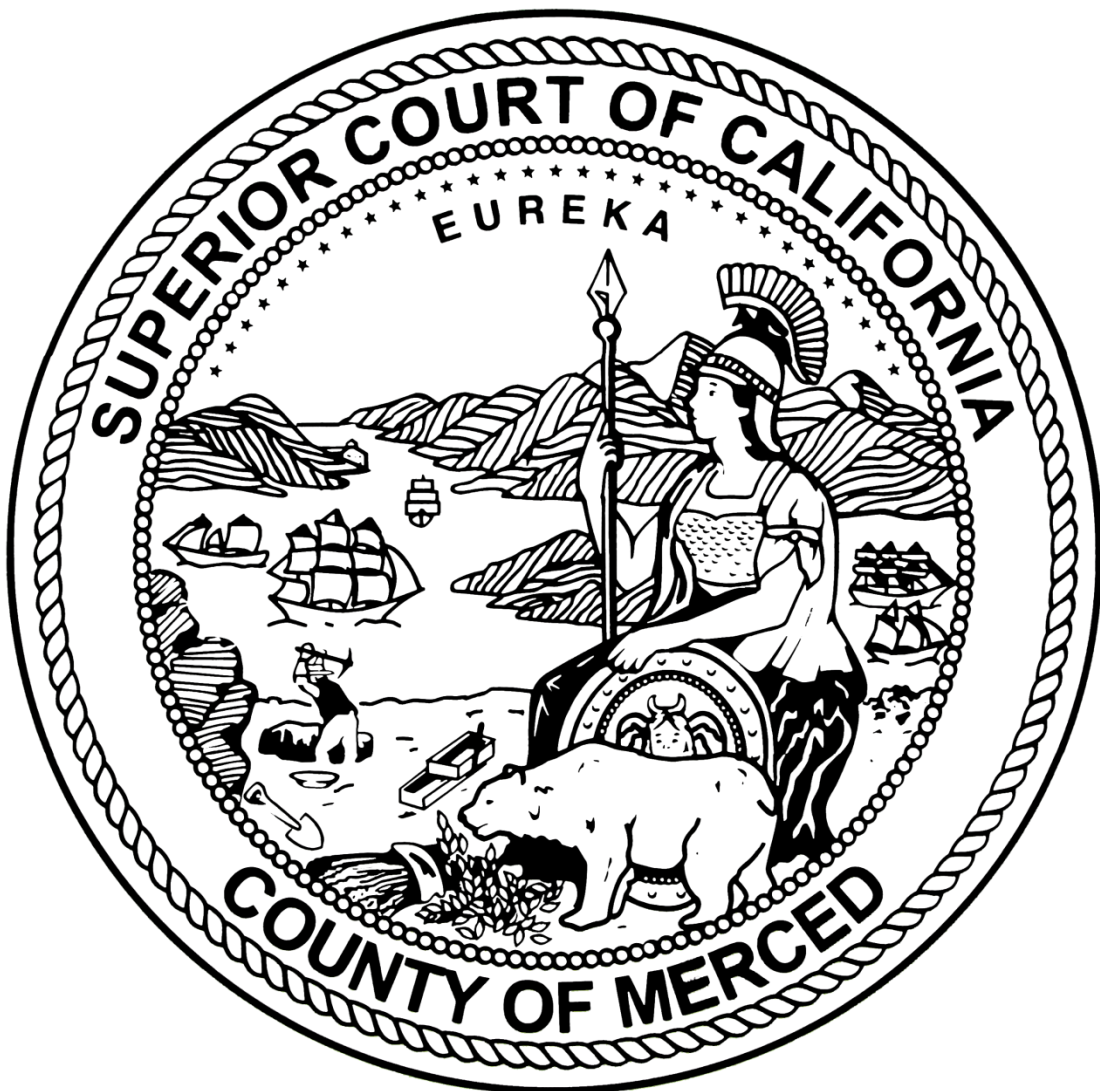
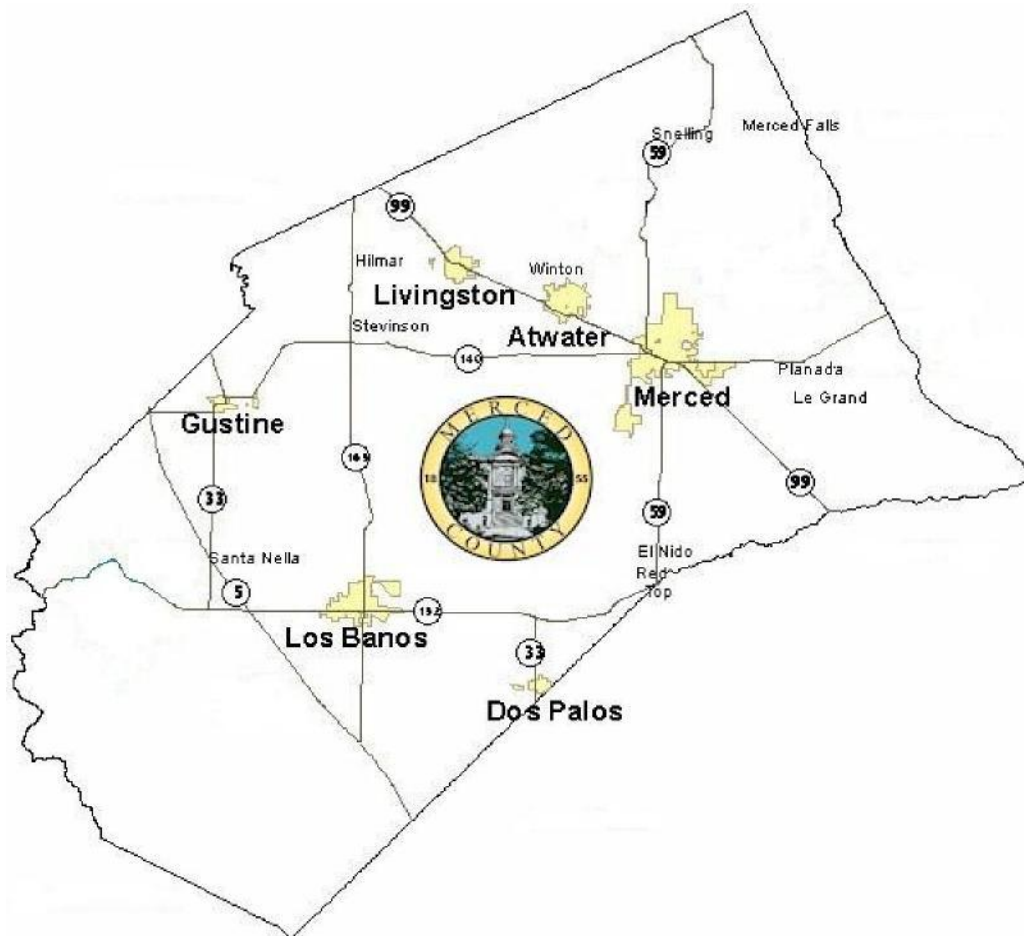


Merced County Civil Grand Jury Final Report 2011-2012





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MERCED COUNTY GRAND JURY

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

June 26, 2012

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

Dear Judge Mark Bacciarini:

The 2011-2012 Merced County Civil Grand Jury is honored to present this Final Report to the court and to the citizens of Merced County in accordance with the California Penal Code, Section 933. This report encompasses many dedicated hours and involves sincere, thoughtful decisions. Investigations covered agencies of county and city governments as well as complaints from citizens.

The Civil Grand Jury appreciates the cooperation and respect extended to us by all government and public agencies. This cooperation contributed to the completion of the report. The acceptance of the findings and the implementation of our recommendations are now the responsibility of the agencies and departments identified in the 2011-2012 Civil Grand Jury Report.

Of the sixteen complaints received by this Civil Grand Jury, six complaints were investigated and ten were denied.

As mandated by law, the Civil Grand Jury inspected two county correctional facilities and Merced County Jail. Police stations in Merced and Dos Palos were also visited. Three Ride-Alongs were conducted with Merced City Police, Atwater City Police and Merced County Sheriff's Department.

Members of the Civil Grand Jury appreciate the opportunity to serve the citizens of Merced County. All jurors will agree that serving on this Civil Grand Jury has been a challenging and rewarding but, above all, a very educational experience.

Thank you for your support, encouragement, and counsel.

Sincerely,

Dan Gaines, Foreperson
2011-2012 Merced County Civil Grand Jury

Merced County Civil Grand Jury Members

Daniel Gaines - Foreperson

Regina Chavez - Secretary and Committee Chair Health, Education and Welfare

Ruben Violante, Sr. - Foreperson Pro-Tem Committee Chair Environment and Transportation

Mary Nickles - Committee Chair Law and Justice

Leon "Sandy" Teague - Committee Chair Administration and Finance

Michelle Allison*

Jerry Brockman**

James Bubenik

Harold Compestine

Jimmie Davis

Mary Diaz

Thomas Dinwoodie

Grant Ford

Clarence Lanum*

Delcie Loucks

Steven Presto

Claude Sanders*

Kimberley Walterscheid

William Watts

Note: Grand Jurors reside in the following communities within the County of Merced:

Atwater	Gustine
Hilmar	Livingston
Los Banos	Merced
Winton	

* Jurors unable to complete the full term

** Deceased

2011-12 Merced County Civil Grand Jury Committee Assignments

Foreperson
Daniel Gaines

Administration/Finance
Leon "Sandy" Teague - Chairperson
Jim Bubenik
Harold Compestine
Thomas Dinwoodie
Kimberley Walterscheid

Health/Education/Welfare
Regina Chavez - Chairperson
Grant Ford
Delcie Loucks
Steven Presto
Mary Diaz

Environment/Transportation
Ruben Violante - Chairperson
Mary Diaz
Clarence Lanum*
Harold Compestine

Law/Justice
Mary Nickles - Chairperson
Michelle Allison*
Jerry Brockman**
Jimmie Davis
Claude Sanders*
William Watts

Editorial
Leon "Sandy" Teague - Chairperson
Mary Nickles
Delcie Loucks
Ruben Violante Sr.
Thomas Dinwoodie

Mandate Inspections
Ruben Violante Sr. - Foreperson Pro-Tem/Chairperson
* Jurors unable to complete the full term
** Deceased

COMPLAINTS INVESTIGATED

COMPLAINT #10-11-12

MERCED COUNTY DEPARTMENT OF CHILD SUPPORT SERVICES

Summary

The 2011-2012 Merced County Civil Grand Jury received a complaint against the Merced County Department of Child Support Services. The complaint made several allegations including false accusations of owing child support to various people, personal information not being verified, a lien being placed on property when it should not have been; and inappropriate phone etiquette from a county agency.

During the investigation it was found that the complainant was not the absent parent listed on the petition filed with this agency and a lien was placed on complainant's property based on incomplete information. Staff who answered the phone did not identify themselves or explain their policy on confidentiality.

The 2011-2012 Merced County Civil Grand Jury recommends that all paperwork filed with the court be double checked for accuracy. The Grand Jury also recommends that the staff get a refresher course on phone etiquette. When answering the phone they should properly identify themselves and thoroughly explain the department policy regarding confidentiality.

Background

Merced County Department of Child Support Services is a local department of the California State Child Support Services Agency. Their function is to aid parents in all matters related to child support including locating an absent parent and the collection of child support.

Method

The 2011-2012 Merced County Civil Grand Jury conducted an investigation into the allegations of the complaint by reviewed the policies and procedures of mistaken identity, phone records, and court orders pertaining to this case. The complainant and administrative personnel from the agency were interviewed.

Findings

The 2011-2012 Merced County Civil Grand Jury made several findings as a result of this investigation. The agency deals with many cases that do not have full information. Cases can be opened with limited knowledge of personal information of the absent parent. Cases are referred to them from other county departments such as Human Services and from other states when parents move.

When Merced County Department of Child Support Services has a case in which the absent parent owes child support, the department must find the parent in order to collect on the back owed support payments. This department works in cooperation with other county departments within this state as well as with other states in order to locate the absent parent. Every effort is made to verify the identity

of the person being contacted. Social security numbers are used if the number is available. The department has open cases where a social security number is not available. The department has policies and procedures in place to try to locate the absent parent. Even with the large number of cases the department deals with every effort is made to conduct a thorough investigation into locating the absent parent.

We found that this case has been open for several years. The absent parent the agency was looking for had several addresses and used more than one social security number. The agency contacts people who may match the person they are looking for in an attempt to find the obligated parent. The agency had tried many times to contact who they assumed to be the absent parent. The complainant has the same name as the absent parent and has had addresses from the same states. After several failed attempts to contact the absent parent they were looking for, the department went on to subsequent steps in their procedure. One of those steps in collecting support payments is putting a lien on property owned. The agency had not been able to determine that the complainant was not the absent parent they were looking for. The lien was placed on the property as per the agencies procedures. During the course of one of the interviews it was established that the person Merced County Department of Child Support Services was looking for was not the person in the complaint. In an exchange of information satisfactory evidence was found to come to this conclusion. One of the documents was missing a specific case number. This was found to be a simple case of human error. A representative from Merced County Department of Child Support Services has since addressed this matter and is releasing the lien on the property and properly recording the complainant's information in their system as mistaken identity.

Recommendations

Recommendation 1: The 2011-2012 Merced County Civil Grand Jury recommends that the agency implement a check system to ensure that all necessary information is on the paperwork before it is filed with the court.

Recommendation 2: The 2011-2012 Merced County Civil Grand Jury also recommends that the staff of this agency receive a refresher course on phone etiquette. When answering the phone they should properly identify themselves and thoroughly explain the department policy regarding confidentiality.

Commendations

The Civil Grand Jury recognizes the extreme amount of work that the Merced County Department of Child Support Services does. The department has a difficult time locating absent obligor parents. The heavy case load and budget cuts make the job more difficult. Credit is given to the case workers that must deal with this.

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).

COMPLAINT #07-01-11

ILLEGAL HIRING AND RETENTION OF CORECTIONAL OFFICER

Summary

The 2011-2012 Merced County Civil Grand Jury decided to investigate the issue of whether an employee for the Merced County Sheriff's Department was legally hired.

We found that this employee was legally hired and hired under standards set above the minimum qualifications. We also found that information from a Background Investigation Unit trainee was leaked to department employees who should not need or have knowledge of this information.

