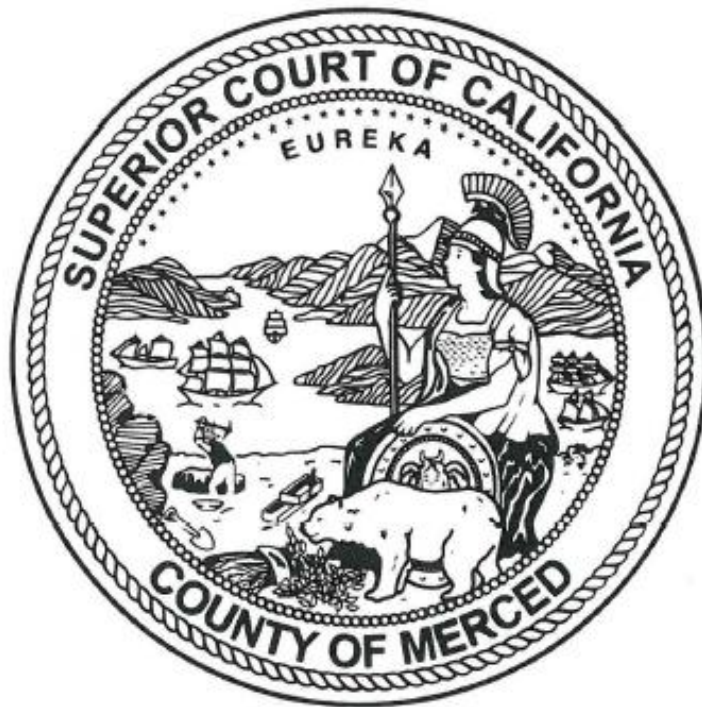


**MERCED COUNTY
CIVIL GRAND JURY
FINAL REPORT
2014-2015**



**MERCED COUNTY CIVIL GRAND JURY
2014-2015 FINAL REPORT**

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CIVIL GRAND JURY

PO Box 2034

Merced, California 95344

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

June 29, 2015

The Honorable Mark V. Bacciarini
Presiding Judge of the Civil Grand Jury
Merced County Superior Court

Dear Judge Bacciarini:

The 2014-2015 Merced County Civil Grand Jury (MCCGJ) is privileged to be selected to serve as jurors and respectfully present this Final Report to the Court and the citizens of Merced County in accordance with California Penal Code, Section 933.

The MCCGJ extends its sincere appreciation to each of the city and county agencies for their cooperation, patience, and prompt responses to all requested information. The acceptance of the findings and implementation of MCCGJ's recommendations now is the responsibility of the city and county agencies and departments detailed in the 2014-2015 MCCGJ Final Report.

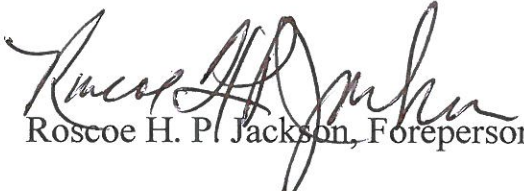
Of the nineteen (19) logged complaints, two (2) were resolved, one (1) was anonymous, four (4) were connected to other matters in the Superior Court of California, two (2) were held over for 2015-2016 Civil Grand Jury, five (5) were referred to the appropriate entity for resolution, three (3) had other remedies for resolution, and two (2) were outside the jurisdiction of the Civil Grand Jury.

As mandated by law, the Civil Grand Jury inspected three detention facilities: Merced County Sheriff's Department Main Jail Facility, John Latorraca Correctional Center, and Los Banos Police Department Detention Facility. A visit to Iris Garrett Juvenile Correctional Complex was conducted.

The 2014-2015 Merced County Civil Grand Jury members used this opportunity to utilize their expertise to study the systems within this County that were either brought to our attention by a complainant or internal investigation directed by the Civil Grand Jury. Our service to this County has given each of the jurors an opportunity to learn the detailed administrative processing activities, make reasonable recommendations to foster improved efficiency.

When challenges occur in the communities of Merced County, this is an opportunity for each of us to contribute our talents. It takes the entire population to come up with resolutions to some of those challenges. The combined efforts of the citizens of Merced County can secure for all of us a better future.

Sincerely,



Roscoe H. P. Jackson, Foreperson

2014-2015 MERCED COUNTY CIVIL GRAND JURY

Civil Grand Jurors:

1. Mary Brooks
2. James Buckley #
3. Amanda Carvajal #
4. Tracy Clarot
5. Jose Delgadillo
6. Tom Dinwoodie #
7. Katherine (Susan) Graf – Foreperson Protem
8. Stanley Hoffman
9. Roscoe (Jack) Jackson – Foreperson
10. Melissa Korth
11. Kristin Murdock
12. Dorene (Bunny) Paskin
13. John Petrone
14. Steven Presto #
15. Elizabeth Salles
16. Rick Scurich
17. Donald Tyson
18. Kenneth van Loben Sels
19. Betty Wong #

Jurors resided in the following communities of Merced County:

Atwater

Los Banos

Merced

Unable to complete term

**MANDATED
INSPECTIONS OF
MERCED COUNTY
DETENTION FACILITIES**

MANDATED DETENTION FACILITIES INSPECTIONS

SUMMARY

The 2014-2015 Merced County Civil Grand Jury (MCCGJ), in accordance with the requirements of the California Penal Code Section 919(b), has conducted an inspection of the detention facilities in Merced County. The purpose of these inspections was to “inquire into the conditions and management of the public prisons within the county,” as stated in California Penal Code Section 919(b). Under these provisions, members of the MCCGJ toured and inspected the following facilities:

- Merced County Sheriff’s Department Main Jail
- Merced County Sheriff’s Department John Latorraca Correctional Center
- Iris Garrett Juvenile Correctional Complex
- Los Banos Police Department Jail Facility

During these inspections, the MCCGJ determined that all areas of incarceration met the minimum standards of the Corrections Standards Authority (CSA), found in Titles 15 & 24 of the California Code of Regulations. The MCCGJ notes several areas of improvement: The majority of areas of “non-compliance” listed on the 2014 “Board of State and Community Corrections” biennial Inspection and the “Office of the State Fire Marshal” inspection had been corrected; educational opportunities have increased for inmates in the areas of Cognitive Skills, Substance Abuse, Employment Readiness/Vocational Job Searching, Anger Management, Life Skills and Women’s Group; John Latorraca Correctional Center is in the process of installing a more efficient Electronic Security System; The process to update the “Needs Assessment Study,” which will assist in the pursuit of grant funding needed to build a more secure and safe jail at the John Latorraca Correctional Center, has been initiated.

INVESTIGATIVE METHODS

The 2014-2015 MCCGJ utilized an inspection form suggested by the California Grand Jurors’ Association and California Corrections Standards Authority (CSA). This form enabled documentation of the observations the jury made during their visit. We observed the physical condition and management of the facility staffing, condition of grounds, condition of exterior/interior of buildings, meals/nutrition, educational/vocational programs, discipline and inmate grievances, inmate orientation and classification, types of cells/housing, visitation policies and correspondence available to inmates, and all video systems.

In addition, the MCCGJ reviewed previous Grand Jury Reports, interviewed staff members, reviewed operation of Health Care Services. We also reviewed the most recent inspection reports prepared by the California Standards Authority, the local fire authority, and the local Health Authority. We communicated via email and telephone with facility management throughout the inspection process.

JAIL INSPECTION REPORTS

MERCED COUNTY SHERIFF'S DEPARTMENT/ MAIN JAIL FACILITY

The MCCGJ inspected the Main Jail Facility, located at 700 W. 22nd Street in Merced, on January 23, 2015. The Main Jail Facility originally had the state-rated capacity of 189 inmates. Assembly Bill 109 now restricts the capacity to 170 inmates. The jail usually runs at capacity and transfers inmates to John Latorraca Correctional Center to avoid violating the capacity limit. The Main Jail Facility is approximately sixty years old and outdated. The facility is linear by design and is safe for adequate supervision of inmates. Modern facilities utilize "Pod" construction. Prior to AB109, the county jails housed inmates serving terms of one year or less. Currently, there is a shortage of Maximum Security beds because the facility was not built to house Maximum Security or long-term inmates.

FINDINGS

F1 Considering the age of the building, the interior and exterior of the facility are in satisfactory condition. All interior areas inspected were noted to be clean and well-maintained except for "holding cells," which were commonly littered with food and trash but cleaned twice daily. Inmates are not held accountable for cleaning upon leaving the cell.

F2 The staff is very well versed on "gang" identities and classifies all inmates in the "booking" process. This allows for segregation of affiliated gang members and insures the safety and security to all other inmates and staff members.

F3 The Merced County Department of Public Health has a registered nurse from Nurse Family Partnership (NFP) on call for any first-time expectant mother placed in the custody of this facility.

RECOMMENDATIONS

R1 Inmates must discard unused food items and trash before exiting their holding cells.

COMMENDATION

The Department of Public Health is to be commended for their Nurse Family Partnership (NFP) Program and their services and coordinated efforts in serving expectant mothers in the facility.

MERCED COUNTY SHERIFF'S DEPARTMENT/JOHN LATORRACA CORRECTIONAL CENTER

On January 23, 2015, the MCCGJ inspected the John Latorraca Correctional Center, located at 2584 W. Sandy Mush Road in Merced County. It has a state-rated capacity of 564 inmates. It houses both male and female inmates. Average capacity is 485, but it occasionally exceeds maximum capacity. John Latorraca Center was originally built as a Minimum Security facility. However, since the implementation of AB109, the jail now houses Medium to High-risk inmates as well. This facility is 24 years old. The cells as well as the interior and exterior of the buildings are in need of repair. Graffiti is present and appears to be gang-related in most cases. This facility maintains a Minimum level of staffing but is still fully secure (normally through the use of staff-overtime.)

FINDINGS

F1 The non-compliance issue with Title 24, Section 2.10 (Exercise area), as stated in Board of State and Community Corrections (BSCC) 2010/2012 and 2012/2014 inspection reports, has not been corrected. This regulation requires outdoor exercise area(s) that include free access to a toilet, wash basin, and drinking fountain. The facility has constructed two outdoor, paved and fenced exercise areas that have no toilets or wash basins available to inmates.

F2 The facility experienced three (3) inmate escapes in 2014. Since the last escape, the staff incorporated an "Escape Prevention Plan" that includes: bolting chairs down, reinforcing all fencing, and other strategies. They have experienced no additional escapes since the Plan was put into place.

