained, but no longer meets the needs of the city. In addition, because of its age, it no longer meets current safety standards.

The Viper Aerial was purchased with Measure H funds. Measure H is a sales tax surcharge approved by voters in 2013 to support public safety. The fire truck was purchased on a lease-purchase agreement. The total cost of the leasing option is \$890,048. According to city records, three payments of \$87,916 each have been made annually in the month of July. There are seven payments remaining. An additional \$80,000 was required to outfit the fire truck with additional, but necessary firefighting equipment. Normally, this would cost upward to \$120,000; however, Cal Fire was able to purchase the equipment economically saving the city \$40,000. The Viper Aerial also has a Green Star generator which provides extended operation time without the chassis engine running, therefore conserving fuel.

The new fire truck (pictured below) is fully outfitted and in operation. The Viper Aerial fulfills dual needs for the city: an aerial ladder that extends 109 feet and a pumper engine carrying 500



gallons of water. This aerial ladder is not only necessary for height but also for reach. There are buildings in the City of Atwater that are extremely large in square footage, such as the Super Walmart and Super Target. The Viper Aerial allows firefighters to reach to the center of such buildings from above. This reduces the need to enter the building and risk the possibility of a roof collapse during a fire. Atwater will continue to grow as a community, and this equipment is advantageous in attracting prospective developers.

An additional benefit for the City of Atwater with the purchase of the Viper Aerial is the change in the city's Insurance Service Office (ISO) rating from 5 to 3. ISO is a private assessment company that collects statistical data on fire departments' suppression abilities. The ISO assigns a Public Protection Classification (PPC) rating on a scale from 1 to 10. Class 1 represents superior property fire protection. Class 10 indicates that an area's fire protection program does not meet ISO minimum criteria. Based on this classification rating, commercial and residential property owners in a community with a PPC rating of 3 generally have lower fire insurance premiums.

## **FINDING(S)**

- F1.** That the Fire Protective Reimbursement Agreement with Cal Fire ensures that the City of Atwater is fully staffed at all times by professionally trained firefighting personnel.
- F2.** That the lease-purchase agreement for the Viper Aerial is paid from Measure H funds, a sales tax surcharge approved by voters to support public safety.
- F3.** That the Viper Aerial fulfills various needs for the City of Atwater: a truck with a capacity to hold and pump 500 gallons of water, as well as an aerial ladder that extends 109 feet.
- F4.** That the city's purchase of the Viper Aerial has improved its ISO rating, which could result in reduced fire insurance premiums for Atwater businesses and property owners.
- F5.** That the firefighters of Stations 41 and 42 are to be commended for their dedication, commitment, and service to the citizens of Atwater.

## **DISCLAIMER**

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**MERCED COUNTY CIVIL GRAND JURY**

**COMPLIANCE AND CONTINUITY REPORT**

# MERCED COUNTY CIVIL GRAND JURY

## COMPLIANCE AND CONTINUITY REPORT

### BACKGROUND

Civil Grand Juries are governed by California Penal Code Section 933(a) which requires the Jury to submit a report to the Presiding Judge of the Superior Court of the findings and recommendations that pertain to county government matters. Section 933(c) requires responses from the governing body, elected county officials or department heads to the Presiding Judge of the Superior Court on the findings and recommendations within the required period of time. Governing bodies of public agencies are required to respond to the judge no later than 90 days after the Grand Jury submits a final report. Department heads are required to respond within 60 days of the final report.

Section 933.05(b) requires that in the response to the Grand Jury report, elected officials or department heads must provide one of four possible responses to each recommendation:

1. The recommendation has been implemented, with a summary of the action taken.
2. The recommendation will be implemented, with a timetable for implementation.
3. Further analysis is required, with an explanation and timeframe for the response of up to six months from the release of the report.
4. The recommendations will not be implemented because it is not warranted or is not reasonable, with an explanation.

When responses have been received, it is the responsibility of the clerk of the court to forward a true copy of the report and the responses to the State Archivist, who retains the report in perpetuity. The Grand Jury Reports are available to the public by request from the State Archivist in Sacramento. The reports can also be obtained from the Merced County website.

Included in this report are the investigations conducted by the 2015-2016 Merced County Civil Grand Jury (Grand Jury). A brief summary of the report is provided, along with findings and recommendations of the Grand Jury. Verbatim responses to the reports from the government agencies or departments are also provided.

# MERCED COUNTY'S EFFORTS TO END HOMELESSNESS

## Internal Investigation 15-08-17

The 2015-2016 Merced County Civil Grand Jury investigated the progress being made to end the problem of homelessness in the county.

### FINDING(S)

**F1.** Since Urban Initiative's (UI) involvement, participation in the Continuum of Care (CoC) by government agencies, non-profits and other organizations has greatly increased. The CoC conducted its latest count of homeless individuals on January 28, 2016. This count involved over 170 volunteers walking in 28 zones throughout the County and talking on-on-one with individuals. They asked them a series of questions in order to determine their housing situation. This resulted in a more accurate count. The current count of homeless individuals in Merced County is 519.

### RECOMMENDATION(S)

- R1.** The MCCGJ recommends that the various organizations that are involved in dealing with homelessness in Merced County continue their outstanding work and that local governments continue to increase their support to address this issue and provide support to the CoC.
- R2.** The MCCGJ recommends that the City of Merced and Merced County continue to seek funds from federal and state government agencies that can be used to provide aid in combating homelessness in our area.

