



MONTEREY COUNTY, CALIFORNIA
SHERIFF'S OFFICE
Keeping the peace since 1850

STEVE BERNAL
Sheriff-Coroner

June 21, 2022

Honorable, Stephanie E. Hulsey
Judge of the Superior Court
c/o Office of the County Counsel
168 W. Alisal Street, 3rd FL
Salinas, CA 93901

Dear Judge Hulsey,

Please accept the following response to the 2021-2022 Monterey County Civil Grand Jury Final Report –
“Public Safety at What Cost?”

F1 The advent of the Guardian RFID system provides a better process of tracking. It significantly reduces the likelihood of human error, negligence, and falsification of documentation of custody security and safety check procedures.

The Sheriff's Office agrees with this finding.

F2 Weaknesses in the utilization of the video security camera system were involved in the lack of detection of all the escapes. The failure to utilize the video camera system to capture in progress escapes remains to this day.

The Sheriff's Office disagrees partially with this finding. Inmates exploited a camera “blind spot” in a restroom during the 2019 escape.

The Prison Rape Elimination Act (PREA) states in part: “The facility shall implement policies and procedures that enable residents to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia.” PREA also prohibits Voyeurism. The definition of voyeurism includes “taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.” Considering PREA, Cameras cannot be utilized in a restroom. Therefore, weaknesses in the utilization of camera equipment were not a factor in the 2019 escape.

During the 2021 escape, there was a window of a few seconds where our personnel could have seen the inmate in an unauthorized area; but with approximately 500 cameras in the county jail and expansion, it is impossible to continuously view every camera 24/7.

F3 In both the November 2019 and January 2021 escapes, weaknesses in the physical security structures were involved. Some remedial changes were implemented to alleviate or at least greatly lessen the known weaknesses.

The Sheriff's Office agrees with this finding.

F4 The long-awaited new structure's addition to the Jail property holds promise of better security and safety for employees, inmates, and the public.

The Sheriff's Office agrees with this finding.

F5 The new facility creates efficiency, relief from overcrowding, and reduces the need to escort inmates to ancillary and centralized services.

The Sheriff's Office agrees with this finding.

F6 The 911 Dispatch Center has updated their notification procedures to mitigate lapses in communication of escapes from the Jail.

This finding is better addressed by the County Emergency Communications Center or County Administration as the communication center operates independent from the Sheriff's Office.

F7 The Jail's Operations Manual does not provide communication algorithms for varying levels of risk with escapes dependent upon each situation.

The Sheriff's Office agrees with this finding.

F8 The BOS does not have statutory powers to oversee the Sheriff's Office. AB1185 provides an opportunity to address this issue since historically, the communication between the BOS and Sheriff's Office has been trying at best.

The Sheriff's Office disagrees wholly with this finding. The Sheriff is subject to Federal, State, and Local Oversight. The Sheriff's Office receives oversight and inspections from:

Federal Court Appointed Monitors, The California Department of Justice, The California Commission on Peace Officer Standards and Training, The Board of State and Community Corrections, Standards and Training for Corrections, The Office of the State Fire Marshal, Monterey County Health Department, and the Monterey County Civil Grand Jury. Additionally, the Monterey County Board of Supervisors exercises additional oversight via personnel rules and MOUs governing workplace policies; and fiscal oversight through purchasing, procurement, and contracting policies; required board approvals for procurement and contracts and the board has complete autonomy and authority to establish and oversee the Sheriff's annual budget. Additionally, an AB1185 panel or inspector general would duplicate the roles and responsibilities of the Civil Grand Jury.

F9 The Sheriff's Office and Jail continue to have less than optimal staffing to meet the needs of both mandated Jail conditions and adequate field patrol staffing functions.

The Sheriff's Office partially disagrees with this finding. The Sheriff's Office has prioritized staffing in the jail. Our patrol staffing has continued to deteriorate as our recruitment efforts are not keeping up with attrition. We have increased advertising and opened a special "lateral recruitment" attempting to attract patrol officers from other agencies and bring them straight to patrol. The downward trend for recruitments will continue to negatively impact our overall staffing.

