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COVER ACKNOWLEDGEMENTS

MERCED COUNTY BEHAVIORAL HEALTH AND RECOVERY SERVICE CENTER

The 2018-2019 Merced County Civil Grand Jury (MCCGJ) expressed an interest to meet the Director and staff at the new Merced County Behavioral Health and Recovery Services (BHRS) facility located at 301 East 13th Street in Merced to learn about the services provided to the community. The MCCGJ met with the Director and members of the leadership team on February 1, 2019.

The BHRS's presentation focused on the following areas:

1. Facility costs and ongoing budget
 2. Homeless and housing services
 3. Law enforcement collaboration and crisis services
 4. Crisis service expansion
 5. Additional services - Innovative Strategist Network
-
1. The new facility was built with a variety of resources, none of which was funded through the Merced County General Fund. Monies were provided by the California State Mental Health Services Act, 1991 Realignment tax revenues, bond allocations, insurance proceeds, and various grants.
 2. The BHRS is proactive as a coordinating agency and provider of services to the mentally ill homeless population. There are currently five (5) housing programs available for homeless placement.
 3. The BHRS engages in meeting with the leadership and patrol staff for training, coordination of services, and risk assessment. The Community Access Recovery Services (CARS) consists of three (3) crisis programs that partner with law enforcement and health care providers to provide services to individuals in need of crisis intervention.
 4. The BHRS is proactive in its objective of expanding and providing for the needs of mentally ill people. The Crisis Services Expansion plan includes the following projects:
 - a. On-site crisis residential unit. A thirty (30) day, sixteen (16) bed intensive residential program for the severely mentally ill. referred through BHRS consumer system. Opening Spring 2019
 - b. On-site eight (8) bed Triage services, part of CARS: Opening May 2019.
 - c. New four (4) bed Children's Crisis Stabilization Unit: Opening May 2019.
 5. Additional Services - Innovative Strategist Network—effective January 2019, BHRS expanded their delivery system of services to the community by providing comprehensive holistic care and eliminating unnecessary barriers to treatment. Services are coordinated not only at the Outpatient BHRS facilities, but at settings throughout Merced County to ensure quality of life linkages for BHRS consumers. Services include,

but are not limited to, individual counseling, recovery services, care management, narcotic treatment, and withdrawal management. These services are available face to face, by phone, or through Telehealth.

The BHRS presented to the MCCGJ an overview of their programs related to the five (5) areas, pointed out above, that reflect their proactive efforts and ambitious stance in providing services to the Merced County residents at their new facilities and through outreach programs within the County.