We requested, from the Merced County Sheriff's Department, a copy of the minimum standards required by the Correctional Standards Authority (CSA) when hiring a Correctional Officer. On the day we picked up these documents from the Sheriff's Department our committee received a call from the complainants that this employee was not hired under CSA standards but under Police Officers Standards and Training (P.O.S.T.) qualifications. The complainants would not have known of our request for this information unless someone leaked it within the department.

We find that the issue of confidentiality was breached in the Background Investigation Unit, among co-workers, and either in the administrative or clerical division of the department.

We recommend that all personnel within the department be given further training on the issue of confidentiality, especially within the Background Investigation Unit. All personnel should be informed of the consequences for breaches of confidentiality.

Background

The 2011-2012 Merced County Civil Grand Jury began its investigation from a citizens' complaint alleging that an applicant was illegally hired and retained as a correctional officer. Complainants went on to state that the individuals responsible for investigating this employee's background and qualifications, prior to hiring, conspired and perpetrated to conceal the facts brought forth from that investigation.

The committee reviewed a copy of a transcript from the California State Public Employee's Relations Board (PERB) hearing. We also listened to testimony at the PERB arbitration hearing where the witness stated that the applicant failed his/her background check. We set out to find if this person, did in fact, fail his/her background check and was hired without meeting the minimum standards required.

A Background Investigation Unit trainee was shown the file of this employee. The trainee remembers being told that this particular file was an example of how to fail a background check, but could not give specifics of how the employee failed. This information was leaked to other personnel within the organization who were not entitled to the information.

The employee in question was hired under Merced County Resolution 06-121 and P.O.S.T. standards.

On the day we went to pick up requested documentation as to CSA standards for hiring candidates, we received a phone call from one of the complainants, The complainant told us that this individual was hired under P.O.S.T. standards and not CSA standards, which lead us to believe that what we were trying to determine during our investigation was also leaked.

Method of Investigation

The Grand Jury interviewed the complainants, an employee of Merced County Human Resource office, Merced County Sheriff's Department Administrative Personnel, and personnel from the Merced County Sheriff's Background Investigations Unit.

Material Reviewed

- California Penal Code Section: §830.55(a)
- Merced County Sheriff's Department Disciplinary Policy
- Merced County Sheriff's Departments Correctional Backgrounds and Training Unit Standing Operating Procedure: Subject: Correctional Officer Procurement
- Merced County Resolution No. 06-121 Recruitment and Selection Resolution
- Background Investigation Interview CBTU Form 001
- Correctional Background Investigation Check List CBTU Form 002
- Merced County Sheriff's Department Advisement to Applicants CBTU Form 003
- Merced County Sheriff's Department Instructions to Applicant CBTU Form 004
- Advisement to Applicant, CBTU Form 005
- Conditional Job Offer for Employment, CBTU Form 006
- Employee Background Personnel Review, CBTU Form 007
- Outside Agency-Application Information, CBTU Form 008
- Law Enforcement Check, CBTU Form 009
- Outside Employment Check, CBTU form 010
- Background Investigation Questions, CBTU Form 011
- Instructions to Applicant, CBTU Form 012
- Background Investigation Waiver, CBTU Form 016
- Residence Inquiry, CBTU Form 017
- Credit Report Release, CBTU Form 018
- Merced County Sheriff's Office Policy #1000 Recruitment and Selection
- CSA Corrections Standards Authority
- Merced County personnel file
- Merced County Sheriff's Department personnel file
- Transcripts from PERB
- POST Background Investigation Manual
- California Regulations §9050-9060

Discussion

During our interviews we either got conflicting answers or the interviewee could not remember why this person had failed his/her background check. Because of this we relied on the material we reviewed directly from the background investigative report.

Merced County Sheriff's Department hires Correctional Officers who must go through their Recruitment and Background Investigation process as set forth in their policies and procedures. The process is divided into two phases.

- Phase One:
Recruitment, Application, Written Test, Physical Agility Test, Personal History Questionnaire, Background Investigation and Polygraph Examination.
- Phase Two:
Psychological Examination and Medical Examination.

Government Code (GC) Section §1031 establishes minimum selection standards for peace officers. It includes minimum criteria on citizenship, age, and education. It also requires that applicants be fingerprinted as part of the search of local, state, and national files to disclose any criminal record, and be found to be of good moral character as determined by a thorough background investigation. More rigorous criteria can be established by individual agencies as long as it is job-related and legally defensible.

CSA standards and P.O.S.T. standards were compared. We found that a psychological evaluation is not required if CSA standards are applied. We found that Merced County Sheriff's Department uses the more rigorous criteria as set forth by P.O.S.T. and this candidate was required to complete a psychological evaluation.

CBTU Form 001 used by Merced County Sheriff's Department states "one set of background dimensions was created for peace officers by P.O.S.T., which this department has adopted for use in the processing of applicants. These ten dimensions are organized into five major categories (Moral Character, Handling Stress and Adversity, Work Habits, Interactions with Others and Intellectually-Based Abilities.) No amount of standard-setting, however, will eliminate the need to make case-by-case judgments based on specific facts presented by each candidate's background. Rarely is one fact a sufficient basis for disqualifying an individual; rather, it is generally necessary to investigate the circumstances surrounding each fact in order to make an educated assessment of the candidate's suitability¹."

¹ Peace Officers Standards and Training

The applicant is given instructions when filling out the Personal History Statement that is used in the background investigation to assist in determining suitability for the position of correctional officer. The disqualification section states that “there are very few automatic bases for rejection. Even issues of prior misconduct, such as prior illegal drug use, driving under the influence, theft or even arrest or conviction are usually not, in and of themselves, automatically disqualifying.

However, *deliberate misstatements or omissions* can and often will result in your application being rejected, regardless of the nature or reason for the misstatements/omissions. In fact the number one reason individuals “fail” background investigations is because they deliberately withhold or misrepresent job-relevant information from their prospective employer.

BOTTOM LINE: Be as complete, honest and specific as possible in your responses.²

Both phases of the recruitment and background check were passed by this candidate. We reviewed the background report. We found that there was “NO DISQUALIFYING” information in any mandated areas of inquiry. CBTU Form 002 Correctional Background Investigation Check List was complete. The narrative and background investigation contained sufficient information to allow the hiring authority to make a defensible decision. The file did not contain any indication that this applicant failed the background check or was given a “NO HIRE STATUS.”

On the day we picked up a copy of the CSA minimum standard requirement from the Merced County Sheriff’s Department, we received a telephone call from the complainant stating that this applicant was not hired under CSA standards but under P.O.S.T. standards. We found it a little disturbing to know that others, outside our committee, had gotten information on documents we were requesting. All grand jury committee members were questioned and we determined that the information did not leak from within our own group.

Confidential information is not always protected at this agency. The alleged status of the background check on this applicant became public knowledge at the PERB hearing. Some of this information also came from a trainee within the Background Investigation Unit and was divulged to co-workers. Rumors of this alleged information have been circulating among co-workers for some time. Its status was elevated by testimony at the PERB hearing. During one interview it was referred to as the “Dirty Little Secret.” What we did find out, from review of policies and procedures and the employee’s internal file, was that there is nothing in the file to substantiate this claim.

Further, we found that even though the background investigation report is prepared by the Background Investigation Unit personnel, they are only the conveyor of the information. They classify the applicant as low risk, medium risk and high risk. Any final decision on whether to hire an applicant is made by the Commanders, Under Sheriff and Sheriff and they have discretionary powers, with the exception of a few mandatory things that will automatically disqualify an applicant.

² Peace Officers Standards and Training

After review of all the above material, California Government Codes, California Penal Codes and the interviews conducted of complainants, Human Resource Officer, Background Investigative Unit Personnel and Merced County Sheriff's Office Administrative Personnel and the applicants internal personnel file, we found that this person met the minimum qualifications required to be hired.

Findings

Finding 1) Background Investigation Unit trainee divulged personal and confidential information to co-workers.

Finding 2) Information that the grand jury was seeking specific documentation was also divulged to employees of this organization.

Recommendations

P.O.S.T. states "Background investigation files are a good training tool; however, confidentiality is a must to protect the applicant."³ We recommend that those being trained in the Background Investigation Unit be specifically instructed that this information cannot be disclosed, under any circumstances, to anyone, outside of those who need to review this information to make the necessary decisions to hire or not to hire an applicant.

We further recommend that all personnel within the Merced County Sheriff's Department be given further training on the issue of confidentiality within the organization and the consequences for the breach of that confidentiality.

Commendations

The 2011-2012 Merced County Civil Grand Jury thanks all those involved in this investigation. We also would like to commend the Sheriff Department's administrative personnel for their cooperation.

Glossary

GC: Government Code

P.O.S.T.: Peace Officers Standards and Training

CSA: Corrections Standards Authority

PERB: Public Employees Relations Board

CBTU: Correction Backgrounds and Training Unit

DISCLAIMER

³ Peace Officers Standards and Training

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

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COMPLAINT #07-02-11

NEPOTISM/POSSIBLE CONFLICT OF INTEREST

Summary

The 2011-2012 Merced County Civil Grand Jury received an anonymous complaint requesting that it investigate alleged inappropriate activities in the management and operations in the Merced County Sheriff's Department.

The complainant made a number of allegations including:

- The placement of a Touch-Pay Kiosk without County Board of Supervisors approval.
- Replacement of software and computer systems without proper procurement practices.
- Relocation of Jail Records to the Work Release facility that did not meet acceptable office environment standards.
- Inappropriate hiring of personnel.

The first three complaints were unsupported. A review of employment records was conducted with the recommendation that County Human Resources should review all employment applications for complete information.

Method

After a review of the complaint, the Grand Jury elected to proceed with a further investigation of this complaint. During the course of the investigation, the Grand Jury interviewed the Merced County Director of Human Resources, the Merced County Sheriff's Department Director of Personnel, reviewed the policies and procedures manuals for both departments, and conducted site visits to the offices and administrative sections of the Merced County Sheriff's Department, as appropriate to thoroughly investigate this complaint.

Findings

The placement of a Touch-Pay Kiosk without approval of the Merced County Board of Supervisors was reviewed. An interview with the Merced County Administrative Services Department indicated that the kiosk was placed appropriately. The current contract with the vendor of these terminals is valid and there is no pending action to issue a Request for Proposal (RFP) or revisit the contract itself until its expiration on June 30, 2012. There was no evidence of wrongdoing in the collection of monies from these terminals.

The allegation of replacement of software vendors and computer systems without proper procurement practices was reviewed with the County Administrative Services Department. They stated that there were no plans to replace current vendors or software systems due to county budget constraints and that any request(s) to do so would have to be reviewed by that office.

The issue of relocation of Jail Records to the Work Release facility and an unacceptable office

environment was reviewed. An inspection of the facility by Grand Jury members found that it had recently been remodeled and was clean, well lit, and there was no evidence of an unhealthy environment. Interviews with personnel at the Work Release facility conducted at the time of this inspection indicated that there were no plans to move Jail Records to that location.

The issue of inappropriate hiring of personnel without using County Human Resources Policies and Procedures was reviewed. A review of the employment record of the individual mentioned in the complaint as well as interviews with the County Human Resources Director and the Sheriff's Department Director of Personnel indicated that the individual had been hired as an "extra help" employee in accordance with established County policy. The individual had been terminated at the employee's request. (Extra help" employees are defined as those that work a limited number of hours over the course of a fiscal year, receive no benefits, and serve at the will of the County.) It was noted that this individual had applied for, but was not accepted for, various other positions within the county.

Another issue uncovered during the course of the investigation was the fact that the employment history of the individual in question from County Human Resources does not provide a full chronology of employment history sufficient to account for employment from 1998 to 7/31/2011. This individual had applied for these positions under a maiden name which could potentially bypass the County nepotism policy.

Recommendations

The County Human Resources Department should take steps to insure that all employee documentation includes a complete and through chronology of employment history. County Human Resources should review employment applications for complete information, including use of maiden names for relationship to current County employees, to insure that the county nepotism policy is not violated.

Commendations

The Grand Jury would like to recognize both the County Human Resources Department and the Sheriff's Department Director of Personnel for their assistance and cooperation during the course of this investigation.

DISCLAIMER

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COMPLAINT #07-03-11

DOS PALOS POLICE DEPARTMENT

Summary

The 2011-2012 Merced County Civil Grand Jury received a complaint against the Dos Palos Police Department. The complainant stated a lack of supervision within the department, poor job performance from employees, and reports not filed according to the policy timeline of the department.

During our investigation we determined that police reports generally are not filed according to the policies and procedures timelines established by this agency. Police reports are needed for verification for insurance purposes and need to be filed in a timely manner.

The 2011-2012 Merced County Civil Grand Jury recommends that the department enforce established procedures to insure that reports are filed timely and according to the agency's policies and procedures. Supervisors should implement a check system to insure that the process follows the standards set forth. The report writing process should be reviewed to determine if there might be a better process. We also recommend that officers receive interpersonal skills training.

Background

The Dos Palos Police Department serves a community of almost 5,000 people. The Police Department is understaffed by four officers and three dispatchers due to budget cuts. The department operates with a Chief and six officers. There are no Sergeants, Lieutenants, or Captains in this department.

Method

The 2011-2012 Merced County Civil Grand Jury investigated this complaint by reviewing policies and procedures for the department, 911 call logs and several months' of police reports. We conducted interviews and participated in the mandated tour of the facility.

Findings

After extensive investigation the 2011-2012 Merced County Civil Grand Jury found that the Dos Palos Police Department is a small department in a small town. They are understaffed and because of budget cuts their resources are limited.

We did find a discrepancy in the timing of when police reports are scheduled to be completed and when the officers on duty actually complete them. The policies and procedures state that reports are to be written before the officer goes off-duty unless there is approval from a supervisor to hold it over. Due to budget cuts overtime is not allowed. After review of several police reports the committee found that many were completed several days, weeks or even months after an incident occurred.

We found that the department staff works well together and there is a family type atmosphere between them. Community members are welcome to go into the station for assistance.

Recommendations

Recommendation 1: The 2011-2012 Merced County Civil Grand Jury recommends that the department implement procedures to insure that reports are filed timely and according to the agency's policies and procedures. Supervisors should implement a check system to insure that the process follows the standards set forth. The report writing process should be reviewed to determine if there might be a better method.

Recommendation 2: The 2011-2012 Merced County Civil Grand Jury recommends a monthly meeting and training session for the employees on interpersonal skills. Community members needing assistance should feel confident in approaching any officer.

