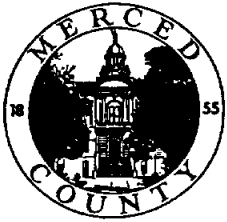


***GRAND JURY
REPORT
2000/2001***





MERCED COUNTY GRAND JURY

P.O. BOX 2034

MERCED, CA 95344

www.co.merced.ca.us.civilgrandjury/index.html

THIS INTERIM REPORT HAS BEEN REVIEWED
AND UNANIMOUSLY APPROVED BY THE
2000-2001 MERCED COUNTY GRAND JURY

**CHARLES J. GALATRO, Foreperson
2000-2001 Merced County Grand Jury**

**ARTHUR BROWNER, Foreperson Pro Tem
2000-2001 Merced County Grand Jury**



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P.O. BOX 2034

MERCED, CA 95344

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The Honorable Betty L. Dawson
Assistant Presiding Judge
2000-2001 Merced County Grand Jury
Merced County Superior Court

Dear Judge Dawson:

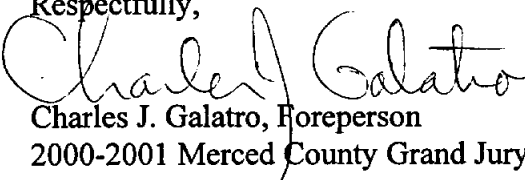
On behalf of the 2000-2001 Merced County Grand Jury, it is my honor to submit an interim report to you as required by California Penal Code Section 933.

This Grand Jury was simply outstanding and exemplary in their tasks of numerous investigations, interviews and decision which were carried out in an objective, firm and fair manner. Merced County is indeed fortunate to have citizens who are willing to give their time and efforts in order that their community may become a better place for all to live and enjoy.

To carry out the tasks given to us, we were provided assistance by several capable and professional Merced County personnel: The judges, administration and staff of the Superior Court; Deputy County Counsel James Tarhalla and the staff of the County Counsel; District Attorney Gordon Spencer and staff; Chief Probation Officer William Davidson and the Probation Department staff; Sheriff Tom Sawyer and his support staff. We owe them our gratitude and admiration. We are also grateful to the many private citizens who stepped forward to share concerns and necessary information and trusted us to be diligent and confidential.

We are proud of our efforts on behalf of the citizens of Merced County and are grateful to have been able to serve.

Respectfully,


Charles J. Galatro, Foreperson
2000-2001 Merced County Grand Jury

June 30, 2001

TABLE OF CONTENTS

Merced County Grand Jury Members. i

Grand Jury Committee Membership. ii

Grand Jury: A Brief History. iii

Inventory of County Departments. iv

Merced County Planning and Community Development Department. 1

Merced County Sheriff’s Department Main Jail and Sandy Mush. 3

Merced County Juvenile Detention Center. 5

Human Resources Agency-Child Protective Services. 6

Grasslands Water District. 8

City of Dos Palos. 11

Delhi Water District. 12

Atwater High School 13

Golden Valley High School. 15

Atwater Police Department. 17

Livingston City Council 18

Merced County Sheriff’s Department. 19

Merced Police Department. 20

Individuals and Departments Named. 21

Increasing the Effectiveness of the Merced County Grand Jury. 23

**2000-2001
MERCED COUNTY
GRAND JURY MEMBERS**

Cheron Adrian	
Arthur Browner	Foreperson Pro Tem
Lewanda Costa	
William Day	
Ollie Eddings	
Mark Erreca	Committee Chairperson
Charles J. Galatro	Foreperson
Ann Glasgow	
Mavis Johnson	
Kathy Kidd	Secretary
E.J. Lorenzi	
Leon Martinez	Committee Chairperson
Patricia Martinez	Committee Chairperson
Bill Mattos	Committee Chairperson
Donald Noren	
Denise Rivera	
Lorine Sykes	
Rebecca Reyna-Villarreal	
Elijah Williams	

2000-2001
MERCED COUNTY GRAND JURY
Charles J. Galatro, Foreperson
Arthur Browner, Foreperson Pro Tem
Kathy Kidd, Secretary

COMMITTEE MEMBERSHIP

AUDIT AND FINANCE/CITIES AND JOINT POWERS COMMITTEE

Mark Erreca, Chair

William Day

Ollie Eddings

Arthur Browner

COUNTY ADMINISTRATION/COUNTY SERVICE COMMITTEE

Patricia Martinez, Chair

Lewanda Costa

Mavis Johnson

E.J. Lorenzi

Elijah Williams

HEALTH, EDUCATION AND WELFARE COMMITTEE

Leon Martinez, Chair

Ann Glasgow

Lorine Sykes

Rebecca Reyna-Villarreal

LAW, JUSTICE, AND PUBLIC SAFETY/SPECIAL DISTRICTS

Bill Mattos, Chair

Cheron Adrian

Kathy Kidd

Donald Noren

Denise Rivera

GRAND JURY

A Brief History

Who keeps an eye on and is the “watch dog” of county government and other local tax supported entities? Each year every county in California randomly selects a group of citizens who are brought together, sworn in and told to take care of complaints against local government and individuals and to make sure government is doing what it is supposed to do. This group is a Civil Grand Jury.

The concept of the Grand Jury can be traced back to ancient Greece. It was introduced to England with the Norman Conquest and continued to be refined and was brought to America with the early colonists. In the 1700's, Grand Juries were opposing British control by refusing to indict leaders of the Stamp Act, bring libel charges against editors of newspapers and in the opposition of British taxes. By the end of the colonial period, the Grand Jury had become an indispensable adjunct of government. They proposed new laws, protested government abuses and determined who should and should not face trial. However the Constitution of the United States made no provision for a Grand Jury. It is interesting to note the Grand Jury was abolished in Great Britain in 1933.

