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MANDATED ANNUAL INSPECTION IRIS GARRETT JUVENILE CORRECTIONAL COMPLEX

SUMMARY

Members of the 2012-2013 Merced County Civil Grand Jury toured the Iris Garrett Juvenile Justice Correctional Complex and found it to be clean, well maintained and managed. Minors are well supervised and provided classes to help them complete their high school education. Because the juvenile court is located on the premises, cases proceeding through the system can be handled efficiently and most are completed within a month.

INTRODUCTION/BACKGROUND

The 2012-2013 Merced County Civil Grand Jury toured the Iris Garrett Juvenile Justice Correctional Complex as mandated by California Penal Code, Section 919(b).

METHODOLOGY

The Civil Grand Jury met with the Chief Probation Officer, Assistant Chief Probation Officer, and an incarcerated minor. The Civil Grand Jury then toured the complex.

DISCUSSION

The Chief Probation Officer briefed the Civil Grand Jury members on the procedures of the juvenile court system. All juvenile delinquency court cases in the county are processed through this courtroom. The assigned judge presides over hearings of minors who have been charged with the commission of crimes within the meaning of the California Penal Code and governed by the California Welfare and Institutions Code and Title 15 (Delinquency). Petitions (the document that charges a minor with a criminal offense) are filed within forty-eight hours and a detention hearing is held within twenty-four hours of the filing. Most cases are completed within a month. The Juvenile Court processes an average of twenty cases per day. Welfare and Institutions Code 707(b) classifications allow a minor to be charged as an adult for serious offenses.

At the time of the tour the population of the facility was seventy-one minors, which included six females and sixty-five males. Total capacity at the complex is 120.

A medical doctor is on call and is at the complex on Wednesdays and Saturdays. There is also a mental health doctor assigned to the complex. A Registered Nurse is present for the day shift and a Licensed Vocational Nurse is present for the swing shift. If a medical emergency arises during the night shift, the nurse from the John Latorraca Correctional Facility located next door can be called. All medications are secured in a locked room with locked cabinets. If daily medication is required the nurse takes the medication to the minor. The complex has a "safety cell" for minors who may need to be restricted to prevent them from hurting themselves or others.

Continuing educational classes are provided for all minors, as well as vocational and Regional Occupational Programs (ROP). When released from custody, those minors who have not completed their education will continue their education at the Bear Creek Academy in Merced County.

COMMENDATION

The 2012-2013 Merced County Civil Grand Jury found the complex to be very clean, maintained and well managed.

DISCLAIMER

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MANDATED INSPECTION MERCED COUNTY SHERIFF'S DEPARTMENT MAIN JAIL FACILITY

SUMMARY

The 2012-2013 Merced County Civil Grand Jury found that this facility was clean and well-functioning and the staff conducted operations in a professional and efficient manner.

INTRODUCTION/BACKGROUND

The 2012-2013 Merced County Civil Grand Jury toured the Sheriff's Department Main Jail facility located at 700 W. 22nd Street, Merced, CA as mandated by California Penal Code, Section 919(b).

METHODOLOGY

The 2012-2013 Merced County Civil Grand Jury toured the Merced County Sheriff's Department Main Jail facility.

The Civil Grand Jury took two tours of the Main Jail facility. Both tours were conducted by a veteran Sergeant who provided information on the overall operations of the facility.

Areas toured included the control center, booking, medical, sobering cell, kitchen, laundry, administration segregation unit, interview rooms, and the video arraignment room.

DISCUSSION

The Main Jail's maximum capacity is 192. As of April 25, 2013 the population of this facility was 156. The control center is managed by an officer or trained civilian twenty-four hours a day. All officers on duty are trained to man the control panels. One person mans the control center and is relieved by another officer for breaks. This officer/civilian also answers phone calls from the public. The control center monitors both the inside and around the perimeter of this facility.

The minimum staffing level is six. Shifts are usually one Sergeant and five officers. Medical staff is on premises twenty-four hours a day.

The facility wasn't built for long term inmates. There hasn't been an escape from this facility since the late 1990's. AB109 transfers responsibility for supervising specific lower level inmates and parolees from the California Department of Corrections and

Rehabilitation (CDCR) to the counties. AB109 allows non-violent, non-serious, and non-sexual offenders to serve their sentences in county jails instead of state prisons.

The facility cannot go over the maximum inmate capacity because it has a federal cap. When close to capacity, inmates are transferred to the John Latorraca Correctional Center (JLCC) or released.

Anyone arrested by an outside agency is brought into this facility through the intake area and booked, except females and arrestees brought in by the California Highway Patrol (CHP). Females are taken to JLCC and the CHP can book at JLCC or Los Banos. Depending on their classification and charges the arrestee will either stay at the Main Jail or be transported to the JLCC.

The booking area is manned by whoever is assigned to intake and is available at the time someone comes in to be booked. Intake assignments have varied duties such as booking, block officer, roof duty, etc. Booking is started by putting information into the system provided by the arresting officer. The arrestee is brought to the window to finish the booking process. There are two windows for booking. Bookings per day can vary but average about twenty to twenty two per day. Day shift is busier than weekends because they include court remands. Bookings take about one hour on average. The Sheriff's Office books and releases from this facility. Staffing is down because of budget cuts.

The Civil Grand Jury viewed the interview rooms where inmates can talk to their counsel; sometimes these rooms are used to house an inmate that can't get along with others. On occasion overcrowding causes insufficient space for counsel interviews. They can either wait or talk to their clients at the courthouse. There is no time limit on how long counsel and an inmate can talk between 7:00 a.m. and 10:00 p.m.