Commendations

The 2011-2012 Merced County Civil Grand Jury recognizes the fact that the Dos Palos Police Department works very hard with limited resources. Budget cuts have diminished the department's ability to do some of the things they want or need to do. The department is striving to be a positive force in the community.

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COMPLAINT #07-04-11

MERCED IRRIGATION DISTRICT (MID)/BOARD OF DIRECTORS

Summary

The Merced County Civil Grand Jury received a complaint regarding activities of the Merced Irrigation District (MID) in the management and operation of water delivery. The complaint consists of refusing, on occasion, to deliver water through an irrigation pipe line referred to as Lateral 7.

Background

Lateral 7 was originally a ditch that followed the contour of the land diagonally through land originally owned by previous owner. The previous owner stated that he had removed the ditch and relocated the lateral adjacent to and along his property land, in order to gain acreage for cultivation. It was at this time that he converted the lateral from a ditch to an underground pipeline. The lateral provided water accessibility to his property, and to four (4) different land owners. The complainant is the only landowner currently drawing water from Lateral 7. Alternative sources of irrigation water are utilized by the others.

During the past 15 years, the complainant utilizing the pipeline has been directed by both MID and the owner of the property on which the lateral is located, to repair damage to the lateral in accordance with MID specification and standard. MID is not responsible for maintenance and repair to the Lateral on private property.

Method

The Grand Jury interviewed selected personnel, reviewed requested documentation, and conducted site visits as appropriate to thoroughly investigate this complaint.

Findings

Counsel for the Grand Jury advised termination of this case, due to pending litigation by complainant.

DISCLAIMER

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COMPLAINT #01-01-12

BUS DRIVER SAFETY/MANDATED REPORTING

Summary

The 2011-2012 Merced County Civil Grand Jury received a complaint regarding issues relating to the physical safety of bus drivers employed by the Merced Union High School District (MUHSD) at "high risk student" high schools. A further question raised concerned whether or not bus drivers are considered "mandated reporters".

The Grand Jury reviewed appropriate sections of California State Law and discovered all school employees, including bus drivers, are considered "mandated reporters." The Grand jury discovered that there have been some incidents aboard school buses that could potentially be considered possible risks. The Grand Jury recommends continued cooperation between school administrators and bus drivers, on-site video equipment, additional screening of students, and ongoing mandated reporting video training. The 2012-2013 Merced County Civil Grand Jury should conduct a statistically significant survey of school district employees to determine the effectiveness of the wallet-sized mandated reporting information card distributed earlier in 2012

Method

The Grand Jury conducted interviews with the Superintendent of the Merced County Office of Education (MCOE), the Merced Union High School District (MUHSD) Director of Transportation, the Director of the Merced County Human Services Agency. The principals of Yosemite and Sequoia High Schools as well as bus drivers were interviewed.

Findings

The Grand Jury discovered that there have been some incidents aboard school buses that could potentially be considered possible risks to the overall safety of bus drivers, but the majority of these incidents are relatively minor.

Since all buses are equipped with two-way radios and recording video cameras, such incidents are recorded and reviewed by the appropriate school principal upon arrival at the school for student disciplinary action. When more serious incidents occur, the bus driver can contact the appropriate entity by radio so that law enforcement agencies can be contacted for more immediate assistance.

One principal did express concern over the fact that no working video equipment was available at that school and videos had to be taken to another location to be viewed.

To further address the issue of driver safety, a joint meeting between bus drivers, school

administrators, and the transportation department was held in late February 2012 to discuss guidelines for support of bus drivers and direction for continued support of schools in dealing

with students being transported to and from schools.

Some of the recommendations coming out of this meeting suggested an alert system to include (1) school liaisons meeting buses on arrival and departure from the affected school campuses, (2) turning on the flashing fog light on non-foggy days to provide school administrators early warning of incidents on arrival at the school, and (3) providing drivers with a list of suspended students to prevent possible incidents.

The overall feeling was that this meeting was very productive and that similar meetings should be held in the future.

The Grand Jury also reviewed the appropriate sections of California State Law (California Penal Code Section 11165) governing mandated reporting of suspected child abuse and discovered that literally all school employees, including bus drivers, are considered to be "mandated reporters". All of the bus drivers interviewed during the course of this investigation indicated that they had received some information regarding mandated reporting but had not received any specific training in this area. One driver interviewed stated that the only reason he knew he was considered a "mandated reporter" was that his wife was a teacher and had informed him of that fact.

The Merced County Human Services Agency has created a laminated wallet-sized card outlining the responsibilities of a "mandated reporter" which, in co-operation with the Merced County Office of Education (MCOE), has been distributed to all school employees, including bus drivers.

Additionally, the Human Services Department is in the process of creating a training video on the responsibilities of mandated reporters. It is the intent of the MCOE that, once completed, this video will be distributed to all school districts for mandated reporting training.

Recommendation

The Grand Jury recommends that the principals and administrators at the Sequoia and Yosemite High Schools continue to work with bus drivers to insure that all incidents occurring on school buses are dealt with in a timely manner and students involved with those incidents receive appropriate disciplinary action.

We recommend that all schools have the appropriate video equipment on site so that incidents occurring on buses can be reviewed in an expeditious manner.

Additional screening of students should be done to (1) avoid the possibility that members of rival gangs not be placed on the same bus and (2) that alternative transportation can be arranged for students with a high risk of violent behavior.

The Grand Jury further recommends that all school districts obtain a copy of the mandated reporter training video when released and implement a training program based on this video. Staff agree that the Transportation Division should be included in this program.

The 2012-2013 Merced County Civil Grand Jury should conduct a statistically significant survey of county school district employees to determine the effectiveness of the wallet-sized mandated reporting information card distributed earlier in 2012.

Commendations

The Grand Jury would like to commend the Merced County Office of Education, the Merced County Human Services Department, and Merced Union High School District Transportation Division for their co-operation in this investigation.

The Merced County Human Services Agency should further be commended for their efforts in putting together a comprehensive program for outlining mandated reporting requirements that can be used by other agencies such as law enforcement, churches, and other community agencies.

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).

Disposition of Other Complaints

Complaint #07-05-11

Los Banos USD Superintendent/School Board

The Merced County Civil Grand Jury received a complaint to investigate Los Banos USD Superintendent/School Board.

After investigation and study of complaint the Merced County Civil Grand Jury determined that the facts brought before the Grand Jury warrant no further investigation. The Grand Jury suggested that the complainant may be able to get some of their answers by looking through the minutes of the local school board meetings.

Complaint #07-06-11

Family/Personal

The Merced County Civil Grand Jury received a complaint to investigate a family and personal matter.

The Merced County Civil Grand Jury declined to investigate the complaint because it did not fall within the jurisdiction of the duties of the grand jury.

Complaint #07-07-11

Merced County Board of Supervisors/New Technology

The Merced County Civil Grand Jury received a complaint to investigate the Merced County Board of Supervisors.

The Merced County Civil grand Jury declined to investigate this complaint and advised the complainant to seek other avenues available for resolution.

Complaint #07-08-11

City of Dos Palos/Animal Control

The Merced County Civil Grand Jury Received a complaint to investigate the City of Dos Palos/Animal Control.

After review of the complaint the Merced County Civil Grand Jury declined to investigate this complaint.

Complaint #07-09-11

County of Merced – Library

The Merced County Civil Grand Jury Received a complaint to investigate the County of Merced/Library.

After review of the complaint the Merced County Civil Grand Jury declined to investigate this complaint.

Complaint #07-10-11
City of Merced – Police Department

The Merced County Civil Grand Jury Received a complaint to investigate the City of Merced – Police Department.

After review of the complaint and the arrest report of the Merced Police Department the Merced Civil Grand Jury found that the Police Department acted within laws that govern them and found no wrong doing on their part. A claim form was obtained and sent to the complainants to file with the city if they feel that their property was damaged.

Complaint #07-11-11
Merced County Planning/Code Enforcement

The Merced County Civil Grand Jury received a complaint to investigate the Merced County Planning/Code Enforcement Department.

After an initial review of the complaint and the area in question there was not enough information to proceed with an investigation and the Merced County Civil Grand Jury declined to proceed.

Complaint #07-12-11
Merced County Sheriff's Office – Civil Division

The Merced County Civil Grand Jury received a complaint to investigate the Merced County Sheriff's Office – Civil Division.

After an initial review of the complaint the Merced County Civil Grand Jury declined to proceed as the Merced County Sheriff's Office was following the order of the Court at the time.

Complaint #07-13-11
Merced County Sheriff's Office – Civil Division

The Merced County Civil Grand Jury Received a complaint to investigate the Merced County Sheriff's Office Civil Division.

After an initial review of the complaint it was determined that the complainant was not the person that posted the bail bond in question, therefore, the Merced County Grand declined to proceed.

Complaint # 01-02-12
Merced City School District (MCSD)

The Merced County Civil Grand Jury received a complaint to investigate Merced City School District.

The Civil Grand Jury declined to investigate the complaint because it concluded that all entities involved dealt with the claim according to written policies.

Mandated Inspections

Merced City School District (MCSD)

Mandated Annual Inspection

Introduction

The 2011-2012 Merced County Civil Grand Jury members conducted an interview with the District Superintendent of Schools, and an on location visit of facilities, interviewing the principals and random staff of Cruickshank Middle School, Hoover Middle School, Rivera Middle School, and Tenaya Middle School.

Findings

Several topics were discussed. We conducted an overview of credentials and licensing. A tour of the new gym at Rivera Middle School was conducted to ensure proper maintenance and safety inspections are being accomplished. The gym was, in part, funded by the City of Merced and as such there exists an agreement to rent the gym for functions outside the school operation. Questions concerning the proper handling of Student Activity funds and student/parent notification of disposition of such funds were asked. The rental fees and insurance are well documented, accounted for, and audited each year.

Student Activity funds raised at any of the four (4) middle schools is strictly accounted for and audited annually. Receipt books are used and kept current. No sale of any item is allowed at any school for personal profit.

We found no evidence of current fund raising activities being conducted. Any money that is collected is fully receipted and audited as mentioned hereinabove. An Associate Student Body (ASB) group handles any fundraisers when they occur.

Money collected for students participating in school activities is limited to \$35 and is used solely for shoes, T-shirts and caps, which are kept by the students as personal property. Any money collected is fully receipted. Each parent is given a receipt, which goes through a separate ASB account. Money is promptly deposited. Required annual audits are performed.

Any student who does not have the ability to pay is still allowed to participate in school activities. Some students, however, are academically restricted from participation, in which case money is returned to the parents. No student is restricted from a school activity that may be considered for a grade because of lack of funds.

Class scheduling is coordinated with all teachers, allowing students to participate in as many activities as possible. School time is limited and some activities overlap, but no student is restricted or penalized for being late from one activity to another. We found no instance where a grade has been affected by these activities.

When inquiring about Special Education and how the programs are managed we found that a substitute teacher does not need to be a credentialed teacher to oversee Special Education classes. As long as the Special Education teacher has a completed lesson plan which is followed, there is no wrongdoing by the substitute.

Physical inspection of bathrooms at all four (4) middle school facilities were found to be clean and well maintained. Several students using the bathrooms were queried and said they knew of no instance where anyone refused to use the facility. Two custodial staff are on duty during school hours to ensure quality and health standards are met.

Classified staff attendance is properly annotated and accounted for.

Everyone employed by the school district is fingerprinted with a background check. This information is then submitted to the Department of Justice (DOJ) for review. Anyone not passing this background check is not employed. There is a chain of command that is uniform, consistent, and accepted practice within the school district. Principals stated that all employees, extra, volunteer or other, are fingerprinted before being allowed on campus or near students in a teaching capacity. Most are volunteers. Those volunteers that receive monetary compensation are paid through the Associated Student Body (ASB) which is separate from the school in accounting for funds. These funds are required to be fully receipted and are audited each year.

Drug containment and Follow On disciplinary programs and how they are managed was also discussed, as well as safety practices and how they are implemented. Drug dogs are not used at any campus because dogs are trained to jump on suspected users and scratch. This can be intimidating to some students.

When discussing student safety we were told that Federal and State law mandate that no substance with a "Keep out of Reach of Children" label may be placed in any classroom, hence only bandages and gloves are permitted. Medical emergencies are handled through policies currently in place.

A complete list of all teachers assigned in the district identifying name, school assigned and position was obtained. Direction on how to check individual license on-line was explained. This was readily supplied upon request in order to access their credentials on line to verify proper and current licensing. A monthly review is conducted by District Human Resources to ensure all credentials are kept current.

Safety of students at all times is critical to overall operations. Security of students is well maintained and observed. We found no evidence of students leaving campus without proper authorization and parent notification. Security fencing and gates were in place at all campuses. We did not see cameras at any facility, due to budget constraints.

Handling of violent or disruptive students was discussed and we found that all students are subject to review through a team effort before being placed in any classroom.

Students who are in danger of not graduating are counseled at mid-term and receive additional assistance to help in raising their grade point average. Every consideration is given to assist the student, including working with parents.

Commendation

Staff and personnel at the Superintendent's Office, the District Human Resources Office, and all the school principal offices were very cordial, professional, and willing to provide any information requested without any hesitation. The interviewers asked a myriad of questions on many topics, there appeared no hesitation or reluctance to respond.

Merced County Detention and Law Enforcement Agencies Mandated Annual Inspection

The California Penal Code sections 919(a)(b) requires the Grand Jury inquire into the Institutions management, safety and inmate security in the state and county facilities to ensure inmates are being treated in a humane manner.

The 2011-2012 Grand Jury completed mandatory visits and inspections in the following institutions:

- **John Latorraca Correctional Center**
- **Iris Garrett Juvenile Justice Correction Center**
- **Merced City Police Department**
- **Dos Palos City Police Department**

JOHN LATORRACA CORRECTIONAL CENTER MANDATED ANNUAL INSPECTION

Introduction

The 2011-2012 Merced County Civil Grand Jury toured the John Latorraca Correction Center on January 26, 2012. California Penal Code Section 919(b) mandates that the Civil Grand Juries annually inspect correction facilities within their respective counties.

The Merced County Sheriff's Department, under the command of Sheriff Mark Pazin, is responsible for the operation of the Correctional Center and the main jail facility in downtown Merced.

Findings

The Correctional Center and the downtown main jail can house 745 (563 & 182 respectively) inmates. There are 60 corrections officers.

On the day of the tour there were 645 inmates being housed, 485 at the John Latorraca Correctional Center and 160 at the downtown man jail. The inmates at the downtown main jail are charged with the most serious crimes as defined by California Penal Code Section 667.5(c).

