



Monterey County Board of Supervisors

Response to the

2021 - 2022 Monterey County Civil Grand Jury

Topic: "Public Safety At What Cost"

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Topic: “Public Safety At What Cost”**

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REPORT TITLE: 2021 - 2022 Monterey County Civil Grand Jury Final Report –

Topic: “Public Safety At What Cost”

RESPONSE BY: Monterey County Board of Supervisors

RESPONSE TO: Findings F1, F2, F3, F4 and F5

FINDINGS

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.
<i>Response F1</i>		
The Board of Supervisors 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.
<i>Response F2</i>		
The Board of Supervisors disagrees partially with this finding and concurs with the Sheriff’s response to the Presiding Judge dated June 21, 2022 (attached).		
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.
<i>Response F3</i>		
The Board of Supervisors 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.
<i>Response F4</i>		
The Board of Supervisors 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.
<i>Response F5</i>		
The Board of Supervisors agrees with this finding.		

REPORT TITLE: 2021 - 2022 Monterey County Civil Grand Jury Final Report –

2021 - 2022 Monterey County Civil Grand Jury Final Report –

Topic: “Public Safety At What Cost”

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RESPONSE BY: Monterey County Board of Supervisors

RESPONSE TO: Findings F6, F7 and F8

FINDINGS

F6	The 911 Dispatch Center has updated their notification procedures to mitigate lapses in communication of escapes from the Jail.
<i>Response F6</i> The Board of Supervisors agrees with the finding. After the incident occurred, the Emergency Communications Department reviewed the process and ultimately created a new procedure related to high profile buildings in the County to create additional notifications. This is referenced in the report and a copy of the SOP is included as Appendix A.	
F7	The Jail’s Operations Manual does not provide communication algorithms for varying levels of risk with escapes dependent upon each situation.
<i>Response F7</i> The Board of Supervisors 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.
<i>Response F8</i> The Board of Supervisors agrees in part with this finding. Existing law requires a Board of Supervisors to supervise the conduct of all county officers and ensure that they faithfully perform their duties. AB 1185, entitled “County Board of Supervisors : Sheriff Oversight”, was signed into law on September 30, 2020 and authorizes creation of either a sheriff oversight board or an office of the inspector general to “assist the Board of Supervisors with these duties as they relate to the Sheriff”. The law provides that the oversight board or office of the inspector general may be established either by action of the Board of Supervisors or through a vote of county residents.	

REPORT TITLE: 2021 - 2022 Monterey County Civil Grand Jury Final Report –
Topic: “Public Safety At What Cost”
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Findings F9 and F10

FINDINGS

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.
<p><i>Response F9</i></p> <p>The Board of Supervisors partially disagrees with this finding.</p> <p>The Board of Supervisors provides adequate funding for staffing at the jail and for patrol coverage. However, the Board of Supervisors does acknowledge the challenges associated with law enforcement recruitment generally</p>	
F10	The Sheriff Office and Jail appear to be more reactive than proactive when addressing security weaknesses.
<p><i>Response F10</i></p> <p>The Board of Supervisors disagrees with this finding.</p> <p>The Board of Supervisors concurs with the Sheriff’s response provided to the Presiding Judge in a letter dated June 21, 2022 (attached).</p>	

REPORT TITLE: 2021 - 2022 Monterey County Civil Grand Jury Final Report –

Topic: “Public Safety At What Cost”

RESPONSE BY: Monterey County Board of Supervisors

RESPONSE TO: Recommendations R1, R2, R3 and R4

RECOMMENDATIONS

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.
<i>Response R1</i> This recommendation will not be implemented because it is not warranted or is not reasonable. The Board of Supervisors concurs with the Sheriff’s response provided to the Presiding Judge in a letter dated June 21, 2022 (attached)	
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.
<i>Response R2</i> This recommendation will not be implemented because it is not warranted or it is not reasonable. The Board of Supervisors concurs with the Sheriff’s response provided to the Presiding Judge in a letter dated June 21, 2022 (attached)	
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.
<i>Response R3</i> This recommendation will not be implemented because it is not warranted or is not reasonable. The Board of Supervisors concurs with the response provided by the Sheriff to the Presiding Judge in a letter dated June 21, 2022 (attached)	
R4	The BOS and the Sheriff’s Office collaborate on the implementation of AB1185. Complete by Dec. 31, 2022
<i>Response R4</i> This recommendation requires further analysis. The Board of Supervisors directed staff to conduct a preliminary analysis of AB 1185 as part the Board’s “referral process”. After discussion, the Board agreed to defer further analysis, discussion and possible action on this matter until a new Sheriff takes office in January 2023.	

