

Merced County

Civil Grand Jury

Final Report 2022-2023



MERCED COUNTY CIVIL GRAND JURY

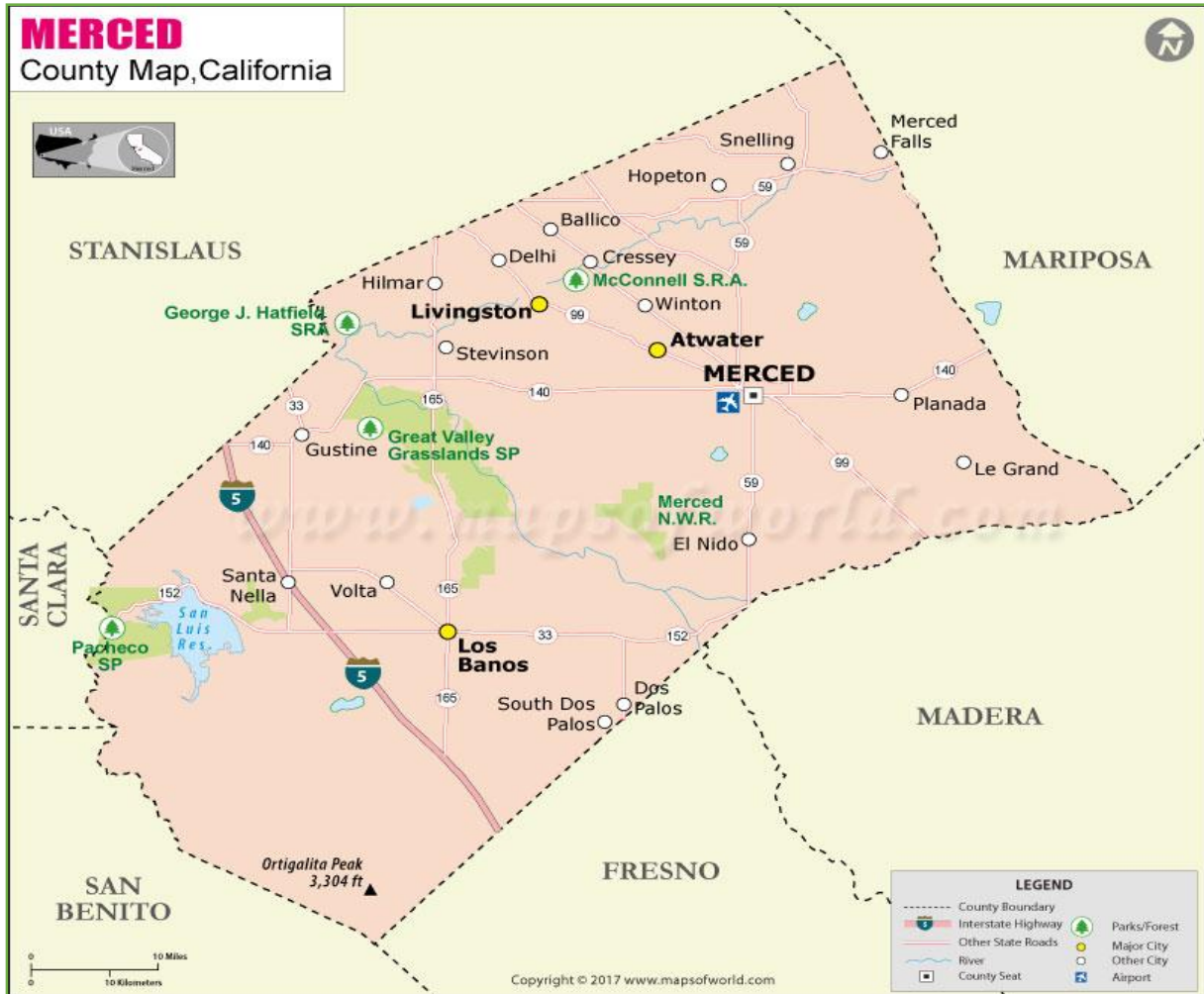
FINAL REPORT

2022-2023

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Map of Merced County





Honorable Steven K. Slocum
Merced County Superior Court
Merced, California

Dear Judge Slocum:

The 2022-2023 Merced County Civil Grand Jury (MCCGJ) is pleased to present our final report in accordance with California Penal Code Section 933. As mandated by law, we have investigated Merced County government matters during this fiscal year and are honored to share our findings and recommendations.

The MCCGJ received a total of one hundred fifty complaints. Each was carefully considered and discussed, leading to two that warranted investigation. The remaining complaints were not within the jurisdiction of the Grand Jury.

MCCGJ conducted investigations and inspections with seriousness and care. Leveraging our experience and collective knowledge, we inspected the three county corrections and detention facilities as required by the California Penal Code. In addition, the Grand Jury presents one report initiated by the Grand Jury and two reports based on citizen complaints.

The jurors' goal is to drive improvements in the operation and effectiveness of local government in the county through their reports. We hope implementation of the reports' recommendations will help in achieving the goal while also promoting greater transparency and accountability.

Sincerely,

Carol Bowman, Foreperson

ACKNOWLEDGMENTS

The 2022-2023 Merced County Grand Jury is composed of citizen volunteers throughout the county. The Final Consolidated Report represents the commitment and dedication of the jurors who were impartial in evaluating each issue so that any published report would improve financial transparency, local government accountability, and the county community.

We wish to express our sincere gratitude and admiration to all those jurors who applied their various skills and interests in accomplishing this task. The grand jury appreciates and thanks the Merced County employees and officials, as well as those in Jury Services who provided us with support throughout the process. Finally, we want to thank all those who participated in the interview process, making these reports possible. It has been our honor and privilege to serve the citizens of Merced County.