All states provide some form of a Grand Jury. California's Constitution provided for the Grand Jury and developed Penal Codes which statues guiding a Grand Jury. Grand Juries have existed in California for 150 years with a 100 pages of law to govern its function. The Grand Jury as practiced in California has become the most highly evolved process of the Grand Jury concept.

The Grand Jury is a reminder that government was created by the people and exists to provide those services determined and paid for by its citizens. The “watch dog” function has become a real challenge for the “dog” has grown and multiplied beyond what was ever thought possible.

INVENTORY OF COUNTY DEPARTMENTS

INTRODUCTION/BACKGROUND

The 2000-2001 Merced County Grand Jury conducted an inventory of County Departments to help guide future Grand Juries in their review selections.

Merced County Departments reviewed 1999-2000 and 2000-2001

1. Assessor's Office
2. Board of Supervisors
3. Fire Department
4. Jail
5. Juvenile Hall
6. Library
7. Planning and Community Development Department
8. Sandy Mush Facility
9. Sheriff's Department

Merced County Departments not reviewed

1. Agricultural Commissioner
 - a. Animal Control
2. Auditor-Controller
 - a. Revenue and Reimbursement
 - b. County Clerk-Elections
3. Department of Public Works Administration
 - a. Building Division
 - b. Recreation and Parks Division
 - c. Roads Division
 - d. Solid Waste Enterprise
 - e. Fleet Services
 - f. County Wide Transit
 - g. Building Services
 - h. Professional Services
4. Department of Business-Economic Opportunities
5. District Attorney
6. Health Division
 - a. Division of Environmental Health
7. General Services
8. Marshall's Office
9. Probation Department
10. Public Defender

11. Private Industry Training Department
12. Recorder's Office
13. Tax Collector/Treasurer
14. Retirement Association
15. County Counsel
16. Human Services
 - a. Several Departments/Divisions
17. Information Systems
18. Mental Health
19. Spring Fair (Los Banos)

MERCED COUNTY

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

INTRODUCTION/BACKGROUND

As part of an on-going effort to review operations of County Departments, the Grand Jury elected to conduct a review of operations of the Merced County Planning and Community Development Department.

METHOD OF INVESTIGATION

On February 6, 2001, a committee of the Grand Jury toured the offices of the Planning and Community Development Department, located on the second floor of the County Administration Building at 2222 'M' Street, Merced, and interviewed the Acting Director as well as members of the staff.

FINDINGS

Role:

The primary role of the Department is planning for and the review of the public and private land use development within the unincorporated areas of the County. It is responsible for drafting and maintaining policy documents including the General Plan and various specific plans which guide and influence physical land use, growth and economic development within the unincorporated areas of the County. The Department is also a support staff to the Board of Supervisors, Planning Commission, Local Agency Formation Commission, Airport Land Use Commission, and various other commissions and committees regarding physical planning and related social and environmental matters. The operating budget for the 2000-01 fiscal year is \$3,240,576.00.

Personnel:

There are 16 employees in the Department which are divided into a clerical support section, the Community Development Division and the Community Preservation and Housing Division. At the present the following positions are vacant: one assistant director; three planners; one senior planner; one GIS Technician. The planner and senior planner positions have been vacant for 12 to 18 months. Positions are very difficult to fill because of the Department's inability to competitively compete with the salaries offered by other jurisdictions. The difficulties in filling vacant positions have reduced the Department's ability to provide the public timely service. At the time of this review the Department has an Acting Director and recruitment is under way for a Director.

An organizational/procedural audit should be conducted.

Work Environment:

Department staff work under very cramped and difficult conditions which are not conducive to a good work environment. The work cubicles are small and storage space is at a premium.

Permit Application Process:

The permit application process is not automated. All application forms are completed manually with the exception of staff reports that are generated using computers. All completed permits are stored in manila folders and filed in cabinet drawers. Applicants are still required to go to related departments at different locations to complete their applications rather than being able to complete them at one location.

RECOMMENDATIONS

1. Wages should be increased to retain qualified staff and an aggressive approach should be taken to attract and recruit employees to fill the existing vacant positions.
2. A plan should be developed and implemented to increase the work area to accommodate existing staff as well as allow for future staff growth. A design should be created which will house all necessary agencies at one location so an applicant could complete all necessary permit requirements in a timely manner.
3. A computer program should be put in place which will automate the permit applications process, speed up processing, provide the means to track the status of the applications and subsequently to store the completed permits. This should be implemented as soon as possible.

**MERCED COUNTY SHERIFF'S DEPARTMENT
MAIN JAIL AND SANDY MUSH FACILITIES
MANDATED INSPECTION**

INTRODUCTION/BACKGROUND

California Penal Code Section 919 mandates the Grand Jury the yearly responsibility to visit correctional facilities within Merced County and to ascertain the conditions and management of these facilities. The Merced County Sheriff's Department is responsible for maintaining the Main Jail, located at 700 West 22nd Street in Merced, and the Sandy Mush Facility located at 2584 West Sand Mush Road.

FINDINGS

At the regular meeting of the Grand Jury on October 19, 2000, the Sheriff of Merced County explained the organization and structure of the Sheriff's Department. The Grand Jury was also prepared for what they could expect on their tour of these facilities. The Sheriff was knowledgeable and thorough in his presentation.

On October 26, 2000, the Grand Jury met the Sheriff at the Main Jail and experienced a ride in a correctional vehicle out to the Sandy Mush Facility. At the facility, we were greeted by the person in charge and briefed on tour expectations. We found the facility to be well organized and managed to insure safety and security. All areas were clean and well maintained. The kitchen and food preparation area was excellent. The food prepared for the Grand Jury was special and delicious. Thank You! Due to circumstances present this day we were not able to talk with women prisoners. However, the time spent within one of the men's quarters was very positive in our discussions with the inmates. The staff who serve at the Sand Mush Facility should be very proud and pleased with what they have accomplished. The Grand Jury applauds their efforts.