### REQUESTED RESPONSE(S)

#### Merced County Board of Supervisors:

"The Board appreciates the Civil Grand Jury's recognition of this issue and the work that has gone into addressing it. The County will continue to work with its local partners to seek federal and state funding that can be used to further address homelessness in our area."

#### Merced City Council:

"On July 21, 2016, the Merced County Civil Grand Jury ("MCCGJ") issued its report entitled *Merced County's Efforts to End Homelessness*. This report focused on the MCCGJ's investigation of the contract with Urban Initiatives ("UI") and the efforts that have been made concerning homelessness. As requested by the 2015-2016 MCCGJ, I am writing you on behalf of the Merced City Council to formally respond to the

Recommendations contained in the report. The City Council has reviewed this response and authorized that it be sent at their October 17, 2016, meeting.

As set forth in the MCCGJ's report, in 2011, the Merced County Board of Supervisors adopted a ten-year plan to fight homelessness in the County. The implementation of this plan was assigned to the Merced County Association of Governments, who along with the County and the City of Merced ("City"), contracted with Urban Initiatives ("UI") for the purpose of obtaining state and federal funding and support to combat homelessness within the County. As noted in the Report, Merced County and the City funded the UI contract. UI assisted with the formation of the Continuum of Care ("CoC"), which is a countywide committee comprised of volunteers from various non-profit agencies whose purpose is to engage all agencies in our community that have services to offer to the homeless. The MCCGJ found that UI's involvement greatly increased the participation in the CoC by government agencies, non-profits and other organizations. The MCCGJ commended UI, CoC, the United Way of Merced County and the Merced Rescue Mission for their efforts. In addition, the City and County were also commended for their efforts in initiating a constructive program for dealing with the homelessness issue.

The Report contains two recommendations for which the MCCGJ seeks a response from the Merced City Council. The City appreciates the Commendation by the MCCGJ for our efforts to combat homelessness and provides the following information in response to the Recommendations in the Report.

In 2016, the City, through a Community Development Block Grant (CDBG), provided funding to the United Way of Merced County in the amount of \$38,000 to assist with the operation of the CoC. The City also continues to provide assistance to the homeless population and actively seeks funding from state and federal sources to combat homelessness in our City. Accordingly, the Recommendations contained in the Report have already been implemented by the City. A summary of the City's contemporary efforts in this regard are described below.

#### *The Mayor's Challenge to End Veteran Homelessness*

In January 28, 2015, the annual Merced County homeless count revealed that there were 88 homeless veterans in our community. That number reduced 71.5% in 2016 when the annual count indicated that there were 25 homeless veterans in our community. With the goal of honoring the service of veterans by ensuring that all unsheltered veterans in the City are provided with stable housing, in June 2016, the City joined a nationwide federal program called the Mayor's Challenge to End Veteran Homelessness. To meet this challenge, the City is working on the federal level with the U.S. Department of Veteran's Affairs, the U.S. Department of Housing and Urban Development and the U.S. Interagency Council on Homelessness. On the local level, the City is working with the CoC and local veteran service providers to end homelessness among local veterans. A

copy of the City’s letter committing to this program and materials detailing the City’s plan to accomplish its goal of ending homelessness among veterans is attached to this Response.

Community Development Block Grant Awards

As set forth in further detail in the City’s 2016 HUD Annual Action Plan, the City has committed the following CDBG funds to assist with the needs of homeless families and individuals:

Recipient	Program	Amount	Purpose
Merced County Rescue Mission	Room at the Inn	\$200,000	Purchase of a property to provide housing to homeless families
Merced County Rescue Mission	SOAR Case Management Program	\$8,000	Establish a SOAR case management program for the CoC to assist with community mental health services.
Merced County Rescue Mission	Rental Deposit Assistance	\$20,000	Assist with rental deposits for homeless individuals
Merced County Rescue Mission	Warming Center	\$15,000	Continuation and expansion of warming center services to homeless
Sierra Saving Grace	Housing Acquisition	\$167,000	Acquisition of a duplex or a single family dwelling for use by homeless
Sierra Saving Grace	Supportive Housing	\$7,500	Operation of a support housing project
Alliance for Community Transformations	Homeless prevention program	\$10,000	Development of a homeless prevention program for victims of domestic violence and their family members
Housing Authority for Merced County	Rental Deposit Assistance	\$30,000	Rental deposit program for homeless and those at risk of homelessness
United Way of Merced County	Funding for CoC	\$38,000	Funding for CoC

The City, its partner agencies and community organizations are committed to providing assistance to the homeless population living in our community. The City will continue to seek other funding opportunities from federal and state government agencies that can be used to provide aid in combating homelessness in our area.”

Merced County Association of Governments:

None

Merced County Human Services Agency:

“I have received and reviewed the Grand Jury Report.

The report mentions the Human Services Agency (HSA) in relation to “Merced County’s efforts to end Homelessness”.

The report notes that the Merced County Human Services Agency is part of an effort related to the intent to end homelessness among Veterans. This information is correct. HSA Veterans Services staff have helped coordinate in the survey of homeless Veterans and obtaining HUD vouchers to house them.