F3 This facility houses a food preparation area that provides approximately 2,000 meals daily. The food prep area serves this facility, the Main jail, Iris Garrett Juvenile complex, and Marie Green Center. The kitchen is well-run with careful attention paid to ensure adequate health and sanitary conditions. Inmates are trained in food preparation and medically cleared prior to onset of work duty.

RECOMMENDATIONS

R1 The MCCGJ recommends that the Center installs toilets, wash basins, and drinking fountains in exercise areas, (Title 24, Section 2.10).

IRIS GARRETT JUVENILE CORRECTIONAL COMPLEX

The MCCGJ (2014-2015) conducted a facility inspection of the Iris Garrett Juvenile Correctional Complex on November 19, 2014. At the time of the inspection, the juvenile complex housed 51 youth inmates. It has a maximum bed capacity of 120, with a 105 budget capacity. There are 40 individual cells and 40 double cells.

The Iris Garrett Complex is located at 2840 W. Sandy Mush Road in Merced. This facility is a complete complex, housing the core of the juvenile Justice System for Merced County. It is the site for Juvenile Court. All juvenile cases are adjudicated here, including first-time offenders. The decision by the judge determines where the case and the offender go from there. The juvenile facility is supervised and funded by the Probation Department, not the Sheriff's department. The facility houses the Juvenile Court operations which include: forty-eight hour holding cells, long term cells for offenders sentenced by the Court and intake facilities for those sentenced. There is also storage area for the property of those sentenced, a dining area, recreation areas, school rooms, and medical facilities. The Court area includes a courtroom, a clerk's office, and conference rooms for attorneys to meet privately with their clients. The most positive observance was the mental attitude of the staff. This was exhibited by their answers to questions, and they clearly exhibited a common attitude of: "We try to serve the needs of the child." The Court complex is ten years old and has been well maintained, both inside and out. The Grand Jury noticed cleanliness everywhere throughout the facility.

FINDINGS

F1 The shower area in the central portion of building had a small utility closet that housed a water heater and cleaning tools. The door to this closet was open and unlocked, leaving unsafe access to potential hazards.

RECOMMENDATION

R1 Ensure that the door to the utility closet remains closed and secure to ensure safety of inmates and staff.

LOS BANOS POLICE DEPARTMENT JAIL FACILITY

The Los Banos Police Department Jail was inspected by the MCCGJ on November 20, 2014. It is located at 945 5th Street in Los Banos. The Department operates a Type 1J jail facility, which allows the Department to house no more than 20 inmates for up to 96 hours, excluding holidays. Community Service Officers (CSO) are used to monitor inmates under the supervision of an on-duty sergeant. When a CSO is not available, the jail area is under constant surveillance by police dispatch personnel.

The facility is utilized 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, in accordance with a mutual agreement.

The jail is part of the Police Department facility and 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 Health Department, the Fire Department, and juvenile justice agencies. There is one cell designated to hold inmates who may be in danger of injuring themselves. The jail has a kitchen where basic meals and snacks are prepared for inmates.

Although the facility is over 45 years old, the MCCGJ found that the facility is run efficiently and kept very clean and orderly.

All personnel entering the jail area are required to place any dangerous devices in a secured locker.

There is no medical staff on-site. All medical conditions are quickly addressed by transporting the inmate to the local hospital or by calling 911.

This facility will not hold violent or mentally-disturbed detainees. These are considered unique inmates and are immediately transported to the appropriate Merced County facilities.

All inmates, upon booking, are asked a series of medical questions by the medical staff. These questions are listed on the Merced County Jail booking system computer. In addition, inmates are questioned regarding gang affiliation(s); this allows the department to place them into a "Classification System" and then determine if they require segregation from other gang members and inmates.

FINDINGS

F1 The Department experienced a high "Work Related Injury" rate in 2014: a 50% report-rate of injury for "sworn" employees (38 employees and 19 reports of injury) and 26.9% report-rate for "non-sworn" employees (23 employees and 6 reports of injury). Although the combined rate is approximately 33%, only 28% resulted in "loss work days." The Department contracts with Acclamation Insurance Management Services (AIMS), a third-party administrator of worker's compensation, which works in conjunction with Central San Joaquin Valley Risk Management Authority (CSJVRMA), a Joint Powers Authority.

F2 Los Banos Police Department Chief has maintained excellent records for on-the-job injury reports and injury claims. These records were readily available to the MCCGJ. All necessary and legal documents pertaining to staff safety were posted and accessible.

F3 The Department installed two (2) additional security cameras in the "holding" cell area in 2014, allowing for added security to inmates and staff.

RECOMMENDATIONS

R1 The Department should implement a “Loss Prevention Program,” which includes (but is not limited to) posting a “Written Safety Policy” (*this is currently in place and should be maintained*). The Department should establish “Loss Prevention Goals” and Employee training (new-hires and post-injury employees), schedule periodic self-inspections, and conduct on-site investigations that include a “job safety analysis.” This analysis should review the causes of injuries in order to uncover hazards. These inspections will hopefully lead to a more efficient and safe working environment. An effective “Loss Prevention Program” may also reduce the insurance premium, reduce time lost by injured employees, and reduce medical costs. In addition to reducing these direct costs, indirect costs such as loss of time spent hiring and training replacement employees may also be reduced.

COMMENDATION

Los Banos Police Department and its Police Chief are commended for excellent communication and notification of all matters regarding staff safety and injury reporting. The transparency of their records and their timely maintenance were found to be excellent. The Los Banos Police Department also promptly provided all requested documentation pertaining to the work-loss situation.

INVITED RESPONSES

Merced County Sheriff

Merced County Chief Probation Officer

Chief of Police, City of Los Banos

INVESTIGATIVE REPORTS

MERCED COUNTY PERMITTING PROCESS FOR DOMESTIC WELLS (Internal Investigation 14-11-08)

SUMMARY

The 2014- 2015 Merced County Civil Grand Jury (MCCGJ) has conducted an inquiry regarding the domestic water well permitting process. After the MCCGJ reviewed the entire permitting process, we chose to focus on the inspection process. This appears to be the greatest area of concern to the citizens of Merced County.

METHODOLOGY

Interviews were conducted with staff members of The Department of Public Health: Division of Environmental Health. The supervisor of this area is responsible for the supervision of the issuance of domestic water well permits. We obtained documents from various state agencies that are in compliance with State Water Resources, Title 17 of California Administration Code. We also received the Water Resources Bulletins # 74-81 and information about the well permitting processes from Bulletin # 74-90.

DISCUSSION

The current drought situation in Merced County, as well as California, has resulted in many domestic dry wells. This has caused a vast increase of applications for domestic water well permits for the construction of new water wells. Applications have also increased for the reconstruction, repair, deepening of existing wells or the destruction of abandoned wells. (State Water Resources Bulletin #74-81, # 74-90).

It was discovered that property owners are required to contract through a C-57 licensed contractor-driller for permitting purposes. A C-57 licensed contractor-driller is a driller who is required to go through a testing and licensing process. Drilling can only proceed with the issuance of a permit to a C-57 licensed contractor-driller.

The County Health Officer is responsible for insuring the proper licensing of the contractor.

Merced County is required to follow the California State Standards found in the California Water Resources Bulletins # 74-81 and # 74-90 (water well standards). California standards require an annular seal to be poured at each well. An annular seal is a cement type product mixed and poured, sealing the outer area of the well casing. The purpose of this seal is to prevent the migration of surface water into clean water strata. The annular seal is required to be poured down to a depth of 50 feet.

To assure compliance, inspections must take place at each required step in advance of continued work to avoid water on the surface and sub-surface strata from flowing down the well casing

thereby contaminating the usable clean water strata. Contamination of this water may pose serious public health problems as well as economic hardships in many areas of Merced County.

FINDINGS

F1 Merced County is experiencing a greater demand for well permits than in its past 160 years of history. Therefore, there is pressure to complete the well drilling process without proper inspection.

RECOMMENDATIONS

R1 The permit should be visibly posted at the construction site. This permit requires the date and time of inspection to be signed off by the designated inspector at each required step.

INVITED RESPONSE

Department of Environmental Health

BIBLIOGRAPHY

1. California Administrative Code, Title 17
2. California State Water Resources Bulletin #74-87
3. Merced County Permitting Process from California State Water Resources Bulletin #74-90
4. California State License Requirements for C-57 License
5. Merced County Code for Water Well Standards Section 9.28.060

**MERCED COUNTY GUBERNATORIAL ELECTION NOVEMBER 2014
(Internal Investigation 15-01-22, Internal Investigation 15-01-23)**

SUMMARY

Members of the Merced County Civil Grand Jury 2014-2015 (MCCGJ) received several inquiries regarding the Gubernatorial Election of 2014. The MCCGJ voted to conduct an investigation into this election and the election process. Jurors and citizens were concerned as to why the Merced Community College Board of Trustees Election had to be sent to 900+district voters a second time.

BACKGROUND

Prior to January 2013, the Office of the Merced County Tax Collector was responsible for conducting and overseeing elections. In January 2013 the responsibility was transferred to the Merced County Office of the Assessor. This followed the most recent census in the County. The Community College District One did not hold an election in 2012. Therefore, the new boundaries following the census were not in place for that district. Due to this transfer error, Merced College District One was not placed on the 2014 Gubernatorial Election Ballot.

METHODOLOGY

Members of the Civil Grand Jury interviewed the staff at the Registrar of Voters office. Members of the Civil Grand Jury collected and reviewed state law, and local procedures relating to Gubernatorial Election process and ballot file requirements.

DISCUSSION

The confusion regarding the 900+ votes of District One caused the votes to be recounted. The Merced County Registrar of Voters sent out notices with a second ballot explaining the error. If a voter could not or chose not to re-vote but voted the first time, the first ballot was counted. Those who voted a second time (to include the missed vote of Merced County College Board of Trustees District One) had the first ballot held then matched to the second ballot by the Registrar of Voters Committee. The first ballot was not counted into the vote, and the second ballot was the official ballot that was counted. Both ballots will be held for twenty-two (22) months past the election.

FINDINGS

- F1. The MCCGJ found that all ballots in the Gubernatorial Election of 2014 were counted. If a citizen voted, the vote was counted regardless of whether a voter completed the first ballot and/or the second ballot.