MAP OF MERCED COUNTY

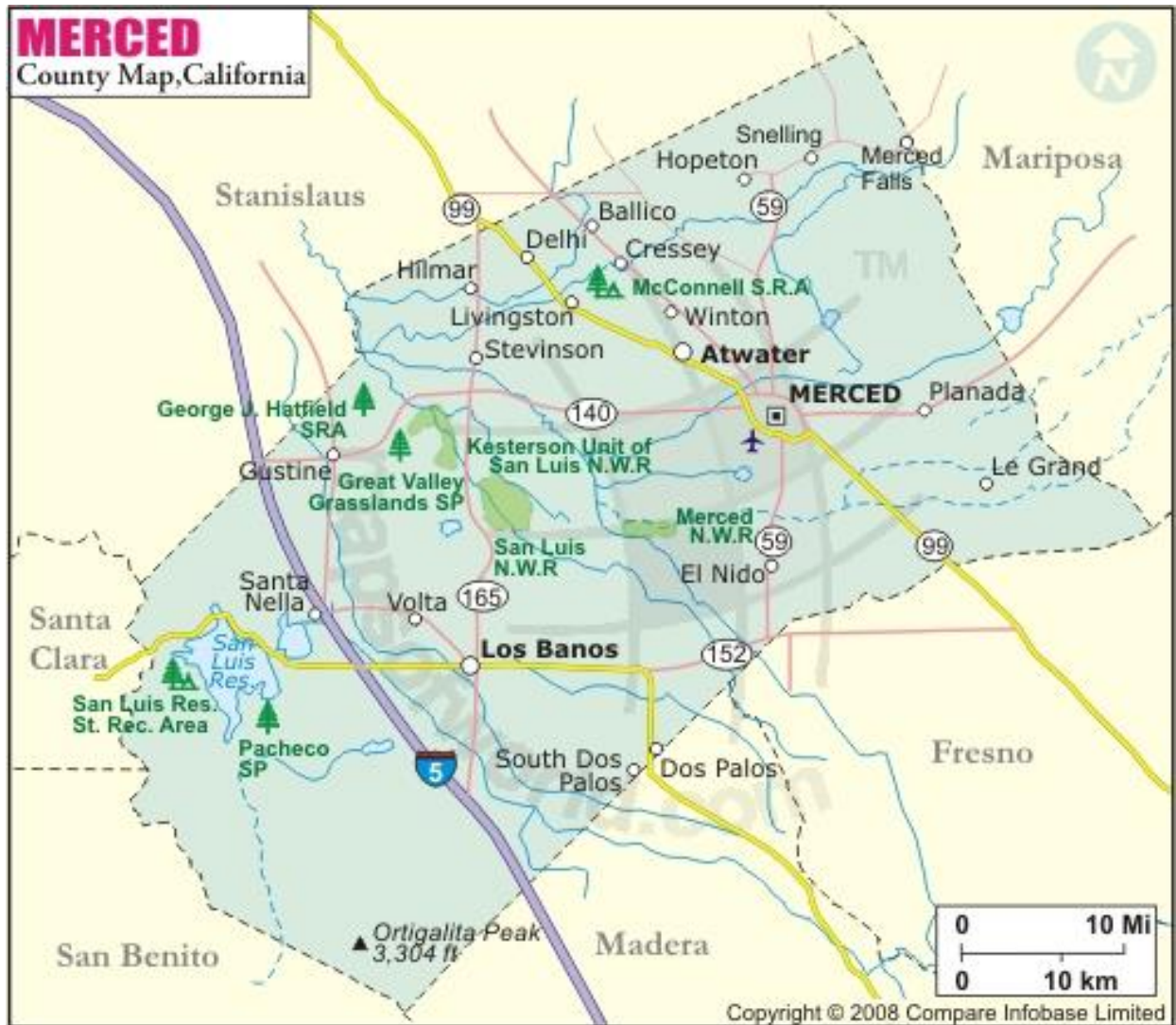


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CIVIL GRAND JURY

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The Honorable Jeanne E. Schechter
Presiding Judge of the Civil Grand Jury
Merced County Superior Court

Dear Judge Schechter:

The 2018-2019 Merced County Civil Grand Jury (MCCGJ) respectfully presents our final report to the Merced County Superior Court and the citizens of Merced County in accordance with California Penal Code, section 933.05.

Merced County citizens may express their concerns regarding the operation of their county and city governments by submitting complaints to the MCCGJ. All complaints received were reviewed by MCCGJ. The review process determined whether the complaint was within its jurisdiction and if the complaint met the standards for review. For various reasons, not every complaint warranted an investigation; however, every complaint submitted to the MCCGJ was given full consideration.

MCCGJ received six (6) complaints from citizens during the year. One (1) was from an anonymous source. Four (4) were determined to be outside the MCCGJ jurisdiction and no action was taken on one (1) complaint.

As required by law, the MCCGJ inspected the County's detention facilities: Merced County Sheriff's Department Main Jail Facility, John Latorraca Correctional Center, and the Los Banos Police Department Detention Facility. It should be noted that the Los Banos facility is no longer used for detention.

While not required by law, we did visit the Iris Garrett Juvenile Correction Complex and the Superior Court holding facility that houses inmates who are awaiting trial, and all city police departments within the county. The Superior Court facility is owned by the State but operated by the Merced County Sheriff's Office.

The MCCGJ considered every investigation and inspection seriously. They used their experience and collective knowledge to study policies and procedures within the governing bodies of Merced County. Each report contains findings, reasonable recommendations, and requests for responses from appropriate elected officials and departmental administrators.

The MCCGJ extends a huge “thank you” to the agency and departmental personnel within Merced County. We appreciate their cooperation and acknowledgment of the importance of the role of the Civil Grand Jury in service to the residents of Merced County. The acceptance, findings, and implementation of recommendations of the 2018-2019 MCCGJ report is now the responsibility of the elected officials and administrators of departments and agencies. The time and hard work from the members of this jury has been significant. The goal of the jurors is that these reports will lead to improvements in the operation and effectiveness of local government throughout Merced County.

The 2018-2019 MCCGJ appreciates the opportunity and privilege of contributing to Merced County’s future.