The report also states that the Merced Rescue Mission has “established a rapid rehousing program along with HSA.” While HSA is a partner to the Continuum of Care (CoC) effort, and has housing programs that it oversees, it has not specifically partnered with the mission on rapid rehousing. “Housing First” and “Rapid Rehousing” are two primary philosophies of the CoC action plan. HSA supports these efforts in general.”

## **THE DISCRETIONARY FUND PROCESS**

### **Internal Investigation 15-08-18**

The Merced County Board of Supervisors has a discretionary fund program. Each board member receives \$40,000 per year of public funds to spend on community projects. The Grand Jury investigated the funding process to ensure there is a clear and transparent process in place for application, acceptance, disbursement, and expenditure of these funds. The 2015-2016 Grand Jury found the following:

#### **FINDING(S)**

- F1.** There are no written procedures regarding applications, acceptance, disbursement, and follow-up of discretionary funds.
- F2.** There is no consistent or standard request process for discretionary funding used by all the County Supervisors.
- F3.** There is no follow-up process to ensure funds donated to non-profit organizations are used for the purpose requested.
- F4.** Many requests submitted for approval on the Board Agenda did not have the written request or attached supporting documents for funds, bids, or estimates.

- F5.** There is no information on the County of Merced website advising the public that Special Board Project funds are available and how to apply for them.
- F6.** The Board Agenda Item form only provides for check marks indicating review and approval of discretionary fund expenditures.
- F7.** The Request for Special Board Project Funds form is not available on the County of Merced website.

**RECOMMENDATION(S)**

- R1.** MCCGJ recommends that written policies and procedures be established for the discretionary fund process.
- R2.** MCCGJ recommends that the Request for Special Board Project Funds form or something similar be used for all funds requested.
- R3.** MCCGJ recommends that a follow-up process be established to ensure funds donated to non-profit organizations are used for the purpose requested.
- R4.** MCCGJ recommends that all requests for approval on the Board Agenda should have attached supporting documentation regarding estimates, bids, or the cost of an event or item.
- R5.** MCCGJ recommends that information be accessible on the county websites describing the availability of discretionary funds and how to apply for them.
- R6.** MCCGJ recommends in lieu of just checking a box on the “Board Agenda Item” form that signatures be required from the Auditor Controller, Chief Executive Officer, County Council, and Department of Public Works Administrator.
- R7.** MCCGJ recommends that the process verifies an organization’s non-profit status.

**REQUESTED RESPONSE(S)**

Merced County Board of Supervisors

“Per County policy, all requests for District Project Funds must be agendaized and approved by a majority of the Board. There is no set process or procedure for requesting District Project Funds, and each Board member uses his or her own method for taking requests. In most cases, an individual or member of an organization contacts a Board member to request District Project Funds. Some organizations send letters or other documents describing their requests. Alternately, a Board member may know of a need in the community and decide to recommend an item to the Board for consideration.

Furthermore, the Board has developed and implemented a request form for District Project Funds that provides another method for tracking requests and expenditures. The

recently-introduced form was created as another option for ensuring accountability and it can be used at the discretion of each Board member. The Department of Public Works tracks how funds are allocated to various Board-approved projects.

The recommendations contained in this item of the Civil Grand Jury report were discussed during the Board of Supervisors' recent Final Budget Hearings. The Board voted to form a committee to work with staff to consider these recommendations and how to further develop policy surrounding District Project Funds. Options on how to implement additional measures to further increase transparency regarding District Project Funds will be discussed at an upcoming Board meeting.”

### **INVITED RESPONSE(S)**

#### Merced County Department of Public Works

“In response to Internal Investigation 15-08-18, The Discretionary Fund Process, the Department of Public Works is responsible for monitoring the Special District Funds balance for each Supervisorial District and preparing the Board Agenda Items for the allocation of these funds. The Department of Public Works is also responsible for ensuring that all Special District Funds allocated to projects managed by our Department are used in accordance with all applicable federal, state and local laws and regulations. The Department of Public Works complies with all policies and procedures established by the Board of Supervisors for the use of Special District Funds.”

### **FOLLOW-UP**

As a result of the recommendations made by the 2015-2016 Grand Jury and with the support of the Board of Supervisors, the following documents were approved by the Board and became effective January 1, 2017:

- District Project Funds Policy
- Request for District Project Funds
- District Project Funds Close-Out Form.

These documents can be found on the Merced County Supervisors' webpage at [www.co.merced.ca.us](http://www.co.merced.ca.us).

## **CARRIED CONCEALED WEAPON (CCW)**

### **Internal Investigation 15-08-24**

The Merced County Civil Grand Jury reviewed and investigated the procedures for Carried Concealed Weapon (CCW) permits. The goal of the investigation was to ensure that the Merced County Sheriff's Department and all local city law enforcement authorities issuing CCW permits were consistent with the permitting process.

#### **FINDING(S)**

- F1.** The MCCGJ discovered through this investigation that each city law enforcement authority within Merced County has different procedures of evaluation for CCW permits, and each entity is following the protocol mandated by the California Department of Justice.
- F2.** The Merced County Sheriff's Department processes the majority of the CCW permits.

## **CITY OF LOS BANOS WATER QUALITY**

### **External Investigation 15-09-23**

The City of Los Banos Water Department provides quarterly notices to its residents advising them of the high levels of Chromium 6 in the water supply. The Grand Jury investigated to ensure that the City of Los Banos was working toward mitigating the Chromium 6 levels over time.