MERCED COUNTY GRAND JURY ROSTER

Carol Bowman, Foreperson, Atwater

Tannia Solis, Foreperson Pro Tempore, Merced

Lleccenia Almanza
Merced

Rose Connolly
Atwater

Debra Crisp
Merced

Jared Goodin
Merced

William Gray
Merced

Amy Guerrero
Merced

James Hahne
Delhi

Sam Hill
Merced

Kamaljit Kaur
Merced

Michele Smith
Merced

Mark Talmant
Merced

Laura Thornhill
Merced

Susan Torres
Los Banos



ABOUT THE CIVIL GRAND JURY

Every year, in each of California's 58 counties, a group of ordinary citizens takes an oath to serve as grand jurors. Its function is to investigate the operations of the various officers, departments, and agencies of local government. Each Civil Grand Jury determines which officers, departments, and agencies it will investigate during its term of office.

Civic-minded citizens who have chosen to give back to their communities by collaborating with a diverse group of like-minded persons over a one-year period to evaluate the operations of local governmental entities and the conduct of public officials, and to develop practical innovative recommendations for improving government operations.

Grand jurors are agents of change in their communities. They come from all walks of life. They bring with them a broad range of interests, talents, and life experiences, but they share a dedication to democratic ideals and a willingness to devote their time and energies to matters of civic importance.

Penal Code section 893 states that a person is qualified to be a grand juror if he or she:

- Is a citizen of the United States,
- Is at least 18 years old,
- Has been a resident of the county for at least one year immediately prior to selection,
- Is in possession of his/her natural faculties, of ordinary intelligence, of sound judgment, and of fair character, and,
- Possesses a sufficient knowledge of the English language to communicate both orally and in writing.

No particular background, training or experience is necessary to be a grand juror. In fact, it is the diversity of its members that is one of the grand jury's greatest strengths.



Merced County Civil Grand Jury

June 30, 2023

Elections Office Ballot Errors

County of Merced

ELECTIONS OFFICE BALLOT ERRORS

Merced County General Election 2022

SUMMARY

Mapping errors by the Merced County Elections Office resulted in thousands of incorrect ballots mailed to voters for the November 8, 2022, General Election.

The costs of correcting the errors, re-printing and mailing the corrected ballots as well as conducting outreach and answering questions resulted in a significant cost to the County, as well as concerns about the election process in Merced County.

The Elections Office is responsible for maintaining the voter registration rolls and indexes. This office maintains maps of the supervisorial districts as well as assists the Department of Education, School Districts, Colleges, State Assembly and Senate Districts, U.S. Representative Districts, Cities and California Special Districts. The office is also responsible for conducting elections including statewide Primary and General Elections. In addition, the office contracts with other governmental agencies to conduct special elections as requested. Elections personnel are responsible for setting the dates and deadlines for candidates, voter registration, and voting. The county is required to hire sufficient elections personnel to staff Voting Assistance Centers as well as staff to set up, run, tabulate, and verify election results.

To issue correct ballots to voters, elections personnel reviewed district and precinct maps to ensure lines boundaries approved by the Board of Supervisors on December 7, 2021, were updated correctly.

The Elections Office must ensure that sufficient staff and staff expertise exists within the organization, or may be acquired, to ensure a successful balloting and election process.

BACKGROUND

The Grand Jury received a complaint requesting an investigation into an error by the Elections organization that resulted in incorrect ballots being sent to voters within the county. The Grand Jury was also made aware of this error from news sources, including local TV news and newspapers. All sources reported that apparent mapping errors caused ballots to be incorrect.

County officials eventually released the following statements to local newspapers.

To the Merced County Times on October 13, 2022:

“The Merced County Board of Supervisors, Executive staff and Elections personnel are aware of issues existing with some ballots that have been mailed out for the 2022 General Election. Mapping issues associated with the redistricting process have resulted in some ballots containing incorrect local races. County staff are currently assessing the scope of the issue and will work quickly to put an action plan together to remedy the situation. Merced County is committed to safeguarding the integrity of its elections and will work diligently to resolve the issues identified.”

Reported by the Merced Sun-Star on October 13, 2022:

“The errors seemed to stem from outdated district boundaries — which were revised earlier this year during the nation-wide redistricting process — being applied to the upcoming general election. Some voters reported their ballots contained candidates outside of their district or were missing candidates running within their district.”

METHODOLOGY

The Grand Jury conducted interviews with previous and current employees of the Elections Office as well as an executive from the CEO’s office, and reviewed related documents, including:

- Board of Supervisors meetings and agendas
- Video recordings of Board meetings
- County Budgets
- Documents from the Merced County Elections Office
- Elections Office financial statements
- County web sites
- Quotations of county staff in the media

DISCUSSION

Redistricting

Every 10 years local governments use new data from the Census to redraw their district lines to reflect how local populations have changed.

The finalized maps define the five Merced County district borders. These new County districts impact how Merced County Supervisors are elected for the next 10 years. Redistricting determines how neighborhoods and communities are grouped together for the purpose of electing a county supervisor.

On December 7, 2021, the County of Merced Board of Supervisors selected the National Demographics Corporation (NDC) Map 101d for adoption, implementing new supervisory districts effective January 6, 2022. *These new district maps formed the foundation for all subsequent mapping to the precinct level.*

The mapping process included both the redistricting and precinct lines. The Elections Office must update all district lines upon the completion of redistricting (lines are provided to Elections Office from each office.) Once all district lines were updated, all precinct lines had to be reviewed and updated, as necessary.