A doctor comes in and reviews the medical files to determine who needs to be seen. This doctor is also on call. There is a nurse practitioner that holds sick call. A dentist comes in every two weeks to provide minor dental work. Medicine is in a locked cabinet.

Medical staff is on premises twenty-four hours a day. Minimum requirement is a Registered Nurse (RN). There is usually an RN and a Licensed Vocational Nurse (LVN) on duty.

If there is an emergency, the officers on duty can move inmates from a cell block. If the whole facility needs evacuating they call for mutual aid from other agencies such as the Merced Police Department.

Officers can't carry lethal weapons in the facility. They can carry pepper spray, batons, and Tasers.

Budget cuts have reduced personnel, which results in overtime. Shifts are seven a.m. to three p.m., three p.m. to eleven p.m., and eleven p.m. to seven a.m. Officers can pull a double shift but cannot work more than two doubles in a row. It is mandatory that they

take at least one of their two days a week off. If working a double shift, during the second shift they make sure that they are working an assignment where it is constantly moving and where it is not required to stay past those sixteen hours.

A ranking officer noted the impact that AB109 is having on being able to keep criminals in jail. He said, "It's like having a revolving door at the booking station and criminals are beginning to catch on that they won't be put behind bars for certain crimes." The facility was built for minor crimes and probation violations, not for long term inmates.

Average stay of an inmate at this facility is six to eight months at the minimum. The majority of inmates at this facility are not sentenced.

Booking:

- Inmate is brought into the intake area and the arresting officer completes a probable cause arrest sheet. (This states how the officer came into contact with the arrestee and what they were arrested for.) The probable cause information is reviewed by a judge.
- A cursory search is completed. All items taken from the arrestee are logged and put into a bag.
- A Sheriff's officer enters the intake area and reviews the probable cause form and the property that has been placed in the bag.
- The arrestee is brought into the facility and another cursory search is performed.
- All paperwork is given to the booking clerk.
- The arrestee is asked a battery of questions:
 1. Medical issues and if they are taking any medications.
 2. Have had any alcohol to drink or taken any street drugs within twenty-four hours. Depending on their answer, medical staff may be called to clear the arrestee before they can be booked. Ninety percent of the time medical staff has to clear the arrestee.
 3. Current or former gang affiliation.
- If their blood pressure is too high, have a medical condition, or are too drunk they may not be accepted for booking. The arresting officer has to take them to a hospital to get cleared.
- The arrestee must walk into the jail on his/her own; they can't be assisted by the officer.

Once the above process is completed then the inmate is booked.

- The intake officer prepares what is called a global jacket for each inmate.
- The global jacket contains the name of the inmate, height, weight, tattoos, address, gang affiliation, scars, marks, etc.
- The intake officer lists the booking details, what shift the inmate was booked on, time, misdemeanor or felony, outstanding warrant, the arresting officer, where they were arrested, charges, and property.

- Release notification to arresting officer or victim, if requested, can also be included in such cases as domestic violence. Generally there is not a release on domestic violence cases, but the inmate can get bailed out. The booking system will not clear the inmate out of the facility if all notifications requested have not been performed.
- Classification staff determines where the inmate will be housed in the facility.

Sobering cell: Medical staff evaluates if an inmate needs to be placed in a sobering cell. Once in the sobering cell they are observed. Officers have to check on the inmate in this cell twice an hour. The cell floor is padded. At a minimum most inmates in the sobering cell are there six hours, but they have been there up to fourteen or fifteen hours depending on level of intoxication. They are re-evaluated before they are placed in a general cell. There can be more than one person in the sobering cell at a time.

Inmates are placed in a holding cell, if they are not in need of any medical intervention. Once inmates are classified they go to their cells in this facility or are transported to the JLCC. Transportation is usually once a day on the weekends and six to nine times a day during the week. Inmates that are scheduled to go to court during the week from the JLCC are transported to the Main Jail facility, placed in the general holding cells (if they can get along) and from there are bused over to the court.

Holding cells at the Main Jail are broken down into general population, victim potential, protective custody and women.

Inmate worker area: Food comes from the JLCC and the inmate worker crew sets up the trays and collects and washes the trays before they are sent back to the JLCC. Inmates on the crew are determined by the classification officers and are inmates that can get along with others. They have a day room with a TV and a microwave where they can eat and take a break. They have separate sleeping quarters. The inmates know their job assignment and are available on a twenty-four hour basis. They also do interpreter service, laundry, clean cells and floors, clean arresting officers' cars and prepare kits and boxes for incoming inmates. They do not have physical contact with other inmates. An officer is always present in the inmate work area. A Tier Tender is the title assigned to the inmate worker on each cell block.

Visitation is one hour per week on the weekend by two people that the inmates place on their visitation list. Conversation is recorded for facility security and officer and inmate safety. It is not monitored, but if there is a security or safety issue it can be reviewed. Visitors have to go through a criminal history background check. Before entering the visiting area they need to have a valid ID card, no outstanding warrants, no felony record, not have been arrested in the last five years, no current restraining orders, or ever had a drug arrest. If under the age of eighteen they must be accompanied by a parent or guardian who must show proof that they are the parent or guardian. The Sheriff can grant special visits but it is on a case by case basis.

Holiday and summer seasons usually see more arrests of a domestic violence nature.

The inmates are required to show their ID for medication and commissary purchases.

The arrestee is allowed to make three completed phone calls when they are first booked into the facility. A wall phone is provided for them.

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This report was issued by the Grand Jury with the exception of two members whom were recused due to a potential conflict of interest. Those jurors were excluded from all parts of the investigation, including deliberations and the making and acceptance of this report.