The current average capacity of the Correctional Center is 430 inmates. The center is not fully staffed due to budget cuts. The current ratio is 9.2 inmates per officer. There is no mandated state standard ratio of inmates to officers.

Correctional Officers are given limited peace officer status in accordance with Penal Code Section 830.55. They do not carry firearms. Their primary responsibility is custody and care of the inmates.

New Correctional Officers attend a six week, 240 hour state correctional training course. This training is completed within the first year of hire. Training was being provided locally at Merced College, however, because there have not been any new hires in the last several years, that program no longer exists. Correctional Officers are required to take 24 hours of training every two years. Annual training is done within the department by Corrections Standards Authority (CSA) certified trainers. There are qualified officers within the department who provide this training.

The day shift is staffed with eleven officers, the swing shift with nine officers and the midnight shift with seven officers. Overtime is used to backfill for vacation or sick time which takes up a large portion of the budget. The Center has changed the way it handles medicals, visitation, and meals, and how inmates are housed, to keep overtime down.

The Sheriff's Department has a forty three million dollar budget. Twenty two million dollars of the budget is from County General Funds, the rest of the funds come from grants. Grant dollars are designated for the operational portion of the budget only and cannot be used for corrections. There are no grants for correctional facilities. Of the twenty two million dollars, eighteen million (approximately 80%) is spent on the correctional facilities operated by the County. The budget is based on an average population of 500 inmates. Budget cuts have severely affected correctional officers staffing. Several years ago the Department made a concerted effort to hire additional female officers. Budget cuts resulted in these last hires to be the first to be laid off and has resulted in the closure of dorms.

A Registered Nurse and a Physician's Assistant provide medical care. A doctor visits the facility a couple of times a week unless there is an ongoing medical issue with a specific inmate. The Registered Nurse also covers the Iris Garrett Juvenile Facility, which is in close proximity, if a medical emergency arises at that facility during the nighttime hours. If an inmate requires hospitalization an ambulance is called and the inmate is transported to the hospital. Two officers are assigned to the inmate/patient while in the hospital. The Sheriff's department is responsible for paying the medical expenses of inmates. The County budget allows up to 3.6 million dollars for medical expenses. Each incident has a cap of ten thousand dollars. Once that inmate reaches that cap the Sheriff's department funds all other expenses from its budget.

The passage and implementation of Assembly Bill 109 has and will continue to have significant impact on corrections. AB 109 shifts the responsibility for incarceration of many low risk sentenced inmates from the State to counties. There is an argument made that this model actually helps to better rehabilitate inmates. Inmates sent to a State prison usually align themselves with some segregated population. They get caught in a web that leads to more recidivism. Under AB109, inmates will be closer to home, family and possibly keep working through community centered programs such as electronic monitoring. Sentenced offenders who qualify are being encouraged to participate in the electronic monitoring program. The department is seeing more plea deals made with less prison time being imposed for low risk offenders. The State will continue to incarcerate offenders who commit serious, violent or sexual crimes.

Subsequent to the Correctional Center visit, the Merced County Civil Grand Jury met with the Corrections Commander and a Correctional Officer to inquire and learn about the electronic monitoring program and how individuals qualify to participate in the monitoring process.

There are two electronic monitoring programs administered by the Sheriff Department. The traditional work release program is where a sentenced inmate is accepted to the program and then is released on a home monitoring program to work at their employment or be confined to his/her home. This program is monitored by correctional officers.

The second program is an electronic monitoring program in response to AB109. This enables the Sheriff to release inmates sixty days post arraignment to control the inmate population. It too is a

program where an inmate can go to work or be confined to their home. The AB109 program is monitored by Deputy Sheriffs as the need for detection of crimes, enforcement of laws, and the ability to pursue and apprehend inmates is far greater. There are also inmates who are released sixty days post arraignment that have not yet been sentenced. These inmates are placed on electronic monitoring following the same criteria as mentioned above. Monitoring equipment is being upgraded. The Corrections Center is continually managing inmate population in order to provide adequate staffing while fulfilling its duty to the community.

Electronic Monitoring Program

The Electronic Monitoring Program requires adherence to specific rules which enable the program to offer several advantages such as:

- In order to be in the ankle bracelet program, the offender has to request and pay \$17.00 a day for the use of the ankle bracelet.
- When an offender applies for a monitor, they have to sign a contract agreeing to comply with rules stipulated. If they break the rules there is no refund, nor is another monitor issued and they must go back to jail.
- According to Corrections, it is cheaper to have individuals under this program than keeping them in jail. The savings is over \$ 400.00 a day.
- The number of days an offender wears a bracelet, is determined by the numbers of days the sentence carries.
- Inmates charged with serious, violent and/or sexual crimes do not qualify to be under this program.
- The area where the process takes place is well kept and provides privacy to officers conducting the process and participating individuals.
- If the person wearing a monitor intentionally breaks it while worn, it becomes a felony offense. When this occurs, a message is transmitted back to the Sheriff's Department, reporting the incident. The person is brought back to jail to complete the remaining jail sentence.
- If a person wearing the monitor has to go outside the surveillance area, whether he/she is going to work or on other personal business, permission can be granted. If it is work related the employer is notified that person is wearing a monitor.
- Another type of the monitors detects alcohol consumption. If an inmate has been apprehended because of a DUI violation, it is considered a breach of contract to consume alcohol, and the violator is returned to complete their time in jail.

Approximately 80% of the inmates at the Center are felons awaiting trial. Once sentenced, inmates are either sent to State Prison, John Latorraca Correctional Center, or a work release program. Budget cuts have forced corrections to accelerate early releases. These inmates must be non-violent, non-serious, and non-sexual and have no gang ties. Early released inmates are not electronically monitored.

Inmates transported to the center are brought into the "Sally Port," (a controlled gated area).

Once in the "Sally Port" the door is opened and the inmates are brought in, patted down and given a medical evaluation. All males are booked at the main jail facility. All females are booked at the John Latorraca Correctional Center. All bookings within the county take place in Merced, with the exception of Los Banos which does its own bookings, and then transports the inmates to the center.

The control center monitors activities throughout the facility. It can be maintained by correctional officers on light duty. The control center has a pending contract for modernization.

The Center houses inmates in dorm blocks: One for women, general population and separate dorms by gang affiliation. The State mandates classification of inmates by seriousness of the crime, victim potential and criminal sophistication. Classification standards such as gang involvement are created at the local level. There are twenty to twenty four inmates per dorm expandable to thirty to thirty five inmates with three-high bunk beds. There is a lock down section with individual cells for those who fall under Welfare and Institutions Code Section 5150, which allows qualified officers or clinicians to voluntarily confine a person deemed to have a mental disorder that makes him or her a danger to him or herself and others or who are gravely disabled.

Dorms are checked on an hourly basis, unless there is some kind of altercation or other issues that need to be addressed. The lockdown section is checked every 45 minutes. Inmates housed in the lockdown section have an area inside that section for their designated yard time. They are never outside the lockdown area. A safety cell is provided for suicidal inmates who are checked every fifteen minutes. Area checks are logged for reporting purposes.

The funds obtained from the sales of assets seized and legally forfeited are divided among various agencies. The Federal Government keeps 5% of the asset forfeiture money.

The Center provides for the welfare of inmates who can order books from a known publisher and have them sent to the Center. They are paid for by family members or friends. There is a Chaplain on the premises.

Meals are served to the inmate in their respective dorms. Each inmate is given a "spork" (spoon/fork combinations) that is theirs while incarcerated. Breakfast is served at 4:30 a.m., lunch is at 10:00 a.m. and dinner is at 4:00 p.m. Breakfast and dinner are hot meals and lunch is a cold meal. Inmate labor is used to help staff the cafeteria. The staff also prepares and delivers the meals to Iris Garrett Juvenile Center, Marie Green Mental Health Facility, and the downtown main jail facility. The cafeteria runs twenty-two hours a day.

Inmates are given a clean set of clothes on a daily basis. Clothing provided is color coded by classification. The inmates in the lockdown section can take a daily shower during their yard time. The inmates in the dorm blocks can take as many showers as they want. There are laundry facilities on the premises, operated by inmates, that runs twenty hours a day.

The exercise area was built without a restroom facility. Officers escort inmates to restrooms during exercise periods. Pursuant to Title 15, inmates are entitled to three hours of exercise per week.

Inmates can have two people on their visitors list. The length of each visit is thirty minutes. Only the inmates can designate who is on the list. Visitors are given a criminal history background check before they are allowed to visit and cannot have been housed in this correctional center in the last five years. The department has requested funding for an internet based video visiting program. It is a revenue sharing program. There would be a free site/building set up outside the facility or it could be accessed from a home location for a nominal fee. Attorneys could also use this program to interview their client on a secure encrypted site from their office. Implementation of this program would free up staff to handle other duties at the center.

A new phone service is out for bid which has a zero capital investment and payback in revenue sharing.

Recommendations

Recommendation 1: The Board of Supervisors should carefully consider the Sheriff's Department request for video monitoring equipment upgrades, improvements in the control center and electronic monitoring.

Recommendation 2: Electronic monitoring programs should be maximized in order to reduce inmate population and incarceration costs.

Commendations

The 2011-2012 Merced County Civil Grand Jury commends the Sheriff's Corrections Department for the implementation and execution of the electronic monitoring program. This process benefits some citizens in need of a program like this by allowing them to work and to provide a unified family environment. It also creates a financial savings to the county by not requiring incarceration.

Iris Garret Juvenile Correction Center Mandated Annual Inspection

Introduction

The Merced Civil Grand Jury toured the Iris Garrett Juvenile Justice Correction Center mandated by California Penal Code, Section 919(b).

We met with Chief Probation Officer, Scott Ball; Assistant Chief Probation Officer, Jeff Kettering; Judge David Moranda; a Juvenile Institution Officer; a Licensed Vocational Nurse and a minor housed in the detention wing of the facility.

Findings

Judge David Moranda 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). Hearings are held in the courtroom located within the facility. Judge Moranda has been assigned to this position for two and a half years.

Judge Moranda broke down the differences between juvenile proceedings and adult proceedings. Differences were as follows:

- A juvenile is a "minor" — an adult is a "defendant"
- A juvenile court has detention hearings — an adult court has arraignments.
- A Juvenile court has jurisdictional hearings — an adult court has trials.
- A juvenile court has dispositions — an adult court has sentences.
- A juvenile court case starts with a petition — an adult court starts with a complaint or indictment.
- A minor is anyone under the age of eighteen.

Petitions are filed within forty-eight hours by either the District Attorney or the Probation Office and the minor has a detention hearing within twenty-four hours of the filing. Most cases are completed within a month. Typical cases handled at this facility are

- Gang related
- Tagging
- Assault

Serious felony cases that fall under Welfare and Institutions Code 707(b) classifications allow a minor to be charged as an adult. A fitness hearing is conducted by the District Attorney to determine if the minor's case will be heard at the juvenile court or at the adult court.

Judge Moranda's courtroom processes, on average, twenty cases per day and most cases are completed within a month.

Our meeting with Chief Probation Officer, Scott Ball and Assistant Chief Officer, Jeff Kettering was very informative and they gave us the following information:

- The facility can house a maximum of 120 minors.
- Two buildings currently house minors.
 - a) Building CD houses those minors waiting to complete their court case. (Detentions)
 - b) Building AB houses minors who have completed their court case. (Dispositions)
- Each building houses sixty minors.
- Due to budget cuts fifteen beds are not being utilized in the AB wing.
- Current capacity of this facility at the time of our tour was thirty eight.
- The correction center usually averages eighty- four to eighty-eight minors.

The facility cannot exceed the capacity allowed by law. If capacity is reached and new minors are being brought to the facility, the Assistant Chief Probation Officer reviews the list of minors and takes into consideration various criteria to determine if a minor can be released early. That list is then presented to the judge to make a final decision on which minor is released to make the necessary room for the incoming minor or minors.

Staffing at the facility is as follows:

- One Chief Probation Officer
- One Assistant Chief Probation Officer
- Two Managers (Daily Operations Supervisors)
- Each manager supervises three staff members.
- One Juvenile Institution Officer for every ten minors on the day shift and one Juvenile Institution Officer for every thirty minors during the night shift. (As mandated by Title 15)

A budget cut of twenty per cent was implemented at this facility and extra help staff was laid off. The center is currently at the minimum staffing level allowed as mandated by Title 15.

We spoke with a Juvenile Institutional Officer. This officer has been employed with the facility for fifteen years.

- Minors have twenty four hours supervision.
- Minors are on lockdown from 6:30 p.m. to 6:30 a.m.
- Minors are allowed one hour of recreation a day during the week.
- Minors are allowed visitation with parents either on Saturday or Sunday for one hour and with family members for one hour every three weeks.
- Altercations are common.
- Minors are confined to their cell when disciplinary measures are imposed.

One of the officer's concerns is the staff to inmate ratio. If there is an altercation which involves assistance from an additional Juvenile Institution Officer (JIO), that leaves the remaining officer with more than the mandated amount of minors under his/her supervision for the period of time it takes to address the issue.

Typical day for minor incarcerated in this facility:

- Minor awakened at 6:30 a.m.
- Minor cleans room, mop, sweep, etc.
- Breakfast
- Classes start at 8:30 a.m. and all minors under the age of eighteen are required to attend. Classes run from 8:30 a.m. to 3:30 p.m. with a lunch.
- From 3:30 p.m. to 6:30 p.m. the minor can watch movies, read, write, etc. The facility has a video library but juveniles do not have television.
- Minors are assigned tables to sit at while they have free time. Males and females are not intermingled except in the classroom.
- Males and females attend the same classes.
- Minors are allowed to shower daily with as much privacy as possible.
- Minors have a common dining area but are required to sit at assigned tables.
- Minors are allowed one hour of daily exercise during the week.

This facility is the only facility within Merced County that houses minors. When a minor is brought to the facility a Detention Risk Assessment form is filled out on each minor.

There is always a male/female staff member on the premise.

There is a complaint procedure in place for minors in the facility. Once lodged there is a grievance process in place to address the issue. The complaint can be done confidentially. Complaints can be anything and run the gamut, from food, to staff, to other minors, etc. The grievance is addressed by the Assistant Chief Probation Officer and the minor gets a copy of the results, a copy goes in the minors file, and one is given to administration.

Minors, who are housed in cells, are visually checked every fifteen minutes and a log is kept outside each cell. The log is monitored so that it cannot be falsified. This is done through the security cameras time stamp.