Implementation of Voters Choice Act (VCA)

As of June 2022, the County of Merced implemented the Voters Choice Act (VCA) to modernize elections in California to provide greater flexibility and convenience for voters. This election model allows voters to choose how, when, and where to cast their ballot. The VCA model provides that every voter receives a Vote by Mail (VBM) ballot and Voting Assistance Centers replace traditional polling locations.

As of June 2022, the voter registration for Merced County was 123,894. In 2002, state law was amended to allow voters to register as permanent Vote by Mail. Since then, the number of Vote by Mail (VBM) has steadily grown. *(and is currently 77.45% of the County's registered active voters.)*

All active registered voters are mailed a ballot starting 29 days before the election. Voters also receive a ballot return envelope with pre-paid postage.

The Elections Office had optional resources available to assist with a variety of service needs for the elections process. They chose a full-service option for ballot creation due to a “brain drain” of sorts within the department. This option did not include assistance with mapping. Mapping is a detailed process that requires an advanced level of knowledge and expertise, as well as at least three levels of proof to ensure accuracy.

Ballots were mailed to voters beginning the week of October 3, 2022.

The Elections Office was unaware of any errors with ballots until candidates and voters called to complain.

A Candidate for a City of Merced District stated during public comment at a Board of Supervisor's meeting that "he is very frustrated with the current election issues" and believes the credibility of the election process has been damaged permanently in the City, County and State. He believes the damage has resulted in voter suppression. Whether intended or not, the ballot errors caused confusion. He states that the County notified him that he was running for the wrong district then later notified him he was in fact running for the correct district.

For the November 8, 2022 General Election, a total of 6,097 voters in the following communities received incorrect ballots:

- 142-2 Los Banos Measure D
- 174-3 Los Banos Measure D
- 180-0 Santa Nella Measure D
- 180-1 Santa Nella Measure D
- 186-1 Los Banos Measure D
- 230-0 Merced City Council District 4
- 230-1 Merced City Council District 4
- 236 Merced City Council District 4
- 254 Merced City Council District 6
- 340 Merced City Council District 6
- 423-2 Gustine Measure D
- 461 AESD Area 5
- 516-0 LBUSD
- 544-0 LBUSD Area 7
- 544-1 LBUSD Area 7

New corrected ballots were prepared and mailed to voters in these districts who were recipients of the incorrect ballots. Voters also received a public notice with instructions for identifying the correct ballot to complete and return. If a voter mailed in an incorrect ballot the Elections Office contacted the voter to assist with returning a correct ballot.

This process of correcting ballots, printing corrected ballots, and Voter Information Guides, postage, and outreach to affected voters and associated labor costs amounted to \$58,313.54. An additional \$60,000 was encumbered on October 20, 2022, to retain a Contractor to assist with the duties and obligations of the Elections Office. The contractor

was qualified to provide the needed services. Unbudgeted expenditures were charged to the general fund.

Contributing Factors

Since redistricting is done every ten years, there were only a couple of employees from the Elections Office staff with mapping knowledge related to the redistricting process. One key staff member who possessed the required knowledge left the Elections Office before the start of the balloting process. Additionally, an assistant registrar was absent from the office during the mapping and balloting processes. New employees were hired or reassigned to fill vacancies; however vital subject matter expertise was lacking as preparations for the November 8 general election began.

A detailed in-house elections calendar was used as a work plan and did not include or identify tasks for verifying redistricting mapping.

FINDINGS

- F1.** Incorrect ballots sent to voters caused anxiety and confusion for candidates and voters in districts within the County.
- F2.** Accuracy of the mapping of district and precinct boundaries was hindered by the lack of a detailed work plan to guide the efforts of staff.
- F3.** The Elections Office did not take full advantage of advanced software to assist with the mapping process.
- F4.** The County of Merced responded in a swift and effective manner to correct the mapping errors, to issue corrected ballots and to communicate with affected voters and candidates.
- F5.** County personnel demonstrated a commitment to ensuring the integrity of Merced County elections.

RECOMMENDATIONS

- R1.** The Registrar of Voters to implement single point addressing before the next General Election.

- R2.** The Registrar of Voters to create a comprehensive Work Plan for the mapping process that follows the 10-year redistricting. Review and update annually.
- R3.** The Registrar of Voters to create a training model for each position in the Elections Office and use that model for current employees and new hires to identify training needs.

REQUEST FOR RESPONSES(S) **Pursuant** to Penal Code Section 933.05, the following responses are required:

- Assistant CEO of the County of Merced respond to R1, R2 and R3 within 90 days.

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

Disclaimer

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



Merced County Civil Grand Jury

June 30, 2023

Crisis Services

Behavioral Health and Recovery Services

CRISIS SERVICES

Behavioral Health and Recovery Services

SUMMARY

Merced County Behavioral Health and Recovery Services (BHRS) fulfills an important need for residents of Merced County who suffer with a mental health crisis. In times of crisis BHRS offers support and guidance with three specific crisis services.

The first of these is the Crisis Stabilization Unit (CSU) which is a **24-hour outpatient service**. Individuals may remain in the CSU for several hours to provide stabilization of psychiatric issues. There is also a Crisis hotline for individuals seeking immediate attention and a warm line for problem resolution or referral. This service is provided 24 hours a day, 7 days a week for individuals who are in immediate need of mental health services due to mental illness.

A second crisis service offered by BHRS is the Marie Green Psychiatric Center. Inpatient services provided here offer treatment for individuals who need brief hospitalization due to a crisis or an emergency to assist them with returning to a previous level of functioning.

