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**MANDATED INSPECTION  
MERCED COUNTY SHERIFF'S DEPARTMENT  
JOHN LATORRACA CORRECTIONAL CENTER**

**SUMMARY**

The 2012-2013 Merced County Civil Grand Jury found that the John Latorraca Correctional Center (JLCC) was built as a minimum security facility that now houses medium to high risk offenders due to the implementation of Assembly Bill (AB)109. Since implementation of AB109 multi-year sentences are being imposed that keep the inmate at our local facility. The JLCC's full capacity under State rating is 564 inmates. On October 1, 2011, when AB109 went into effect there were 553 pretrial felons. As of April 11, 2013 there were 682 pretrial felons. As of April 25, 2013 there were 103 inmates sentenced under Penal Code Section 1170 in custody, fifty-two of which are on alternative programs. The Civil Grand Jury found that there has been an increase of assaults, contraband, and escapes. Medical, sick call and dental have increased. There has been more damage to the facility.

The Civil Grand Jury found that the facility was out of compliance with the regulation that governs the amount of time that each inmate has for visitation.

It is recommended that the County conduct a study to determine the adequacy of the current facility. If the current facility is determined to be inadequate, the Civil Grand Jury recommends that the County conduct a feasibility study to determine if a new facility should be built to accommodate higher risk inmates and the increase in population. We also recommend that the video-visitation system that the agency is selecting be installed as soon as possible to meet the regulatory minimums.

**INTRODUCTION/BACKGROUND**

California Penal Code Section 919(b) mandates the Civil Grand Jury annually inspect correctional facilities within their respective counties. The Board of State and Community Corrections (BSCC) inspects correctional facilities every two years.

The Civil Grand Jury inspection focused on the physical facility itself and generally on the overall daily operation and management of inmates.

**DISCUSSION**

The 2012-2013 Merced County Civil Grand Jury toured the JLCC located at 2584 W. Sandy Mush Road, Merced, CA on September 22, 2012. The JLCC was opened in 1990 and evaluated as a Type II facility under the applicable 1986, 1994, and 2001 Title 24 Standards. The facility has a Board Rated Capacity of 564 inmates and a total of 691 installed beds. The site is under the direct supervision of a Commander, who provided

the Civil Grand Jury members with a PowerPoint presentation of the new online booking system.

The tour included the following areas:

- Officer Training Classroom - display of confiscated weapons
- Medical exam rooms
- Control Center
- Food preparation area
- Commissary area
- Video Conferencing area

Correctional Officers are given limited peace officer status in accordance with Penal Code Section 830.55. New Correctional Officers attend a six-week, 240-hour state correctional training course. This training is completed within the first year of hire. Correctional Officers are required to take twenty-four 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 Civil Grand Jury was escorted through the medical examination area and briefed on availability of medical services.

The control center monitors activities throughout the facility. The control center has a pending contract for modernization.

All males are booked at the main jail facility. All females are booked at the JLCC.

There is a lockdown section with individual cells for those who fall under Welfare and Institutions Code §5150, which allows qualified officers or clinicians to confine a person deemed to have a mental disorder that makes him or her a danger to themselves and others or who are gravely disabled.

The passage and implementation of AB109 has and will continue to have significant impact on the facility. AB109 transfers responsibility for supervising specific lower level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to the counties. AB109 allows non-violent, non-serious, and non-sexual offenders to serve their sentences in county jails instead of state prisons. This increases the population as well as having more medium to high risk offenders held at this facility. The State will continue to incarcerate offenders who commit serious, violent or sexual crimes.

The JLCC's full capacity under State rating is 564 inmates. On October 1, 2011, when AB109 went into effect there were 553 pretrial felons. As of April 11, 2013 there were 682 pretrial felons. As of April 25, 2013 there were 103 inmates sentenced under Penal Code Section 1170 in custody, fifty-two of which are on alternative programs.

There has been an increase of:

- Inmate on inmate assaults.
- Inmates in the probable cause holding cells coming in from the State.
- Different classifications of inmates that include new gangs that were formed at the California Department of Corrections and Rehabilitation (CDCR).
- Medical, sick call and dental needs. The noticeable changes have been with emergency runs to the hospital/medi-flights. This requires two officers or an officer and security guard to stay with the inmate. These incidents increase the overtime of staff.
- Mental Health needs.
- Pruno (prison wine) and contraband.
- Escapes and attempted escapes.
- Damage to the facility by inmates.
- Lengths of time inmates are staying at the County level. They often get new charges while in custody.
- Court appearances and complaints/writs filed. This puts a strain on the transportation unit.

The staff of JLCC prepares and delivers the meals to the Iris Garrett Juvenile Complex, Marie Green Mental Health Facility, the downtown main jail facility, as well as the JLCC. The kitchen operates twenty-two hours a day.

Inmates are given a clean set of clothes on a daily basis. Clothing provided is color coded by inmate classification. There are laundry facilities on the premises, operated by inmates, running twenty hours a day.

A commissary area is provided where inmates can purchase personal hygiene items and snacks. Commissary privileges can be suspended depending upon behavior; however, personal hygiene items are not restricted.

At the time of this tour, the visitation portion of the video system, which would allow private conversations between legal representatives and their clients and with family members, had not yet been implemented. A biennial inspection and report from the BSCC dated October 31, 2012 stated that pursuant to regulation Title 15 Section 1062 each inmate has no less than two visiting sessions weekly totaling at least one hour for each inmate. At the JLCC only a single sixty minute visiting session is offered. This is non-compliant with this regulation.

## **FINDINGS**

F1. This correctional center was designed and built during the late 1980s as a minimum security prison to house low risk offenders for no more than 365 days. Almost twenty-five years later, the county criminal population has risen dramatically, resulting in overcrowding. The recent passage of AB109 has contributed greatly to the increase of inmates at the correctional center. More importantly, AB109 has caused the retention of medium to high risk inmates at the center, which it is not designed to accommodate.

F2. Video conferencing has not been implemented. Visitation is limited to a single sixty minute visitation. The lack of at least two visiting sessions is non-compliant with Title 15 Section 1062 as found in the BSCC report dated October 31, 2012.

## **RECOMMENDATIONS**

R1. It is recommended by the 2012-2013 Merced County Civil Grand Jury that the County conduct a study to determine the adequacy of the current center. If the current center is determined to be inadequate, the Civil Grand Jury recommends that the County conduct a feasibility study to determine if a new center should be built.

R2. It is recommended that the video-visitation system be put in place to comply with the regulatory minimums.

## **COMMENDATION**

The Sheriff's Department should be commended for their efforts to enhance and upgrade the booking system for increased efficiency.

## **DISCLAIMER**

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

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

# **MANDATED ANNUAL INSPECTION IRIS GARRETT JUVENILE CORRECTIONAL COMPLEX**

## **SUMMARY**

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

## **INTRODUCTION/BACKGROUND**

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

## **METHODOLOGY**

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

## **DISCUSSION**

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

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

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

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

## **COMMENDATION**

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

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

## **SUMMARY**

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

## **INTRODUCTION/BACKGROUND**

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

## **METHODOLOGY**

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

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

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

## **DISCUSSION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Booking:

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

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

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

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

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

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

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

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

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

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

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

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

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

# INVESTIGATIVE REPORTS

# MERCED COUNTY CORONER'S OFFICE

## SUMMARY

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

## INTRODUCTION/BACKGROUND

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

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

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

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

## **METHODOLOGY**

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

## **DISCUSSION**

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

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

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

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

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

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

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

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

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

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

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

## **FINDINGS**

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

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

## **RECOMMENDATIONS**

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

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

## **COMMENDATION**

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

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