Upon return to Merced, we entered the Main Jail through the security sally port and followed the same procedures a prisoner would experience following arrest. The Sheriff and correctional officer in charge gave us a thorough tour of all facilities, answering many questions and providing every opportunity to become familiar with the strengths and limitations of the Main Jail Facility. The Grand Jury is appreciative of the efforts of the officers and personnel who are responsible for processing and maintaining security of those who have broken the law or threaten the well being of our citizens.

RECOMMENDATIONS

As a result of the visit to the Main Jail and Sandy Mush Facility, the Grand Jury offers these recommendations:

1. Merced County is experiencing a good deal of growth. The correctional and auxiliary facilities are operating at capacity. Plans must be made now and implemented to meet these needs. A long range plan and necessary funding must be carried out for five, ten and twenty years in the future.
2. It is pleasing to note that previous Grand Jury recommendations have been carried out. Again, staff retention is of grave concern. Salaries must be increased to a level that will encourage trained personnel to remain with Merced County.
3. It is imperative the remodeling of the courtroom contiguous to the jail be completed immediately. Staff and prisoners alike are at risk each time they must move from the jail to a courtroom along very public accesses. This is a very dangerous situation for all people in and around the courts.
4. Collaborative efforts with Juvenile Hall and the new juvenile facility are to be commended and continued.

MERCED COUNTY JUVENILE DETENTION CENTER

INTRODUCTION/BACKGROUND

Section 919 of the California Penal Code requires the Grand Jury to yearly visit and inquire as to the condition and management of detention facilities within the County. The Merced County Juvenile Hall is included as a part of this requirement.

At its regular meeting on January 4, 2001, the Chief probation Officer, who is the person in overall charge of the Juvenile Hall operation spoke to the Grand Jury on the history, organization and function of the Juvenile Hall and gave an insightful perspective on the plans which are in process for the new facility. Questions and discussion followed his presentation.

On March 15, 2001 the Grand Jury had the opportunity to tour the Juvenile Hall facility which is located at 1411 "B" Street in Merced. The tour was conducted by the Chief Probation Officer and the on-site Director. Neither the facility nor its limitations had changed, but there was a definite positive outlook as final plans for the new facility are coming together. How pleasant it was to move through the facility knowing that the youth offenders of Merced County will have a facility where greater care and assistance can be given. The 2000-01 Grand Jury offers its highest praise and thanks to the staff who work within the Juvenile Hall. They do an excellent job under the saddest of conditions.

Rather than again list the inadequacies that have been well documented in previous Grand Jury reports, these recommendations will deal with the future dynamics of the new juvenile facility.

RECOMMENDATIONS

1. Under no circumstances should funding for the new facility be compromised. Time delays mean greater cost. The strength of the program and facility must not be affected by cutting corners to save on cost overages. Any increased costs for the facility should be met by the County.
2. Juvenile employees are grossly underpaid in relation to similar counties and correctional officers within the County. Consequently there is a high turnover rate in personnel which prompts inadequate coverage at the facility. This creates an unsafe situation for employees and allows only minimal rehabilitative efforts. This must be addressed as the new facility becomes a reality. Retention of staff must become a priority to insure a successful program in the new facility.
3. When the present Juvenile Hall is vacated, serious consideration should be given to converting this facility to provide a place for the homeless people of Merced County. There is a growing need and this facility could serve to partially alleviate this concern.

HUMAN RESOURCES AGENCY-CHILD PROTECTIVE SERVICES
Complaint Numbers 00-01-01; 00-01-02; 00-01-08; 00-01-09

INTRODUCTION/BACKGROUND

Once again the Grand Jury received several complaints regarding Child Protective Services. In review of previous Grand Juries, the investigations into complaints of Child Protective Services has been a frustrating and very difficult process. Consequently some Grand Juries have chosen not to investigate these complaints. Others have attempted investigations but the results have rarely been successful.

The 2000-01 Merced County Grand Jury decided not to take on these particular complaints, but rather look into why investigations have been so troublesome. In reviewing previous reports and talking with previous Grand Jury members, the following conclusions were determined:

1. There is a mistaken belief that information gathered in an investigation by the Grand Jury can only be used in the particular year served by a Grand Jury. The resistance given in several ways by Child Protective Services appears to be carried on to delay an investigation until that year has been completed.
2. Another misconception is the confidentiality and protection of Child Protective Services' documents. We have found this is not applicable to Grand Jury investigations.
3. Legal assistance to the Grand Jury is provided by the County Counsel's Office. The people in this office are of great value and assistance to the Grand Jury and we are ever appreciative of their efforts on our behalf. It is troublesome, however, that the County Counsel is also legal counsel for Child Protective Services. This could be perceived as a conflict of interest.
4. The caseload and demands on Child Protective Services personnel are great and understandably stressful. However the dissatisfaction with Child Protective Services is not only in how some personnel may carry out their tasks, but mostly the poor attitude a few project to clients and other agencies.

RECOMMENDATIONS

From these findings the Grand Jury recommends the following:

1. Section 924.4 of the Penal Code allows information to pass from one Grand Jury to another as long as it is not used for part or all the basis for a criminal investigation or indictment. Therefore it may take several years of a Grand Jury building upon other Grand Jury's information to get a clear picture of the concerns directed toward Child Protective Services and the subsequent recommendations.

2. Should the Grand Jury feel uncomfortable in dealing with the County Counsel's Office when investigating Child Protective Services, there are other avenues available where legal assistance can be obtained.
3. The County Counsel will develop written guidelines/procedures for the Grand Jury to use in handling complaints against Child Protective Services.