There have been no escapes from this facility.

Medical staff is contracted out through California Forensic Medicine (CFM). Medical staff is on premises from 7:00 a.m. to 11:00 p.m. A Registered Nurse is present in the a.m. and a Licensed Vocational Nurse is present in the p.m. If a medical emergency arises during the night shift, the nurse from the adult facility located next door, can be called. If the emergency can't be handled at the facility, the minor is transported to the emergency room by ambulance. The transportation time

from the Juvenile Center to the hospital is usually less than an hour.

All medications are in a locked room with locked cabinets. Medical staff has access to the room and cabinets with a key. That key is locked up at the end of each shift and an additional key, assigned to medical staff, is used to access this locked key. The only time minors are in the medical area is to clean or if they are in an assessment room.

A medical doctor is on call and is at the facility on Wednesdays and Saturdays. There is also a mental health doctor assigned to the facility. The facility has a "safety cell" for minors who may need to be restricted to prevent them from hurting themselves or others. If daily medication is required the nurse takes the medication to the minor.

We viewed the intake area. This facility is used to house juveniles from the County's unincorporated areas and from all cities within the county. Access to the facility is in the control room which is part of the intake area. There are cameras showing all rooms in the facility. Staff members do not have keys to doors that lead to the outside.

We spoke to a seventeen year old minor, currently housed in the facility. This minor has been in this facility eight months and in February of 2012, when the minor turns eighteen, he will be moved to the adult facility at John Latorraca. The minor is continuing his education while in detention and hopes to get his General Education Diploma (GED) before he is moved to the adult facility. He states he has learned to follow rules while housed in this facility and has earned enough points to become a group leader. His biggest complaint is not enough time to visit with family and the idle time (cell time) on the weekends. He has acclimated to the structured environment of the facility and is allowed reading material and a pencil in his cell. He is not allowed to keep these materials in his cell and must return them at 9:30 p.m. He enjoys drawing and sketching. Occasionally an art class is provided to the minors in the detention facility.

Continuing education classes are provided for all minors as well as vocational and Regional Occupational Programs (ROP) so that the minor can learn life skills that will be beneficial when the minor completes the detention imposed by the court. Most minors when released from custody, who have not completed their education, will continue their education at the Bear Creek Academy.

Commendation

The 2011-2012 Merced County Civil Grand Jury highly commends administrators and staff at the Iris Garrett Juvenile Correction Center for their accomplishments and concerns for the minors housed in the Juvenile Center. We also want to thank everyone who participated in providing information and for giving us such an informative tour around the facilities. Our sincere thanks go to Mr. Scott Ball, Mr. Jeff Kettering, Judge David Moranda and the Juvenile Institution Officer.

Merced City Police Department Mandated Annual Inspection

Introduction

The 2011-2012 Merced County Civil Grand Jury met with the Merced Police Department Administrative Office and toured the downtown facility located at 611 West 22nd Street, Merced, California. The Merced Police Department has seventy five officers and ten clerical members on staff. There are eleven to twelve officers per shift. An organizational chart was provided to us showing the chain of command as Chief, Lieutenant, Sergeant, Supervisors and Training Officers. There are only two (2) female officers currently employed by the Merced Police Department. Wages for officers are comparable to other cities of similar size.

Findings

Officers involved in shootings must be investigated by law, policy, and procedure. They go through an Internal Investigation which is submitted to the Lieutenant of that Division. Officers involved in shootings are provided counseling. If there is a citizen complaint, such as rude behavior, the complaint goes to the Watch Commander or Lieutenant of the shift for investigation. If there is a collision involving police vehicles, or citizens property damage the California Highway Patrol conducts the investigation.

Newly hired Police Officers are required to attend Police Officers Standard Training (P.O.S.T.). Continuing educational training is required of all other officers.

Members of the Grand Jury spoke to the Watch Commander on duty at the time of tour. He has been Watch Commander for six years and with the department for twenty three-years. Officers work twelve hour shifts from 6:00 a.m. to 6:00 p.m. and from 6:00 p.m. to 6:00 a.m. working three days on, three days off, four days on and three days off. Each shift has a Watch Commander, two Sergeants and eleven officers. The minimum staffing for units on the street is eight. If staff is short, officers are called in on an overtime basis to cover the shift. Reports for daily incidents must be completed before officers leave for the day. If officers have to testify in court they are given three hours of overtime in addition to their regular shift.

Shifts are bid by seniority. Shift assignments are posted thirty days in advance. There is a pay differential of one and a half per cent for officers on night shift. Officers can swap shifts but it must be cleared through the Commanders. If an officer wants to be assigned to a specific division there is a competitive process and they have to pass oral boards.

Grand Jury members asked about officer safety in regards to being sent out on the streets as a single unit. Officers are in constant contact with dispatch and other units. They are trained to continually update their whereabouts to dispatch as well as to listen to other units in contact with dispatch. They continually conduct briefings to eliminate any issues that arise in this area.

There are currently thirty to thirty- three units. Cars are rotated and inspected daily by the assigned Officer.

The Grand Jury asked what equipment their department would like to see purchased and implemented. The response was Forward Looking Infra-Red Radar and personal video cameras for officers. A camera in the unit would show video once the officer steps away from the car. This technology would increase safety and decrease liability.

The Grand Jury was shown the weapons and ammo storage area. Lieutenants, Sergeants, and supervisory staff have keys to this locked room. The room is monitored by another staff member when the room is accessed. Each officer is assigned a shotgun and a rifle. Officers can use their own weapons but they have to be approved by the Department. Officers can have off duty weapons. They must qualify annually on all weapons, including their personal weapons. A record is kept of all weapon qualifications.

We spoke to the Commander of the Gang Violence Suppression Unit. He has been with the Department for sixteen years and has been assigned to this unit since June of 2011. His unit is very busy and is in continual contact with state wide gang task forces.

The Police Department partners with other agencies on such things as range training, new law changes, and domestic violence. They attend free training sessions in Fresno. Officers get paid while they attend and the agency provides transportation.

The Grand Jury spoke to the individual in charge of evidence. She ensures that all evidence is documented and chain of custody procedures are followed. Attorneys are allowed to view evidence at her station but are not allowed to touch the evidence. Her position requires Crime Scene Investigation (CSI) training which is a six day a week sixty hour course. She is on call 24/7. Her shift is from 6:00 a.m. to 3:00 p.m. There are two people assigned to this unit, one downtown and one at the warehouse. She currently has a Reserve Officer working that has been funded by a grant. When her area is not staffed, evidence is placed in locked lockers. Four people have keys to the evidence lockers. When staff is transferred out of this unit, the keys are changed. Evidence is bar coded. The Police Department handles about fourteen to sixteen thousand piece of evidence a year. Drugs are burned once a case is completed in court. If evidence comes in through a search warrant they need an order from the Court to dispose of it.

There are two holding cells in this facility. Each cell has two bunk beds. The mattress on the top bunk, in the cell viewed, was in poor condition.

Most prisoners who are brought to this facility need further follow up on their case, to be interviewed by the detective, or to verify warrants before transporting. Otherwise the prisoner is taken directly to the jail. They cannot put a juvenile and adult together. There is no visual or verbal contact between adults and juveniles. Those brought to this facility are documented in the log book and are checked on visually every thirty minutes unless they are under the influence of drugs or alcohol, then they are checked every fifteen minutes. Dispatch can verify tattoos, scars, etc. through their data base when identification is required.

Dispatch is located in main Police Department facility. They dispatch officers, fire, and medical depending on the situation. Fire is dispatched for someone who is having trouble breathing or chest pains. Riggs Ambulance Service performs as contracted Emergency Medical Technician (EMT) for the City. Dispatchers first get On-The-Job Training and a three week training course within the first two years of this job assignment. There are various shifts that cover Dispatch. The Grand Jury asked about breaks, lunch hours or evening meals. Three dispatchers are assigned per shift. Staff can leave to use the rest room and take a quick break but must not be far from the unit so that they are available to assist if necessary. They also eat meals at their desk. This does not allow them to take a break away from the unit. This is a high stress job and counseling is provided.

The Police Department has live cameras in the Merced area. There are four cameras downtown, four at new G Street under crossing, two at travel center, one at city hall and numerous cameras at the airport. The cameras have sensory operated (motion) recording so that if someone doesn't view an incident, the sequence can be replayed.

The Grand Jury spoke to the individual in charge of the Clerical Division. It currently has ten staff members. Three positions were lost in budget cuts. Staff staggers their start times between 7:00, 7:30 and 8:00 a.m. Some of the duties of this unit include typing up officer's reports, vehicle releases, document requests, monitoring switch boards, and answering questions from the public who come into the lobby. Officer's reports are prioritized by custody. Ninety eight per cent of the officers dictate their reports. Short reports can be prepared on face sheet forms. Sergeant's check face sheets before submitting to the clerical unit. The unit averages thirty reports a day but this varies by the length and depth of the report and does not include citations.

The tour covered all areas of the Police Department. As personnel in each division were interviewed staff appeared to be well trained, organized, professional, and efficient. That was enhanced by their friendly and courteous service. Every one interviewed portrayed a pride in what they were doing and with the department as a whole. The atmosphere was friendly and gave the impression that personnel were happy to work for the Merced Police Department. The overall condition of the facility was very clean and orderly.

As an addendum to the inspection, two Grand Jury members visited the separate warehouse facility where evidence is collected and stored. Every piece of evidence was logged, recorded and stored in containers by case number. Nothing was out of place. The storage system was extremely organized, efficient and each item was accessible and could be easily located.

We had a follow-up meeting with the Communications Supervisor on questions we had in regard to those assigned to Dispatch. The Supervisor has been in his current position for nine years and in the field for thirty years. He is on call 24/7 and is in charge of computers, mobiles and radios.

In our first tour of the Dispatch section of the Merced Police Department we were told that staff only take short breaks and usually eat meals at their desks. We asked the Supervisor about the issue of breaks and meals and their inability to leave the building during their shift. He stated

that the Memorandum of Understanding (MOU) covers these issues and employees are paid for their meal time hour. Because of staff shortages only one person is allowed off for vacation at a time. Dispatch is staffed 24/7 with a minimum of two employees and a maximum of three employees. Shifts can vary from four hours to twelve hours. They have a very flexible schedule. Dispatch personnel are not public safety officers. There are times when staff may have to stay past their normal shift assignment. This happens when a police Code 900 is implemented involving a shooting. Once the Code is lifted, staff can then be relieved from their current shift assignment.

Newly assigned dispatch staff are trained in-house first. Then they are sent to a three week Peace Officers Standard Training (P.O.S.T.) course designed specifically for dispatch personnel. Currently the Communications Supervisor and the lead are certified as P.O.S.T. trainers. Training at P.O.S.T. is completed within the first two years of employment. Dispatch staff must complete continued educational training every two years.

The Police Department provides critical incident debriefing. An employee can also request counseling. Counseling can be done city wide and is confidential. An assigned number is given to the individual through the Employee Assistance Program so that the name of the employee is kept confidential

There is a one year probationary period for dispatch staff. If the person is progressing in their training, a raise is usually given at six month and again at one year. A maximum of five annual step increases are allowed until the employee has reached the maximum level for each of two classifications, Dispatch I and II.

The Grand Jury asked the Supervisor what he would like to see added to Dispatch if it was within the budget. His response was technology and an upgraded radio system.

Following the Grand Jury visit, the Merced Police Department will be placing a purchase order for new mattresses for all eight beds in the holding cells. They are also looking into installing cameras in the holding cells for monitoring purposes.

Recommendation

The department should look into purchasing Forward Looking Infra-Red Radar and personal video cameras for their patrol units when budget allows.

The department should look into new technology and upgraded radio systems for their dispatch unit when budget allows.

Commendation

In light of budget and manning constraints the Merced Police Department stands above the rest and should be recognized as a source of pride in how limited resources can be put to the greatest use for the overall safety of the community.

Dos Palos Police Department Mandated Annual Inspection

Introduction

On February 8, 2012, the 2011-2012 Merced County Civil Grand Jury met with Dos Palos Police Chief, Barry Mann. The Grand Jury was there for a tour pursuant to California Penal code 925(a) and to review progress on two outstanding issues recommended by the 2010-2011 Grand Jury. We received satisfactory answers to our questions.

Findings

Issues addressed by the 2010-2011 Civil Grand Jury:

- 1) The entrance area to the police department is underutilized.
- 2) Continue police station remodeling as time and resources permit.

Entrance

The front entrance room has been painted. A desk with a computer for officers to write their reports and citizens to file complaints is now available. Four chairs have been provided for citizens to sit while they wait, and a table with informational pamphlets is available for the public to review or to take home.

Remodeling

The inside of the building has been painted and remodeled with the exception of the training room, which still is under renovation. Officers, including the Chief, do the building painting and repairs on their own time or when spare time is available. Due to the lack of funds to pay outside contractors, the work has progressed slower than expected.

Tour:

The Dos Palos Police Department operates with a Chief, and six officers, two are female. There are five reserve officers and three dispatchers. There are no Sergeants, Lieutenants or Captains. Due to personnel shortages, the Chief has to work extended hours. His responsibilities include being a School Resource Officer and an Animal Control Officer. The Chief puts in fifteen to sixteen hours a day, six days a week and sometimes seven days. Officers within the work force don't want to be promoted and outside prospects don't apply, due to the low pay not matching hours worked. Once again, the issue goes back to the lack of financial resources. Civilians that work as dispatchers, work 8 hours a day, have no breaks, eat at their work station and must attend a Police Officers Standards Training to be certified. Reserve officers must serve sixteen hours a month. Normal shifts for regular officers are four days a week ten hours a day. One

officer is assigned to the night shift. If an emergency arises during the night, there are no part time officers to assist the officer on duty. A unit from another agency could provide the help needed. Dos Palos Police Department's main source of revenue is through sales tax.

Chief Mann and another officer maintain the animal shelter. Animal control calls are answered by on duty officers. Animal control calls average about six thousand a year. There is no animal control unit in the city to take care of the dogs kept in the shelter. There is no animal control station to respond to calls coming in regarding loose animals. Chief Mann would like to turn this operation over to public works. Due to lack of funds, this can't be done. Since no one wants to take over this responsibility, there may not be an animal shelter next year or the year after. If animals were sent to another facility the Dos Palos Police Department would have to pay for their upkeep. Due to the financial strain, this is not an option. The K9 unit is still in operation, but one of the dogs, due to age, will be retired soon. A replacement is currently being trained.