INVESTIGATIVE REPORTS

MERCED COUNTY CORONER'S OFFICE

SUMMARY

The Merced County Coroner's Office is under the direct supervision of the Merced County Sheriff's Department. The 2012-2013 Merced County Civil Grand Jury found the facility to be very small and compact. Additional space is needed for staff and to house medical records. Expansion of the facility would also allow this agency to purchase, when budget allows, an X-Ray machine that in the long run would be cost effective to have on the premises.

INTRODUCTION/BACKGROUND

The following is a list of criteria set forth within the California Government Code (GC) §27491 which require death investigations by the Coroner:

- All violent, sudden, or unusual deaths.
- All unattended deaths.
- Deaths where a deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by subdivision (e) of Section 1746 of the Health and Safety Code in the 20 days before death.
- Deaths related to or following known or suspected self-induced or criminal abortion.
- Known or suspected homicide, suicide, or accidental poisoning.
- Deaths known or suspected as resulting in whole or in part from or related to accident or injury either old or recent.
- Deaths due to drowning, fire, hanging, gunshot, stabbing, cutting, exposure, starvation, acute alcoholism, drug addiction, strangulation, aspiration, or where the suspected cause of death is sudden infant death syndrome.
- Death in whole or part occasioned by criminal means.
- Deaths associated with a known or alleged rape, or crime against nature.
- Deaths in prison or while under sentence.
- Deaths known or suspected as due to contagious disease and constituting a public hazard.
- Deaths from occupational diseases or occupational hazards.
- Deaths of patients in state mental hospitals, serving the mentally disabled and operated by the State Department of ***State Hospitals.
- Deaths of patients in state hospitals serving the developmentally disabled and operated by the State Department Developmental Services.
- Deaths under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another.
- Any deaths reported by physicians or other persons having knowledge of death for inquiry by coroner.

In any case in which the coroner conducts an inquiry pursuant to the above section, the coroner or deputy shall personally sign the certificate of death. If the death occurred in a state hospital, the coroner shall forward a copy of his or her report to the state agency responsible for the state hospital. The coroner shall have discretion to determine the extent of inquiry to be made into any death occurring under natural circumstances and falling within the provisions of the above listed sections.

The Deputy Coroner assigned to the case will determine if an autopsy is needed to complete the investigation. The County has an on-line listing of death certificates.

METHODOLOGY

The 2012-2013 Merced County Civil Grand Jury conducted a site visit, interviewed the Sheriff/Coroner, Forensic Pathologist, and staff from the Coroner's Office to obtain a knowledge and understanding of the current facility, its procedures, its history and potential future growth.

DISCUSSION

The 2012-2013 Merced County Civil Grand Jury interviewed the County Sheriff/Coroner and several Coroner's Office staff members. During the discussions the Civil Grand Jury learned the process of the Coroner's Office. The process includes notification of a death, determination if an autopsy is needed, the autopsy process, requirements to complete the report, and the signing of the certificate of death.

The amount of time to complete an autopsy can vary depending on the complexity. Criminal cases take longer if x-rays need to be taken, if there is trauma, and if bodily fluids are taken. DNA samples are saved indefinitely as set forth by law.

If the death is a homicide, there is a criminal investigation by the agency. Next of kin is notified in the following order: Spouse, brother, sister, children. The Coroner's Office also assists the family of the deceased. The Forensic Pathologist reviews all autopsy reports.

There is an existing contract with the Forensic Medical Group to provide services on an as needed basis. They travel throughout northern California. The outside agency is used, as set by protocol, for such things as officer involved shootings and for vacation coverage for the Forensic Pathologist.

The Sheriff's Department conducts the investigation of in-custody deaths, unless the death was through an altercation with Sheriff's Department staff. If the death was through an altercation the investigation is conducted by the Forensic Medical Group.

If there is an officer involved shooting, the investigation is conducted by the Sheriff's Department Internal Affairs Division and the autopsy reports are reviewed by the County District Attorney and a pathologist from the Forensic Medical Group.

The Coroner's Office operates twenty-four hours a day, seven days a week and 365 days a year. The Coroner's Office has three full time deputy coroners, one part time extra help deputy coroner and a Forensic Pathologist. They specialize in death investigations and do not need to have Police Officers Standard Training (P.O.S.T.) certification. All require a bachelor's degree and have some education/background in the medical field. Two are licensed funeral directors and also certified death investigators with the American Board of Medical Legal Death Investigators. They attend a two-week course to recertify every two years.

As with every county department the Sheriff/Coroner has a reduced budget. Although they are not down any positions, the budget cuts have stopped them from growing but the work load has increased. The case load for 2012 was 861 cases.

There are two holding coolers at this facility. The smaller cooler is used for decomposition autopsies and is equipped with a separate ventilation system. The larger cooler can hold twenty five bodies. The area used for office space and storage of medical records is very small and compact and the space is inadequate.

The Coroner's Office has up-to-date technology with the exception of an X-Ray machine. If they had an X-Ray machine on the premises in the long run it would save money as this is currently an outsourced service. Laboratory results and X-Ray services are two outside contracted professional services that cost the county approximately \$27,000.00 per year.

The Sheriff's Department and Coroner's Office practice for mass casualty disasters. If one occurred, depending on what or how the disaster started, proper procedures would be implemented and followed. Chain of custody would be handled by multi-task forces from various agencies, but the Sheriff's Department would still be in charge of the autopsies of the bodies.

FINDINGS

F1. Office space is inadequate for staff and the storage of medical records.

F2. The purchase of an X-Ray machine would be cost effective in the long run, but there is currently no adequate space available.