GRASSLANDS WATER DISTRICT
Complaint Number 00-01-03

INTRODUCTION/BACKGROUND

The Grasslands Water District is an entity which is responsible for the distribution of Federal Water to government and private lands. A complaint was received alleging that there was misuse of the Grassland Water District vehicles for personal use, and a conflict of interest by one of the Board of Directors.

METHOD OF INVESTIGATION

Interviews were conducted as follows:

- 09/28/00 A Grand Jury committee met with and interviewed the complainant and documentation was received.

- 09/28/00 A Grand Jury committee met with and interviewed the Manager of the Grasslands Water District, requesting copies of current policies and procedures, and by-laws. (Their legal counsel was present outside the door during the interview.)

- 12/04/00 Grand Jury committee interviewed a concerned citizen where more documentation was examined.

- 01/09/01 Grand Jury interviewed a private citizen. (Separate interviews were also scheduled for two of the Board of Directors at the time, but did not appear under the advice of their legal counsel.)

- 02/01/01 Grand Jury members interviewed Grasslands Water District Manager and two of its Board of Directors. (Their legal counsel was present outside the door during the interview.)

FINDING

The appearance of a conflict of interest exists because many policies are nebulous and inadequate for current practices of the District.

RECOMMENDATIONS

Even though a generic Conflict of Interest policy was offered, it should be made very specific to the District's dynamics.

A policy should be formulated to limit persons employed by the District or in a director's position from receiving any kind of remuneration from landowners.

The policy for use of vehicles should be reworded to be very specific in personal use of District vehicles. Present policy and practices leave the District open to a high liability risk. Specific and limited use of vehicles should be implemented. All District vehicles should be clearly marked.

The "Non District Work By District Personnel" policy should be rethought and reworded to avoid the perception that this allows perks to some landowners and not others.

A regular review of all policies, guidelines, by-laws and administrative practices should be implemented.

FINDING

Elections: The election process for a director, though within legal parameters, does not afford all potential candidates the opportunity to participate should they so desire.

RECOMMENDATIONS

There should be a communication process established where all landowners are informed of the election cycle for directors and the requirements for becoming candidates.

The election process should be clearly written.

Landowners should be afforded the opportunity for input through the election process. The determination of "who" votes and "how" they vote is inequitable and a system should be developed to be inclusive rather than exclusive.

FINDING

The district was originally formed to serve a water delivery function. As stated by officers of the District, it is now "94% involved in wildlife and environmental concerns and 6% toward water distribution." This change in emphasis has not been effectively communicated to District constituents.

RECOMMENDATIONS

Policies, by-laws, and other materials should be revised to reflect this change in function.

A concerted effort must be given to improve the communication of information to landowners.

Budgeting for a bi-yearly mailing to each landowner which touches on the findings and recommendations of this report would solve a good many concerns.

Audits and other fiscal documents should reflect the change in function. All income and expenses should be clearly defined.

FINDING

Many District policies, guidelines and other administrative documents are out-of-date, not practiced, and/or not fully understood by officers of the District.

RECOMMENDATION

A regular review of all policies, guidelines, by-laws and administrative practices should be implemented.

FINDING

The evaluation of the District employees is irregular and poorly defined.

RECOMMENDATIONS

Job descriptions for all employees should be reviewed and expanded to be more specific in duties and expectations.

An evaluation instrument should be developed and implemented which is specific to the uniqueness of the District.

An annual written evaluation process of "all" employees should be developed and implemented by the District.

FINDING

There is confusion and misunderstanding of the process for soliciting, receiving and awarding bids from outside contractors and consultants for non-Federal projects.

RECOMMENDATIONS

A policy should be developed and implemented which will give clear direction to the bid process for non-Federal projects by outside contractors and consultants.

CITY of DOS PALOS
Complaint Number 00-01-06

INTRODUCTION/BACKGROUND

A citizen of the City of Dos Palos alleged the city was using a method of double billing residents for water, sewer and garbage.

METHOD OF INVESTIGATION

Interviews were conducted and documents requested and received as follows:

09/25/00 A Grand Jury committee met with complainant at his home to interview and receive copies of the bills in question.

11/17/00 The Grand Jury committee met with the City Manager to interview and review city ordinances and resolutions with regards to water, sewer and garbage rates.

FINDINGS

As per City Council resolution, at locations where two or more residential units share a single water meter, they shall be charged per unit the residential rate for all city utilities.

In an effort to streamline cost, the City has contracted with outside sources the operation and maintenance of its water, sewer and refuse operations.

The debt service on the pipe line which delivers the water to the City plus the ever increasing cost charged by the local irrigation district per acre foot, essentially means the City, in an effort to pay the fixed cost for utilities, has no other alternative but to pass the cost on to the residents.

The Grand Jury commends the City Manager for his enthusiasm, cooperation and willingness to work with the Grand Jury.

RECOMMENDATIONS

No further action is necessary.

**DELHI WATER DISTRICT
Complaint Number 00-01-11**

INTRODUCTION/BACKGROUND

A complaint was received alleging the Delhi Water District was in violation of the law concerning excessive fees for water and sewer connections.

METHOD OF INVESTIGATION

Interviews were conducted as follows:

- 10/17/00 A Grand Jury committee met with complainant to discuss specifics of the complaint.
- 11/07/00 The Grand Jury committee chair contacted the manager of the Delhi Water District by phone to schedule and interview.
- 11/10/00 A Grand Jury committee met with the manager of the Delhi Water District for the interview.

FINDINGS

It was determined this case is currently in litigation and therefore the Grand Jury is not in a position to comment or to continue with this matter.

RECOMMENDATION

None.

ATWATER HIGH SCHOOL
Complaint Number 00-01-12

INTRODUCTION/BACKGROUND

The Grand Jury investigated a complaint regarding the financial mismanagement of a booster club at Atwater High School. The complaining parties were dissatisfied with the manner in which their concerns were addressed by the Merced Union High School District Administration and the Board of Trustees.