BIBLIOGRAPHY

1. Merced County Sample Ballot
2. Notice with Second Ballot

SAFELY SURRENDER BABY LAW (Internal Investigation 14-12-10)



BACKGROUND

In October 2014, a live baby was found in a dumpster in the city of Merced. As of this report, it is understood the child is doing very well. The Merced County Civil Grand Jury (MCCGJ) felt that the implementation of the Safely Surrender Baby Law (AB 1048; Chapter 567) should be investigated to ensure Merced County is doing all it can to prevent abandoned babies. From the time the law took effect in California in 2001 to 2014, there have been 669 newborns (surrendered safely) in the state of California. Merced County has had 3 babies surrendered since the law went into effect in 2001. Abandoned baby deaths still occur within the state, and we have heard of three (3) abandoned infant deaths in the last couple of years in surrounding counties. It is well-documented that the Central Valley counties have the highest rate of teenage pregnancy in the state. This implies that Merced County is at a higher risk than many California counties. How many babies have been abandoned that no one knows about? Unfortunately, MCCGJ did find some deficiencies in Merced County, and MCCGJ has made recommendations for the county to become more compliant and also to be more pro-active in saving babies. The County Board of Supervisors is responsible to appoint Safely Surrender Baby Law receiving sites. They are most commonly fire departments and hospitals. These sites should have signage, written policies, and employee training.

METHODOLOGY

The Merced County Civil Grand Jury (MCCGJ) conducted an investigation of the Safely Surrender Baby Law (SSBL). MCCGJ conducted several interviews with Merced County Fire Department officials. We obtained Policies and Procedures for the Safely Surrender Baby Law from hospitals and emergency rooms. We interviewed school teachers and school officials regarding pertinent education in the high schools. We took site tours of fire departments and high schools. We also interviewed county officials that would be responsible for ensuring the SSBL is enforced.

DISCUSSION

The Safely Surrender Baby Law allows a mother, father, or legal guardian to safely surrender their newborn within 72 hours of birth without any legal consequence. It can be anonymous, but completion of a health questionnaire for the baby is requested. The parent is not required by law to fill it out (it is only requested). This questionnaire is provided in order to ensure the health agency has the appropriate health history for the infant, and it also remains anonymous. The surrendered infant is then appropriately transported to the nearest health facility (hospital) for evaluation and care. The infant is then given over to the Merced County Child Welfare Services. This law not only protects the babies, but also protects the parents/guardians as well.

FINDINGS

F1 The Merced County Board of Supervisors

In our interviews with the Merced County Human Services Agency administration staff, it was apparent they had very little knowledge about the Safely Surrender Baby Law (SSBL) and they were not under any direction from the Board of Supervisors to implement this law. It is a mandate from the state of California for each county. The Merced County Human Services Agency functions under the authority of the Merced County Board of Supervisors. In order for the Merced County Human Services Agency to implement a plan, it must be adopted by the Merced County Supervisors first. Currently, the Board of Supervisors has no plan in place for the SSBL. The Merced County Human Services Agency has provided Merced County Civil Grand Jury (MCCGJ) with flyers that pertain to the SSBL. It is Merced County Civil Grand Jury's opinion that these flyers are inadequate. Like many other counties, Merced County Human Services Agency does not have a hotline or website specific to the SSBL; however, the state of California does provide both.

The County of Merced Board of Supervisors is responsible to mandate to the county the assignments of receiving sites, inspections of sites, personnel training and marketing of the sites in all languages common to Merced County. In the course of our investigation, it was revealed that these met minimal requirements.

F2 Merced County Fire Department

Merced County is one of the largest rural area counties in California. Because there are incorporated areas, Merced County contracts with Cal Fire to maintain fire safety and other emergency safety procedures. Our interviews revealed that Cal Fire has not been directed by the Board of Supervisors to implement a Safely Surrender Baby Law policy; therefore, they are not contractually obligated to Merced County to have a policy in place.

F3 Merced Fire Department

We were pleased to find that the Merced Fire department has a very impressive Safely Surrender Baby Law (SSBL) policy and procedure in place at each station. Each city station has a notebook with

appropriate paperwork, infant wrist bands, and health questionnaires. Each member of the department has been trained on SSBL policy. To their credit, the Merced Fire Department realized approximately two (2) years ago that they were deficient in the SSBL and took it upon themselves to put a policy in place.

F4 Atwater Fire Department

This department is under the direction of Cal Fire. At the time of this investigation, they did not have a Safely Surrender Baby Law policy in place but have begun working on a policy and training program.

F5 Los Banos Fire Department

The City of Los Banos moved to adopt the Safely Surrender Baby Law and developed policies and procedures, training manuals, and training for all fire personnel. They have appropriate signage and a kit ready to use in the event there is a baby surrendered.

F6 Merced County Hospitals

Mercy Medical Center and Los Banos Memorial do have policies and procedures pertaining to the Safely Surrender Baby Law in their Labor and Delivery Departments and Emergency Rooms.

F7 Merced County Office of Education

The Merced County Office of Education does provide to Merced County High Schools education material that is adopted from the State of California Education Department. It is clear the schools have adopted the curriculum for Safely Surrender Baby Law in their sex education classes. (AB 2817; Chapter 1099) There is a minimal amount of educational material available from the state of California Department of Education.

F8 Merced Union High School District

Although the MCCGJ realizes that this is not directly about the Safely Surrender Baby Law, we were very impressed with Merced High School District's (MUHSD) program for pregnant teenagers. Once the school becomes aware that a student is pregnant, the student is provided with options of participating in the parenting classes, and day care for their children. Both the mother and father of the baby can participate in this program, which enables class attendance for the High School aged parents. The goal is graduation for all high school students regardless of their situation. This school program ensures the mother is seeing doctors and getting the care she needs and is offered help through Merced County Public Health Department in the Nurse Family Partnership; however, this is an option and the mother can opt out if she wants (with no questions asked). We found that most mothers attending Merced High Schools tend to keep their babies. These mothers and their babies remain healthy, and the mothers finish school or continue in General Education Diploma (GED) classes. Funding is limited, and many of the instructors take it upon themselves to provide books and transportation to doctor appointments. It was noted that not all the high schools within the MUHSD can participate because of transportation issues.

RECOMMENDATIONS

R1 The MCCGJ recommends that the Merced County Board of Supervisors adopt a Safely Surrender Baby Policy immediately (per AB 1048) and directs the implementation of safe surrender sites, hotlines and websites, as well as multi-language signage and flyers to serve the county.

R2 We recommend all fire stations throughout the county (including all Cal Fire stations) are Safely Surrender Baby receiving sites.

R3 We recommend funding to ensure that there is adequate transportation for the parent or guardian to safely surrender the infant to these sites within cities and county areas.

R4 We recommend that the county develops a website to inform women in crisis to provide immediate options and help. This website should include sites in their area to surrender the newborn, transportation options, and an easy-to-read rendition of the law which defines their rights to confidentiality and anonymity. We also recommend a hotline in place with an appropriate agency such as hospital or fire station and future implementation to the new 211 program. (The 211-program will be coming to Merced County. It is a directory/hotline of local programs for the community to assist in health and crisis.)

R5 There should be service announcements and bill boards, as well as marketing to the public that there are safe and discrete options for moms and/or families in crisis.

R6 It would be ideal for all county high schools to have the ability to participate in parenting programs. We recommend that the county seek funding in the future to allow the MUHSD to have more adequate transportation within their district. We also suggest that they continue funding for more parenting programs within all the county high school districts.

R7 We also would like to recommend educational information be provided to Alpha Pregnancy Crisis Center and to all Primary Care doctors in the Merced County area.

If we in Merced County can save one baby, then any effort we exert will diminish in the victory we have achieved.

REQUEST FOR RESPONSES

Merced County Board of Supervisors

Director, Human Services Agency

Merced County Superintendent of Schools

Merced County Fire Chief

Los Banos Fire Chief

Merced City Fire Chief

BIBLIOGRAPHY

1. Assembly Bill No.1048
2. Assembly Bill No. 2817, Education Section Code 52553(b)(1)(B)(8)
3. Numerous newspaper articles within the Central Valley

COMMENDATIONS

Los Banos Fire Department: The Los Banos City Council Adopted the SSBL on April 1, 2015. Shortly after, the MCCGJ conducted a site visit of the Los Banos Fire Department. It must be noted that the Department had acted quickly in assigning a SSBL coordinator, completing training of all staff members of each department and implemented a definitive program for the city of Los Banos.



Merced Fire Department: The Merced County Civil Grand Jury was very pleased to find in our investigation that the Merced Fire Department had recognized that their department did not have the SSBL in place a couple of years ago. They took it upon themselves to do the research and put a policy and kit together and there is a kit in each station and also ensuring every one of their employees were trained in the event a baby would be surrendered to their station. We were very impressed with their thoroughness and initiative.



Merced Union High School and Yosemite High School: The Merced County Civil Grand Jury would like to commend the teachers, counselors, and administrators in their works to ensure these young women with babies are graduating and raising their children in a warm, clean, friendly atmosphere as you

provide. It is a very safe environment and it was obvious you as educators do a marvelous job helping these young women daily not just in the classroom but all the time.



The Department of Public Health is to be commended for acquiring grant money for the Nurse Family Partnership. This funding requires Registered Nurses to assist and follow first time mothers, who meet specific criteria from pre-natal care through post-natal care up to the age of five for each child.

**MERCED COUNTY SCHOOL BOARD MEMBER ELECTION PROCESS
(Citizen Complaint 15-01-08)**

SUMMARY

The Merced County Civil Grand Jury 2014-15 (MCCGJ) received two complaints regarding possible misrepresentation on an application for the Gubernatorial Merced County Elections, Area 1, Merced Union High School District. The complainants alleged that the one candidate was not residing in the required residential area at the time of the application.

BACKGROUND

At the time of completing the election application packet, the Registrar of Voters checks the residence of each candidate. This requires a copy of the candidate's Driver's License which a clerk checks against the voting records of the applicant. The search record is included in the applicant's election packet. A map identifying the exact address of the applicant is included in the final election packet of the candidate. When all paperwork is completed, the applicant pays his/her fees and swears an Oath of Loyalty to the Constitution of the United States of America and the Constitution of the State of California. In addition, the applicant swears all information is accurate and true.

METHODOLOGY

Members of the Civil Grand Jury interviewed the complainant, and staff at the Registrar of Voters office. Members of the Civil Grand Jury collected and reviewed state law, local procedures and public and confidential documents related to residency requirements and residency.