RECOMMENDATIONS

R1. The 2012-2013 Merced County Civil Grand Jury recommends a larger facility to adequately house services currently being outsourced, increase staff work space and provide necessary space for storage of medical records.

R2. The 2012-2013 Merced County Civil Grand Jury recommends the purchase of an X-Ray machine as budget allows.

COMMENDATION

The 2012-2013 Merced County Civil Grand Jury recognizes the ongoing efforts of this agency to enhance and upgrade systems for increased efficiency. The Sheriff's Department and the Coroner's Office should be commended for a job well done.

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MERCED COUNTY 9-1-1 PROGRAM

SUMMARY

The 2012-2013 Merced County Civil Grand Jury found that the County of Merced spent \$351,783 in 2007 on a reverse 9-1-1 system that was never operational. The recently purchased Everbridge Emergency Notification System (ENS) requires individuals to register cell phones. Over a four month time period approximately 1,500 people in Merced County registered. The ENS can be upgraded to implement geographically targeted messaging for approximately \$2,000 annually. This would make current campaigns for individual registration unnecessary and obsolete.

Responders sometimes find themselves in locations where their radio systems and/or cell phones do not have an adequate signal. Budget cuts have reduced the number of dispatchers and responders while Assembly Bill (AB)109 Public Safety and Realignment Act has increased the number of criminals on the street.

The Civil Grand Jury recommends that the County should upgrade the ENS to send messages to residents' mobile phones within proximity of an emergency event, and ensure that public money is spent on services that serve the needs of the citizens of Merced County. The Civil Grand Jury further recommends addressing issues with inadequate emergency responder radio systems and increasing responder and dispatch staff as budget allows.

INTRODUCTION/BACKGROUND

The 2012-2013 Merced County Civil Grand Jury decided to investigate and ensure that the 9-1-1 emergency systems and management in Merced County are adequately serving county citizens. The Civil Grand Jury was made aware of an incident where citizens had dialed 9-1-1 only to be transferred back and forth between two separate jurisdictions, neither believing they were the ones responsible to take the phone call. Merced County's 9-1-1 systems haven't been fully looked at by the Civil Grand Jury since before 2007. We focused on the following: emergency notification services and first responder radio systems. It was the general consensus of the law enforcement personnel interviewed that AB109 and fewer emergency responders have negatively impacted the crime rate and 9-1-1 call response time.

The Merced County Sheriff's Department maintains correctional facilities and operates correctional programs, while responding to calls and protecting the residents of Merced County. Other law enforcement jurisdictions that serve solely in Merced County are the police departments of Merced, Atwater, Los Banos, Livingston, Dos Palos, Gustine, and University of California Merced.

The Merced County Office of Emergency Services (OES) provides preparedness before, and coordination during, large-scale emergencies and disasters. OES coordinates with partner agencies including the six incorporated cities within the county, special districts, and key private agencies in providing planning, response, recovery and mitigation

activities as a result of disaster related incidents. OES is in charge of implementing the ENS.

METHODOLOGY

The 2012-2013 Merced County Civil Grand Jury uses the investigation method of triangulation, which involves research, observation, and interviews.

RESEARCH

The Civil Grand Jury reviewed websites and documents received from various sources which can be viewed at the end of the report in the footnotes.

OBSERVATION

During this investigation, the Civil Grand Jury inspected and observed 9-1-1 responders and dispatch locations in various Merced County jurisdictions.

INTERVIEWS

The Civil Grand Jury interviewed numerous individuals, including a police chief, a fire battalion chief, an OES Director of Administration, a previous Merced County dispatch supervisor, and current County dispatch supervisor. The Civil Grand Jury asked questions of various 9-1-1 responders and ranking staff on our observation tours. In addition, the Civil Grand Jury received information from County contacts for the Everbridge system, along with information from the Auditor's Office.

DISCUSSION

1) EMERGENCY NOTIFICATION SYSTEM (ENS)

- An ENS alerts residents and businesses about natural disasters and other crises. Merced County has many characteristics that make having an operating ENS necessary; these include water dams, chemical plants, major freeways, and railway systems that are all within close proximity to populated residential and commercial areas.

In fiscal year 2007, Merced County received funds from the State Homeland Security Grant Program to cover the cost of an ENS, called Reverse 9-1-1. Due to technical difficulties and the structure of the County's existing communication trunk lines, and compatibility issues with the different cities, the new system never worked. The total cost for the Reverse 9-1-1 system hardware, software and licensing, setup, implementation, and county administration services was \$351,783. These funds were never recovered, and according to OES, the system has never worked.

In November of 2012, Merced County OES purchased a new web based ENS called the Everbridge System. The new ENS enables Merced County and participating cities to provide essential information quickly in a variety of

situations, such as earthquakes, severe weather, fires, floods, or evacuation of buildings or neighborhoods. The Everbridge system is designed to be utilized anywhere from a fully staffed dispatch center to just a cell phone.

The system is able to call all listed landlines, and all manually registered cell phones. The OES can send an alert with one call or a few clicks of a computer mouse, and can communicate with thousands of residents and businesses anywhere, anytime, via home phone, cell phone, business phone, or e-mail address. However, if residents desire to receive messages via cell phone, or e-mail, they have to go through a process of signing up online via the County's registration page.⁷

The new system was put to the test in Atwater, California on December 4th, 2012, when an ammonia leak was reported at the Dole plant. Approximately eleven homes in close proximity were alerted to evacuate using the new Everbridge notification service. Ten residents showed up at the community center until the all clear was given that it was safe to return home.