The police station in Dos Palos does not have holding cells. They do not do any booking or hold anyone in the facility. Bookings are handled by the County. If a subject has to be incarcerated, they are taken to the Sheriff's Department main jail. Women are sent directly to the John Latorraca Correctional Center to be booked.

The Chief, officers, and dispatchers have a very good working relationship, their longevity speaks for itself. Local businesses and many citizens support the department in different ways, such as providing gifts to be raffled during a special event or working as volunteers.

Motion cameras have been installed throughout the city. Officers can listen to other districts in the county and throughout the city. If help is requested they can immediately respond.

Four police cars are fully equipped with computers, which makes it easier to respond to silent calls. Mechanical maintenance is done by two outside vendors; Paisanos and West Side Ford. Other car maintenance is done by the officers.

Recommendations

When time permits, the work-out room renovation should be completed. We recommend the 2012-2013 Civil Grand Jury revisit the Dos Palos Police Department to check the progress in renovating the exercise room.

We recommend that the Dos Palos Police Department try to find an alternate resource to handle the animal control issue.

Commendation

Chief Mann was very cooperative, polite, and accommodating. The Merced County Civil Grand Jury commends the efforts of the Dos Palos Police Department in trying to keep the city of Dos Palos a clean and safe place to live.

RIDE-ALONG REPORTS

RIDE-ALONG MERCED CITY POLICE DEPARTMENT (a)

A member of the 2011-2012 Merced County Civil Grand Jury recently participated in a Ride-Along program at the invitation of the Merced City Police Department.

During the routine patrol with the officer providing the ride-along, several incidents occurred that demonstrated the overall effectiveness and outstanding work of the Police Department. These incidents included:

- Response and investigation of a fatal shooting in which all on-duty police responded, as did several off-duty police officers who were called to the scene. The Merced County Sheriff's Office and Merced City Fire Units also responded.
- A fight between two males, one of which was transported for booking into jail.
- Investigation of a report by a homeless person that his collection of bottles and cans had been stolen.
- Break-up of a domestic violence argument.

Observations while on this ride-along showed a highly trained professional officer, with experience and determination to make Merced a safe place both day and night. They go about their business unseen by most of us, yet they are there when we need them, without hesitation. People that they come into contact with are treated with respect and dignity. It was impressive to see the coordinated teamwork displayed by all officers.

Personnel of the Merced City Police Department should be commended and we, as a community, should say "Thank you to all of them". The community should sleep better knowing that the City of Merced is under their watchful eye.

RIDE-ALONG MERCED CITY POLICE DEPARTMENT (b)

A member of the 2011-2012 Merced County Civil Grand Jury recently participated in a Ride-Along program at the invitation of the Merced City Police Department.

During the routine patrol with the officer providing the ride-along, several incidents occurred that demonstrated the overall effectiveness and outstanding work of the Police Department. These incidents included:

- Thorough inspection of assigned vehicle to ensure all equipment functioned properly.
- Response to possible theft reports, traffic stops for various vehicle violations (equipment issues, failure to stop at traffic lights, etc.), and possible suspicious persons.
- There were two incidents where an arrest was made and in both cases, the individuals were treated courteously and respectfully, but firmly.

In summary, the member of the Grand Jury had the opportunity to meet several Merced City Police Officers and was impressed with their professionalism and courtesy. Overall, the Grand Jury considers the Merced City Police Department a highly professional organization.

RIDE-ALONG MERCED CITY POLICE DEPARTMENT (c)

A member of the 2011-2012 Merced County Civil Grand Jury recently participated in a Ride-Along program at the invitation of the Merced City Police Department.

During the routine patrol with the officer providing the ride-along, several incidents occurred that demonstrated the overall effectiveness and outstanding work of the Police Department. These incidents included:

- A dispute between neighbors over a broken chair.
- A domestic dispute with an arrest for domestic violence. The wife was transported to the police station where the booking process was observed. She was then taken by another officer to the holding area at the John Latorraca Correctional Center.
- Talking with under age children roaming the streets close to the 10:00 p.m. curfew.
- Several traffic and pedestrian stops.

Merced City Police officers are well trained to protect themselves while protecting the citizens of Merced. Good deeds of the Police Department are rarely praised while trouble within the department is publicized.

The Merced City Police Department needs and solicits public support through many public awareness programs. The Grand Jury recommends that private citizens ride with an officer to observe the many varied daily activities of a routine patrol.

RIDE-ALONG MERCED CITY POLICE DEPARTMENT (d)

A member of the 2011-2012 Merced County Civil Grand Jury recently participated in a Ride-Along program at the invitation of the Merced City Police Department.

During the routine patrol with the officer providing the ride-along, several incidents occurred that demonstrated the overall effectiveness and outstanding work of the Police Department. These incidents included:

- Observation of the K9 Unit and the specially trained officer assigned. Several burglar alarm calls were investigated.
- A call for family disturbance where marijuana was involved. The husband had a medical marijuana card, and the wife was transported to the hospital.
- Three stops to check out bike riders and pedestrians. The officer found one man was a parolee, and cited him for marijuana possession.
- Officer observed an individual that could possibly be a gang member, however no arrest was made.
- Stop for two gang members walking in the country area. The officer believed he saw one member throw a gun over a fence. Another officer was called but they could not find the gun.

Officer was very good at the job, with a very nice attitude and always approached citizens with a greeting. All stopped, smiled and talked to the officer and did not have a negative attitude toward him.

RIDE-ALONG ATWATER CITY POLICE DEPARTMENT

Two members of the 2011-2012 Merced County Civil Grand Jury recently participated in a Ride-Along program at the invitation of the Atwater City Police Department.

During the routine patrol with the officer providing the ride-along, several incidents occurred that demonstrated the overall effectiveness and outstanding work of the Police Department. These incidents included:

- Several stops were made relating to parole violations
- Vehicle maintenance issues
- Domestic disturbance incidents

Although the Atwater City Police Department is a well disciplined, highly proficient agency with exceptionally well trained personnel, there are areas where improvement can and should be made. The Dispatch Division should have "Live Scan" capability available as soon as possible. This is a vital element to effective police work and would save time that is being expended to research files.

Vehicles, trailers, and other equipment are stored in an unsecured area open to the public. Although there is camera surveillance, it cannot cover all areas of the parking lot and requires constant attention which distracts dispatch personnel. This can leave the area unsupervised in cases of intense activity.

Additionally, a budget line item should be initiated to accumulate monies for the procurement of a trained drug dog with handler for the department. It is inconceivable that the City of Atwater has to rely on outside resources for the detection and control of dangerous drugs.

We recommend Homeland Security grant money be applied for to purchase and install a "Live-Scan" system, and to finish enclosing the parking lot used for equipment storage. This could pose a very credible and dangerous threat to any emergency response if the vehicles had been vandalized.

RIDE-ALONG MERCED COUNTY SHERIFF'S DEPARTMENT

Two members of the 2011-2012 Merced County Civil Grand Jury recently participated in a Ride-Along program at the invitation of the Merced County Sheriff Department.

During the routine patrol with the deputy providing the ride-along, several incidents occurred that demonstrated the overall effectiveness and outstanding work of the Sheriff Department. These incidents included:

- A joint effort executed with State, County and local agencies to close down an illegal drug operation.
- Dispatched to a private residence in Merced to apprehend a suspect involved in illegal activities.
- Observation of the booking process at the County Detention facility at John Latorraca Correctional Center.

An onboard computer system provides instant details of activities. It also allows the officer to access data at their fingertips. The system allows for cross-talk between patrolling officers and immediate status of any occurring incident, which makes for quick back-up as required. Calls are coded, logged at Dispatch, and appear on the in-car screen in real time. Response and the number of officers can then be determined and acted upon.

Sheriff Deputies are required to operate without the latest onboard computer technology. This technology would greatly enhance the outstanding current operations of the Sheriff Department.

Staff are very professional, friendly and more than willing to answer all questions as they were presented. The camaraderie amongst the officers is commendable; the term "Got your back" is deeply respected and used to continually assist each other as needed.

Although the Merced County Sheriff Department is a well disciplined, highly proficient agency with exceptionally well trained personnel, there are areas where improvement can and should be made. The Dispatch Division should have "Live Scan" capability available as soon as possible. This is a vital element to effective police work and would save time that is currently being expended to research files, a valuable tool when time is critical.

Recommend Homeland Security grant money be applied for purchase and install a "Live Scan" system.

RESPONSES TO THE 2010-2011 FINAL REPORT



December 15, 2011

The Honorable Marc Garcia
Presiding Judge of
the Superior Court
670 West 22nd
Street
Merced, CA 95340

Re: Response to Grand Jury

Report (2010 - 2011) Dear Presiding

Judge Garcia:

The Merced Irrigation District ('District') recently received a copy of the 2010 - 2011 Merced County Civil Grand Jury Final Report. During the course of the Grand Jury's work over the past year, it received a complaint alleging the use of District resources to clean a portion of a privately owned ditch.

During the growing season, it is important to ensure that water is made available where, and when it is needed. The District and all of its employees endeavors to be responsive to the time sensitive needs of its growers, and provide the best service to District ratepayers as is possible. While it is true that District resources were used to clean a small portion of this ditch, the revenue garnered through vital water sales in a water abundant year on this ditch greatly exceeded the minimal resources required to clean the ditch and safely convey water for sales revenue. Additionally, the ditch in reference is directly connected to a vital District canal and there were

canal system safety concerns due to the weed over growth in the ditch in question. The Grand Jury report correctly concludes that no favoritism was afforded.

December 15, 2011

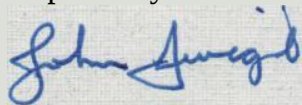
Efforts will be made to obtain reimbursement from the cleaning of the ditch in question. Efforts will also be made to keep landowners better informed of their individual responsibilities regarding private and District facilities to ensure prompt, reliable and safe water delivery service.

Ultimately, the District services an area that encompasses more than 200 square miles in the Merced and Mariposa Counties. Much of this system is over 100 years old and public and private facility ownership overlaps throughout. It is a challenge to track right of way and easements with absolute accuracy. While challenges will continue to exist, the District will continue to work to ensure that the best possible service is provided to ratepayers in a fair, efficient and cost effective manner.

In closing, I feel it important to note that the Grand Jury's report indicates that part of its investigation included MID Board member interviews. While the other Grand Jury investigation efforts appear accurate, its assertion that MID Board members was interviewed is untrue. The implication from the report is that the entire Board was interviewed, however none of the District's Board members recall ever being contacted, much less questioned in any way. I encourage the Grand Jury to schedule appointments with any of the District's Board members should there be any future investigations, and my office and staff would be happy to assist in making those arrangements.

The District appreciates the opportunity to provide these comments and thanks the Grand Jury for its efforts and recommendations. Please feel free to contact me if there are any other questions or concerns.

Respectfully submitted,



John Sweigard
General Manager

Cc: Barbara Ellington, Merced County Grand Jury Foreman
Larry T. Combs, County Executive Officer

Merced County Office of Education



Steven E. Gomes, Ed. D., Superintendent

Equal Opportunity Employer

November 2, 2011

The Honorable Marc Garcia
Presiding Judge, Civil
Grand Jury Merced
County Superior Court
P.O. Box 2034
Merced, CA 95344

Re: Response to Merced County Civil Grand Jury Report 2010-2011
(Complaint 10-11-06)

Dear Judge Garcia:

This letter serves as the formal response of the Merced County Office of Education ("MCOE") to the findings from Complaint No. 10-11-06 in the Merced County Civil Grand Jury's Final Report for 2010-2011. I take the safety and well-being of Merced County's students very seriously and therefore appreciate the Grand Jury bringing to my attention the issue of improving child abuse reporting practices among the school districts in Merced County. After receiving the Grand Jury's letter, I met with the twenty school district superintendents in Merced County and the Director of the Merced County Human Services Agency to discuss developing protocols that would increase school employees' awareness of (1) their obligations as mandated reporters and (2) the procedures for reporting suspected child abuse or neglect.

In the response below, some findings and recommendations that address a single, broad area of concern (e.g., inadequate training) are responded to collectively:

I **Finding and Responses to Findings**

Finding No. 1

The Merced County Civil Grand Jury discovered that it is unclear to both the school administrators and to CPS just who is required to provide training for Mandated Reporters or

how much training should take place. Among some school district personnel, there is confusion regarding who constitutes a mandated reporter.

Finding No. 2

The Civil Grand Jury discovered through interviews with the administrators and staff at schools throughout Merced County that there were inconsistencies in training available to all school staff designated as Mandated Reporters. Our interviews with administrators included all levels of education from elementary through high school.

Finding No. 3

The training of Mandated Reporters in schools or elsewhere is not considered by Child Protective Services ("CPS") to be their responsibility. They do not contact the school administrators within Merced County to arrange for training session [sic] for the schools staff. They do conduct training sessions for a school if requested to do so. However, these training sessions are considered by some of the attendees to be too brief and/or unsatisfactory.

Finding No. 4

The administrative staff in more than one school was unaware of their obligation to train their staff in Mandated Reporting. Many administrators require incoming staff to read and sign a document designating their responsibility as a Mandated Reporter. However, there are no explanations or guidance to help staff determine what to do, or even know the process to complete the report form.

Response to Finding Nos. 1-4

The Grand Jury's report does not provide sufficient information to allow MCOE to agree or disagree with particular findings made regarding level of training in child abuse reporting provided at the various school districts in the County. However, MCOE agrees that all mandated reporters should be aware of their obligations and be sufficiently trained to recognize when a report must be made.

As a result of the meetings I held with the school superintendents in Merced County and the Director of the Human Services Agency, we concluded that the most effective way to improve the training and establish consistent reporting protocols would be for MCOE and the Merced County Human Services Agency to collaborate in producing training materials for the County's school districts, such as a video on mandated reporter obligations and reporting procedures.

Additionally, MCOE will make available to all school districts a wallet-sized reference card which lists mandated reporter requirements and contact information. At MCOE, we will

distribute the cards to employees with their paychecks to ensure that every mandated reporter receives a copy of this reference card.

Finding No. 5

The Civil Grand Jury also learned that by state law, a Mandated Reporter must file a written report to CPS within 36 hours of making a verbal report. CPS in turn, and by law, must send a written report to the Mandated Reporter within 30 days of receiving the written report. The Civil Grand Jury determined that there are inconsistencies in responding by CPS caseworkers. Often a response to the Mandated Reporter by the caseworker is a printed form with a check list but no written response.