F10 The Sheriff's Office and Jail appear to be more reactive than proactive when addressing security weaknesses.

The Sheriff's Office disagrees wholly with this finding. Proactivity for security matters is excellent. The average daily population of the county jail is approximately 900 which equates to 328,500 inmate bed days per year.

The peace officers and civilian personnel who work in the county jail do so diligently and tirelessly. Our front-line personnel work with an extremely challenging clientele. Inmates continuously work to defeat our security and safety measures. Inmates commit physical acts of violence against our personnel and on other inmates. They attempt to import or manufacture weapons, drugs, and contraband daily. Inmates also sabotage and damage physical plant security by chipping or stripping window caulk/seals, mortar joints, or punch holes in walls or ceilings. Inmates sabotage electrical systems by shorting out electrical wall outlets. They sabotage plumbing systems by introducing clothing, bedding, or packaging materials into the sewage system. All of the activities listed above create additional work and serve as distractions for all the personnel charged with inmate supervision. It is impossible to appreciate the difficulties our personnel face every day they come to work. If the Grand Jury had more time to spend several shifts inside the jail, it would be much easier to see and understand the proactivity of our personnel. A three-hour inspection just isn't enough time to grasp the full scope of responsibility and the level of commitment exercised by our personnel.

R1 The Sheriff's Office hire an outside consultant to study the Jail's video surveillance motion detection alerting system capabilities activation to maximize desired alarms and minimize unwanted ones. Implementation by July 1, 2023.

This recommendation will not be implemented because it is not warranted or is not reasonable. The Sheriff's Office utilized a consultant for surveillance camera placements in conjunction with the Hernandez Litigation. The Sheriff's Office utilized other security experts in conjunction with the jail expansion project for camera placements inside the expansion.

Additionally, there is already a court-appointed security expert who conducts security inspections at the county jail.

R2 The Sheriff's Office immediately hire an outside consultant to perform an audit of physical security systems of the entire facility and implement remediations by July 1, 2023.

This recommendation will not be implemented because it is not warranted or is not reasonable. There is a court-appointed security expert/consultant who regularly tours and inspects the county jail in conjunction with the implementation plan for the Hernandez Litigation.

R3 The Sheriff's Office and BOS agree on appropriate practices for notifications when Jail escapes occur, based upon levels of risk to the community. Complete by June 30, 2022.

This recommendation will not be implemented because it is not warranted or is not reasonable. There is already a policy and practice for notifications. As described during the tour and interviews with the grand jury, every event is different so there is no one size fits all notification plan. Each scenario will be triaged, and our focus will be to release as much information as possible as soon as practicable.

R4 The BOS and the Sheriff's Office collaborate on the implementation of AB1185. Complete by Dec. 31, 2022

This recommendation will not be implemented because it is not warranted as The Monterey County Board of Supervisors considered this matter and decided to table it until after a new Sheriff takes office in 2023.

R5 The BOS approve funding for mandatory staffing in the jail each fiscal year, starting July 1, 2023.

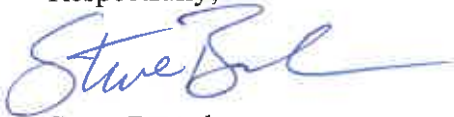
This recommendation is better answered by the Board of Supervisors as the board has sole discretion over the annual budget.

R6 The BOS approve funding for optimal patrol coverage in the County each fiscal year, starting July 1, 2023.

This recommendation is better answered by the Board of Supervisors as the board has sole discretion over the annual budget.

We hope that this information addresses the Grand Jury's findings and recommendations. Please contact Sheriff Steve Bernal if you have any questions or require additional information.

Respectfully,

A handwritten signature in blue ink that reads "Steve Bernal". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Steve Bernal
Sheriff/Coroner