#### **FINDING(S)**

- F1.** Currently, the Federal MCL (maximum containment level) for Chromium 6 is 100 ppb (parts per billion) for drinking water.
- F2.** Prior to 2014, the State of California had a MCL of 50 ppb.
- F3.** In 2014, the State of California reduced the MCL to 10 ppb.
- F4.** Historically, the water supply for the City of Los Banos has tested an average of 29 ppb for Chromium 6.
- F5.** The City of Los Banos Department of Public Works conducted tests at nine private well sites in or near the City that have produced Chromium 6 levels from 3.3 ppb to 44 ppb.
- F6.** Los Banos has 13 well sites with 10 currently in use.

- F7.** Currently, Los Banos has a water system in place that can serve up to 44,000 people. The present population is well below that figure.
- F8.** The compliance order with the DDW (Division of Drinking Water) will be in force until March 2025.
- F9.** The City of Los Banos has contracted with NAH (North American Haganas, Inc.) on a pilot program to remove Chromium 6 from its water supply. NAH is a company specializing in metal powders and is working on a system that extracts Chromium 6 from ground water. Their intent is to utilize this extracted metal for use in its industrial endeavors.
- F10.** MCCGJ found through its investigation and interviews that the City of Los Banos is ahead of other cities in California specific to dealing with the problem of Chromium 6 in its water supply.
- F11.** The City has made the citizens of Los Banos aware of the Chromium 6 levels in its water supply as required by the State of California Water Quality Board Directives.
- F12.** Although the amount of Chromium 6 in the Los Banos water supply is above standards approved by the State of California, the City has been given a waiver by the State to deal with the Chromium 6 levels as long as they continue to seek ways to lower the levels found in the water.
- F13.** The City of Los Banos developed a 20-year plan approved by the DDW to mitigate the level of Chromium 6 in the City's water system.

#### **RECOMMENDATION(S)**

- R1.** MCCGJ recommends that the City of Los Banos continue to work towards solving the problem of Chromium 6 in its water supply.

#### **REQUESTED RESPONSE(S)**

##### City of Los Banos

“The City of Los Banos has received and reviewed the 2015-2016 Merced County Civil Grand Jury Final Report. Enclosed is the City of Los Banos Department of Public Works response to City of Los Banos Water Quality External Investigation 15-09-23.

The City appreciates the oversight and values the work of the Grand Jury.”

## **INVITED RESPONSE(S)**

### City of Los Banos Public Works Department

“I have received and reviewed the 2015-2016 Merced County Civil Grand Jury Final Report and offer the following technical revisions to the City of Los Banos Water Quality External Investigation 15-09-23;

- a) Chromium 6 MCL Standard is a new standard that was just enacted in 2014.
- b) Total Chromium MCL Standard in California has not changed and is still at 50 ppb.
- c) In Finding F1, Federal MCL for Total Chromium is 100 ppb for drinking water.  
There is no Federal MCL for Chromium 6.
- d) In Finding F3, the State of California adopted a new Chromium 6 MCL of 10 ppb.
- e) In Finding F4, Los Banos has 13 well sites with all 13 currently in use.
- f) In Finding F13, the City of Los Banos developed a 10-year, not a 25-year plan approved by the DDW to mitigate the level of Chromium 6 in the City’s water system.

The Department of Public Works appreciates the oversight and values the work of the Grand Jury.”

## **MERCED COUNTY SHERIFF’S DEPARTMENT COMPENSATION PACKAGE**

### **Internal Investigation 15-09-30**

The 2015-2016 Grand Jury conducted an inquiry regarding the wage and benefit package offered to the Merced County sheriff’s deputies. The Grand Jury thought it was important to investigate to find if the deputies were adequately compensated in comparison to their counterparts in the Central Valley.

## **FINDING(S)**

- F1.** Merced County is ranked the 8<sup>th</sup> most “dangerous” county in the State of California.
- F2.** Merced County Sheriff’s Department does not have the funds or staffing to sustain a Gang Unit.
- F3.** Merced County Sheriff’s Department has the lowest take home pay for their deputies compared to their counterparts in neighboring counties.

## **RECOMMENDATION(S)**

- R1.** That the Board of Supervisors negotiate with the Merced County Deputy Sheriff's Association in an attempt to restructure the compensation package for competitive wages and benefits to retain and attract new deputies to Merced County.
- R2.** That the Board of Supervisors work with the Deputy Sheriff's Association to negotiate retirement contribution options.
- R3.** Increase staffing beyond the current allocation of 44 deputies to allow for night and weekend back-up, a decrease in response time and better coverage in rural areas.

## **REQUESTED RESPONSE(S)**

### Merced County Board of Supervisors

“Law enforcement and our local justice system play a vital role in our communities, and the Board of Supervisors sincerely appreciates the work and efforts made by all public safety departments. Gang activity and violent crime in our area are issues we will continue to work on under the guidance of our elected public safety leaders.

Efforts have been made to add more resources toward combatting gang activity and violent crime. The Board of Supervisors worked alongside the District Attorney and other public safety partners to express support for the Violence Interruption/Prevention Emergence Response (VIPER) Program, and thanks to the efforts of Senator Anthony Canella and Assemblyman Adam Gray, this intelligence-gathering program was awarded \$4.5 million in funding from the state over three years. To show local commitment, the Board committed to and provided a local 10 percent match toward the program.