Finding No. 6

The Jurors found through our interviews that CPS caseworkers are not willing to maintain contact with school staff CPS claims that confidentiality must be maintained.

Response to finding nos. 5-6

MCOE does not have sufficient information to agree or disagree with these findings because the findings relate to the internal operating procedures of CPS, not MCOE. However, MCOE agrees that finding ways to improve CPS's reporting protocols and responsiveness is an important priority and will contact CPS to discuss these issues.

Finding No. 7

One school district, where we interviewed, has contracted with a social worker who is available two days a week on the three school campuses. The school district contracts through Merced County Department of Education who contracts with the social workers. This program is paid for by the school district. The administration and staff believe that this program is beneficial to the students and to the school climate. The district also offers a parenting program to assist parents in working with their children.

Response to Finding No. 7

The County Office does not have sufficient information to agree or disagree with this finding as the district in question is not identified in the Grand Jury's report.

II Recommendations and Responses to Recommendations

Recommendation No. 1

The Merced Civil Grand Jury recommends that all school administrators in each school district within Merced County become familiar with the state laws regarding Mandated Reporters. We also suggest that they become knowledgeable in the complete realm of Child Protective Services. The administrators need to establish consistent and educational training sessions for all staff involved as Mandated Reporters. The Merced Civil Grand Jury extends these recommendations to all organizations that provide services to youth.

Recommendation No. 2

The Mandated Reporters need to be better informed of their responsibilities. They need to be able to determine when to contact CPS, and they need to feel comfortable in completing the required written form. In order to achieve this goal, a GOOD training program needs implementation.

Recommendation No. 3

Current training for Mandated Reporters is grossly inadequate. Child Protective Services is in a unique position to provide a comprehensive training program that follows state guidelines and should include updated and relevant videos, hands-on training, and other related materials.

Response to Recommendation Nos. 1-3

As described in the Response to Finding Nos. 1-4, above, MCOE is in the process of implementing each of these recommendations. MCOE will encourage each school district within the county to monitor and enforce its mandated reporter obligations. Additionally, MCOE will collaborate with the Merced County Human Services Agency to encourage other organizations that provide services to youth to monitor and enforce its mandated reporter obligations. While MCOE can assist the individual school districts in improving their child abuse reporting, MCOE does not have the authority to enforce compliance by these districts.

Recommendation No. 4

The Civil Grand Jury recommends that Child Protective Services personnel be more willing to communicate with the Mandated Reporters, especially those people who interact daily with the child involved. CPS must be more responsive to the Mandated Reporter without revealing confidential information. The check list is inadequate when the Mandated Reporter needs insight to help the child in the school environment.

Response to Recommendation No. 4

This recommendation is outside the scope of MCOE's jurisdiction to monitor or enforce. A response to this recommendation should properly come from CPS.

Recommendation No. 5

The Civil Grand Jury requests that school district administrators in all of the county school districts consider contracting for an on campus social worker service. Services to families and children involved would be greatly improved by such a program. Also, implementing other programs, such as parent education, would be beneficial for parents and students of all ages. We realize there are severe budget cutbacks but perhaps grants or other funding is available.

Response to Recommendation No. 5

The recommendation requires further analysis to determine the particular nature of the contract for the on-campus social worker, its cost, and its effectiveness as well as the cost of other programs such as parent education. In a time of diminished school district budgets, each individual school district would need to determine whether there are funds available for these programs and services and where those expenditures would fit within their individual budget priorities. MCOE is unaware of any grant funding available for such a purpose.

III. Conclusion

I appreciate the time and effort the Grand Jury has put into reviewing the effectiveness of the County's mandated reporter training and reporting protocols. The information provided by the Grand Jury will prove helpful in improving school employees' knowledge and ability to report suspected child abuse or neglect.

If you have any questions or if I can be of any assistance, please do not hesitate to contact me.

Sincerely,

STEVEN E. GOMES, Ed.D.
Merced County Superintendent of Schools

SEG/yc

cc: Ana Pagan, Merced County Human Services Agency

Board of Supervisors

John Pedrozo
Supervisor, District One

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

Linn Davis
Supervisor, District Three

Deidre F. Kelsey
Supervisor, District Four

Jerry O'Banion
Supervisor, District Five

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County Executive Officer

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MERCED --**COUNTY**

September 27, 2011

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

RE: Board of Supervisors Grand Jury Response Dear Presiding Judge McCabe:

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

Mandated Inspections — John Latorraca Correctional Facility and Main Jail

The Grand Jury conducted an inspection of the John Latorraca Correctional Facility at 2584 W Sandy Mush Road and Main Jail at 700 West 22nd Street, both located in Merced. The Grand Jury recommended filling a vacant commander position, assigning two officers per shift to duty in the control room, updating some monitoring equipment and for the Board of Supervisors to consider funding to replace or renovate the current dorms.

Due to local economic conditions, Merced County has been experiencing financial challenges which have significantly affected all areas of county services. For the Fiscal Year 2011/2012, the County Executive Office budget instructions included a 20% reduction of General Fund for all county departments. In order to achieve this reduction, the Sheriffs plan included closing the Main Jail facility which had a capacity of 170 beds. An alternative was developed that kept open two cell blocks (80 beds) of the Main Jail which the Board approved on August 9, 2011.

The Merced County Board of Supervisors respects the men and women who serve in Corrections for their dedication, and the Board understands the needs of the County public safety agencies, particularly during these difficult fiscal times. The current fiscal situation is very serious for the County of Merced and public safety departments have been affected as well as other county services. The Board intends to continue working with the Sheriffs department to most efficiently provide the necessary services to County residents.

Mandated Inspections — Iris Garrett Juvenile Justice Correctional Complex

The Grand Jury conducted a mandated inspection of the Iris Garrett Juvenile Justice Correctional Complex, located at 2840 W Sandy Mush Road, in Merced. The Grand Jury was satisfied with their visit to the facility.

The Merced County Board of Supervisors commends the men and women who serve at the Juvenile Correctional Complex and is proud to have such dedicated public safety staff.

Complaint 10-11-06

The Grand Jury investigated a complaint regarding Child Protective Services (CPS) and their services to children and mandated reporters. The Grand Jury reported that it was unclear to school administrators and to CPS as to who is responsible for providing training for mandated reporters and how much training should take place. The report also indicated that CPS caseworkers were not maintaining contact with school staff and that CPS staff should communicate more with mandated reporters. It was recommended that school administrators in each school district become familiar with the state regulations regarding mandated reporters and for those school administrators to become more knowledgeable of the realm of CPS.

Response

Pursuant to California Penal Code Section 11166, teachers, school employees, as well as other professionals and lay persons are required to report known or suspected child abuse to the proper authorities. Penal Code Section 11166.5 further clarifies that the employer of the person entering employment is responsible for training the employee which means school employee training is the responsibility of the school district. Although confidentiality is requisite, CPS does provide feedback to mandated reporters after an investigation is completed or once it reaches final disposition through issuance of a State form. This permits mandated reporters to know that the matter has been looked into and services provided. The Board acclaims and respects the efforts of CPS caseworkers and other mandated reporters in their diligence to ensure the safety of children and in their cooperation with other agencies.

Complaint 09-10-27

The Grand Jury investigated a complaint regarding the Merced County Fire Department and its management practices. The Grand Jury found some allegations to be unfounded and unsubstantiated but reported that there was not enough supervision, discipline and training being provided for a Division Chief. The Grand Jury recommended that management training be provided to all levels of County Fire supervisory positions, that specialized management skills training are a requirement for all newly appointed Chiefs and that continuing education be a requirement for veteran Chiefs.

Response

The Board of Supervisors encourages the County Fire Chief to work towards ensuring that the described management training needs are met and that management resources are made available as needed for department management. The Merced County Board of Supervisors commends the men and women who serve at the Merced County Fire Department and is proud to have dedicated public safety staff.

Conclusion

Funding to counties has been significantly reduced during these past few years as a result of the dismal economy and fiscal situation. Due to our local economic conditions, as well as ongoing statewide budget deficits, Merced County is expected to continue to experience financial difficulties in upcoming fiscal years. The County is taking steps to reduce its structural deficit in a number of areas while remaining fiscally stable.

While reducing operations and services to remain fiscally stable, the Board will continue to make every effort to ensure that County departments are operating effectively as possible and in accordance with public policies. In closing, the Board of Supervisors thanks the Grand Jury for its efforts and appreciates its responsibilities to provide thoughtful recommendations to improve our County and community.

Respectfully Submitted

John Pedrozo, Chairman Board of Supervisors

Barbara Ellington, 2010-2011 Merced County Grand Jury
Foreman Larry T. Combs, County Executive Officer

STATE OF CALIFORNIA - DEPARTMENT OF CORRECTIONS AND
REHABILITATION

EDMUND G. BROWN
JR, GOVERNOR

CORRECTIONS STANDARDS AUTHORITY

600 Bercut Drive
Sacramento, CA 95811
916-445-5073

www.cdcr.ca.gov/Divisions Boards/CSA



October 5, 2011

Gary Brizzee, Chief of Police Los Banos Police Department 945 5th Street
Los Banos, CA 93635

Dear Chief Brizzee:

2010 - 2012 BIENNIAL INSPECTION — PENAL CODE SECTION 6031

On September 22, 2011, Corrections Standards Authority (CSA) staff conducted the 2010-2012 biennial inspection of the Los Banos Police Department jail facility pursuant to Penal Code Section 6031. In addition, CSA staff conducted compliance monitoring pursuant to the federal Juvenile Justice and Delinquency Prevention Act (JJDPa) for the secure detention of minors.

Your agency was represented by Commander Chet Stygar, who participated in prior inspections and is well versed in the documents and procedures to be examined. As a result, your agency was well prepared for the inspection. We also appreciate the opportunity to meet with you personally to discuss the issues surrounding your facility.

Inspections of this nature create significant demands on resources already overburdened by the day-to-day operation of the facilities. We appreciate you and your staffs focus and availability during the entire process. All personnel involved in the process were courteous, knowledgeable and professional.

The inspections were preceded by a desk audit of the Policy and Procedures Manual. During the inspection, a review of documentation was conducted to verify that practices follow written procedures. Finally, a walk-through of the physical plant was completed.

The complete CSA inspection report is enclosed and consists of:

- This transmittal letter;

- Inspection Cycle Information sheet identifying the facility and listing any areas of noncompliance;
- A Procedures Checklist outlining applicable Title 15 sections for the facility;
- Physical Plant Evaluation for the facility outlining Title 24 requirements for design; and,
- Living Area Space Evaluation summarizing the physical plant configuration for the facility.

We encourage continuing the practice of maintaining a permanent file for historical copies of all inspections. This file should be the first point of reference when preparing for all future inspections.

Local Inspections

In addition to a biennial inspection by the CSA, inspections are also required annually by the County Health Officer and biennially by the State Fire Marshal or an authorized representative (Health and Safety Code Sections 101045 and 13146.1). Please consider our report in conjunction with the reports from the County Health Officer and the State Fire Marshal for a comprehensive perspective of your facility.

LOCAL INSPECTIONS

	Fire	Medical / MH	Environmental	Nutritiona
Los Banos City	04/02/2011	02/02/2011	02/02/2011	04/05/2011

CSA Inspection

PHYSICAL PLANT:

The Los Banos was constructed in 1969 and evaluated as a Type IJ facility under the 1963 Title 24 (Building) standards that were in effect at the time of original construction. No significant remodel has occurred since it opened. The facility occupies a section of the Police Headquarters and shares a wall and glass window with the Dispatch Center (dispatchers are supplemental correctional officers). The housing area consists of 6 linear-style multiple occupancy cells and a sobering cell. Despite its age, the facility is clean and appears well maintained.

The Rated Capacity is 20 inmates. At the time of the inspection, no inmates were housed, which is not unusual. Average daily populations range from 3-6 inmates but inmates are frequently removed to the County Jail. The facility serves as a receiving station for state agencies and local police departments in addition to Los Banos **PD** bookings. The city and jail

are remotely located but are near local recreation areas and two major highways. By accepting bookings from allied agencies, the Los Banos jail prevents inconvenient drives to the county jail by several agencies. Until recently, the Merced County Sheriff used the jail for court holding space. Currently, no court holding inmates are housed.

Local inspections are current and no deficiencies were noted. Regarding the physical plant, no areas of non-compliance with applicable regulations were noted.

POLICY, PROCEDURE AND PRACTICES:

Staffing: Sworn allocations for the facility consist of 1 manager (also assigned to other duties) and 4 Community Service Officers (CSO) working 10-hour overlapping shifts. All full-time CSO's are CORE trained (1 part-time CSO is not yet trained). Wherever possible, the agency has cross-trained all CSO's and dispatchers to serve in either assignment. As of the inspection date, 4 of 10 dispatchers have received CORE training and perform jail duties as needed. By practice, the jail often declines new bookings when the staffing level falls below the agency minimum (1 CSO or trained Dispatcher).

Practices: During our inspection we reviewed relevant policy, procedures and supporting documentation. Document review included security logs, local inspection results, maintenance logs, inmate screening, and shift schedules. No grievances, disciplinary actions or safety cells logs were initiated during this inspection cycle. Special attention was given to high risk / low incidence events such as use of restraints and sobering cell placement. Events driven by time limitations, such as security checks, visiting, etc, occurred well within prescribed limits and event documentation was thorough and informative. Security issues appeared adequate and within regulation.

Staff was interviewed to reconcile procedures against policy. No variances were noted. The following areas of non-compliance were noted:

Title 15 Section 1023 — Jail Management Training: This regulation requires all jail management personnel to complete either the STC or the POST management course within one year of assignment. At the time of the inspection, the facility manager had exceeded one year in that position and had not yet completed the required classes.

Title 15 Section 1024 — Continuing Professional Training: This regulation requires all custody personnel of selected types of facilities (applicable to Type I facilities) to complete annual training (24 — 40 hours, depending on position) as required by Title 15 Section 184 no later than June 30 of each year. At the time of the inspection, no relevant staff member had completed mandated annual training.

Juvenile Issues: We reviewed policy, procedures, practice and supporting documentation related to the requirements of Title 15 Article 9 — Minors in Custody in a Law Enforcement Facility. Minors in secure custody are housed in reserved cells in the jail, sight and sound separated from other detainees. Minors held in non-secure detention are detained in unlockable

interview rooms outside the secure perimeter of the facility.