Copies of the election packet revealed that the applicant was consistent in citing his address, and all documents were dated August 1, 2014. The Merced County Superior Court at the Family Law Division of the Clerk's Office revealed that a Dissolution of Marriage was filed on September 8, 2014.

FINDING

F1 A audio copy of the minutes of the MUHSD Board meeting held on February 11, 2015, was obtained; wherein a discussion regarding residence ensued. The Election Code 349 paragraph (c) allows the candidate to live and maintain more than one residence

BIBLIOGRAPHY

1. Election Code 349
2. MUHSD Board Policy re: residence; and copy of CD of Board meeting February 11, 2015
3. California Attorney General's case law re: residency. (90-943 and 13-1103)
4. Complaint filed by Applicant's spouse for dissolution of marriage on September 8, 2014

DISPOSITION OF COMPLAINTS

DISPOSITION OF COMPLAINTS

COMPLAINT # 14-04-01

MERCED UNION HIGH SCHOOL DISTRICT

The 2014-2015 Merced County Civil Grand Jury received a complaint to investigate the Merced Union High School District.

After initial review and preliminary investigation of the complaint, the Civil Grand Jury declined to take action because the issue is outside jurisdiction of Merced County Civil Grand Jury.

COMPLAINT # 14-04-02

CITY OF MERCED

The 2014-2015 Merced County Civil Grand Jury received a complaint to investigate the City of Merced.

After initial review and preliminary investigation of the complaint, the Merced County Civil Grand Jury declined to take action; and the complainant was referred to the appropriate entity for resolution.

COMPLAINT # 14-04-11

MERCED UNION HIGH SCHOOL DISTRICT

The 2014-2015 Merced County Civil Grand Jury received a complaint to investigate the Merced Union High School District.

After initial review and preliminary investigation of the complaint, the Merced County Civil Grand Jury declined to take action because the issue is outside the jurisdiction of Merced County Civil Grand Jury.

COMPLAINT # 14-06-16

DELHI UNIFIED SCHOOL DISTRICT

The 2014-2015 Merced County Civil Grand Jury received a complaint to investigate the Delhi Unified School District.

After initial review and preliminary investigation of the complaint, the Civil Grand Jury declined to take action because the issue had been overtaken by subsequent events.

COMPLAINT # 14-06-18

MERCED COUNTY SHERIFF'S OFFICE

The 2014-2015 Merced County Civil Grand Jury received a complaint to investigate the Merced County Sheriff's Office.

After the Merced County Civil Grand Jury studied the allegations contained in this complaint, action was declined because the issue had been overtaken by subsequent events.

COMPLAINT # 14-08-01

MERCED UNION HIGH SCHOOL DISTRICT

The 2014-2015 Merced County Civil Grand Jury received a complaint to investigate the Merced Union High School District.

After initial review and preliminary investigation of the complaint, the Civil Grand Jury declined to take action because the issue is outside jurisdiction of Merced County Civil Grand Jury

COMPLAINT # 14-08-06

ATWATER POLICE DEPARTMENT

The 2014-2015 Merced County Civil Grand Jury received a complaint to investigate the Atwater Police Department.

After initial review and preliminary investigation of the complaint, the Civil Grand Jury declined to take action because other remedies are available to the complainant.

COMPLAINT # 14-10-15

MERCED COUNTY SHERIFF'S DEPARTMENT

The 2014-2015 Merced County Civil Grand Jury received an anonymous complaint to investigate the Merced County Sheriff's Department.

The Merced County Civil Grand Jury declined to take any action.

COMPLAINT # 14-10-22

**MERCED COUNTY DEPARTMENT OF PUBLIC HEALTH,
DIVISION OF ENVIRONMENTAL HEALTH**

The 2014-2015 Merced County Civil Grand Jury received a complaint to investigate the Division of Environmental Health.

After initial review and preliminary investigation of the complaint, the Merced County Civil Grand Jury declined to take action; and the complainant was referred to the appropriate entity for resolution.

COMPLAINT # 14-11-12

LOS BANOS POLICE DEPARTMENT

The 2014-2015 Merced County Civil Grand Jury received a complaint to investigate the Los Banos Police Department.

After initial review and preliminary investigation of the complaint, the Merced County Civil Grand Jury declined to take action; and the complainant was referred to the appropriate entity for resolution.

COMPLAINT # 14-12-15

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

The 2014-2015 Merced County Civil Grand Jury received a complaint to investigate the Superior Court of California, County of Merced.

After initial review and preliminary investigation of the complaint, the Merced County Civil Grand Jury declined to take action; and the complainant was referred to the appropriate entity for resolution.

COMPLAINT # 14-12-30

ATWATER POLICE DEPARTMENT

The 2014-2015 Merced County Civil Grand Jury received a complaint to investigate the Atwater Police Department.

After initial review and preliminary investigation of the complaint, the Merced County Civil Grand Jury declined to take action; and the complainant was referred to the appropriate entity for resolution.

COMPLAINT # 15-01-08

COUNTY OF MERCED REGISTRAR OF VOTERS

The 2014-2015 Merced County Civil Grand Jury received a complaint to investigate the Merced County Registrar of Voters.

After review of the complaint and a thorough investigation, the Merced County Civil Grand Jury is of the opinion that the issues in the complaint have been resolved. Accordingly, the Civil Grand Jury has taken no further action.

COMPLAINT # 15-01-12

CITY OF LIVINGSTON

The 2014-2015 Merced County Civil Grand Jury received a complaint to investigate the City of Livingston.

After initial review and preliminary investigation of the complaint, the Merced County Civil Grand Jury declined to take action because other remedies are available to the complainant.

COMPLAINT # 15-01-20

MERCED COUNTY DISTRICT ATTORNEY

The 2014-2015 Merced County Civil Grand Jury received a complaint to investigate the Merced County District Attorney.

After initial review and a preliminary investigation of the complaint, the Merced County Civil Grand Jury declined to take action because other remedies are available to the complainant.

COMPLAINT #15-03-09

DIRECTOR OF PUBLIC WORKS

The 2014-2015 Merced County Civil Grand Jury received a complaint to investigate the Director of Public Works.

After a meeting with the Director of Public Works, the complainant is satisfied and the matter has been resolved.

COMPLAINT # 15-06-01

TREASURER-TAX COLLECTOR

The 2014-2015 Merced County Civil Grand Jury received a complaint to investigate the Treasurer-Tax Collector.

Because of the date of receipt (June 1, 2015), this complaint has been referred to the Merced County Civil Grand Jury 2015-2016 for disposition.

COMPLAINT # 15-06-02

CITY OF MERCED

2014-2015 Merced County Civil Grand Jury received a complaint to investigate the City of Merced.

Because of the date of receipt (June 2, 2015), this complaint has been referred to the Merced County Civil Grand Jury 2015-2016 for disposition.

COMPLAINT # 15-06-09

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MERCED

The 2014-2015 Merced County Civil Grand Jury received a complaint to investigate the Superior Court of California, County of Merced.

After initial review and preliminary investigation of the complaint, the Merced County Civil Grand Jury declined to take action because the issue is outside the jurisdiction of Merced County Civil Grand Jury.

**RESPONSES TO 2013-2014
CIVIL GRAND JURY
REPORT**



COUNTY EXECUTIVE OFFICE

James L. Brown
County Executive Officer

2222 "M" Street
Merced, CA 95340
(209) 385-7636
(209) 385-7673 Fax
www.co.merced.ca.us

Equal Opportunity Employer

DATE: August 26, 2014

TO: Judge Brian McCabe, Presiding Judge of the Superior Court

FROM: Mike North, Management Analyst 

SUBJECT: **Grand Jury Response**

Enclosed are the appropriate County department responses for the final Grand Jury report for Fiscal Year 2013/14. The Board of Supervisors' response to the Grand Jury report is expected in September.

cc: Roscoe Jackson, 2013-2014 Merced County Grand Jury Foreperson
Merced County Board of Supervisors
James L. Brown, County Executive Officer



ADMINISTRATIVE SERVICES DEPARTMENT

Information Systems
Geographical Information Services
Purchasing

Communications
Custodial Services
Central Services

Mark A. Cowart
Director / Chief Information Officer

2222 "M" Street
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(209) 725-3535 Fax
www.co.merced.ca.us

Mailing Address
2222 "M" Street
Merced, CA 95340

Equal Opportunity Employer

August 4, 2014

The Honorable Brian McCabe
Presiding Judge
Superior Court of California, County of Merced
670 West 22nd Street
Merced, CA 95340

Regarding: 2013-2014 Grand Jury Report

Your Honor:

We have received and reviewed the 2013/2014 Grand Jury report. There are no issues in the report which pertain to, or require further action by, the Department of Administrative Services.

Sincerely,

Mark A. Cowart
Administrative Services Department, Director



DEPARTMENT OF AGRICULTURE

David A. Robinson
*Agricultural Commissioner
Director of Weights and Measures
Director of Animal Control*

2139 Wardrobe Avenue
Merced, CA 95341-6445
Phone: (209) 385-7431
Fax: (209) 725-3536
Los Banos Office: (209) 827-2030

Animal Control: (209) 385-7436
www.co.merced.ca.us

Equal Opportunity Employer

July 21, 2014

Honorable Brian McCabe
Presiding Judge
Superior Court of California, County of Merced
2260 "M" Street
Merced, Ca 95340

Re: 2013/2014 Grand Jury Report

Your Honor,

I have received and reviewed the 2013/2014 Grand Jury Report. There are no issues in the report which require further action by the Merced County Department of Agriculture.

Sincerely,

David A. Robinson
Agricultural Commissioner
Sealer of Weights and Measures
Director of Animal Control



**OFFICE OF COUNTY ASSESSOR-CLERK-
RECORDER & REGISTRAR OF VOTERS**

Barbara J. Levey
Assessor-Clerk-Recorder-
Registrar of Voters

2222 "M" Street
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(209) 385-7631
(209) 725-3956 Fax
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Equal Opportunity Employer

July 3, 2014

Honorable Brian McCabe
Presiding Judge
Superior Court of California, County of Merced
2260 "M" Street
Merced, CA 95340

RE: 2013/2014 Grand Jury Report

Your Honor,

I have received and reviewed the 2013/2014 Grand Jury Report. There are no issues in the report which pertain to, or require further action by, the Merced County Assessor, Clerk, Recorder, or Registrar of Voter offices.