Regarding Deputy pay, the County recently reached agreement with the Deputy Sheriffs' Association that provides for a 10 percent base wage increase for deputies, plus several other economic items that could provide an additional 2 to 5 percent increase for most deputies. When factoring in salary and benefits, Merced County continues to be competitive compared to surrounding Valley counties. While the pay increase will hopefully help retain and attract qualified deputies, the Board recognizes that this issue needs to be addressed with a holistic approach. In order to assist both the Sheriff and District Attorney in their efforts, the Board has allocated 27 positions to the departments. To address the high number of vacancies at the Sheriff's Department, the Board worked collaboratively with the Sheriff to establish an Extra-Help Sheriff Trainee Program as a recruitment tool to attract applicants. The Board is willing to explore other possible options as well.

After an extensive review of gang and homicide incidents in the unincorporated areas, the Sheriff recommended, and the Board added, four Deputy Sheriffs to provide a primary focus on gang issues in unincorporated communities. With the recent collaborative

countywide effort consolidating the High Intensity Drug Traffic Area (HIDTA) and Gang taskforces into the Merced Area Gang/Narcotic Enforcement Team (MAGNET), the Board added an Investigative Assistant to aid in the development of a countywide analytical unit.

While it is common to traditionally have eight or more vacant deputy positions, deputy staffing has not dropped to 44 deputies. There are currently 79 deputy sheriff-coroner positions, which is more than the 78 positions that were budgeted for the department prior to the recession in Fiscal Year 2007-2008. The vacancy rate at the Sheriff's Office does periodically fluctuate, but with the increase to positions, the number of personnel at the department is in line with historical averages.”

### Merced County Sheriff

“In response to the Grand Jury Internal Investigation 15-09-30, I offer the following information:

Finding 1: Merced County is ranked the 8<sup>th</sup> most ‘dangerous’ county in the State of California.

Response: Since the approval of Assembly Bill 109 in 2011, Merced County has been forced to house violent offenders at our local jails who would have previously been sentenced to prison. Due to capacity constraints, other criminals are often cited and released or released early from jail. We believe that has a major impact on violent crime statistics in our community. For example, Merced County recorded 31 homicides in 2015, and a large majority of those were gang-related because it is increasingly difficult to keep gang members off the streets. Those challenges are only exacerbated by reduced staffing levels. However, the Merced County Sheriff's Office has taken steps to address these issues. Our department collaborates with the Merced County Probation Department to provide programming for inmates who are set to be released into the community. The program teaches life skills designed to reduce recidivism.

Finding 2: Merced County Sheriff's Department does not have the funding or staffing to sustain a gang unit.

Response: It is true that due to numerous vacancies, the Merced County Sheriff's Office does not have adequate staffing to sustain a gang unit. Deputies had to be pulled from many specialized units within the department to staff patrol. As we are able to fill our vacancies, a gang/street crimes unit will be created. The Sheriff's Office currently has one deputy assigned to the multi-agency gang task force.

Finding 3: Merced County Sheriff's Department has the lowest take home pay for the deputies compared to their counterparts in neighboring counties.

Recommendation 3: MCCGJ recommends an increase in staffing beyond the current allocation of 44 deputies to allow for night and weekend back-up, a decrease in response time and better coverage in rural areas.

Response: Merced County Sheriff's deputies have historically received lower pay than surrounding counties. The take home pay is also substantially lower than the Merced Police Department. At the time of this response the Deputy Sheriff's Association and the County have reached a tentative agreement, which would give them a 10% raise spread out over the next three years. It has been difficult to recruit and retain qualified deputies in recent years, so the Sheriff's Office has put a focus on hiring individuals who live in the Merced area and sending them to the Police Academy. This strategy has proven successful with the addition of approximately a dozen new deputies over the last year. As our staffing levels improve, we plan to utilize an alternate schedule with overlapping shifts to put more deputies on the street during peak hours."

## **EMERGENCY MENTAL HEALTH SERVICES IN MERCED COUNTY**

### **Internal Investigation 15-12-04**

The impact of the mental health crisis in Merced County is not just a county problem. It is a state-wide crisis. There is a shortage of beds in psychiatric facilities for adults and children in Merced County. To add to this problem, there is also a shortage of psychiatric providers and funds to care for those who are having a mental health crisis issue. The Merced County Civil Grand Jury conducted an inquiry regarding how mental health services are implemented in the hospital setting and primarily in our local emergency room (ER).

#### **FINDING(S)**

- F1.** The Mercy Medical Center has 25 ER beds, and on any given day 4 to 12 are being occupied by mental health patients awaiting a 5150 review.
- F2.** The closest pediatric psychiatric facility is in Sacramento.
- F3.** The Merced County Mental Health Department has a severe shortage of qualified mental health professionals.
- F4.** As of May (2016) Mercy Medical Center will have no psychiatric medical professionals on staff.

## **RECOMMENDATION(S)**

- R1.** That Merced County needs to attract more qualified mental health providers to this county. However, there is a real issue in getting mental health professionals to come and practice in Merced County. It isn't clear if this is because of insufficient money or opportunities, but it is clear this issue needs to be addressed.
- R2.** That Merced County do all they can to bring psychiatric facilities to the County to accommodate the mental health patients.
- R3.** That a program be created and implemented to begin mental health services for minors as they wait in the ER.