The third crisis service offered is the Mobile Triage Team which provides crisis intervention services and mental health evaluations to individuals in the community experiencing a psychiatric emergency. This team responds to local emergency rooms within the cities of Los Banos and Merced providing crisis intervention services to individuals who are referred by Los Banos Memorial Hospital and Mercy Medical Center.

Behavioral Health and Recovery Services offers a wide range of mental health services for residents of Merced County. The available programs are listed on the BHRS web site, and on printed brochures that provide contact numbers and locations. These materials do not prominently display the number to call for immediate crisis assistance for individuals contemplating self-harm. For someone in need of immediate assistance, searching for a number online or waiting for a transfer to a clinician may just be too long.

Definitions

BHRS	Behavioral Health and Recovery Services offers a variety of mental health and substance abuse programs in Merced County.
CSU	Crisis Stabilization Services offers 24-hour outpatient services
LEP	Limited English Proficiency is a person whose primary language for communication is not English
CyraCom International	Provides phone interpretation services in multiple languages for LEP individuals
988	Suicide and Crisis Lifeline
MCCGJ	Merced County Civil Grand Jury
CCR	The California Code of Regulations (CCR), is the official compilation and publication of the regulations adopted, amended, or repealed by state agencies pursuant to the Administrative Procedure

BACKGROUND

Per Title 9, CCR Section 1810.410 (a)(3) oral interpreter services in threshold languages at key points of contact must be available to assist those whose primary language is a threshold language.

Threshold languages are those which are spoken at a high proportional rate within a geographic region of the state and as such may contribute to obstacles of understanding and access for those seeking mental health services. Threshold languages for Merced County are Spanish and Hmong. A 2019 survey estimated that 56.9% of Merced County residents over the age of five speak a language other than English while 48.19 % speak Spanish and 4.0% speak Asian or a Pacific Island language. Behavioral Health and Human Services have staff members who speak Spanish and Hmong.

Section 1557 is the civil rights provision of the Affordable Care Act of 2010. Section 1557 prohibits discrimination on the grounds of race, color, national origin, sex, age, or disability in certain health programs and activities.

Consistent with longstanding principles under civil rights laws, the final rule makes clear that the prohibition on national origin discrimination requires covered entities to take reasonable steps to provide meaningful access to everyone with Limited English Proficiency (LEP) who is eligible to be served or likely to be encountered within the entities' health programs and activities.

An individual with Limited English Proficiency is a person whose primary language for communication is not English and who has a limited ability to read, write, speak, or understand English. Reasonable steps may include the provision of language assistance services, such as oral language assistance or written translation.

METHODOLOGY

A variety of methods were used for this investigation, including interviews with BHRS staff, calls placed to the Merced County Crisis Hotline, the Central Valley Suicide Prevention Hotline and to the 988 Suicide and Crisis Lifeline. The MCCGJ also reviewed call logs, budgets, websites, and contracts.

DISCUSSION

The MCCGJ placed several phone calls using different scenarios and languages to the crisis hotlines simulating a person in crisis. The following four calls were to the Merced County Crisis Hotline.

Phone Call #1 (10 November 2022 at 4:47 PM)

The call was placed in Punjabi to the local crisis line listed on the BHRS website. We made initial contact with a mental health worker, then the line went silent. We ended the call after 30 seconds with no further response.

Phone Call #2 (12 January 2023 at 3:34 PM)

This call was also placed in Punjabi. Once contact was established, music played for 3 minutes and 30 seconds. The call was therefore terminated since no assistance was offered.

Phone Call #3 (9 March 2023 at 4:12 PM)

This call was placed in Punjabi. The call was answered promptly and efficiently, and the clinician quickly understood what language was needed. The CyraCom translator took 1 minute and 45 seconds to respond.

Phone Call #4 (9 March 2023 at 4:17 PM)

This call was placed in English. The clinician answered promptly (within seconds).

BHRS meets the provisions of Section 1557 with an existing contract with CyraCom International for phone interpreting services for LEP individuals who call the crisis hotline for assistance. The scope of work with CyraCom is comprehensive and includes over the phone interpreting 24 hours a day 7 days a week, access to a menu of language networks, provision of necessary equipment for interpretation, and average speed of answer of 16.5 seconds or less.

California, as well as other states, has implemented a new three-digit dialing code, 988, that will route the caller to the National Suicide Prevention Lifeline. When people call, text, or chat 988, they will be connected to trained counselors that are part of the existing Lifeline network. These trained counselors will listen, understand how their problems are affecting them, provide support, and connect them to resources if necessary.

Per Xavier Becerra, Secretary of the Department of Health and Human Services “988 is more than a number, it is a message: we’re there for you. Through this and other actions, we are treating mental health as a priority and putting crisis care in reach for more Americans.”¹

The Lifeline currently provides live crisis center calling services in English and Spanish and uses Language Line Solutions to provide interpreting services in over 250 additional languages. Text and chat are currently available in English only.

The 988 service is funded similarly to 911 services. A 988 surcharge is added to phone and mobile phone bills.

A person in crisis may connect with BHRS in several ways. In a press release issued May 2020 BHRS stated they had launched a free 24/7 youth warm line (209 381-6800). This is a resource for any youth seeking emotional support. This same number is also the main number for BHRS, so other individuals in crisis may call this number. An individual with Limited English Proficiency would then require interpretation service, which involves a connection to CyraCom. There is a seven-step process to reach an interpreter.

¹ <https://www.samhsa.gov/newsroom/press-announcements>

Like 911, 988 is an easy number to remember. For 988, the goal for a standard wait time to answer crisis calls is 42 seconds. On the BHRS services brochure revision of November 15, 2022, the 988 number is not identified as another resource for persons in crisis to call.