METHOD OF INVESTIGATION

The Grand Jury contacted the Merced Union High School District Administration for information pertaining to district policies and procedures of how booster clubs are established and monitored by the school district. Additionally, Atwater High School certificated and classified employees were contacted.

Financial records, for the booster club in question, were subpoenaed and reviewed by the Grand Jury. The Grand Jury conducted its investigation from November 2000, through April 2001.

FINDINGS

1. The booster club in question was found to be a parent-sponsored organization that was established to raise funds to help support activities of the cheerleading squad.
2. The booster club was found not to be registered as a nonprofit organization as required by the district. The booster club account was opened under a personal social security number.
3. During its investigation the Grand Jury found that there had been a co-mingling of booster club funds and student body funds. Personal checks that had been issued to the student body account were in fact deposited into the booster club account.
4. The booster clubs financial records were found to be inadequate and they did not provide a solid audit trail of income and expenses.
5. After reviewing financial bank records of the booster club in question the Grand Jury found some minor discrepancies between the booster clubs financial records and the bank statements. However, it was felt that the discrepancies were due to poor record keeping procedures.
6. The school site administration was made aware of the manner in which the booster club organization operated and failed to take action to mitigate the problem.

7. Since many of its activities were directed by school staff, the booster club, in its fund-raising activities, created the impression it was a school sponsored organization.

RECOMMENDATIONS

1. District administration should develop and implement a standardized policy and procedure handbook for both booster clubs and site administrations. The standardized policies and procedures would help strengthen district control and monitoring of booster clubs.
2. All booster clubs should agree and be willing to submit to an audit by the district on a regular basis. Basic record keeping procedures must be known and practiced by all booster clubs. Due to a constant turnover of booster club leadership, it is important that school site administrators provide direction and close monitoring of booster club functions. Informed parents are vital to both school and community and should be encouraged to participate.
3. All booster clubs should be required by the district to be registered as a nonprofit organization.
4. When requested by concerned citizens the district administration should be responsive and provide information requested in a timely and factual manner.
5. School site administration should be vigilant to guard against the possibility of confusion about or misrepresentation of the affiliation between any booster club and school.

GOLDEN VALLEY HIGH SCHOOL
Complaint Number 00-01-16

INTRODUCTION/BACKGROUND

A complaint was filed with the Grand Jury concerning the loss of student body yearbook funds in the amount of \$1,800.00

METHOD OF INVESTIGATION

The Grand Jury looked at established procedures that the school utilized for conducting student registration "Round-Up." The Grand Jury contacted district administrators of the Merced Union High School District and school site personnel. The interviews were conducted between November 2000, through April 2001. In addition, the Grand Jury reviewed documents pertaining to missing funds.

FINDINGS

1. The theft of school funds did occur. A police investigation was undertaken. However, the perpetrator has not been identified.
2. The Grand Jury found that procedures for Round-Up were inadequate for proper control of funds.
3. Yearbook funds were left in areas unattended by school staff and in the presence of unauthorized persons, thus providing the opportunity for the theft to occur.
4. The Grand Jury determined that lax procedures were used during Round-Up in the supervision and control of funds generated by yearbook sales.
5. Plastic tear-strip bags used for the storage of funds were not numbered.
6. When the campus began its operations in 1994, there were no veteran office personnel assigned to the Student Services office to help guide and train the employees in district policies and procedures for student body monies.
7. Inadequate bookkeeping procedures were used in the student services office. Negligent practices included: not issuing parking permit receipts, not issuing event ticket log sheets, and not marking money deposit bags. Staff members in the student services office possibly were not trained correctly in specific district operational procedures.

RECOMMENDATIONS

1. More stringent controls should be put into place to minimize the probability that loss will re-occur.
2. Funds should be under the control of school staff at all times.
3. School personnel assigned to a new school should be provided adequate training to implement the proper procedures that will ensure financial accountability.

ATWATER POLICE DEPARTMENT
Complaint Number 00-01-20

INTRODUCTION/BACKGROUND

The complainant alleges continual harassment by an officer and the lack of a response by the Atwater Police Department to his complaint.

METHOD OF INVESTIGATION

02/05/01 A Grand Jury committee met with and interviewed the Chief of the Atwater Police Department.

02/13/01 A Grand Jury committee met with the complainant for additional information.

Several phone calls were made to the complainant and the Chief of Police in order to complete the investigation.

FINDINGS

After careful review of all pertinent information gathered, it was determined that the complainant must go through the appropriate channels to file a formal complaint.

RECOMMENDATIONS

The Atwater Police Department should consider amending the current complaint policy to include a written response to the complaints, advising them of the progress/final disposition of the complaint.

LIVINGSTON CITY COUNCIL
Complaint Number 00-01-17

INTRODUCTION/BACKGROUND

A complaint was received alleging a member of the Livingston City Council was not residing within the Livingston City limits as required by the elections code.

METHOD OF INVESTIGATION

Interviews were conducted and other activities were made as follows:

- 04/11/01 A Grand Jury committee interviewed the complaint.
- The California State Elections Code was reviewed.
- The residence in the City of Livingston was checked.
- Property ownership records were researched.

FINDINGS

The allegation that a member of the Livingston City Council was not residing within the Livingston City limits was unfounded. The Grand Jury determined that the council member did have a residence within the city limits.

RECOMMENDATIONS

No further action is necessary.

MERCED COUNTY SHERIFF'S DEPARTMENT

INTRODUCTION/BACKGROUND

The Grand Jury investigated a complaint that alleged the misuse of a Sheriff's Department vehicle and verbally abusive behavior on the part of an officer. The complainant had called the Sheriff's Department several times about the situation but his phone calls were never returned. Therefore, the Grand Jury was contacted.