## **REQUESTED RESPONSE(S)**

### Merced County Board of Supervisors

“The Board of Supervisors appreciates the Civil Grand Jury’s attention to and recognition of mental health issues in our community. This Board recognizes that there is a shortage of mental health professionals in our immediate area and that these positions can be difficult to fill. It is our understanding that the Mental Health Department has applied for two separate grants totaling \$274,356 that would be used to recruit psychiatrists and psychiatric nurse practitioners. The funding would be used for advertising, sign-on bonuses and the use of a recruitment firm. Additionally, the Mental Health Department is reviewing its classification structure and specifications, as well as working on a formal Training and Development Plan to promote retention. The Department also collaborates with local universities to provide internships for graduate students in social work.

Under the Senate Bill 82 Investment in Mental Health Wellness Grant Program, the Merced County Department of Mental Health was awarded a \$1,089,000 grant to further develop mental health services. Not only will the project improve access to services, but it will also expand treatment options and the number of beds available to clients. While this effort will go a long way toward expanding Crisis Stabilization Unit services, it will also expand comprehensive patient treatment through the creation of a Crisis Residential Unit.

The Crisis Residential Unit will serve a valuable role locally in the care of clients. Currently, someone with a severe mental health issue is placed in the Marie Green Psychiatric Center. This facility provides them crisis services and 72 hours or more to stabilize. The Marie Green Center does an excellent job in efficiently alleviating issues with clients. But it is not long before many of those same clients re-enter the facility with another crisis or emergency. While the patients were stabilized during their stay at the

Marie Green Center, the treatment offers more of a triage of services rather than providing them with the tools to transition back into the general public and be self-sufficient. The Crisis Residential Unit is designed to address this revolving door issue. The Unit will provide clients with more comprehensive treatment during an extended stay of up to 30 days, allowing staff to work on longer-term solutions to improve the health and well-being of clients.

Regarding mental health services for minors in Emergency Room settings, the Board of Supervisors recognizes the efforts that take place amongst Triage staff to provide suitable assistance, update family members and focus on communication and documentation of various efforts. Triage staff has been advised that if a minor is present at the emergency room and meets eligibility requirements and a family member/care giver voluntarily agrees to services, that the Crisis Stabilization Program will be initiated and 30 days of intensive home-based mental health services will be implemented, according to the Department. This serves as a step-down from the emergency room setting.”

#### Merced County Mental Health Department

##### Response to Recommendation #1:

“The Merced County Mental Health Department concurs with the need to attract and retain qualified mental health providers. Overall psychiatric care services are severely impacted in Merced County (County). Based upon data analyzed by OSHPD, the County has approximately .4 psychiatric nurse practitioners per 100,000 people. Compared to the State average of .7 PNP-to population ratios, California had fewer nurses with psychiatric-prescribing privileges (CHCF, Mapping the Gaps: MH in CA, July 2013). In addition, the County prevalence of mental illness is above the state average of 7.6% of youth with seriously emotionally disturbed (SED), and 4.3% of adults with SMI. The County’s prevalence is 8.06% for youth, and 5.97% for adults (CHCF, MH in CA, Painting a Picture, July 2013).

The County is also designated as a “Mental Health – Health Professional Shortage Areas (HPSA), geographic designation” demonstrating a shortage of mental health providers (HRSA.gov, 2016). Recruitment efforts over the past several years show that certain professional positions are very difficult to fill and the County receives few applications for vacancies. For instance, only 2 applications for Psychiatric Nurse Practitioner were received over a 20-month period.

The Mental Health Department has recently applied for 2 grants totaling \$274,356. The funds would be used for recruitment of both Psychiatrists and Psychiatric Nurse

Practitioners, including advertising, sign-on bonus and hiring a recruitment firm. The sign-on bonus will serve as an incentive to join our organization, and will be required to be repaid if an individual leaves County employment before a specified period. Additionally, the Department is reviewing its classification structure and specifications, as well as working on a formal Training and Development Plan to promote retention through the establishment of career paths for employees so we can ‘grow’ our own.

Finally, the Department collaborates with local universities to provide internship opportunities for graduate students in social work. It also supports use of the State of California’s Mental Health Loan Assumption Program, which helps to retain qualified professionals working within the Public Mental Health System by providing loan forgiveness in exchange for a 12-month service obligation. While recruitment and retention challenges are serious and prevalent for mental health professionals, the Department is striving to do everything possible to overcome these challenges.”

#### Response to Recommendation #2:

“Merced County Department of Mental Health, under the SB 82 Investment in Mental Health Wellness Grant Program – California Health Facilities Financing Authority, recently received an award in the amount of \$1,089,000 to expand and renovate the facility where the present Crisis Stabilization Unit (CSU) is currently located to create a dedicated four (4) bed CSU for youth crisis services (ages 0-17 years old). Also this funding is dedicated to renovate the connecting Wellness Center that is set to relocate to another facility (tentative date October 2017). The renovation of the connecting Wellness Center, will allow for the current 4 bed adult CSU to expand crisis bed capacity in Merced County to eight (8) beds serving adults. The completion date for the renovations and occupancy for the CSU is tentatively set for February of 2018.