Sincerely,

Barbara J. Levey
Assessor-Clerk-Recorder-Registrar of Voters



AUDITOR-CONTROLLER

Lisa Cardella-Presto
Auditor-Controller

2222 "M" Street
Merced, CA 95340
(209) 385-7511
(209) 725-3900 Fax
www.co.merced.ca.us

July 3, 2014

Honorable Brian McCabe
Presiding Judge
Superior Court of California, County of Merced
2260 "M" Street
Merced, Ca 95340

I have received and reviewed the 2013/2014 Merced County Grand Jury Report. There are no issues in the report which pertain to matters under the control of the Merced County Auditor-Controller.

Sincerely,

Lisa Cardella-Presto, CPA
Merced County Auditor-Controller



DEPARTMENT OF
CHILD SUPPORT SERVICES

Sharon Wardale-Trejo
Director

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3368 N. Highway 59
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(209) 381-1322
(209) 381-1318 Fax

Mailing Address
P.O. Box 3199
Merced, CA 95344

Equal Opportunity Employer

July 3, 2014

Honorable Brian McCabe
Presiding Judge
Superior Court of California, County of Merced
2260 "M" Street
Merced, CA 95340

RE: 2013/2014 Grand Jury Report

Your Honor,

I have received and reviewed the 2013/2014 Grand Jury Report. I have found that there are no matters in the report which pertain to, or require further action by the Merced County Department of Child Support Services.

Sincerely,

Sharon Wardale-Trejo
Director, Department of Child Support Services



DEPARTMENT OF COMMUNITY
AND ECONOMIC DEVELOPMENT

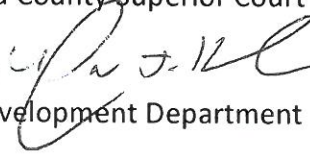
Mark J. Hendrickson
Director

2222 M Street
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(209) 383-726-1710 Fax
www.co.merced.ca.us

Equal Opportunity Employer

DATE: July 1, 2014

TO: The Honorable Brian McCabe
Presiding Judge of the Merced County Superior Court

FROM: Mark J. Hendrickson, Director 
Community and Economic Development Department

SUBJECT: 2013-2014 Civil Grand Jury Report

MEMORANDUM

.....

I have reviewed the 2013-2014 Civil Grand Jury Report and there are no issues in the report that pertain to matters under the control of my department.

If I can be of further assistance, please feel free to contact me at your earliest convenience.



DISTRICT ATTORNEY
LARRY D. MORSE II

550 W. Main Street
Merced, CA 95340
Phone (209) 385-7381
Fax (209) 725-3669

Chief Deputy District Attorney
HAROLD L. NUTT

Chief Deputy District Attorney
ROBERT O. CARROLL

Director of Administrative Services
JEANNETTE M. PACHECO

INVESTIGATIONS
(209) 385-7383

Chief Investigator
PATRICK N. LUNNEY

VICTIM WITNESS
(209) 385-7385

Victim Witness Program Director
LISA DeSANTIS

LOS BANOS DIVISION
445 I Street
Los Banos, CA 93635
Phone (209) 710-6070
Fax (209) 827-2029

August 4, 2014


Honorable Brian McCabe
Presiding Judge
Merced County Superior Court
2260 "M" Street
Merced, CA 95340

Re: 2013-2014 Grand Jury Report

Your Honor:

I have received and reviewed the 2013-2014 Civil Grand Jury Final Report. There are no issues in the report which require further response by the Merced County District Attorney's Office.

Sincerely,


Larry D. Morse II
District Attorney



FIRE DEPARTMENT

3500 NORTH APRON AVENUE
ATWATER, CA 95301
OFFICE (209) 385-7344
FAX (209) 725-0174

NANCY B. KOERPERICH
Fire Chief
(209) 966-3622

MARK LAWSON
Division Chief
(209) 385-7450

July 21, 2014

Honorable Brian McCabe
Presiding Judge
Merced County Superior Court
2260 "M" Street
Merced, CA 95340

Re: 2013 - 2014 Grand Jury Report

Dear Judge McCabe,

I have received and reviewed the 2013 - 2014 Civil Grand Jury Final Report and find that there are no issues that have been raised regarding Merced County Fire or the Office of Emergency Services. (OES).

We appreciate the efforts of the Grand Jury and thank you for your time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nancy B. Koerperich".

Nancy B. Koerperich
Fire Chief
Merced County Fire



COUNTY EXECUTIVE OFFICE
Human Resources

James L. Brown
County Executive Officer

Marci R. Barrera
Director of Human Resources

2222 "M" Street
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Equal Opportunity Employer

August 1, 2014

The Honorable Brian McCabe
Presiding Judge of the Superior Court
Superior Court of California, County of Merced
670 West 22nd Street
Merced, CA 95340

RE: 2013/2014 Grand Jury Internal Investigation 14-02-18

Dear Presiding Judge McCabe:

We have received and reviewed the Grand Jury report and Internal Investigation indicated above. Attached to this letter please find the responses to the findings and recommendations of the above referenced Grand Jury Investigation.

The Merced County Human Resources Department appreciates the Merced County Grand Jury's efforts of trying to find ways to limit the potential liability to the County. Human Resources will continue to ensure that the recruitment and selection process is done both within the boundaries of the law and effectively, and that the departments have the support needed to be able to select and hire the best possible applicants.

Sincerely,

Marci R. Barrera
Director of Human Resources

Findings

F1 Departments within the County of Merced do all their own hiring, Human Resources completes all paperwork.

Response:

The Human Resources Department (Department) agrees with this finding on a general basis, with the notable exception that while heads of departments are employees within that department, they are not always hired by their department.

F2 Departments in the County of Merced are responsible for all reference checks; however, there is no written policy on completing work history checks.

Response:

The Department agrees that this is also generally the case, acknowledging that occasionally exceptions apply.

F3 Criminal background checks, through California Department of Justice (fingerprints only), are only completed on employees covered under the California Penal Code. No Federal Bureau of Investigation (FBI) is checked.

Response:

The Department disagrees that there are no employees undergoing an FBI background check. Certain departments (for example Mental Health) require specific employees to undergo an FBI background check.

F4 No credit checks are done except for certain department heads.

Response:

The Department would agree with this finding if it read as follows: "No credit checks are done through the Human Resources Department except for all department heads."

F5 California Department of Motor vehicles (DMV) checks drivers licenses only on county employees assigned to driving positions. County of Merced does have DMV pull program, which advises the county on changes to status of licenses.

Response:

The Department agrees with this finding.

F6 All Merced County employees are under a written code of ethics, with the exception of the Board of Supervisors, as they do not have one.

Response:

The Department agrees that the employees are subject to the Code of Ethics, which is Section 3 of the Employee Handbook.

Recommendations

R1 The Merced County Civil Grand Jury recommends the making changes listed below to the hiring process for the County of Merced. We feel that failing to make the changes could put the county in the position of negative litigation in the future i.e., if the employee is someone who should have been eliminated from consideration prior to employment.

Response:

The Department appreciates the input of the Grand Jury and agrees that it is appropriate to constantly evaluate hiring process, and consider making changes where appropriate to ensure optimum operation.

R2 All county employees, and future hires, have a drivers license check by the California Department of Motor Vehicles (DMV); and placed on the DMV pull program. This could prevent an employee from driving a county vehicle illegally.

Response:

Merced County does have a Motor Vehicle DMV pull program currently which primarily focuses on safety sensitive employees. The County believes it is important to review this policy and consider the possibility of expanding the existing program.

Expanding the DMV pull program would require the County to be thorough and thoughtful in its approach. Some of the complicating factors include: (1) a very large portion of the approximately 2,000 County employees do not utilize a County vehicle. Any potential policy change regarding how vehicles are checked out would need to ensure that the majority of County time monitoring the vehicle check out requirements would not be spent monitoring employees who would never utilize a County vehicle; (2) the Department would also need to take into consideration employee privacy issues that would arise when accessing driving information for all employees who do not drive when performing their job duties; and (3) the County could not unilaterally implement a policy which changes working conditions; and, must instead, under the Meyers-Milias Brown Act (MMBA), meet with each of the potentially affected employee bargaining units to negotiate any such changes.

Although expanding the existing program could not be implemented immediately, the County is committed to a thorough review of its current policies and practices and is willing to investigate other similarly situated counties' practices regarding County vehicle check out procedure to ensure that the County is following the best practices in this area.

R3 An applicant, who is heavily in debt and gains employment with the county, may have access to money, or other property of great value. For all new hires we recommend the county:

- Develop a written procedure that requires the county to complete a reference and work history check
- Perform a criminal history check through the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI).
- Perform a credit check
- Have the applicant's drivers license checked through the California Department of Motor Vehicles (DMV) and placed on the DMV pull program. The county should consider developing a county driver's license for all employees to carry and show when checking out county vehicles at the motor pool.

Response:

The County does perform criminal background checks on a number of applicants hired for certain positions at the County in compliance with Penal Code Section 11105.3. Human Resources is authorized to access the information pursuant to Penal Code Section 11105(b) (10). Not all classifications are covered under the Penal Code and as indicated in the prior response, under the MMBA, any changes in this area could not be unilaterally implemented and would instead require meet and confer bargaining with the each of the employee represented bargaining units.

With respect to the recommendation that credit checks be performed on every applicant, before beginning any such task, the Department would need to be assured that such a requirement would not be counterproductive. Department staff is unaware of any study correlating debt level and propensity to commit fraud, or some other form of theft. Given the high cost of education, it is anticipated that many classifications of employees requiring a graduate degree would suffer in recruiting competent individual simply on the basis of level of debt, particularly student loans, recognizing that many of the individuals within these classification have no access to cash.

In addition to the issues with the credit check, California law has strict limitations on when and whom background checks may be conducted. Any changes to policies or procedures with respect to background checks would necessarily need to conform to these requirements.

R4 Employees that work as a Personal Assistant for the Board of Supervisors are county employees paid through the county with county funds, as such these employees are to follow all county rules and procedures, and be treated as any other county employee.

Response:

The department generally agrees with this Recommendation with the following clarification:

Employees that work as a Personal Assistant for the Board of Supervisors are county employees paid through the county with county funds, as such these employees are to follow all county rules and procedures, and be treated as any other *similarly situated* county employee.

R5 We also recommend the Board of Supervisors develop a written code of ethics and adhere to them.

Response:

California Government Code §25303 states: “the board of supervisors shall supervise the official conduct of all county officers...” Noting this, it is inappropriate for the Department to provide an opinion with respect to this recommendation. That said, it should be noted that the Board of Supervisors falls under the Fair Political Practices Commission (FPPC) code for Elected Officials related to ethical practices, as codified in the Political reform Act of 1974 (California Government Code §81000 et seq.) Also, in compliance with AB1234, the Board of Supervisors do attend a mandatory bi-annual Ethics training provided by a Public Sector Law Firm.