Respectfully submitted,

Joel Moses, Foreperson
2018-2019 Merced County Civil Grand Jury

**2018 – 2019 Merced County
Civil Grand Jury Members**

1. Brenda Jean Calbert (Secretary)
2. Mayra Ceja Del Toro
3. David Cunca*
4. Karen Lisa Deeming
5. Alexander Duran * (Vice Foreperson)
6. Rennise T. Ferrario
7. Ryan Foote
8. Mary Esther Gomez
9. Michael Phillip Green
10. Portia R. Green
11. Leland P. Haugen*
12. Bryce Allen Howard*
13. Stoney W. Jackson Jr.
14. Joe F. Martins
15. Victoria McKim
16. Edna Montes de Oca*
17. Joel Moses (Foreperson)
18. Toby Neal Soares
19. Mai Yer Vang
20. Salvador Navarrete
21. David Rodriguez

*Members unable to complete their term

The 2018 -2019 Civil Grand Jury members resided in the following communities in Merced County.

Atwater
Los Banos
Merced
Planada
Winton

MANDATED INSPECTIONS OF JAIL FACILITIES

INTRODUCTION

California Penal Code 919(b) requires the Merced County Grand Jury (MCCGJ) to inspect and inquire into the management and conditions of the jails within the County. During the year, the MCCGJ inspected the following facilities:

Merced County Sheriff's Department Main Jail

Merced County Sheriff's Department John Latorraca Correctional Facility (JLCF)

Merced County Superior Court Holding Facility

The Los Banos Police Department and Jail facility are exempt from the above list based on the discontinuation by the City of its holding facility. Arrestees from Los Banos, Dos Palos, California Highway Patrol, and Fish and Game are transferred to the Merced County Main Jail. The Grand Jury inspected all three facilities but decided not to write reports on the Merced County Sheriff's Department Main Jail and Merced County Superior Court Holding Facility.

JOHN LATORRACA CORRECTIONAL FACILITY

SUMMARY

The John Latorraca Correctional Facility (JLCF) is located at 2584 West Sandy Mush Road south of the City of Merced. The facility is located on approximately 100 acres adjacent to the Iris Garrett Juvenile Justice Center. The rated holding capacity of the facility is 564 inmates. Average daily population for May 2019 was 447. The facility is staffed by thirty-three (33) correctional officers, five (5) sergeants, ten (10) administrative staff comprised of sheriff systems operators, cooks, and facility assistant clerks, and two (2) day shift maintenance staff that work Monday-Friday. The facility is the main jail facility for the County and local jurisdictions. It was originally built in the 1990's as a short-term facility for weekend alternative sentences but now houses short-term and long-term inmates. Prisoners are located in separate areas depending on the crimes they committed, their current risk assessment, and their behavior. This facility is currently under the supervision of the Sheriff and Probation Departments and holds both male and female offenders.

BACKGROUND

During its investigation of the JLCF, the MCCGJ received complaints concerning general maintenance of the facility, lack of water in the cells, lack of hot water in the showers, price gouging by the commissary, withholding of medications from inmates, and lack of adequate medical and dental services.

METHODOLOGY

Over the course of three (3) separate investigative site visits, the MCCGJ conducted interviews with Merced County Sheriff's administrative and correctional facility staff, on site medical staff, county public works maintenance staff assigned to the facility, facility inmates, county administrative staff, and California State Board of Corrections staff. The MCCGJ reviewed documentation on maintenance, medical procedures, and commissary pricing.

DISCUSSION

The facility is laid out with four (4) bunk buildings (Buildings 300, 400, 500, and 600). Building 300 has three (3) cells: one (1) medical dorm with eight (8) available bunks, and two (2) female cells with occupancy at twenty (20) per cell. Building 400 has six (6) cells with occupancy at twenty (20) per cell and contains sensitive needs cells only. Building 500 has eight (8) cells: two (2) cells with occupancy of eighteen (18) per cell, one (1) general population cell and one (1) Norteno cell; five (5) cells with occupancy of twenty-three (23) containing sensitive needs; and one (1) cell with occupancy of twenty-four (24) containing sensitive needs. Building 600 has seven (7) cells with occupancy at twenty (20) per cell; one (1) program dorm (for inmates involved in rehabilitation and education programs), four (4) general population dorms, one (1) dorm for inmates over thirty-five (35+), and one (1) worker dorm. The bunk buildings enclose a court area with grass and paved surfaces for recreational use. The facility also contains administrative buildings, classrooms, medical clinic and other support facilities.

The JLCF has been updated over the years to accommodate the growing prison population but is showing a great deal of decay not related to vandalism. Individual bunkrooms are separated by drywall which has holes and mold. Maintenance logs showed numerous problems with mold. Maintenance of the JLCF is under the responsibility of the County Public Works Department. Maintenance personnel report daily to Public Works Department before traveling to JLCF and can be assigned to any work site based on countywide needs. During the first inspection by the MCCGJ, the facility had only one maintenance person working on site for six (6) hours a day. On a second visit, it was noted that a second maintenance worker was working on site.