The new and renovated units will focus on serving youth and adults experiencing psychiatric crisis. For youth in particular, the crisis stabilization unit would provide monitoring and stabilization of psychiatric needs in a controlled setting without having to be held in the local hospital emergency rooms. Also, for minors this would allow for the engagement and collaboration for ongoing services with Children System of Care. Preference for the occupants of each of the Crisis Stabilization Units shall be provided to Merced Medi-Cal Beneficiaries and/or the uninsured.

In addition to the expansion for CSU services within the County, Merced County has partnered with five (5) Counties for the purpose of creating a Crisis Residential Unit (CRU). The collaborative partnership has been awarded grant funding to develop a 6-bed Crisis Residential Unit (CRU) located in Merced County. Funding is made available

through California Health Facilities Financing Authority. The CRU is currently under development, as the current renovations are being made to the formerly know Merced Community Medical Center. This six-county collaborative is comprised of Stanislaus County, Tuolumne County, Mariposa County, Madera County and Calaveras County. The goal of the Crisis Residential Unit to provide intensive 24-hour therapeutic environment on a voluntary basis to consumers as a method for diversion from, and an alternate to psychiatric inpatient services, and step down unit for individuals who are stable and on administrative days, pending placement, at Marie Green Psychiatric Center. Tentative set date for completion and occupancy is set for October of 2017.”

Response to Recommendation #3:

“For minors who are currently at the local ER, at a minimum, updates to involve family members and care providers should be occurring on each shift to the best of the Triage staff’s ability. It is recognized that the demands upon Crisis Services are high; however, striving to keep all individuals informed and documenting our efforts of communications are of paramount importance. There is a significant impact with wait times and prolonged transfers from ER to an accepting facility due to the limited Psychiatric Health Facilities designated for youth within the State of California.

Triage Staff have been advised, that if a minor presents at the ER and meets the eligibility requirements as well as family/care giver voluntarily agrees for services, to initiate Crisis Stabilization Program (CSP) referral for up to a thirty (30) day intensive home based mental health service. CSP program revolves around safety of consumer and preventing psychiatric hospitalization. If a minor is pending a transfer to a psychiatric health care facility for in-patient services, CSP will make continued contact with the minor and family as they wait for the transfer. Once the minor has been discharged from an inpatient hospital, CSP could be utilized as a step down intervention to ensure that the consumers mental health needs are met and family are supported during the transition.”

**PROCEDURES THAT GOVERN SAFETY IN SCHOOL SITE SELECTION  
LOS BANOS UNIFIED SCHOOL DISTRICT’S ACQUISITION OF  
CREEKSIDE JUNIOR HIGH SCHOOL SITE**

**External Investigation 16-02-05**

The 2015-2016 Civil Grand Jury reported on the newly constructed Creekside Junior High School in Los Banos. The school sits squarely in an airport zone, which is contrary to both the State Department of Education and the State Public Utilities Codes. The report details the process for acquisition of the property without the approval from state agencies as required by law.

**FINDING(S)**

- F1.** Los Banos Unified School District purchased land in default from a local developer who owed tax assessment to the district.
- F2.** The sole responsibility of the Airport Land Use Commission is to prevent incompatible land use development and thereby protect the public from both noise and risks. It is also to preserve the utility of airports.
- F3.** The School Site Selection and Approval Guide of the Department of Education states under **Evaluating Safety Factors** that “Safety is the first consideration in the selection of school sites”, and that “In selecting a school site, the selection team should consider the following factors: (1) proximity to airports.”
- F4.** The responsibilities of the school district, the California Department Education, and the Department of Transportation Aeronautics Program, Office of Airports, concerning a school site’s proximity to runways are contained in Education Code Section 17215 (as amended by Assembly Bill (AB) 747, Chapter 837, Statutes of 1999). (See CCR, *Title 5*, Section 14011(k).)

**RECOMMENDATION(S)**

- R1.** That the leadership, as well as the trustees, of the Los Banos Unified School District follow the State Public Utilities and Education Codes when selecting future school sites. The population of Los Banos continues to grow and the need for new schools will continue. These new schools need to be constructed in an area that will provide the safest environment for educational opportunities for all the students of Los Banos.
- R2.** That the Los Banos Unified School District be more proactive and informative when purchasing property and constructing new school sites by keeping the public informed.
- R3.** That the Los Banos Unified School District include a clause in its student registration documents stating that the Creekside Junior High School is located in an airport Zone C.

## REQUESTED RESPONSE(S)

### Los Banos Unified School District

None

### Airport Land Use Commission

“Thank you for providing the Airport Land Use Commission with a copy of the Grand Jury’s External Investigation 16-02-05, entitled, “Procedures that Govern Safety in School Site Selection: Los Banos Unified School District’s Acquisition of Creekside Junior High School Site”.

By way of background, the Airport Land Use Commission functions were performed under the guidance of Mr. William Nicholson, the ALUC Secretary in 2013 when the Los Banos Unified School District first requested that ALUC review consistency of their project with the Airport Land Use Compatibility Plan. Subsequent communications with the District and with the CalTrans Division of Aeronautics, and related parties, from 2014 through 2016, were performed under the direction of Ms. Oksana Newman, who became the Secretary of the ALUC following Mr. Nicholson’s retirement in April 2014. Ms. Newman recently left employment as my Deputy Director in June 2016. My organization, the Department of Community and Economic Development, provides staff support for ALUC. In this regard, per the request of the Grand Jury to respond to items F2, F3 and F4, I am providing response in an interim capacity to support ALUC operations until the vacant ALUC Secretary position is filled through an ongoing recruitment process for the Deputy Director position that Ms. Newman vacated.