HUMAN SERVICES AGENCY

Ana Pagan
Director

2115 W. Wardrobe Avenue
(209) 385-3000
(209) 354-2501 Fax
www.co.merced.ca.us

Mailing Address
P.O. Box 112
Merced, CA 95341-0112

Equal Opportunity Employer

July 8, 2014

Honorable Brian McCabe
Presiding Judge
Superior Court of California, County of Merced
2260 M Street
Merced, CA 95340

Dear Presiding Judge McCabe,

I have read the Civil Grand Jury report for 2013 and 14. There are no issues which pertain to the Human Services Agency at this time.

Sincerely,

A handwritten signature in blue ink that reads "Ana Pagan". The signature is fluid and cursive.

Ana Pagan
Director



MERCED COUNTY LIBRARY

TO: Brian McCabe, Presiding Judge
Superior Court of California
County of Merced

FROM: Diane R. Satchwell
Merced County Librarian

SUBJECT: 2013-2014 Merced Grand Jury Report

DATE: July 19, 2014

I, Diane R. Satchwell, Merced County Librarian, via email, have received and reviewed the 2012-2013 Merced Grand Jury Report. There are no issues in the report which pertain to the Merced County Library System.



DEPARTMENT OF MENTAL HEALTH
Administration

Scott H. De Moss, MPA
Acting Director

Administration
1944 M Street
Merced, CA 95340
(209) 381-6813
(209) 725-3676 Fax
www.co.merced.ca.us

Mailing Address
PO Box 2087
Merced, CA 95344

Equal Opportunity Employer

July 2, 2014

The Honorable Brian McCabe, Presiding Judge
Superior Court of California, County of Merced
627 W. 21st Street
Merced, CA 95340

Re: Grand Jury Final Report 2013/2014

Dear Judge McCabe:

I have received and reviewed the Merced County Civil Grand Jury Final Report for FY 2013/2014. There are no issues to report on regarding the Merced County Mental Health Department.

If you require any further information, please contact me.

Sincerely,

Scott H. De Moss, MPA
Acting Director



PROBATION DEPARTMENT



Scott M. Ball
Chief Probation Officer

July 3, 2014

The Honorable Brian McCabe
Presiding Judge
Merced County Superior Court
627 W. 21st Street
Merced, CA 95340

RE: 2013/2014 Grand Jury Report

Dear Judge McCabe:

I have received and reviewed the Grand Jury Report with regard to the inspection of the Iris Garrett Juvenile Justice Complex (IGJJC). There are no noted issues to respond to with regard to the Probation Department.

As always, we appreciate the work of the Grand Jury and their complimentary comments with regard to our operations.

Sincerely,

A handwritten signature in blue ink that reads "Scott M. Ball".

Scott M. Ball
Chief Probation Officer



PUBLIC DEFENDER

Vincent Andrade
Acting Public Defender

2150 "M" Street
Merced, CA 95340
(209) 385-7692
www.co.merced.ca.us

MEMORANDUM

To: The Honorable Brian McCabe,
Presiding Judge of the Merced County Superior Court

From: Vincent Andrade
Acting Public Defender

Re: 2013/2014 Civil Grand Jury Report

Date: August 1, 2014

I have received and reviewed the 2013/2014 Civil Grand Jury Report and there are no issues in the report that pertain to matters under the control of the Merced County Public Defender.



DEPARTMENT OF PUBLIC HEALTH

Kathleen Grassi, R.D., M.P.H.
Director

August 1, 2014

Brian McCabe
Presiding Judge
Superior Court of California
County of Merced

RE: Merced County Civil Grand Jury Final Report 2013-2014

I have received and reviewed the Grand Jury Report. The Department of Public Health's responses follow:

- F1: As of June 23, 2014, all routine inspections and re-inspections for the 909 food facilities in Merced County were completed. Food inspections are now current and are expected to be completed on schedule henceforth.
- F2: The Department disagrees with this finding. As of June 23, 2014, all facilities rated as "Unsatisfactory" received a re-inspection within 30 days, or after the due date provided to the facility, per Department protocol.

Regarding the specific food facility cited by the Grand Jury that received a 52.5 point score; this facility received a routine inspection on March 3, 2014 and was rated as "Unsatisfactory". A re-inspection was conducted on April 2, 2014 and the facility received a 6 point score and was rated as "Good."

- F3: The Department has made opportunities available for staff to provide comments and suggestions regarding management practice and is implementing changes where appropriate.

Computer hardware, software, reporting, and training improvements were implemented in FY 2013-14 as planned by the Department to improve overall food program operations and to ensure the safety of the public. The Department continues to update its online food inspection report in order to ensure that the information provided for the public is understandable and useful.

The Department appreciates constructive feedback and values the work of the Grand Jury.

Respectfully,

Kathleen Grassi, R.D., M.P.H.
Director

KAG:rr



DEPARTMENT OF PUBLIC WORKS

Dana S. Hertfelder
Director

715 Martin Luther King Jr. Way
Merced, CA 95340-6041
(209) 385-7602
(209) 725-3989 Fax
www.co.merced.ca.us

Building Services
Parks and Recreation
Roads
Fleet Management
County Surveyor
Building & Safety

Equal Opportunity Employer

DATE: August 1, 2014
TO: Presiding Judge Brian McCabe
FROM: Dana S. Hertfelder, ^{DSH} Director of Public Works
SUBJECT: 2013/2014 Merced County Grand Jury Report

MEMORANDUM

Please be advised that I have received and reviewed the 2013/2014 Merced County Grand Jury Report.

There are no issues in the report which pertain to matters regarding my Department, so I have no detailed comments.

DSH:ah

cc: Mike North, County Executive Office



**MERCED COUNTY
EMPLOYEES' RETIREMENT
ASSOCIATION**
3199 "M" Street
Merced, California 95348

STEVEN BLAND
Plan Administrator

Telephone 209-725-3636
Fax 209-725-3637
Email:
mcera@co.merced.ca.us

DATE: August 18, 2014
TO: Mike North
County Executive Office
FROM: Steven Bland
MCERA Plan Administrator
SUBJECT: 2013/2014 Grand Jury Report

Please be advised that I have reviewed the Merced County 2013/2014 Grand Jury Final Report and found no matters in the report which pertain to matters under the control of the Retirement Association and which require a response from this department.

Merced County Sheriff's Office

Los Banos Station
445 "I" Street
Los Banos, CA 93635
Phone: (209) 710-6000
Fax: (209) 827-1433

CF Bludworth Station
9481 Shanks Road
Delhi, CA 95315
Phone: (209) 385-7660
Fax: (209) 669-7771

Coroner's Division
455 E. 13th Street
Merced, CA 95340
Phone: (209) 385-7369
Fax: (209) 725-3390

Thomas I. Cavallero
Sheriff/Coroner

Sheriff's Administration

Mailing Address: 2222 M St. • Merced, CA 95340
Physical Address: 700 W. 22nd Street • Merced, CA 95340
Phone: (209) 385-7451 • Fax: (209) 385-7696

Civil Division
670 W. 22nd Street
Merced, CA 95340
Phone: (209) 385-7639
Fax: (209) 725-3516

Main Detention Facility
700 W. 22nd Street
Merced, CA 95340
Phone: (209) 385-7410
Fax: (209) 385-7489

John Latorracca Correctional Center
2584 W. Sandy Mush Road
El Nido, CA 95317
Phone: (209) 385-7575
Fax: (209) 725-3944

July 31, 2014

The Honorable Brian McCabe
Presiding Judge
Merced County Superior Court
Merced, CA 95340

Re: Response to the 2013/2014 Grand Jury Report

Dear Judge McCabe:

In response to the 2013/2014 Merced County Civil Grand Jury Report, I offer the following information:

- This office has requested that additional System Security Operator (SSO's) positions be funded in the next budget cycle to reduce associated correctional officer overtime.
- A third-party vendor has been secured to provide re-entry, rehabilitative, employment and educational services for up to 50 prisoners at a time at the JLCC facility.
- The County has hired a firm to conduct a needs assessment/jail planning analysis for this office. The State of California will be issuing an RFP for the available jail construction funds in the near future.
- In April, the fencing and razor wire project was completed at the JLCC facility, significantly enhancing its level of security.

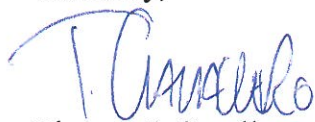
As points of clarification, I offer the following:

- The Sheriff's main office and jail facility was built in 1968 and is 45 years old (page two, main jail facility).

- The John Latorraca Correctional Center reaches, but does not exceed, its maximum bed-space capacity (page three, JLCC).
- This office has experienced a reduction of 16 correctional officer positions and a total of 23 Correctional Division positions, since 2011 (page three, JLCC).

My staff and I genuinely appreciate the effort and interest of the 2013/2014 Grand Jury members and offer our thanks for their service to our community.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. Cavallero', written in a cursive style.

Thomas I. Cavallero
Sheriff-Coroner



403 "F" STREET ★ LOS BANOS, CA 93635

209-826-5166 ★ FAX 209-826-8737

July 3, 2014

Merced County Executive Office
2222 M Street
Merced, CA 95340
Attn: Mike North

Re: Acknowledgment of 2013/2014 Grand Jury Report

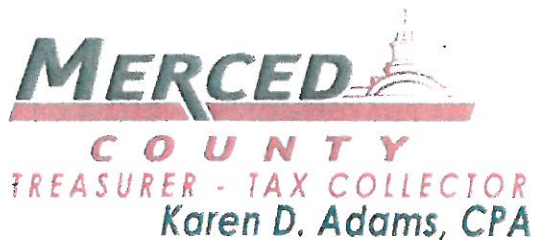
Honorable Brian McCabe, Presiding Judge
Superior Court of California, County of Merced:

Please note I have received and reviewed the 2013/2014 Grand Jury Report. There are no issues in the report which pertain to matters under my control.

Thank you,

A handwritten signature in black ink that reads "Ron Brandt". The signature is stylized and includes a long horizontal flourish extending to the right.