FINDINGS:

- F1.** The available mental health programs in Merced County do not prominently display the number to call for immediate crisis assistance for individuals contemplating self-harm. This may make it difficult for individuals in need of immediate help to access the necessary resources.
- F2.** The recently implemented 988 Suicide and Crisis Lifeline is an easy-to-remember three-digit dialing code that routes the caller to the National Suicide Prevention Lifelines.
- F3.** The BHRS Services Brochure revision of November 2022, does not identify the 988 number as another resource for persons in crisis to call. This may limit the accessibility of this resource for individuals who may benefit from it.
- F4.** An easy-to-remember crisis number like 988 can help ensure individuals get the help they need as quickly as possible.
- F5.** Based on a small call test sample, delays were encountered when crisis calls required the assistance of an interpreter for LEP individuals. This may be indicative of a larger problem.

RECOMMENDATIONS:

- R1.** Prominently display the 988 number on all BHRS materials: To ensure that individuals in crisis are aware of the 988 service, the BHRS should include the 988 number on all their printed brochures, websites, and other materials.
- R2.** Provide immediate crisis assistance number in threshold languages: BHRS should also make sure that the immediate crisis assistance number is prominently displayed in threshold languages (Spanish and Hmong) on their materials.
- R3.** Simplify crisis hotline numbers: The current numbers for the BHRS crisis hotlines are not easy to remember. Simplifying the numbers to make them more

memorable, like 988, can help ensure that individuals in crisis can quickly and easily access the help they need.

- R4.** Conduct an extensive internal audit of the amount of time it takes to complete transfers when crisis calls require the assistance of an interpreter for LEP individuals.
- R5.** Streamline interpretation services: The seven-step process to reach an interpreter for LEP individuals during a crisis may be too lengthy. BHRS should work to streamline the interpretation service to ensure that LEP individuals can access immediate interpretation services during a crisis.
- R6.** Ensure staff members are trained in Section 1557 compliance: BHRS staff members should receive training on how to comply with Section 1557 and provide language assistance services to LEP individuals. This will help ensure that individuals with Limited English Proficiency can access the resources they need to address their mental health needs.

REQUEST FOR RESPONSES(S) **Pursuant** to Penal Code Section 933.05, the following responses are required:

- Director of Behavioral Health and Recovery Services to R1-R5 within 90 days.

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

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



Merced County Civil Grand Jury
June 30, 2023

Road Maintenance – Potholes

Los Banos, Dos Palos, Merced, Atwater, Livingston

ROAD MAINTENANCE COMPLAINTS PROCESS

SUMMARY

The Merced County Civil Grand Jury (MCCGJ) of 2022-2023 investigated road maintenance upkeep for five cities within the county. The cities investigated were Los Banos, Dos Palos, Merced, Atwater, and Livingston. The grand jury wanted to know:

- How the cities manage citizen complaints.
- The prioritization process for requested repairs.
- The process for tracking complaints.
- The number of complaints received in the last year.
- The number of complaints that resulted in a repair.
- The cost for repairs requested by citizens.
- The process for a citizen to file a complaint about road repairs.
- The process for follow-up with citizens when repairs are completed.
- The total amount paid by the city for claims of damages to citizen vehicles.

All the cities have a method for citizens to file a complaint for needed road repairs. Four cities have an online portal for complaint entries. Only one does not.

BACKGROUND

The MCCGJ investigated the five cities' current road maintenance procedures, concentrating on potholes and damage to vehicles to evaluate how complaints are managed.

METHODOLOGY

The MCCGJ conducted interviews with the public works staff of all the five cities. MCCGJ collected and reviewed documentation that was submitted, reviewed answers to the questions asked, as well as paperwork dealing with reported damages to understand the process by which citizens' complaints were documented and completed. The MCCGJ also reviewed each city's website to evaluate the complaint reporting options available online.

DISCUSSION

The MCCGJ conducted interviews with all five cities.

Los Banos has a comprehensive process for handling citizen complaints. A detailed spreadsheet is used to track complaints received, repair dates, and notification date to the citizen who initiated the work order. Citizens can report a complaint by telephone and on the city's website front page under "Report Street Issue." Los Banos maintains a complete list of future road maintenance projects for 2022-2023. No complaints of damage were reported for the calendar year 2022. Los Banos has 130 miles of streets to maintain.

Dos Palos citizens must call the city office to report complaints about road repairs. A staff member writes the request and delivers it to the road workers. The work order is evaluated and prioritized for repair. All reported repairs are made in a timely manner. The only record of a service request is the work order itself as no spreadsheet is maintained. Dos Palos public works employees service a total of twenty-five miles of roadway. There were no claims for damage in the calendar year 2022.

Merced citizens may call the Public Works Department to file a complaint, or they may enter a complaint via a link on the City of Merced's website. The citizen enters a complaint on the website's front page, and once entered, the complaint is prioritized by an onsite inspection. There is no link on the public works section for complaints and there is no feedback to the citizen who complained. All potholes reported are fixed, and a report is generated detailing all the fixed potholes for the year. Due to the increase in costs for materials, the city needs additional funding for roads. Merced has a total of 335 miles of streets to maintain. There were no reports of damage in the year 2022.

Atwater citizens may file a complaint about road conditions by calling Public Works or by opening a link on the City of Atwater's main website to report issues. If a citizen calls Public Works, a work order is completed. If using the main website, citizens use the link "Report an Issue" to complete the request. Public Works does not have a link for this on the website. Once the work order is received, it is prioritized. The highest priority is conditioned on the size of the hole. Large potholes are a high priority because of the potential damage to a vehicle. After the pothole is repaired, the complainant is notified. The City of Atwater reported they had twelve reports of potholes in fiscal year 2021-2022, and all were repaired. The cost for the repairs totaled \$4,800 for maintenance, plus

approximately forty labor hours. They reported that five citizens submitted claims for damage to their vehicles due to road damage in the fiscal year 2020-2021. Atwater has 130 miles of streets to maintain.