Since implementation in November, the OES has implemented an advertising campaign in the local newspapers, radio and on the OES website⁸ to get residents to register their cell phones and unlisted numbers to receive phone calls or e-mails in the event of an emergency. From the beginning of November 2012, to the end of February 2013, approximately 1,500 county residents had registered according to OES. This is negligible compared to the 258,000 people that reside here in Merced County. The OES continues to encourage more resident registration by conducting a larger media campaign on April 4th, 2013. According to the Centers for Disease Control, in 2010 approximately eighteen percent of homes in California had only a cell phone, and no landline.⁹ This percentage appeared to be increasing three to six percent annually.

Individuals who are not connected to a registered landline in Merced County whether at work, doing errands, visiting Merced, or those simply with just a cell phone are unable to be reached in the event of an emergency unless they register their cellular number.

The Civil Grand Jury has found that eighty-two state and local authorities in the United States have implemented notification systems that send geographically targeted messages to compatible mobile phones by cell tower proximity.¹⁰

This new technology is primarily covered by a Federal program known as the Integrated Public Alert and Warning System (IPAWS) and establishes itself as a

⁷ Office of Emergency Services, Merced County Emergency Notification Implementation Plan, November, 2012.

⁸ Merced County Notification System Sign Up Page <http://www.co.merced.ca.us/index.aspx?nid=1922>

⁹ CDC, National Health Statistics Reports, Number 39, April 20, 2011.

¹⁰ AWARE Forum Organization, <http://www.awareforum.org/2012/11/update-on-ipaws-and-cmas-usage/>

proximity notification system under the Commercial Mobile Alert System (CMAS) program.

According to the Federal Communications Commission (FCC)¹¹, Federal alerts can be sent to targeted counties; if Merced County wants access to send alerts to specific areas in the County, they can apply to the Federal program. Once registration is completed, they can then use the given account number to launch proximity based notifications via the CMAS system. This can be supplemented by the free Everbridge Mobile Member application should the County choose to implement the following upgrades on technology. According to the County's Everbridge contact, the technical service upgrades to the existing Everbridge system would cost Merced County approximately \$2,000 annually. This upgrade would enable the County to have the ability to alert the affected residents with precision. Merced County could apply for and acquire the Federal access code. According to Merced County's Everbridge contact, in mid-April 2013, the County system will be able to work with CMAS if they upgrade the Everbridge module. The upgrades would make individual registration for alerts unnecessary; and all registration media campaign funds could be allocated towards paying for Everbridge upgrades.

2) FIRST RESPONDER RADIO SYSTEMS

According to various interviewees, tours, and police ride-alongs, the 2012-2013 Merced County Civil Grand Jury found that many Merced County local first responders' radio equipment is inadequate. It was noted multiple times in various locations that the radio systems do not have sufficient signal strength. The Civil Grand Jury experienced, and were told of, multiple "dead zones" within Merced County that would leave responders stranded with no ability to communicate with other responders or their dispatch base.

3) FEWER RESPONDERS AND MORE CRIMINALS

During our investigation, the 2012-2013 Merced County Civil Grand Jury noted that county law enforcement jurisdictions are struggling to deal with the impact of budget constraints and AB109. There has been a 17% decrease in total annual revenue comparing the years 2009 and 2011 in Merced County. From 2007 to 2011 there was a decrease in property tax revenue of 15%.¹² Budget constraints have forced jurisdictions to employ fewer officers, and AB109 has increased the number of criminals that are on the street. The result has been higher crime. According to FBI crime statistics, from 2010 to 2011, crime in Merced County went up 8%.¹³

¹¹ FCC.GOV Commercial Mobile Alert System, <http://www.fcc.gov/guides/commercial-mobile-alert-system-cmas>

¹² Merced County Comprehensive Annual Financial Report, 2007 through 2011. <http://www.co.merced.ca.us/Archive.aspx?AMID=38>

Some of the causes and possible solutions are listed below.

■ **FEWER RESPONDERS**

Departments are required to manage with fewer first responders. There are two main things that are affected by this downsizing.

- 1) Responders' overtime has increased. This can wear down a department and make employees do their work without being fully rested.
- 2) There are fewer first responders on the streets at any one time covering their jurisdiction. Response times to calls are potentially slower, especially non-emergency calls.

■ **MORE CRIMINALS**

According to a Police Chief and ranking officials in the Sheriff's and Police Departments, one of the most concerning things for Merced County is the impact of AB109. The law's goal is to reduce California's prison population by 33,000 inmates by June 2014.¹⁴ County law enforcement officials noted that it is now harder to keep criminals behind bars for breaking the law. One went so far as to call the jail booking station a "revolving door", and that criminals are beginning to realize that while they may be charged for a crime, they may not serve any jail or prison time. This puts all Merced County residents at greater risk.

FINDINGS

- F1. The new ENS requires individuals to register all cell phones. In almost four months, approximately 1,500 people in Merced County have registered.
- F2. The Everbridge ENS can be upgraded to implement geographically targeted messaging for approximately \$2,000 annually. This would make current campaigns for individual registration unnecessary and obsolete.
- F3. Budget cuts have reduced the number of dispatchers and responders. AB109 has put more criminals back on the street. If one commits a minor crime, while they may be charged, they often will not see jail time. Criminals are often released as soon as they are processed.
- F4. In various jurisdictions in Merced County, responders will sometimes find themselves in locations where their radio systems and/or cell phones do not have an adequate signal.
- F5. The County of Merced spent \$351,783 on a reverse 9-1-1 system that was never operational.