Ron Brandt
Manager



Karen D. Adams, CPA
Treasurer-Tax Collector

2222 "M" Street
Merced, CA 95340
(209) 385-7307
(209) 725-3905 (Fax)
<http://www.mercedtaxcollector.org>

July 3, 2014

The Honorable Brian McCabe
Presiding Judge of the Superior Court
Merced County Superior Court
P.O. Box 2034
Merced, CA 95344

SUBJECT: 2013-2014 GRAND JURY REPORT

I received and reviewed the 2013-2014 Grand Jury Report. I have no comments regarding any of the findings or recommendations contained in the report.

Sincerely,

Karen D. Adams
Treasurer-Tax Collector



**DEPARTMENT OF
WORKFORCE INVESTMENT**

Robert A. Morris
Director


1880 Wardrobe Avenue
Merced, CA 95341-6407
(209) 724-2000
(209) 725-3592 Fax
www.co.merced.ca.us/wi

Equal Opportunity Employer

MEMORANDUM

July 3, 2014

To: Honorable Brian McCabe, Presiding Judge,
Superior Court of California, County of Merced

From: Robert A. Morris, Director, Department of Workforce Investment 

Subject: Acknowledgement of the 2013/2014 Grand Jury Report

I am acknowledging receipt of the Grand Jury report of 2013/2014. I have reviewed the report and find no reference to issues under my control and jurisdiction and have no comments regarding any of the findings or recommendations contained in the report.



Gustine Unified School District

1500 Meredith Avenue
Gustine, California 95322
Telephone (209) 854-3784
FAX (209) 854-9164

Ronald Estes, Ed.D.
Superintendent

Board of Education
Melanie Gomes
Ernie Longoria
Christine Parreira
Pat Rocha
Loretta Rose

“Preparing students for the future . . . today”

September 10, 2014

The Honorable Brian L. McCabe
Presiding Judge
Merced County Superior Court
627 West 21st Street
Merced, California 95340-3744

Re: Gustine Unified School District’s Response to Merced County Grand Jury Report

Dear Judge McCabe:

Pursuant to California Penal Code sections 933 and 933.05, the Governing Board of the Gustine Unified School District (“Board”) met in open session at its regular meeting of September 10, 2014 to consider the findings and recommendations contained in the 2013-2014 Merced County Grand Jury Report (“Report”) (Complaint Numbers 13-09-23 and 14-03-12) and took action to authorize that the following response be submitted on the Board’s behalf:

BOARD’S RESPONSE TO GRAND JURY’S FINDINGS

Finding No. 1

The fiscal impact of the negotiated agreement was reported to be approximately \$110,000 to be paid out of the general fund. Proposition 30 monies were received in the amount of \$91,100 and were deposited into the General Fund. As a result of the modification to the original negotiated agreement, the district’s reserves were negatively impacted in the unconfirmed amount of \$19,000. When contacted the district’s Financial Officer Aguilar could not confirm actual costs to the district. The Superintendent reported a figure closer to \$32,000.

Response to Finding No. 1

The Board partially agrees and partially disagrees with the above finding. The Board agrees that there were negotiated agreements with the Gustine Romero Teachers Association and California School Employees Association Local Chapter No. 593 that all of the District’s full-time employees would receive a one-time off-schedule bonus of \$675, and that all of the District’s part-time employees would receive a pro-rata share of the \$675 based upon the hours worked. The Board agrees that the financial impact to the District was estimated to be \$110,000, based upon those agreements, and that the money would have been received from the General Fund. The Board disagrees that \$91,100 was the amount of Proposition 30 monies received. The actual

The Honorable Brian L. McCabe
Presiding Judge
Merced County Superior Court
September 10, 2014
Page 2

amount of Proposition 30 funds that were received was \$1,812,367, which was deposited into the General Fund. The Board disagrees that the District's reserves were negatively impacted, as the actual total amount ultimately expended for the bonuses was \$113,600, and this amount was paid for out of General Fund and not drawn from the District's reserves.

Finding No. 2

Board minutes reflect that on more than one meeting, Superintendent McWilliams, former superintendent's recommendations to improve school service were repeatedly voted down by board members: Gomes, Longoria, and Parreira, indicating that a struggle of wills existed.

Response to Finding No. 2

Absent any specific allegations, such as employee names or titles or the dates of the alleged hearing, it is difficult for the Board to respond to this allegation. Notwithstanding the lack of specific allegations, the Governing Board disagrees with this finding. The Board acknowledges there have been disagreements between the above board members and the former Superintendent about how to best improve the school district. However, the Board disagrees with the characterization that "a struggle of wills existed".

Finding No. 3

The Gustine Unified School Board conducts open and closed sessions without legal advice.

Response to Finding No. 3

The Board partially agrees and partially disagrees with the above finding. Some open and closed sessions were conducted without legal advice. However, some open and closed sessions were conducted with legal advice. There is no legal requirement for having legal counsel attend all Board meetings.

Finding No. 4

Witness testimony reflected that there have been several incidents of unprofessional behavior, use of profanity and explosive outbursts by board members during board meetings and, at least one reported incident during which a board member was combative toward a faculty member.

Response to Finding No. 4

Absent any specific allegations, such as employee names or titles or the dates of the alleged hearing, it is difficult for the Board to respond to this allegation. Notwithstanding the lack of specific allegations, the Governing Board disagrees with this finding. The Board has no collective memory of outbursts by board members at board meetings and is unaware of the incident referred to concerning a Board member's alleged combativeness toward a faculty member. However, it is important to emphasize that the jurisdiction to regulate the conduct and

The Honorable Brian L. McCabe
Presiding Judge
Merced County Superior Court
September 10, 2014
Page 3

activities of the board members rests with the electorate and not with the Board.

BOARD'S RESPONSE TO GRAND JURY'S RECOMMENDATIONS

Recommendation No. 1

To preclude this type of action from occurring in the future, the MCCJ recommends that GUSD Governing Board members receive annual training on the Board Bylaws, Role of the Board, Conflict of Interest, Governance Standards, Disclosure of Confidential/Privileged Information, and Negotiations/Consultations. Because of incidents of unethical behavior, it is strongly recommended that the GUSD Board of Trustees be mandated to attend training applicable on ethics and cultural awareness preferably presented by a consultant on their retained legal advisors, the law offices of Atkinson, Addelson [sic], Loya, Rudd and Romo.

Response to Recommendation No. 1

This recommendation is not warranted, because there is no finding that board members have violated any of the Board Bylaws or committed unethical behavior based upon the cited conduct and activities. However, based upon the Grand Jury's apparent incorrect assumption that a Board member had a conflict of interest and that unspecified board members were unethical and/or violated their fiduciary duties, the Board denies those implied findings as follows.

According to Board Bylaw 9270(a), "Board members and designated employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members or designated employees." [Citing Govt. Code § 1090.] Board Bylaw 9270(a) also states: "A Board member shall abstain from voting on personnel matters that uniquely affect a relative of the Board member."

However, Board Bylaw 9270(a) states that a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. [Citing Ed. Code § 35107.] "Relative" means an adult who is related to the person by blood or affinity within the third degree. [BB 9270(a); Ed. Code § 35107.] A relationship within the third degree includes the individual's parents. [BB 9270(a); Ed. Code § 35107.]

The Board is aware that Trustee Melanie Gomes' mother was and is a part-time classified employee who was the beneficiary of the \$675 off-schedule bonus approved by the Board on June 26, 2013. But because Trustee Gomes' vote concerned a collective bargaining agreement and personnel matter affecting a class ("CSEA") to which her mother belonged, she was not required to abstain from the Board's vote regarding this bonus, and her vote did not constitute an illegal conflict of interest.

The Honorable Brian L. McCabe
Presiding Judge
Merced County Superior Court
September 10, 2014
Page 4

Furthermore, the Board is unaware how the Grand Jury's cited conduct and activities could constitute violations of either Board Bylaws 9000 or 9005. In fact, Board Bylaw 9000(a) provides that that the District's Governing Board has been elected by the community to provide leadership and citizen oversight of the District. In ensuring that the District is responsive to the values, beliefs, and priorities of the community, the Board has worked with the Superintendent to fulfill its major responsibilities, including establishing budget priorities and making decision and providing resources that support District priorities and goals as required by its Board Bylaws. [See BB 9000(a)(2)(d) and 9000(b)(3)(b).]

By the virtue of the electorate's votes, the Board has been given the discretion and authority to handle these matters in the best interests of the District. Ultimately, it is the voters who decide whether the Board members have handled these issues appropriately.

The District's Board members have previously participated in many trainings over the years. In the past two years alone, Board members have attended trainings including:

- April 25, 2012 Merced County School Board Association ("MCSBA") Spring Dinner Meeting;
- 2012 California School Board Association ("CSBA") Fall Conference;
- 2012 MCSBA Fall Educational Summit;
- December 8, 2012 Merced County Office of Education New School Board Member Governance Workshop (topics including "Establishing Positive Relations with Staff", "Community and Fellow Trustees"; "The Brown Act"; "The Role of Trustee in Collective Bargaining"; "Effective Board Meetings"; and "Working With Your Superintendent");
- 2013 CSBA Board President Workshop Training (topics including ("Fostering and Exceptional Governance Team"; Managing Conflict"; Performing Board Responsibilities"; "Roles and Responsibilities of Board President"; "Protocols, Goals and Success Indicators"; "Responding to Constituency Concerns or Complaints"; and "Board Policies and Bylaws that Regulate Meetings");
- April 12, 2013 CSBA training on "Board Self-Evaluation and Superintendent Evaluation"; June 2013 MCSBA Spring Summit (workshop on how board members can work out their problems);
- 2013 Education Leadership Services Board Governance Workshop (topics including "Board Effectiveness"; "Development of Board Governance Handbook"; "Leadership Responsibilities"; "Role of the Board"; "Board Relationship with Superintendent"; "Board Relationships With Staff and

Community”); “Board Agenda Development”; and “Superintendent Evaluations Process”);

- June 24, 2013 CSBA Annual Education Conference and Trade Show; 2013 CSBA Fall Conference (topics including “Legislation and Case Law Highlights” and “Avoiding Ethical Pitfalls and Conflicts of Interest”);
- September 16, 2013 MCSBA Fall Educational Summit;
- January 29-31, 2014 Superintendent’s Symposium (topics including “Building Board Agendas and the Brown Act” and “Managing and Communicating Your District’s Budget”); and
- April 29, 2014 MCSBA Spring Dinner.

District Board members will also be attending MCBA’s Summit for Educational Excellence on September 26-28, 2014 and CSBA’s Annual Education Conference and Trade Show on December 14, 2014.