Livingston uses two methods for citizen submissions of road complaints. The first method is a phone call by a citizen to initiate the complaint. The second method is via a link on the website “Citizen Request.” Livingston then verifies the complaint, prioritizes the problem, and repairs it immediately if it is a hazard. Clerical staff enter and track the work orders and notify the citizen when the repair has been made. Livingston has approximately forty miles of streets in the city to maintain. Additional funding through grants and Measure V for completing upcoming projects may be possible. There were no citizens claims for damage for calendar year 2022.

FINDINGS:

- F1.** The City of Los Banos has an excellent internal process for tracking and reporting repairs.
- F2.** The City of Dos Palos lacks the capability for online reporting of road issues.
- F3.** The City of Merced has an online portal to enter complaints about road conditions.
- F4.** The City of Livingston has an online capacity for citizens to enter complaints.
- F5.** The City of Atwater has a visible link on the home page of their website for reporting a road problem.
- F6:** All cities are responsive to complaints from citizens about needed road repairs.

RECOMMENDATIONS: None

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Merced County Civil Grand Jury

June 30, 2023

Mandated Detention Facilities Inspections Summary

The 2022-2023 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
 - John Latorraca Correctional Center
 - Iris Garrett Juvenile Correctional Complex

The following Police Department and Jail facilities are exempt from the above list based on the discontinuation by the Cities of their holding facility. Arrestees from Los Banos, Dos Palos, Atwater, Gustine, Livingston, and Merced, along with the California Highway Patrol, Fish and Game are transferred to the Merced County Main Jail. (Per California Penal Code 925, “inspection is not mandated”)

Merced County Civil Grand Jury

June 30, 2023

Iris Garrett

Juvenile Justice Complex



IRIS GARRETT JUVENILE JUSTICE COMPLEX

SUMMARY

The 2022-2023 Merced County Civil Grand Jury (“MCCGJ”) conducted a facility inspection of the Iris Garrett Juvenile Justice Complex located at 2840 West Sandy Mush Road in Merced County on January 19, 2023. This facility is a complete compound including youth housing and a complete juvenile court system and includes a courtroom, a clerk’s office, and conference rooms for attorneys to meet privately with their clients including first-time offenders. Since the start of COVID-19 juvenile court proceedings have changed. The presiding juvenile court judge, the youth, attorneys, a county bailiff, and court reporter are present in the courtroom facility. The youth’s parents or guardians are present in the open lobby area and are viewed by the court attendees via Zoom equipment. There are no COVID-19 mask requirements in the lobby area.

BACKGROUND

Annual visits by the grand jury are mandated by California Penal Code Section 919 (b).

At the time of the inspection the juvenile complex housed twenty-nine (29) youths, all males and zero (0) females. It has a maximum bed capacity of 120. There are forty (40) individual cells and forty (40) double cells. The Board of State Community Corrections (“BSCC”) rates the facility for ninety beds due to current budgeting standards. This BSCC bed count will expand up to 120 if the need arises after the California Department of Corrections & Rehabilitation’s Division of Juvenile Justice starts their closure in June of 2023.

METHODOLOGY

The MCCGJ inspected the medical facility and the intake areas while taking a walking tour. The areas were clean and organized. The medical area provides basic medical care; however, youth are transported to other medical providers for major medical, dental and vision care. The facility partners with Wellpath, a provider of basic medical and mental healthcare. The reorganized monitoring area included new monitors and a larger workspace. There are multiple CCTV cameras monitored by staff 24/7. The control room staff operates all internal doors.

DISCUSSION

The youth appeared well-groomed, healthy, and were wearing clean clothing. Laundry is done at the John Latorraca Correctional Center located directly across the parking lot. A washer and dryer unit for special items is in the intake area to ensure those items remain at the youth facility. All cells were clean and orderly.

Meals are prepared at the John Latorraca Correctional Center; however, the juvenile meal plan was recently improved to include food preferred by the juvenile residents and differs from the diet at the adult facility. The food vendor (Trinity) remains the same but the price per meal increased due to the new selection of foods offered. The youth are served three nutritious meals per day and snacks which may be purchased with points earned for good behavior.

The MCCGJ toured the classrooms which were clean and orderly. The juvenile facility provides training programs for vocational skills such as IT, culinary, carpentry, and an off-site food truck. Their mobile truck, known as “Higher Grounds,” will soon be available at various sites in the community.

The Bear Creek Academy Youth Treatment program ensures the youth are enrolled in a regular academic curriculum with programs designed to promote successful integration into society. This academy is structured in four phases whereby students must earn a required number of points through participation and proficiency in the Group Leader Incentive Program to successfully complete each part of the program (Per the program details).

To obtain **Phase 1** Group Leader a youth must be able to demonstrate two weeks of excellent behavior. Utilizing the daily point system, a youth must obtain forty-five points (without extra points) or higher each day for fourteen consecutive days. Privileges include eligibility for jobs, deck of cards, greeting cards (mailed for free/ every two weeks), plus one poster board.

To obtain **Phase 2** Group Leader, a youth must continue to demonstrate excellent behavior. Utilizing the daily point system, a youth must obtain forty-five points (without extra points) or higher each day for an additional fourteen consecutive days (total weeks, four). Privileges include all of Phase 1 privileges plus: free 10-minute phone call (monthly), sketch pad, photo album, pencil pouch, composition book, calendar, Group Leader blanket, storage box.