¹³ <http://www.fbi.gov/stats-services/crimestats>

¹⁴ <http://www.cdcr.ca.gov/news/docs/2011-05-23-three-judge-panel-background.pdf>

RECOMMENDATIONS

- R1, R2. The 2012-2013 Merced County Civil Grand Jury recommends implementing the geographically targeted messaging system. This would make individual registration for alerts unnecessary; and all registration media campaign funds could be allocated towards paying for Everbridge upgrades. Until then the initial step of applying for and acquiring the Federal access code should be undertaken by Merced County.
- R3. The 2012-2013 Merced County Civil Grand Jury recommends that Merced County jurisdictions should increase the number of dispatchers and law enforcement responders as soon as budget allows.
- R4. The 2012-2013 Merced County Civil Grand Jury recommends that Merced County ensure that all emergency responder radio “dead zones” are located and the necessary actions are taken to ensure adequate radio signal strength.
- R5. The 2012-2013 Merced County Civil Grand Jury recommends the County of Merced require all departments in charge of purchasing for the County to have a clause in each contract that will allow the return of the equipment and a full refund if it does not work as advertised or with our systems. Also, enough research should be done prior to purchasing to ensure that the equipment will work with our systems.

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the 2012-2013 Merced County Civil Grand Jury requests responses as follows:

From the following governing bodies:

- The County of Merced Administrative Services—Recommendation 5.
- The Merced County Office of Emergency Services—Recommendation 1, 2, 4.
- Merced County Law Enforcement Agencies—Recommendation 3, 4.
- The County Board of Supervisors—Recommendation 1, 2, 3, 5.

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

GLOSSARY

ENS: Emergency Notification Services

OES: Office of Emergency Services

IPAWS: Integrated Public Alert and Warning System

CMAS: Commercial Mobile Alert System

FCC: Federal Communications Commission

ATTACHMENTS

A FBI Crime Statistics for Merced County 2010

B FBI Crime Statistics for Merced County 2011

DISCLAIMER

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Sections 911, 924.1(a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

This report was issued by the Grand Jury with the exception of two member who were recused due to a potential conflict of interest. Those jurors were excluded from all parts of the investigation, including deliberations and the making and acceptance of this report.

A) FBI Crime Statistics for Merced County 2010

| 1 0 | CRIME BY COUNTY 2010 | | 02/17/12 | | | | | | | | | | UCRS5100 | | | | |
|--------|----------------------|---------|----------|-----|---|-------------------|------------|---------------|----------------|------|---------|------|----------|---------------------|---------|---------------|-------|
| | MO | CTY | SMA | ORI | G | AGENCY NAME | POPULATION | VIOLENT CRIME | PROPERTY CRIME | MURD | ROBBERY | RAPE | FORCIBLE | AGGRAVATED BURGLARY | LARCENY | MTR VEH THEFT | ARSON |
| 12 | 023 | CA02309 | 80 | | | UPRR: MENDOCINO C | | | | | | | | | | | |
| 12 | 023 | CA02399 | 80 | | | HP: MENDOCINO COU | | 1 | 128 | | | | | 1 | 11 | 117 | |
| | | | | | | COUNTY TOTAL | 87,841 | 488 | 1,518 | 4 | 43 | 45 | 396 | 515 | 829 | 174 | 25 |
| 12 | 024 | 522 | CA02406 | 3 | | MERCED | 78,958 | 549 | 2,808 | 7 | 33 | 141 | 368 | 633 | 1,934 | 241 | 23 |
| 12 | 024 | 522 | CA02401 | 4 | | ATWATER | 28,168 | 114 | 1,128 | 4 | 6 | 23 | 81 | 322 | 700 | 106 | 14 |
| 12 | 024 | 522 | CA02402 | 6 | | DOS PALOS | 4,950 | 48 | 171 | 1 | 3 | 5 | 39 | 58 | 105 | 8 | 6 |
| 12 | 024 | 522 | CA02403 | 6 | | GUSTINE | 5,520 | 8 | 175 | | | 1 | 7 | 69 | 85 | 21 | 1 |
| 12 | 024 | 522 | CA02404 | 5 | | LIVINGSTON | 13,058 | 103 | 346 | | 4 | 13 | 86 | 163 | 151 | 32 | 6 |
| 12 | 024 | 522 | CA02405 | 4 | | LOS BANOS | 35,972 | 139 | 1,050 | 2 | 4 | 36 | 97 | 323 | 637 | 90 | 3 |
| 12 | 024 | 522 | CA02412 | 7 | | UN OF CA: MERCED | | 1 | 18 | | | | 1 | 18 | | | |
| 12 | 024 | 522 | CA02400 | 98 | | MERCED | 89,167 | 484 | 2,026 | 12 | 22 | 49 | 401 | 778 | 1,227 | 21 | 7 |
| 12 | 024 | 522 | CA02408 | 90 | | UPRR: MERCED COUN | | | 8 | | | | | 8 | | | |
| 12 | 024 | 522 | CA02410 | 90 | | DPR: FOUR RIVERS | | 1 | 7 | | | 1 | | 7 | | | |
| 12 | 024 | 522 | CA02499 | 90 | | HP: MERCED COUNTY | | 1 | 507 | | | | 1 | 1 | 72 | 434 | |
| | | | | | | COUNTY TOTAL | 255,793 | 1,448 | 8,244 | 26 | 72 | 269 | 1,081 | 2,347 | 4,944 | 953 | 60 |