Notwithstanding the lack of findings of violations of Board Bylaws, the Board will implement the Grand Jury’s recommendation of training, by continuing to attend trainings on such topics as Board Bylaws, Role of the Board, Conflict of Interest, Governance Standards, Disclosure of Confidential/Privileged Information, Negotiations/Consultations, and Ethics Awareness.

Recommendation No. 2

That the *Gustine Press-Standard* begins reporting all open board sessions.

Response to Recommendation No. 2

The Board cannot implement this recommendation, as it is not within the District’s power or jurisdiction to compel the *Gustine Press-Standard* to take the recommended action. However, the Board notes that a representative from the *Gustine Press-Standard* is usually present at the District’s Board meetings.

Recommendation No. 3

That the Board of Trustees increase board members to seven (7) to promote objective future votes.

Response to Recommendation No. 3

The Board will not implement this recommendation, because it is not warranted. The Grand Jury Report contains no information to support a finding that Board members have failed to be objective with their votes. Furthermore, the Board will not implement this recommendation,

The Honorable Brian L. McCabe
Presiding Judge
Merced County Superior Court
September 10, 2014
Page 6

because it is not legally mandated and unnecessary.

Recommendation No. 4

That legal representation is made available at any school board meeting where a memorandum of understanding (MOU) is presented for approval.

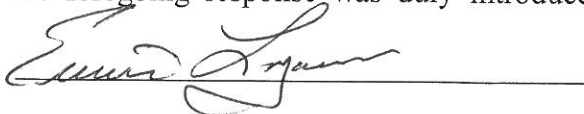
Response to Recommendation No. 4

The Board will not implement this recommendation, because it is not warranted. Furthermore, the District is not required by law to have legal representation available for every school board meeting where an MOU is presented for approval, and to retain legal counsel for all such meetings would require unnecessary and costly expenditures of public funds.

PASSED AND ADOPTED by action of the Governing Board of the Gustine Unified School District on this 10th day of September, 2014, the meeting of the Board by the following vote:

AYES: 4
NOES: 1
ABSENT: 0
ABSTAIN: 0

I HEREBY CERTIFY that the foregoing response was duly introduced, passed, and adopted as stated.



Clerk of the Governing Board of the
Gustine Unified School District



September 16, 2014

The Honorable Brian McCabe
Presiding Judge of the Superior Court
Superior Court of California, County of Merced
Merced, CA 95340

RE: Board of Supervisors' 2013-14 Civil Grand Jury Response

Dear Presiding Judge McCabe:

The Merced County Board of Supervisors appreciates the Civil Grand Jury's responsibilities and commitment to public service. Pursuant to Penal Code 933, responses from elected and appointed officials have been received and appropriately forwarded. The following acknowledgements and information is respectfully submitted relating to matters under the jurisdiction of the Board of Supervisors.

Mandated Inspections – Main Jail

Recommendations:

The Civil Grand Jury inspected the Main Jail at 700 W. 22nd St. in Merced and noted the cleanliness and proper maintenance of the facility. The report recommended developing a plan to add Correctional Officers as funds become available, seek additional funds to implement anger management programs to reduce inmate assaults and submit an application for jail construction funds from the State.

Response:

The Board appreciates the Grand Jury's inspection of the facility. As part of the 2014-15 Final Budget process, the Board of Supervisors approved the addition of nine Security System Operators to reduce overtime shifts among Correctional Officers. These positions are expected to improve employee and public safety.

Regarding anger management programs to reduce inmate assaults, the Board is supportive of programs that will rehabilitate offenders and help reduce recidivism.

Board of Supervisors

John Pedrozo
Supervisor, District One

Hubert "Hub" Walsh, Jr.
Supervisor, District Two

Linn Davis
Supervisor, District Three

Deidre F. Kelsey
Supervisor, District Four

Jerry O'Banion
Supervisor, District Five

James L. Brown
County Executive Officer

Merced County
Administration Building
2222 "M" Street
Merced, CA 95340
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Equal Opportunity Employer

**Striving for
Excellence**

The Board appreciates the Sheriff's commitment to this cause, and understands that he and his staff have hired a third-party vendor to provide re-entry, rehabilitative, employment and educational services for up to 50 inmates at a time at the John Latorraca Correctional Center.

During the Final Budget Hearings in August 2013, the Board of Supervisors approved a plan to pursue grant funding through Senate Bill 1022 to build a new jail facility along Sandy Mush Road that would improve safety, security and rehabilitative services. Unfortunately, the County's application was not approved by the State. However, an additional round of funding has been made available through the program and the Board still has interest in obtaining funding. If grant funding is secured, the project would improve jail facilities by expanding the John Latorraca Correctional Center. The proposal would also include plans to implement additional treatment and assessment programs toward the inmate population. The Board has taken recent steps to better position the County for this funding by initiating an updated Needs Assessment Study and starting the California Environmental Quality Act process. The Board has set aside \$1.5 million to go toward the grant match.

Mandated Inspections – John Latorraca Correctional Center

Recommendations:

The Civil Grand Jury inspected the John Latorraca Correctional Center at 2584 W. Sandy Mush Road in Merced. Like the Main Jail recommendations, the Civil Grand Jury recommends additional Correctional Officers as funds become available and encourages seeking additional funds for inmate anger management programs. The report has a further recommendation of installing or modifying the facility's security fence, which the Civil Grand Jury described as "inadequate."

Response:

The aforementioned points in this response letter apply to the first two recommendations by the Civil Grand Jury. As for the security fence, the fencing and razor wire were enhanced in April of this year, significantly improving security at the facility.

Mandated Inspections – Iris Garrett Juvenile Justice Correctional Complex

Recommendations:

The Grand Jury inspected the Iris Garrett Juvenile Justice Correctional Complex and found the facility to be clean and well-maintained. The report also took note of the constructive attitudes of the staff at the Complex, who are committed to their work.

Response:

The Board appreciates the Grand Jury's commendations and the work of Probation Department staff in maintaining the facility.

Facilities Visited – Trident Center

Recommendations:

The Civil Grand Jury described the Trident Center as “unique” and noted the benefit of having various agencies working together to reduce inmate recidivism and improve the criminal justice system. The report mentions that the program has not been in existence long enough to establish a solid statistical base, and statistical data should be available in a year or two.

Response:

The Board appreciates the Civil Grand Jury's comments regarding the Trident Center and agrees that it is a “positive step in the right direction.” The Board looks forward to continued efforts of rehabilitating offenders in Merced County. There has been a significant amount of collaboration between various County departments to work toward this common goal, particularly between Probation and the Sheriff's Correctional division.

Related realignment strategies include a recently-opened Los Banos Day Reporting Center, a Warrant Reduction Advocates Program and a Jail Re-Entry Program. The additional day reporting center will serve clients on the Westside and is modeled after the program located in the City of Merced. The program is designed to hold offenders accountable, while providing them with rehabilitative services to help them re-enter society. The Warrant Reduction Advocates Program aims to reduce the number of warrants issued for failures to appear by using an outside organization to work with offenders and encourage them to make their court dates and work with Probation to maintain compliance while avoiding jail time. This effort also reduces the jail's pre-trial population by decreasing failure-to-appear warrants. Lastly, the Jail Re-Entry Program provides an array of rehabilitative and educational services to reduce recidivism, much like day reporting centers. The program provides offenders with the tools they need to re-enter society.

Investigative Report – Environmental Health Food Service Inspections

Recommendations:

As a follow-up to the 2012-13 Civil Grand Jury Report, the 2013-14 Civil Grand Jury conducted an assessment of the food services division of Environmental Health. The Grand Jury noted that as of March 28, 2014, 12 percent of food inspections were overdue, there was a lack of follow-up on businesses that received highly-unsatisfactory ratings and that there's a sense of distrust between management and line staff within the division.

Response:

Upon reviewing the findings in the report, the Board is pleased to report that as of June 23, 2014, all routine inspections and re-inspections are up-to-date for the food facilities within Merced County. Regarding not following up on businesses that received a highly-unsatisfactory rating, the Board has been informed by the Public Health Department's Division of Environmental Health that this is not the case, as all facilities that receive an unsatisfactory rating are re-inspected within 30 days or after the due date provided to the facility, per Department protocol. And as with other departments, there are

set protocols in place to allow staff input regarding management practices.

Investigative Report – Merced County Hiring and Screening Process

Recommendations:

After reviewing the County's hiring and screening processes, the Civil Grand Jury had several recommendations regarding these procedures. The recommendations include having all employees and future hires have their driver's licenses checked by the California Department of Motor Vehicles and be placed on the DMV pull program. There is also mention of requiring that all reference checks and work history checks are completed for new hires and criminal history checks be completed through the Department of Justice and the Federal Bureau of Investigations for new hires. The Civil Grand Jury also recommends the development of a "county driver's license" for all employees to carry and show when checking out a County vehicle. Furthermore, the report encourages that employees who work as personal assistants to the Board of Supervisors be subject to the same rules and procedures as other employees. Lastly, the Civil Grand Jury recommends the Board of Supervisors develop and adhere to a written code of ethics.

Response:

While the Board of Supervisors does not disagree with the possibility of expanding the County's DMV pull program, it is important to recognize that many employees do not have access to County vehicles and monitoring these individuals through this program could constitute a great deal of staff time and could invade certain employees' privacy rights. None of these changes could be made without meeting and negotiating with bargaining units. However, the Board of Supervisors supports continual evaluation of processes and practices to provide the best possible services. Driving-related policies are under consideration.

The Board agrees that personal assistants to County Supervisors should be subject to the same rules and procedures as similarly-situated employees.

Lastly, while the Board falls under State ethics codes, County Supervisors have expressed interest in considering a written code of ethics specific to the Merced County Board of Supervisors and have directed staff to research the subject.

Investigative Report – License to Carry a Concealed Weapon

Recommendations:

In this year's report, the Civil Grand Jury addressed the Merced County Sheriff's Concealed-Carry Weapons permit process. The report recommends that the Sheriff's Office continue its current approval/denial method currently in place, rely on issuance by the Sheriff only and that the Sheriff's Office CCW fee be raised.

Response:

The Merced County Board of Supervisors supports a fair, equitable and lawful process regarding CCW permits. CCW fees are established by statute in California, Penal Code Section 26190.

Sincerely,



Jerry O'Banion, Chair
Merced County Board of Supervisors

cc: Roscoe Jackson, 2013-14 Merced County Civil Grand Jury Foreperson
James L. Brown, County Executive Officer