Secure and non-secure detention logs were examined to insure compliance with applicable Title 15 and JJDPa mandates. The following item of non-compliance was noted:

I Facilities are assessed against Title 24 requirements in place at the time of design or significant remodel to the jail area.

Title 15 Section 145 — Decision on Secure Detention: This regulation requires that secure detention only be applied to minors in custody for offenses described by WIC Section 602, who presents a serious security risk, and is at least 14 years of age. Our examination of the detention records determined that a 13-year old detainee was held in secure detention for 47 minutes.

We strongly encourage continued management oversight related to the detention of minors as compliance with WIC Section 207.1(d) and Title 15, Article 9 regulations is required to maintain suitability for the secure confinement of minors in law enforcement facilities.

Corrective Action Plan

Please provide a plan for correcting the deficiencies identified above.

Once corrections have been made we will update our records to indicate compliance and provide an updated Inspection Cycle Information Sheet indicating only those remaining issues of non-compliance.

This concludes this portion of our inspection report for the 2010 - 2012 inspection cycle. We would like to thank all staff involved in the inspection process for the hospitality and courtesy they extended during the visit. If you have questions, concerns, or if we can be of any assistance to you, please contact me at (916) 323-2613, or email at steve.keithley@cdcr.ca.gov.

____ Sincerely,

STEVE KEITHLEY

Field Representative

Facilities Standards and Operations Division

Enclosures

cc: City Administrator, City of Los Banos*

Chair, City Council, City of Los Banos*

Presiding Judge, Superior Court, Merced

County* Grand Jury Foreman, Superior Court,

Merced County* Commander Chet Stygar, Los

Banos Police Department

* Copies of this inspection report are available upon request.



Los Banos

*At the Crossroads of
California*

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July 22, 2011

The Honorable Marc Garcia
Presiding Judge of the Civil Grand Jury Merced
County Superior Court
PO Box 2034
Merced, CA 95344

Subject: 2010-2011 Grand Jury Report

Dear Honorable Judge Garcia,

The City of Los Banos has received and reviewed the 2010-2011 Merced County Civil Grand Jury Report and responds to the following complaints and jail inspection:

- 09.10.09
- 09.10.13
- 10.11.03
- Los Banos Police Department Jail Inspection

The City of Los Banos appreciates the hard work and diligence demonstrated by the Civil Grand Jury. Please find enclosed the staff responses regarding the subject complaints and jail inspection.

Sincerely

Steve Rathty
Manager

cc: Mayor and Council Members
Police Chief Gary Brizzee
Redevelopment Agency Director Elaine Post Accounting and Budget Supervisor Sonya Williams

Enclosures



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July 22, 2011

The Honorable Marc Garcia
Presiding Judge of the Civil Grand Jury Merced
County Superior Court
PO Box 2034
Merced, CA 95344

Subject: 2010-2011 Grand Jury Report — Complaint 09.10.09

Dear Honorable Judge Garcia,

The City of Los Banos has received and reviewed the 2010-2011 Merced County Civil Grand Jury Report. I am pleased that after review, the Grand Jury found the City of Los Banos, Council Members, and staff acted correctly regarding funding and construction of the Los Banos Community Center.

In reference to the Grand Jury's comment regarding the City of Los Banos' Police and Fire Departments' elimination of personnel, these two departments fall under the Los Banos City General Fund while the Los Banos Redevelopment Agency is a separate fund that operates independently of the City. Public Safety job losses were not affected by the construction of a Redevelopment Agency bond funded project.

Regarding the Grand Jury's recommendation concerning the bond reserve fund and semi-annual reviews, the Trustee at US Bank performs an annual reserve requirement calculation. The calculation that was performed in 2009 did not account for the payback of Guaranteed Investment Contract (GIC) principal. The calculation did not include a "Parity Calculation" of all the Redevelopment Agency Tax Allocation Note Reserves and therefore created a discrepancy between the amount on account with US Bank and the overall reserve requirement. The Trustee has invoiced the City for the amount necessary to comply with the Bond Reserve Covenant; the City sent the amount that was invoiced by the US Bank. As an additional procedure, the City will perform its own annual reserve requirement calculation in order to ensure compliance with the bond covenant.

Sincerely,

Elaine Post
Redevelopment Agency Director



Los Banos

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July 22, 2011

The Honorable Marc Garcia
Presiding Judge of the Civil Grand Jury
Merced County Superior Court
PO Box 2034
Merced, CA 95344

Subject: 2010-2011 Grand Jury Report — Complaint 09.10.13

Dear Honorable Judge Garcia,

The City of Los Banos has received and reviewed the 2010-2011 Merced County Civil Grand Jury Report. I am pleased that after review the Grand Jury determined that the Los Banos Police Department properly managed the embezzlement investigation. As a point of clarification, the Los Banos Police Department sent their completed investigation to the State of California Department of Justice for review, prior to it being submitted to the Merced County District Attorneys Office. The Department of Justice and the Merced County District Attorneys Office approved and commended the excellent work done by our Police Department staff.

In response to your recommendations, the Finance Department diligently implemented several controls and procedures to help ensure cash handling issues do not occur. All recommendations made by the City's auditors regarding their findings have been implemented. These new procedures enable staff to maintain a more efficient and effective accounting system. Our current auditors, Maze & Associates, have monitored the previous findings and have not found any improprieties.

Sincerely,

Sonya Williams
Accounting & Budget Supervisor



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July 22, 2011

The Honorable Marc Garcia
Presiding Judge of the Civil Grand Jury
Merced County Superior Court
PO Box 2034
Merced, CA 95344

Subject: 2010-2011 Grand Jury Report — Complaint 10.11.03

Dear Honorable Judge Garcia,

The City of Los Banos has received and reviewed the 2010-2011 Merced County Civil Grand Jury Report, specifically complaint 10-11-03, regarding the Los Banos Neighborhood Stabilization Program (NSP).

We are pleased the Grand Jury, after investigating, found that the City followed all federal and state rules and regulations in providing this program to the public and understands the time constraints and constant changes made by the State which created circumstances that may have caused misunderstanding by the general public.

The following are clarifications regarding the overall findings:

1. The report states that the City only purchased homes with its funds. It should be noted the City purchased, rehabbed, and then provided soft seconds to qualified buyers.
2. With permission from the State, the City purchased only one home from an area outside the primary NSP identified areas; Habitat for Humanity purchased several in Target Area 3 that were very inexpensive and required extensive rehab, which was their primary intent.
3. Before starting this program, local real estate offices listed in local telephone books and online were contacted to attend an NSP orientation. City Council meetings, the local television Channel 96, local newspaper and electronic messages were used for outreach as well. Once a realtor attended an orientation workshop or made contact with staff for an individual orientation, they were placed on an NSP email list. If this type of program is offered in the future, staff will add direct mailing to their list of communication resources.
4. The Redevelopment Agency (RDA) Director, NSP Advisor, and one local broker were involved in the hiring of the real estate agent; the City Manager was not involved in the hiring of the real estate agent.

5. Regarding the hiring of a local realtor, the City released an invitation to respond following Federal guidance pertaining to the Small Purchase Procurement Method. The State HCD Representative advised the City to solicit at least ten (10) to fifteen (15) realtors. The "Invitation to Respond" was emailed on July 26, 2010 to REALTORS, as identified on CAR website, who had attended an NSP orientation and/or expressed interest in providing services for the City. Of the fifty-six (56) realtors found in Los Banos, eighteen (18) were sent an email invitation to respond, and of those, eight (8) responded. Screening was performed at the Merced County Association of Governments (MCAG) office by MCAG staff using five basic questions.

Jeanette Garcia, MCAG; a broker with Coldwell Banker Kaljian; and Elaine Post, RDA Director, comprised the review panel. The broker's employer was not considered in the selection. The consideration given to the broker was due to their experience as a broker and the respect given from other local realtors. Had there been a conflict of interest as implied, the broker would have been asked to step down from the process. Following the careful review of the top two candidates, it was decided both were excellent candidates and it was left up to City staff to decide which of the two would be selected. Of the two, the other was also a broker and extremely busy; there was concern that NSP related work might be handed off to support staff rather than the personal attention desired. Ultimately, the realtor that the City chose had already participated in the NSP program, thereby offering tangible experience and had received recommendations from home buyers regarding their care and attention.

6. While it was not intentional, we do understand that the public may perceive preference was given in the hiring of the NSP realtor. To prevent this type of misunderstanding in the future, City staff will work to ensure co-workers are not used on interview panels when hiring contractors of this sort.

Sincerely,



Elaine Post
Redevelopment Agency Director



Los Banos

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July 22, 2011

The Honorable Marc Garcia
Presiding Judge of the Civil Grand Jury
Merced County Superior Court
PO Box 2034
Merced, CA 95344

Subject: 2010-2011 Grand Jury Report — Los Banos Police Department and
Jail Mandated Inspection

Dear Honorable Judge Garcia,

The City of Los Banos has received and reviewed the 2010-2011 Merced County Civil Grand Jury Report.

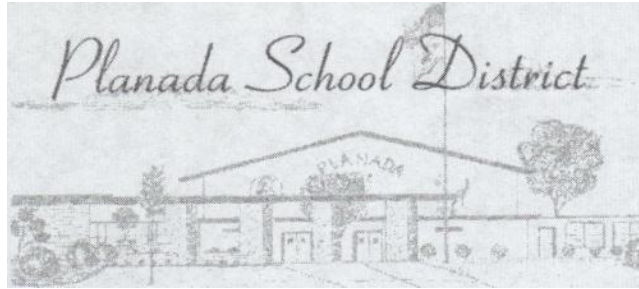
The Police Department's Dispatch Center currently utilizes four (4) 48" flat screen televisions and twelve (12) 19" computer monitors. The televisions are used by all dispatch staff to monitor surveillance cameras and related intelligence programs. In addition, each of the three (3) dispatch stations currently house four (4) 19" computer monitors for dispatching duties.

The Police Department continues to search for funding to replace the back-up power generator. Until that time, we inspect and test the generator twice monthly. Additionally, the Police Department employs a "Standby Power Systems" company every year to thoroughly inspect and "load test" the backup generator.

Respectfully,

Gary Krile
Police Chief

Planada Elementary School
Richard Lopez, Principal
9525 E. Brodrick Street
Planada, CA 95365
(209) 382-0272 Fax (209)382-0113



Cesar E. Chavez Middle School
Ildefonso Nava, Principal
161 S. Plainshurg Road
Planada, CA 95365
(209) 382-0768 Fax (209)382-0775

September 11, 2011

The Honorable Marc Garcia
Presiding Judge, Civil Grand Jury
Merced County Superior Court P.O.
Box 2034
Merced, CA 95344

Re: Response to Merced County Grand Jury Report 2010-2011

Dear Judge Garcia:

Pursuant to Penal Code Section 933 and 933.05, the Governing Board of the Planada Elementary School District hereby responds to the findings regarding Complaint No. 10-11-02 in the Merced County Civil Grand Jury's Final Report for 2010-2011. Neither the Board nor District received a copy of the Report from the Grand Jury or Superior Court, but become aware of the Report through secondary sources. Notwithstanding this oversight, the Board responds as follows:

Finding No. 1

The Civil Grand Jury finds that while the school board of trustees has the final decision concerning employment of individuals for the school district, the school superintendent recommends individuals for employment. This is done following completion of application forms, written tests and interviews. The board members do not participate in the selection process. When a prospective employee, or an employee to be released from a position, is related to a board member, that board member abstains from voting.

Response to Finding No. 1

The District agrees that this finding generally describes the employment process in the District. In employment situations uniquely affecting a relative of a board member, the District follows Education Code section 35107(e) which requires that the board member abstain from voting. In addition, there are particular situations involving the employment of a spouse of a board member which prevent the board from acting at all pursuant to Government Code section 1090. No recommendation was made in regard to this finding

Finding No. 2

The Civil Grand Jury finds that the issue of nepotism is clearly addressed in the Board of Trustees Policies and Procedures. However, taking into consideration that Planada is a small community and many of its residents are related, there is a high probability of relatives being employed by the school district.

Response to Finding No. 2

The District agrees with this finding. The District maintains a policy prohibiting employment of relatives in positions where an immediate family member maintains supervisory or evaluation responsibilities over a relative. The policy does allow for employment of relatives community such as Planada. Specifically, Board Policy 4112 in a non-supervisory or evaluation capacity in recognition of the limited applicant pool in a small community such as Planada. Specifically, Board Policy 4112.8 provides:

In order to preclude situations which could bring about a conflict of interest for members of the administrative staff, an employee shall not be appointed to a position where a member of his/her immediate family maintains supervisory or evaluation responsibilities for the position. Immediate family members may be employed at the same department or work location with the approval of the Superintendent or designee. No recommendation was made in regard to this finding.

Finding No. 3

During the interview process, the Civil Grand Jury became aware of two separate occasions that a board member verbally reprimanded district employees for alleged work related misconduct. The first employee interviewed referred to a board member questioning and addressing an incident that was outside the scope of that employee's job responsibilities. The other employee, who is a supervisor in the school district, stated that this same board member addressed him in an unprofessional manner and accused him of providing confidential information to an employee who wanted to apply for another job with the district.

Response to Finding No. 3

The Respondent disagrees wholly with this finding on the basis that there is insufficient information to identify the board member and employees involved in these alleged incidents. As a general statement of the supervisory structure of the District, site-based employees are supervised and receive direction from their immediate site supervisors. Site supervisors and District Office employees are supervised by District-level administrators and managers. Ultimately, the school board as a whole is the employer of the District and makes final decisions regarding employment. Individual board members do not have the authority to supervise or direct the work of employees.

Recommendation No. 3

The Governing Board should receive annual training on School Board Policies and Procedures, the Brown Act and Robert's Rules of Order. Newly elected board members should be fully trained in these areas upon taking office.

Response to Recommendation No. 3

This recommendation has not yet been implemented. The District agrees that regular training for school board members is a necessary and important element for sound District operations and effective governance. Accordingly, the District agrees to schedule training on School Board Policies and Procedures, the Brown Act, and Robert's Rules of Order on or before June 30, 2012 and thereafter on an annual basis or as otherwise appropriate. Training for new Board members on these topics will occur preferably before taking office but no later than 6 months into their first term. Such training is often provided by the Merced County Office of Education. Likewise new members are encouraged to attend the annual California School Board Association conference where such training is provided.

If you have any questions, please do not hesitate to contact the District.

Sincerely,



Mark Mende , President
Planada Elementary School District