A committee of the Grand Jury interviewed the complainant as well as viewed a video tape which allegedly showed the misuse of a Sheriff's Department vehicle.

FINDINGS

The committee was unable to substantiate the allegations and felt that interviewing the officer was not warranted. However, the lack of response by the Sheriff's Department to the complainant's concerns is disappointing and of concern to the Grand Jury.

RECOMMENDATIONS

The Grand Jury recommends the Sheriff's Department develop and implement a complaint process whereby a complainant is informed of the established complaint process, is notified that their complaint has been received and the subsequent action is taken as a result of an investigation into the complaint.

MERCED POLICE DEPARTMENT
Follow Up To Previous Recommendations

INTRODUCTION/BACKGROUND

At the invitation of Merced Police Chief Tony Dossetti, a committee of the Grand Jury toured and inspected the Merced City Police Department with regards to previous Grand Jury recommendations as listed below:

- Irregularities in the Department's promotion practices.
- Irregularities in the Department's disciplinary practices.
- Irregularities in procedures used by the Department in the storage and accountability of evidence.
- The Department did not have written guidelines for the process to handle citizens complaints.

METHOD OF INVESTIGATION

The Grand Jury committee toured the Department with the Chief and carried out interviews with two commanders and a Department consultant. We were allowed to inspect the evidence storage areas, the communications and records areas, as well as talk with the staff in each of their areas. Several on duty personnel also spoke with the committee.

FINDINGS

It was determined by the committee that the Police Chief and his staff are to be commended for their efforts to address each of the concerns previous Grand Juries have recommended. They have put into place written policies and guidelines to ensure those areas of concern are now Department procedures.

The Department's use of technology, by having computers installed in their patrol vehicles, allows officers to have valuable information in seconds. This is practical as well as a good use of resources.

RECOMMENDATIONS

The Grand Jury recommends the City of Merced begin to work toward a new location for their Police Department headquarters. It was noted that most of the divisions located at the headquarters have or will soon out grow their facilities.

The Grand Jury was impressed with the enthusiasm of the Department and feel that if they are to maintain the traditional mission of public safety with regards to protection of life and property, then additional space is essential.

INDIVIDUALS AND DEPARTMENTS NAMED

Listed below are complaints which were more easily resolved with the help of the individuals and departments named. We extend our appreciation to those persons mentioned here for their kind assistance.

Complaint

00-01-04	Probation Department	Mr. Bill Davidson, Merced County Chief Probation Officer
00-01-05	County Facilities	Mr. Chris Tafoya, Merced County Department of General Services
00-01-07	School District	Mr. Ronald Tiffée, Merced County Superintendent of Schools
00-01-13	Trade Show	Supervisor Joe Rivero
00-01-18	Delhi Fire Station	Mr. Vince Griffiths, Merced County Department of Public Works Mr. Richard Graves, Merced County Building Division

Other complaints were handled as follows:

Complaint

00-01-10	A Statewide issue in which the Grand Jury elected not become involved.
00-01-15	A court case which had already been adjudicated and not within the scope of the Grand Jury
00-01-22	An employer/employee problem which was not within the scope of the Grand Jury.
00-01-23	A school district concern received too late for adequate action by the 2000-01 Grand Jury.
00-01-24	Recommend for action by the 2001-02 Grand Jury.
00-01-25	A community concern was received too late for adequate action by the 2000-01 Grand Jury

- 00-01-29 A court case which had already been adjudicated and not within the scope of the Grand Jury.

- 00-01-28 A concern was received too late for adequate action by the 2000-01 Grand Jury.

Their resolution of these concerns were completed to the satisfaction of the Grand Jury. This Grand Jury was pleased to find recommendations of the 1999-00 Grand Jury have been beneficial. We thank Mr. Jim Marshall, Merced County City Manager, for his statement of value of Grand Jury recommendations. Also a special thanks to Mr. Mike Bommarito and his staff at the Merced County Information Systems for helping us place Grand Jury reports on the Merced County Grand Jury website.

**INCREASING THE EFFECTIVENESS
OF THE
MERCED COUNTY GRAND JURY**

BACKGROUND

A Civil Grand Jury serves as the "watch dog" of local government for citizens who support and depend upon the numerous agencies which are created to serve the public need. Sadly, the local media and other public information sources do not view the Grand Jury with any interest. Therefore an uniformed citizenry does not realize there is a process to turn to should government fail to follow prescribed policies and procedures.

Sometimes there is a lack of support of the Grand Jury by government agencies. It has occurred that some of those investigated resist and are reluctant to fully cooperate. Once recommendations are given, responses are not followed through with the spirit of improvement of service to constituents.

Compounding these concerns, most Grand Jurors are only involved for a single year and a few possibly for no longer than two consecutive years. Therefore continuity and follow-up on complaints and investigations are rarely carried out because of the current demands upon the sitting Grand Jury.

The Merced County Superior Court took a positive step in forming the 2000-01 Grand Jury by seeking not only to carry over several members of the 1999-00 Grand Jury, but also by placing a previous member in the foreperson position.

SUGGESTIONS

To help make the Grand Jury be more effective, it is suggested that, for the lack of a more creative name, a "continuity group" be established. This would be made up of the foreperson from the previous year and Grand Jury members from the previous and other years who would volunteer and continue their involvement in caring out the activities listed below. Their use and involvement would be determined by the sitting Grand Jury. A continuity group can only be effective as long as the secrecy and confidentiality of the sitting Grand Jury is not compromised. This must be assured. It must also be structured to insure no political agenda could be served. The activities given below are a few of the possible ways the sitting Grand Jury might be given support:

Training: Grand Jury members come with little understanding of the task before them. Continuity members could offer practical background and information to assist in getting a new Grand Jury up and running in a short time.