To obtain **Phase 3** Group Leader a youth must continue to demonstrate excellent behavior. Utilizing the daily point system, a youth must obtain forty-five points (without extra points) or higher each day for an additional fourteen consecutive days (total weeks, 6). Privileges include All of Phase 1 & 2 privileges plus: Food Fest party, Group Leader Polo, selfie picture (every 2 months), Zoom Call, folder, free 20-minute phone call (monthly), and eligible for Family Night (monthly).

To obtain **Phase 4** Group Leader, a youth must continue to demonstrate excellent behavior. Utilizing the daily point system, a youth must obtain forty-five points (without extra points) or higher each day for an additional fourteen consecutive days (total weeks, 8). Privileges include all of Phase 1, 2, & 3 privileges plus: blue jeans, yoga mat, loofas (shower), GL slides (orange), monthly frozen meal pack including drink and dessert, Honor Room, Zoom call, coloring pencils, shading pencil (long pencil), free 20-minute phone call (biweekly).

The schedule, which more recently has been termed an “Integrated and Treatment Program,” includes areas such as the Recovery Assistance for Teens (RAFT) to address substance abuse issues, Cognitive Behavior Therapy to help the youth deal with their emotions, and standard school programs (math, science, English, physical education, etc.). Additional innovative programs have been introduced such as Moral Recantation Therapy to encourage integrity, and an art program which allows for creative expression. Other on-site family programs include Parent Café and Family Night. Activities consist of art, games, movie night and tables set up for family dining.

The goal is to break old patterns that have resulted in negative and destructive behavior and provide tools to set and reach life goals.

Standard school curriculum (math, science, English, and physical education) is mandatory daily. The juvenile facility holds high school graduation ceremonies for those meeting the requirements. Besides progressive educational opportunities available to the youth the Department of Motor Vehicles opens their office early so youth can obtain a California Identification card. Correctional officers transport the youth by bus for scheduled appointments at the DMV.

MCCGJ members observed an area where they grow vegetables and herbs and were told that students make their own salsa from the garden. A youth kitchen and cooking area is available to practice their learned culinary skills. The youth raise and maintain their own chickens and the daily eggs are used in meals made by the youth. It was mentioned and discussed that in the future the facility wants to enlarge the chicken and garden area to

host farm animals, goats, and a dairy cow. Many of the hands-on projects introduce a lifestyle experienced by few inner-city youths.

The MCCGJ observed rival gangs being housed together, rather than separately. This allows staff to work with the youth to encourage effective relationships with their peers and the staff. The relationship between the youth and probation staff is positive.

The MCCGJ noticed what is referred to as, the Board of Stars. Any positive comments related to the staff are listed on gold stars, mounted on the Board.

The youth can complete a list of grievances and positive comments which can be placed in a locked box in each of the two housing facilities. Any grievances are reviewed and managed within 48 hours. The secured boxes are inspected twice per day by the shift supervisor.

Between housing buildings one and two there is a large area designated for future building three. Once budgeted and completed, the additional structure will be utilized as a separate educational and vocational area. The goal is to allow the youth to have a separate area from housing for daily educational activities.

The juvenile facility is funded from several sources ranging from Assembly and Senate bills to State and Federal grants. Additional funding comes from the Youthful Offender Block Grant, the Juvenile Probation Camp Funding Grant, and the Merced County Board of Supervisors.

FINDING(S)

- F1.** Modernization of the intake area has improved monitoring and controls.
- F2.** Through a variety of programs, youth have multiple opportunities to gain experience that will facilitate integration into the community.
- F3.** Education and motivational programs aim to help youth overcome past negative behaviors to prepare them for success when they leave the facility.
- F4.** The focus of staff involved with the programs of the Iris Garrett Juvenile Complex are doing an excellent job in reducing recidivism.

RECOMMENDATION(S) None

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Merced County Grand Jury

June 30, 2023

Merced County Sheriff's Department Main Jail



MERCED COUNTY SHERIFF'S MAIN JAIL

SUMMARY

The Merced County Civil Grand Jury (“MCCGJ”) inspected the main Merced County Jail at 700 W. 22nd Street, Merced on November 14, 2022. The MCCGJ utilized, in part, an inspection form suggested by the California Grand Jurys’ Association and California Correction Standards Authority. Construction of the main jail occurred in 1968. Renovations were completed in 1991 and 1994. The current capacity of the facility is 189 inmates.

BACKGROUND

Annual visits by the grand jury are mandated by California Penal Code Section 919 (b).

The MCCGJ inspection included a review of all mandated inspection reports including Fire, Medical/Health, Environmental Health, and Nutritional Health. All were confirmed completed and passed on March 30, 2022. The last emergency fire drill was dated October 4, 2022

As described in a 2014 study prepared for Merced County Public Works, the main jail, constructed in 1968, is in disrepair, and substantial improvements are needed to adhere to state standards. the John Latorraca Correctional Center (“JLCC”), constructed in 1990, also requires improvements because, in addition to being more than 20 years old, the facility was initially designed as a minimum-security facility, but it is being used to house medium and maximum-security inmates. The County will address the capacity, security, and facility issues reflected in both facilities by building this new facility and remodeling other JLCC facilities. These improvements will help the County comply with California’s Title 24 and Title 15 regulations and guidelines, which address minimum standards for local detention facilities.²

² PUBLIC DRAFT JOHN LATORRACA CORRECTIONAL CENTER EXPANSION INITIAL STUDY PREPARED FOR: Merced County Public Works Department 715 Martin Luther King, Jr. Way Merced, CA 95341-6041 Contact: Richard A. Schwarz 209.385.7602 PREPARED BY: 630 K Street, Suite 400 Sacramento, CA 95814 Contact: Brad Norton 916.737.3000 September 2014

METHODOLOGY

MCCGJ members met with the Sheriff and several department heads. The meeting lasted approximately 45 minutes including a question-and-answer session. The Q&A went well. MCCGJ was satisfied with the answers provided to each of its questions.