B) FBI Crime Statistics for Merced County 2011

FBI CRIME STATS 2011
By County/City

| CRIME BY COUNTY 2011 | | 1/23/13 | | | | | | | | | | | | | | | | |
|----------------------|-----|---------|---------|----|-------------------|------------|---------------|----------------|------|------|----------|--------|-----------------|-------|---------|------|-------|-------|
| MO | CTY | SMA | ORI | G | AGENCY NAME | POPULATION | VIOLENT CRIME | PROPERTY CRIME | MURD | RAPE | FORCIBLE | ROBBER | AGGRAVATED BUR- | GLARY | LARCENY | UCR5 | 5100 | |
| | | | | | | | CRIME | CRIME | | | | | GLARY | | | | MTR | ARSON |
| | | | | | | | | | | | | | | | | | VEH | |
| | | | | | | | | | | | | | | | | | THEFT | |
| 12 | 24 | 522 | CA02406 | 3 | MERCED | 79,886 | 503 | 3,159 | 8 | 20 | 149 | 326 | 802 | 2,044 | 313 | 42 | | |
| 12 | 24 | 522 | CA02401 | 4 | ATWATER | 28,499 | 129 | 1,230 | 5 | 37 | 37 | 87 | 355 | 773 | 102 | 14 | | |
| 12 | 24 | 522 | CA02402 | 6 | DOS PALOS | 5,008 | 40 | 177 | 3 | 3 | 3 | 37 | 50 | 105 | 22 | 2 | | |
| 12 | 24 | 522 | CA02403 | 6 | GUSTINE | 5,585 | 34 | 148 | 1 | 2 | 5 | 26 | 46 | 81 | 21 | 1 | | |
| 12 | 24 | 522 | CA02404 | 5 | LIVINGSTON | 13,212 | 75 | 350 | 5 | 10 | 60 | 180 | 397 | 135 | 35 | 2 | | |
| 12 | 24 | 522 | CA02405 | 4 | LOS BANOS | 36,395 | 168 | 1,177 | 3 | 7 | 29 | 129 | 397 | 676 | 104 | 1 | | |
| 12 | 24 | 522 | CA02412 | 7 | UN OF CA: MERCED | | 1 | 39 | | | | 1 | 2 | 37 | | | | |
| 12 | 24 | 522 | CA02400 | 98 | MERCED | 90,215 | 459 | 2,319 | 2 | 22 | 41 | 394 | 767 | 1,538 | 14 | 6 | | |
| 12 | 24 | 522 | CA02408 | 9D | UPRR: MERCED COUN | | | 14 | | | | | | 14 | | | | |
| 12 | 24 | 522 | CA02410 | 9D | DPR: FOUR RIVERS | | | 8 | | | | | | 2 | 6 | | | |
| 12 | 24 | 522 | CA02499 | 9D | HP: MERCED COUNTY | | | 511 | | | | | | 3 | 87 | 421 | | |
| | | | | | COUNTY TOTAL | 258,800 | 1,409 | 9,132 | 14 | 61 | 274 | 1,060 | 2,604 | 5,496 | 1,032 | 68 | | |

INVESTIGATION
MERCED COUNTY PUBLIC HEALTH DEPARTMENT
DIVISION OF ENVIRONMENTAL HEALTH
FOOD SERVICES INSPECTIONS

SUMMARY

No division of the Department of Public Health (DPH) has been investigated by a Merced County Civil Grand Jury for at least five years. Inspectors are behind on their food inspections an average of 40%. Some areas of the county are only inspected if a complaint is received because there is not an assigned inspector in a district. Inspectors fill in as needed for the vacant positions. Many businesses that were not on the food inspection list were not reassigned when inspectors retired or moved to other districts. Some facilities with an unsatisfactory rating have not been re-inspected within thirty days as required by law. Clerical and office duties take the food inspectors out of the field. The inspectors are overwhelmed by the workload and morale is low. Hiring of temporary, extra help or volunteer staff should be considered.

Not all the inspectors use the county issued laptops in the field. Online training is available but is not required by the Supervising Environmental Health Specialist (SEHS). Inspectors should complete ongoing training and use the laptops in the field to avoid duplicate work.

The software system is deficient because inspection reports automatically fall off the website after two years and it doesn't interface well with the county's system. An Environmental Health Specialist III spends 50% of his/her time addressing issues of the software system. A study to determine the adequacy of the current software should be completed. The Division of Environmental Health (DEH) should re-evaluate the cost of the current software system.

The database should be checked quarterly to determine the most recent date of inspection. Hospitals, schools and facilities that have lapsed should take priority.

The 2012-2013 Merced County Civil Grand Jury visited forty facilities open for businesses that were not listed on the website. Only one had a current food inspection report.

In the course of our investigation, the Civil Grand Jury was asked by the SEHS to notify DEH of any food facilities that did not show up online.

The Civil Grand Jury was denied requests to observe a food inspection. The Director of the Public Health Department should reconsider allowing this for transparency.

INTRODUCTION/BACKGROUND

The 2012-2013 Merced County Civil Grand Jury elected to investigate the Department of Public Health's Division of Environmental Health. The investigation focused specifically on food safety and facility inspections in the county. No division of DPH has been investigated by the Civil Grand Jury for at least five years.

The primary purpose of the food program is to protect the public from foodborne illnesses and assure that food provided for human consumption is wholesome, properly labeled, advertised, and produced under conditions which are safe and sanitary.

METHODOLOGY

The 2012-2013 Merced County Civil Grand Jury interviewed the Director of Public Health, the Director of the Division of Environmental Health (DDEH), the Supervisor of the Environmental Health Services food program (SEHS), and Environmental Health Specialists (EHS). The DEH food inspections website was evaluated and site visits were conducted of facilities that were absent from the website. Subsequent follow up interviews were made with department management.

DISCUSSION

The Food Services DEH consists of one director, one SEHS, and six EHS when fully staffed. There are currently two EHS vacancies in this department.