While touring the facility the MCCGJ inspected the water temperature and flow in selected bunkrooms. Out of two showers inspected, one shower was not functioning, and the second shower had low water flow and no hot water. The handwashing sink had no water flow. The MCCGJ was shown by staff that the water system pipes are plugged with mineral build up and restricting water flow. Staff explained that piping is being replaced only when problems become acute because of the impending remodeling project. Hot water is sometimes not available in bunkrooms because of hot water boilers breaking down. Several boilers are so old replacement parts cannot be purchased, so they must be specially fabricated for repairs. The facility maintenance records show numerous problems with water line breakage within walls and water service interruptions.

Inmates are issued one blanket each for use in the bunkrooms. Inmates with special needs may be provided an additional blanket on request. It should be noted that during the visit in November, the bunkrooms the MCCGJ inspected were at a comfortable temperature.

During the inspection, the MCCGJ investigated prices at the commissary. The commissary provides a number of items including personal hygiene items, snacks, and convenience foods. The County outsources commissary operation to an outside vendor who provides items and sets the price of individual items. The County does review and approve items sold at the commissary. Inmates can order items online, but only through specifically approved vendors. In reviewing the commissary list and prices, some seemed higher than paid at community stores, however, the prices maybe higher due to the costs of providing items to a jail facility. The MCCGJ reviewed the new contract and it requires any request for a price increase by the contractor to be substantiated with documentation from the contractor, a manufacturer, supplier, local market, or governmental agency and must be submitted in writing at least thirty (30) days prior to the effective date of the increase. It also provides that the County and contractor shall mutually agree to prices for any and all items to be provided to inmates. No price of any product may be set and/or changed without the express written approval of the County. Approval for increases will not be unreasonably withheld by the County.

The MCCGJ investigated the medical services including prescription dispensing. The MCCGJ interviewed medical staff and the onsite clinic facilities to review medical procedures and facilities. Opioid medications are not allowed in the facility, nor are they distributed to inmates even if prescribed. Alternative medications are provided.

Intake procedures require detainees to surrender any prescription drugs to the medical staff. The County's medical databases are checked and personal physicians are contacted for current

prescription information. Approximate time for verifying medications was reported to take between one (1) and three (3) days. Once verified, medication is distributed by medical personnel under the supervision of correctional officers. Under some circumstances, medications are administered in the medical clinic offices. If an inmate refuses to take their medication it is noted in the file. All distributions of medications are controlled and logged in the medical records of the clinic.

The MCCGJ inquired about dental care in the facility. The MCCGJ was informed due to availability of qualified dentists, treatment was not frequently available. Emergency cases are handled outside the facility. The County is negotiating an updated addendum to the contract with the medical provider that would increase the availability of dental services.

In November 2015 the County received a \$40 million grant to upgrade the facility from the California Board of State and Community Corrections and a contribution of \$5 million from Merced County. To date none of the funds have been used. The State is waiting to release funds pending the completion of grant conditions by the County. Currently the County is working with the State Fire Marshall, General Services Agency, Department of Finance, and others to complete the requirements for the Real Estate Due Diligence Report.

The County does have plans to implement a three-phase plan to correct problems at the current facility and to build new facilities. Unfortunately, the County has not yet secured the release of the \$40 million dollar grant approved four (4) years ago and has not determined a source of funds for Phases two (2) and three (3).

FINDING(S)

- F1:** That the JLCF is in an advanced state of decay.
- F2:** That the county has received a \$40 million grant in 2015 for the phase one (1) upgrading of the facility and the County has allocated \$5 million in funds to upgrade the facility.
- F3:** That no funds have been released to begin the project based on unfulfilled conditions of approval.
- F4:** That no sources have been identified for the implementation of phase 2 providing for the replacement of the Main Jail and facilities at JLCF.
- F5:** That the County has new, or modified, contracts for the commissary and medical services.

RECOMMENDATION(S)

- R1:** That the maintenance staff be increased to maintain facility and address issues in a timely manner.

R2: That the County put the highest priority on completing the grant requirements needed for release of the funding so construction can begin on Phase one (1).

R3: That the Board of Supervisors identify funding sources for the implementation of Phase two (2). Phase two (2) will replace jail facilities at both the JLCF and the Main Jail in downtown Merced.

REQUEST FOR RESPONSE(S)

Pursuant to Penal Code Section 933.05, the following responses are requested:

- Merced County Board of Supervisors respond to F1, F2, F3, F4, R1, R2 and R3 within 90 days.
- Merced County Sheriff Vernon Warnke respond to F1, F2, F3, F4, R1, R2, and R3 within 60 days.

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

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