DISCUSSION

The Sheriff's office is composed of two bureaus. One bureau is operations which has sworn law enforcement officers which work crimes on the street; the other is corrections.

In an interview with the Merced County Times on January 24, 2022, Sheriff Warnke states that he "is looking forward to modernization of its facilities, including major upgrading of its John Latorraca Correctional Facility on Sandy Mush Road, demolition of the current jail in downtown Merced and building of a new administrative operation at the former Castle Air Force Base. The latest bid for jail modernization is \$70 million with the operations building out at Castle expected to cost another \$40 million. That would house the business office, civil bureau, coroner's office, evidence technicians and sheriff's administration."

Various delays for the JLCC project have occurred while the Merced County Board of Supervisors has maintained its due diligence with the State to continue to satisfy the grant requirements. Groundbreaking for what is referred to as Phase II of the JLCC project was expected in February of 2023.

Since the last MCCGJ jail inspection there have been zero suicides but twenty attempts. There was one unrelated death and zero escape attempts.

During the on-site inspection of the main jail the MCCGJ reviewed the control center where all the CCTV cameras are monitored 24/7 by at least two staff members. Facility door access is also monitored.

The MCCGJ main jail inspection lasted several hours. Other than the aged and deteriorating condition of the facility, the staff maintains a good working environment and working relationships.

The staff of the Merced County Main Jail should be commended for their professional manner in the performance of their duties and their commitment to public safety under stressful conditions.

FINDING(S)

- F1.** Groundbreaking for modernization of jail facilities and demolition of the current jail in downtown Merced has not broken ground.
- F2.** Despite challenges, the staff continue to perform their duties admirably.

RECOMMENDATIONS: None

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Merced County Civil Grand Jury

June 30, 2023

John Latorraca Correctional Center



JOHN LATORRACA CORRECTIONAL CENTER

SUMMARY

The Merced County Civil Grand Jury (“MCCGJ”) inspected the John Latorraca Correctional Center (“JLCC”), located at 2584 W. Sandy Mush Road, Merced on November 15, 2022, using the Detention Center Inspection form provided by the California Grand Jurors Association. The MCCGJ inspected the conditions and management of the facility. Since the last MCCGJ center inspection, there have been zero suicides but nineteen attempts.

The MCCGJ determined that all facilities at John Latorraca Correction Center met the minimum standards of the California Corrections Standards Authority. The exercise area needs free access to a toilet and washbasin. TITLE 24, Minimum Standards for the Design and Construction of Local Detention Facilities PART 2, SECTION 1231 requires free access to a toilet, wash basin and drinking fountain for the occupants of dayrooms and exercise areas.³

BACKGROUND

Annual visits by the grand jury are mandated by California Penal Code Section 919 (b). JLCC opened in 1990 as a minimum-security facility but now houses medium risk to high-risk inmates. The facility has a state-rated capacity for 564 inmates. The current inmate population is 385.

METHODOLOGY

MCCGJ reviewed the John Latorraca Correctional Center website, toured the facility to complete the onsite inspection and met with center management.

DISCUSSION

Merced County received a \$40 million grant and matched \$5 million of funding to the John Latorraca Correction Center. As of December 2021, the estimated amount for planned

³ TITLE 24 MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES PART ONE, ADMINISTRATIVE REGULATIONS FOR THE BOARD OF STATE AND COMMUNITY CORRECTIONS CHAPTER 13, SECTION 1231, MINIMUM STANDARDS FOR ADULT DETENTION FACILITIES

completion had increased to \$71.3 million. Plans are for the main jail to be demolished and all jail operations moved to the JLCC location.

As described in JLCC Request For Statement of Qualification (RFSQ) dated January 25, 2017, this project will design and construct renovations to an expansion of the existing JLCC facility. The project includes remodeling all existing dormitory space to bring the structures up to code requirements and hardening of the security, addition of 30 new medical/mental health treatment housing beds, a new 10,000 square foot programs and services building, a new intake/transfer/release building allowing for processing of inmates, new kitchen and laundry facilities, a new administration building, and enhancements to the site security. Additionally, this project included construction improvements and upgrades to the security fencing and existing site infrastructure.⁴

Various delays have occurred. Phase II of the JLCC project was expected to break ground in February of 2023.

The MCCGJ noticed the large green sign at the entrance to the JLCC is not clear on directions to the correctional center. The directions lead to a left turn on a dirt section of street. It is only beyond this point of dirt section, that the facility parking lot can be seen. The directions are very misleading.



⁴ REQUEST FOR STATEMENT OF QUALIFICATIONS (RFSQ) COUNTY OF MERCED SB 863 EXPANSION OF THE JOHN LATORRACA CORRECTIONAL CENTER DESIGN-BUILD PROJECT

FINDINGS

- F1.** Reconstruction of the JLCC has not broken ground.
- F2.** The sign at the entrance to the JLCC provides misleading directions to the correctional center and parking lot.

RECOMMENDATIONS

- R1.** The MCCGJ recommends that the Sheriff's Department create an entrance sign that provides clear directions to the correctional center and parking lot.

REQUEST FOR RESPONSES(S) **Pursuant** to Penal Code Section 933.05, the following responses are required:

- Merced County Sheriff's Department responds to R1 within 90 days.

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

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