INSPECTIONS

In the last three years, from January 1, 2010 through December 31, 2012, the Merced County DEH issued approximately 334 new and change of ownership permanent food facility health permits. There are approximately 900 fixed food facilities and 300 mobile facilities in Merced County. When a new facility opens with an initial inspection, they are entitled to an annual inspection upon payment of operating permit fees. A new facility's blueprint review costs \$600.00. DEH had a raise in food facility permit fees of 2.6% which went into effect in September 2012. Yearly permit/inspection fees vary by seating capacity and type of facility. For the year 2011-2012 the DEH collected an estimated \$621,152.32 from all food related programs, health permits, food facility inspections/re-inspections, and change of ownership inspections. The SEHS stated that revenue is dispersed into administration, food inspection, data management, clerical, and program development.

Chart - Environmental Health Food Program Fees – Effective January 5, 2013¹⁵

| <u>FOOD PROGRAM</u> | <u>\$ RATE/FREQUENCY</u> |
|---|---------------------------------|
| Food Facility with food preparation (i.e. restaurants, delicatessens) | |
| 0 - 49 seats | 395/year |
| 50 - 149 seats | 553/year |
| >150 seats | 679/year |
| Hotel/Motel Continental Breakfast Only | 230/year |
| Bar | 425/year |
| Bakery | 425/year |
| Cafeteria (School) | 425/year |
| School Cafeteria Other-Warehouse | 354/year |
| Commissary | 425/year |
| Satellite Food Distribution Facility | 213/year |
| Restricted Food Service Transient Occupancy Establishment (Bed and Breakfast) | 425/year |
| Cottage Food Operation Class A | 59/year |
| Cottage Food Operation Class B | 236/year |
| Farmers Market (certified) | 213/year |
| Produce Stand | 213/year |
| Farm Stand | 236/year |
| Produce Vehicle | 106/year |
| Food Borne Illness Investigation | 118/hour |
| Vending Machines (per machine)* | |
| 1 - 5 at location | 21/year |
| 6 or more at one location | 13/year |

¹⁵ Merced County Environmental Health Website

*Excludes machines with food or beverage which are not potentially hazardous pursuant to Health & Safety Code (HSC) Section 113938.

Mobile Food Facility

| | |
|--|----------|
| Mobile food facility (Basic Cart) with packaged and/or unpackaged non-potentially hazardous or packaged frozen foods (i.e. produce, baked goods, packaged ice cream bars, packaged frozen meat) | 177/year |
| Mobile food facility (Intermediate Cart) with packaged potentially hazardous food (i.e. hot food sales) | 206/year |
| Mobile food facility (Advanced) with non-potentially hazardous food preparation, sales of raw fish, preparation of hot dogs or coffee-based drinks with milk as an ingredient (i.e. snow cones, fresh popped popcorn, cotton candy, churros) | 236/year |
| Mobile food facility (Deep Fat Fryer, and/or cooked to order carts) | 425/year |
| Single operating site mobile food facility w/non potentially hazardous food | 118/year |
| Single operating site mobile food facility w/potentially hazardous food | 177/year |
| Mobile support unit | 213/year |
| Mobile food facility (Food Preparation Unit) | 586/year |

Food Bank/Pantry

118/year

Temporary Food Facility

| | |
|--|-----------|
| Temporary food facility operating at a weekly or monthly community event less than 25 consecutive or non-consecutive days in any 90 day period | 354/event |
| Temporary food facility - low risk single event | 31/event |
| Temporary food facility – low risk annual fee | 154/year |
| Temporary food facility – high risk single event | 88/event |
| Temporary food facility – high risk annual fee | 441/year |

Community Event Organizer

| | |
|---|-----------|
| Community food events with 2-5 temporary food facilities (1.5 hours) | 177/event |
| Community food events with 6-15 temporary food facilities (2.5 hours) | 295/event |

| | |
|---|------------|
| Community food events with 16-25 temporary food facilities (3.5 hours) | 413/event |
| Community food events with 26+ temporary food facilities (5.5 hours) | 649/event |
| Swap Meet Prepackaged Food Stands | 197/year |
| Swap Meet/Flea Market Organizer Fee | |
| 2-5 facilities | 173/year |
| 6-15 facilities | 288/year |
| 16-25 facilities | 403/year |
| 26+ facilities | 633/year |
| Retail Market (grocery store) | |
| <500 sq. ft. (Pre-packaged, non-hazardous food) | 30/year |
| <2,000 sq. ft. | 318/year |
| 2,001 - 6,000 sq. ft. | 425/year |
| 6,001 - 15,000 sq. ft. | 638/year |
| 15,001-30,000 sq. ft. | 893/year |
| >30,001 sq. ft. | 1,049/year |
| Licensed Health Care Facility 16-99 beds | 425/year |
| Licensed Health Care Facility 100-199 beds | 638/year |
| Licensed Health Care Facility 200+ beds | 851/year |
| Plan Checks | |
| Prepackaged food only, that is non-potentially hazardous food (2.5 hour minimum, each additional hour at hourly rate) | 295/each |
| Unpackaged food, food preparation also prepackaged potentially hazardous food (7 hour minimum, each additional hour at hourly rate) | 826/each |
| Hazard Analysis Critical Control Point (HACCP) Plan Review (3.5 hour minimum, each additional hour at the hourly rate) | 413/each |
| Re-inspection Fee | 118/hour |

Multiple Food Establishment Fees

Fees shall be set on any premises with multiple food establishments operating under the same business name/ownership, and shall pay the following fees: 100% of annual fee for the type of establishment with the highest prescribed fee, and 70% of each remaining fee. Mobile food facilities and retail food vehicles shall not be included as multiples and shall pay the standard fees.