Record Keeping: Once a Grand Jury finishes their years of service, their efforts are put into a file with previous years' accumulation. Continuity members could organize and keeps files

in order to make research by future Grand Juries a practical and a much more simplified process.

Responses to Reports: There is need to keep track of and insure that agencies and/or departments are in fact carrying out those actions stated in their responses to the Grand Jury recommendations. Members of the continuity group could assist in this task.

Prospective Jurors: The identification and recruitment of competent prospective Grand Jurors can be a difficult task. The continuity group could help identify, screen and recommend possible persons to be contacted.

Library: The Grand Jury receives a number of documents including reports from other Grand Juries, background and operation information from an assortment of entities and departments, as well as "how to's" and legal help from an assortment of Grand Jury related organizations. Presently these are stacked or shoved into a file. It would be helpful to put this information into an organized and useful condition.

Research: With organized files and a library, the continuity group could help the sitting Grand Jury by doing research into a wide assortment of needs. Because there is limited time to adequately get background information in some investigations, this could provide a valuable service.

Revision of the Manual: The present and previous manual for the Grand Jury has been compiled and revised by County Counsel personnel. And although this has been adequate and most helpful, it may strengthen the document to have input from persons who have served on the Grand Jury.

Tracking: A cursory look back over previous Grand Jury reports reveals certain entities and/or departments are seldom reviewed. A tracking system needs to be developed to insure entities and/or departments receive a review over a certain period of time and that those who are frequently investigated are known and kept in focus.

Public Relations: Because the Grand Jury is not given media support, the media needs to be encouraged to become involved in the Grand Jury's report and impact. There is also need to educate the public as to the role and necessity of the Grand Jury.



MERCED COUNTY GRAND JURY

P.O. BOX 2034

MERCED, CA 95344

www.co.merced.ca.us/civilgrandjury/index.html

July 15, 2001

The Honorable Betty L. Dawson
Assistant Presiding Judge
2000-2001 Merced County Grand Jury
Merced County Superior Court

Dear Judge Dawson:

The last three investigations have finally been completed. We are sorry the June 30, 2001 deadline was not met, but these required more extensive work in order to bring them to a satisfying conclusion. To have rushed to complete them would have been a disservice to all concerned.

This will conclude the activities for the 2000-01 Merced County Grand Jury. They have been diligent in their efforts to serve and make their County a better place. I am proud of their accomplishments.

We thank you for your patience and support in this situation and throughout this past year.

Sincerely,

Charles J. Galatro, Foreperson
2000-2001 Merced County Grand Jury

SHERIFF'S DEPARTMENT
Complaint Number 00-01-23

INTRODUCTION/BACKGROUND

A complaint was received expressing to the Grand Jury a list of rumors relating to an incident involving an officer of the Merced County Sheriff's Department. It was their wish to dispel these rumors if not true, or have the truth of the incident brought to light.

METHOD OF INVESTIGATION

Because of the emotional and political implications, the Grand Jury first carried out a very careful investigation to determine if there was indeed validity in this complaint. Once it was found the incident did take place, the Grand Jury began full investigation.

The Grand Jury received and studied related documents from the Sheriff's Office, California Highway Patrol and Los Banos Police Department.

The Grand Jury interviewed a number of personnel from the Sheriff's Department who were determined to have knowledge of this situation.

Officers from the Los Banos Police Department were also interviewed.

Employees of the Merced County Data Processing Department were contacted.

FINDINGS

At approximately 1:28 A.M. on May 10, 2000, a Los Banos Police Officer was pacing a white vehicle East on Highway 152 near the intersection of Highways 152 and 165. A dark vehicle changed lanes ahead at a high rate of speed and the officer proceeded to attempt to stop this vehicle. The vehicle was traveling 80 mph at the City Limits and pulling away. The officer radioed for assistance in stopping this vehicle which had failed to yield. Units from the California Highway Patrol, Merced County Sheriff's Department and City of Dos Palos were dispatched to assist. The officer continued the pursuit at speeds in the excess of 110 mph when the vehicle suddenly pulled over and stopped 5 ½ miles beyond the Los Banos City Limits. (The reason for this action was that in monitoring the radio traffic, the driver realized he was the one being pursued.) The officer ran the license plate and determined the vehicle was an unmarked law enforcement unit. He cautiously approached the driver. To the officer's "surprise and chagrin", he recognized it was Commander Pazin of the Sheriff's Department. The officer called off the responding units and left the scene without taking further action. He reported the incident to his sergeant who reported it to the Los Banos Police Chief.

Later that morning, Commander Pazin reported the incident to the Assistant Sheriff, who called the Los Banos Police Chief. Since the Los Banos Police Department was not going to pursue the matter, the Assistant Sheriff did not carry the situation any further.

At the time of this incident, Commander Pazin was in charge of the Los Banos Sheriff's Station. He had informed the Assistant Sheriff of his plans to leave the Sheriff's vehicle parked in Los Banos while he attended a baseball game in the Bay area.

During this investigation it was discovered the Sheriff's Office dispatch records of this incident had been deleted. The Grand Jury was unable to determine by whom, how or when this activity took place.

RECOMMENDATIONS

To deal with incidents of this nature, the Sheriff's Department, and other law enforcement agencies, should carry out, at a minimum, an internal affairs investigation to document the situation and prevent the numerous and outrageous rumors generated by this type of incident.

Any and all violations and/or incidents involving Sheriff's Department employees, no matter their rank or position, should be equally and diligently investigated.

Law enforcement agencies should have in place policies and procedures for officers who may deal with incidents whereby a violation is incurred by a higher ranking officer of another agency.

The Sheriff's Department should put in place automatic and secure back up systems for dispatch, phone and other relevant records.