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REPORT TITLE: 2021 - 2022 Monterey County Civil Grand Jury Final Report –

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RESPONSE BY: Monterey County Board of Supervisors

RESPONSE TO: Recommendations R5 and R6

RECOMMENDATIONS

R5	The BOS approve funding for mandatory staffing in the jail each fiscal year, starting July 1, 2023.
<p><i>Response R5</i></p> <p>The Board of Supervisors already provides adequate funding for staffing at the County jail</p>	
R6	The BOS approve funding for optimal patrol coverage in the County each fiscal year, starting July 1, 2023.
<p><i>Response R6</i></p> <p>The Board of Supervisors already provides funding for patrol coverage each fiscal year through the budget process to the extent of resource availability. The recommendation mentions optimal staffing for this area, but “optimal” is not defined in the recommendation or the report.</p>	

APPENDIX A

Monterey County Emergency Communications Standard Operating Procedures Manual		
SECTION 4000 LAW OPERATIONS		
High Profile Buildings		
Approved By: <i>Lee Ann Magoski</i>	Policy No. 4930	Adopted 03-31-2021
Lee Ann Magoski Director		Revised 00-00-0000

Policy

Communications Dispatchers shall make notifications, without delay, to appropriate agencies upon receiving a report of suspicious persons or activity around high-profile buildings. Dispatch of the law enforcement agency having jurisdiction will be made without delay. Considering the circumstances reported, Dispatchers may make notifications to additional agencies based on the location of the incident. An email to the ECD Supervisor and Management staff may be appropriate.

Definition

Suspicious activity can include, a person(s) loitering around the area with no apparent reason, or after hours/when the building is closed. Person(s) that appear to hide from passersby or someone taking pictures of high-profile buildings. Reported suspicious activity should not be dismissed or validity diminished by ECD staff and will be dispatched as described by the caller in a professional manner.

Procedure

1. Without delay, dispatch appropriate law agency having jurisdiction. If there are no available units, broadcast the information and notify the Watch Commander. Make note of the broadcast or WC advisement in the Computer Aided Dispatch (CAD) detail.
2. Although the law enforcement agency with jurisdiction will be dispatched for reporting purposes, it may be necessary to notify surrounding agencies who can assist or may benefit from the information. For example, the Department of Motor Vehicles (DMV) is a State facility and CHIP will respond, however the law enforcement agency in which the DMV facility is located should also be advised. Another example is an incident occurring at a County building that is located within a city limit. Both MCSO and the city law enforcement should be advised of the incident.
3. High Profile buildings include but are not limited to:
 - a. Monterey County Sheriff's office and Jail complex
 - i. Dispatch Salinas Police, notify MCSO Watch Commander and call the on duty Jail Sergeant via radio on the Jail 1 channel or landline. Other

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considerations for notifications may be Probation, Juvenile Hall, and Natividad Medical Center (NMC) Security.

- b. Monterey, Marina, Salinas, and King City Courthouses
 - i. Notify appropriate law enforcement agency with jurisdiction and MCSO Bailiffs via radio on Bailiff channel 1 or telephone. Also consider making notifications to the District Attorney's Office (DA) for King City, Monterey, and Salinas Courthouse. Notify Probation staff at the Monterey Courthouse.
- c. Juvenile hall
 - i. Dispatch appropriate law enforcement agency and notify MCSO and Juvenile Hall personnel.
- d. DMV and other State facilities
 - i. Incidents occurring on State property will be handled by California Highway Patrol (see MCSO/CHP MOU). Notify surrounding law enforcement agency of CHP incident.
- e. Police and Fire Departments
 - i. Dispatch local police and consider notifying persons inside the building of the activity reported outside.
- f. ESC/OES
 - i. Dispatch Salinas Police Department. Consider notifying NMC Security, Probation and County Jail. Notify the ESC Duty Supervisor, if Salinas Police are not available consider notifying MCSO. Email ECD Supervisor and Management staff and consider sending a CAD page alerting incoming staff of suspicious activity that has yet to be resolved.
- g. Health Department – Salinas
 - i. Dispatch Salinas Police Department. Consider notifying NMC Security. Notify ESC Duty Supervisor.
- h. 1441 Schillings Place
 - i. Dispatch Salinas Police Department and notify ESC Duty Supervisor.
- i. Monterey County Government Center
 - i. Notify appropriate law enforcement agency with jurisdiction and MCSO Bailiffs via radio on Bailiff channel 1 or telephone. Also consider notifying the District Attorney's Office (DA)



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,



Steve Bernal
Sheriff/Coroner