In regards to the findings listed on page 43 and the Grand Jury’s request on Page 44 of the aforementioned investigation, please consider the following responses:

F2: The Grand Jury Report correctly identifies the responsibility of the Airport Land Use Commission to prevent incompatible land use development for the protection of the public from both noise and safety risks. It is also responsible for preserving the utility of airports by avoiding the placement of incompatible uses that may eventually lead to pressure to close an airport or curtail its operations. This is primarily achieved through the preparation and adoption of the “Airport Land Use Compatibility Plan” which establishes the “Compatibility Zones” referenced in the Report.

F3: The ALUC is not familiar with the document cited: “The School Site Selection and Approval Guide” of the Department of Education. However, the critical importance of

identifying a proposed school site's proximity to and compatibility with airports is well referenced in the Report, and is specifically cited in Finding F4 (Education Code Section 17215 (a) through (g)).

F4: This finding references the central requirement of the State Education Code (Section 17215) which is the process the Los Banos School District should have followed, as summarized in the Grand Jury Report. The Merced County Airport Land Use Commission provided similar clarification to the Los Banos School District concerning the proper process to "overrule" the Commission in correspondence dated January 19, 2016, signed by all members of the Airport Land Use Commission."

### **INVITED RESPONSE(S)**

#### Merced County Board of Supervisors:

"The Board of Supervisors is responsible for appointing two members to the Merced County Airport Land Use Commission (ALUC), which is tasked with preventing incompatible land use development for the protection of the public from noise and safety concerns per the requirements of the California State Aeronautics Act. The ALUC is also responsible for protecting the integrity of local airports from incompatible uses that could prove problematic. Furthermore, the Board agrees with the previously-provided response from the Merced County Department of Community and Economic Development, which oversees the staff support for the ALUC.

### **FOLLOW-UP**

The 2016-2017 Civil Grand Jury has noted that the Los Banos Unified School District (LBUSD) officials chose to circumvent the policies and procedures of multiple state agencies in the acquisition of the land for Creekside Junior High School. In addition, LBUSD officials have failed to respond to the 2015-2016 Grand Jury report, a violation of California Penal Code Section 933.05.

Further investigation by this Grand Jury has also revealed that LBUSD does not currently notify Creekside parents that their children are attending a school located in an airport flight zone.

# **CITY OF MERCED CODE ENFORCEMENT PROCESS**

## **External Investigation 16-02-22**

The 2015-2016 Civil Grand Jury received an inquiry regarding the Century Bowl bowling alley located on the corner of Parsons and Childs Avenues. The building had been vacant for many years and had been the subject of many code violations dating back to 2007. Violations included garbage, squatters, graffiti and overgrowth of landscape. The Grand Jury voted to investigate the City of Merced code enforcement policies and procedures, specifically as they relate to the issues with Century Bowl.

### **FINDING(S)**

- F1.** The Century Bowl has had the same owner/trustee since October 2007. According to the Merced County and City websites, the property has had no applications or permits recorded as of May 23, 2016.
- F2.** Code Enforcement telephone complaint messages are directed to the officer in the field. On many occasions, the officer was able to resolve the complaint quickly; therefore, the complainant would not be notified that the complaint has been resolved.
- F3.** There is no standard or procedural time frame to respond to complaints. It depends on severity and staffing.
- F4.** If there is an object in the street that has not been removed within 72 hours, which is a violation of Merced Municipal Code (MMC), code requires that Public Works be notified. It then becomes the responsibility of Public Works to remove the object.
- F5.** The current disposition in the case of the Century Bowl, as of April 28, 2016, a ‘Declaration of Public Nuisance’ was issued and the file was forwarded to the City Attorney’s office for consultation on the next step toward a resolution.

### **RECOMMENDATION(S)**

- R1.** That Code Enforcement apply for grants that will allow the hiring and training of additional officers. The integrity of the entire city relies on the Code Enforcement Program to maintain the livability of the City of Merced. With minimal staffing, they cannot preserve in a timely manner the livability and viability of our neighborhoods. It is recommended that ‘extra help’ staff be placed in a position to handle the minor complaints.
- R2.** That the City of Merced research the option of obtaining an experienced grant writer to assist Code Enforcement and other departments in acquiring available funding.

- R3.** That once Public Works has been notified to remove an object, the complainant should be notified of this disposition. This would eliminate the redundant calls on the same issue to Code Enforcement.
- R4.** That a tracking number be assigned on the Planning Department Request for Code Enforcement Form. This would allow a complainant to contact the city clerk's office and request information on cases.

**FOLLOWUP**

It should be noted that the Century Bowl building has been demolished and the lot has been cleared to allow opportunity for future development.



Pictured above is the Century Bowl facility prior to demolition.



The bowling alley has been demolished and the lot has been cleared and fenced.

**REQUESTED RESPONSE**

City of Merced

None

**DISCLAIMER**

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.