MERCED RIVER SCHOOL DISTRICT
Complaint Number 00-01-21

INTRODUCTION/BACKGROUND

The Grand Jury received a complaint regarding Brown Act violations which were carried out by the Merced River School District Board of Trustees. Further, that there was a conflict of interest on the part of several Board Members in their subsequent decision at the meeting where Brown Act violations were to have occurred.

METHOD OF INVESTIGATION

The Grand Jury met with several Merced River School District Board Members and School District employees who were determined to have knowledge of this situation.

School District documents pertaining to the investigation were received and studied by the Grand Jury.

The District Attorney's Office was notified of the allegations and worked with the Grand Jury to determine culpability.

BACKGROUND

At the October 11, 2000 meeting of the Merced River School District Board of Trustees, the Board authorized the Superintendent of the District to draft a letter to the Merced County Planning Department expressing their concerns over the Calaveras Mining Inc. (CMI) strip mining project which was to take place immediately adjacent to Hopten School.

At the November 8, 2000 Board Meeting, the Board President arranged for CMI to give a presentation on their project. Since the Board was interested in further information, the Superintendent agreed to meet with the CMI representatives the next day and the Board President agreed to meet with them later that same day.

A special meeting was arranged for November 13, 2000. It was posted at both schools in the District. The meeting was to include a tour of a similar venture by CMI. Four Board Members were the only District representatives on this tour. Because the tour ran late, the meeting was continued until the next day, November 14, 2000. This was considered a continuation of the November 13 meeting.

Between the November 13 and November 14 meetings, the Superintendent sent a fax to the Board President urging the Board to go slowly and suggested a compromise could be worked out to the advantage of the District if a decision could be postponed until "the school district can hold proper parent and staff meetings in order to convey to the CMI representatives the vision that would serve

as a basis for future negotiations." The Board President stated he never received this faxed letter.

The November 14, 2000 meeting began in open session with the only time to be considered was the CMI project. The Board President immediately put the Board into Closed Session and he presented the final agreement between the District and CMI. The Board discussed this agreement in Closed Session and put the meeting back into Open Session to vote on the agreement. The vote was 3-1 in favor with the Board President abstaining. The haste in this matter was to meet the November 15, 2000 deadline for a final decision by the Merced County Board of Supervisors.

FINDINGS: THE BROWN ACT

1. The Board of Trustees did not conduct a public forum regarding this decision which will greatly impact students, parents and community, particularly as concerns student safety and well being.
2. Only CMI interests were presented and heard without public or school district staff being notified of the impending action.
3. Any benefits which could have proved advantageous to the District through the negotiation process with CMI were disregarded.
4. Brown Act Violations:
 - A. The CMI contract which was approved was not a posted agenda item.
 - B. The Closed Session where the CMI contract was presented was not posted on the agenda.
 - C. The CMI contract is not a subject which can be dealt with in Closed Session.
5. At the conclusion of this investigation, the Grand Jury consulted with the District Attorney's Office who determined there was insufficient evidence to show a deliberate violation of the Brown Act or an improper motive for the action taken by the Board of Trustees.

FINDINGS: CONFLICT OF INTEREST

1. The majority of School Board members are related through family or business dealings.
2. The Board President and family members on the Board are involved in the gravel business, though not with CMI.

3. In discussions with the District Attorney's Office it is determined the vote of a majority of Board Members on the CMI contact issue is not to be considered tainted and impermissible. Government Code Section 1090 does not apply to "remote or speculative" interests. The fact that a Board Member may, at sometime in the future, enter into the same or similar business is not seen as remote or speculative.

RECOMMENDATIONS

1. The Board of Trustees of the Merced River School District should follow and practice all legal requirements of the Brown Act.
2. The Board of Trustees should seek outside help from the District Administrator or District legal counsel before any uncertain or questionable decisions are carried out.
3. The Board of Trustees should be diligent in advertising their agenda so that school district employees, parents and community members will be aware of items of interest, particularly of the nature that will impact the entire community.
4. Making agendas more visible and seeking input from staff, parents and community members will assist in dispelling the appearance of self serving or any conflict of interest on the part of Board Members. This is especially true when sensitive and controversial issues come before the Board.

SUMMARY

The Grand Jury feels strongly that the Merced River School District Board of Trustees has done a great disservice to the students, parents and community in a hastily conceived and approved contract with CMI. Compromised has been the safety of students and viability of the District's educational program. Also tainted is the integrity of CMI and the Merced River School District Board of Trustees.

HUMAN RESOURCES AGENCY-CHILD PROTECTIVE SERVICES
Complaint Number 00-01-19

INTRODUCTION/BACKGROUND

A complaint was received which alleged that several members of the staff of Child Protective Services treated the complaint unfairly by withholding information and altering another agency's report about the complaint.

METHOD OF INVESTIGATION

Interviews were conducted as follows:

- | | |
|----------|---|
| 03/13/01 | A Grand Jury Committee met with the complainant. |
| 05/17/01 | A Grand Jury Committee met with the Program Director of the Center for Interpersonal Relations. |
| 06/06/01 | A Grand Jury Committee met with the Director of the Human Resources Agency. |

FINDINGS

1. The Center for Interpersonal Relations had completed a report on the complainants attendance, participation and general behavior while attending anger conflict classes. This report was faxed to the Human Resources Agency.
2. Additional comments of a negative nature were added to this positive report by a staff member at the Human Resources Agency.
3. Both agencies expressed concern that additional comments were added to the completed report.
4. The Committee was unable to substantiate the withholding of information and unfair treatment of the complainant by the Agency.

RECOMMENDATION

Specific processing guidelines should be adopted for staff of the Center of Interpersonal Relations, The Human Resources Agency and related groups who are responsible for monitoring documentation of client activities ordered by the Agency. Included in these guidelines should be safeguards to prevent the altering and/or adding of information to original documents.