

**CIVIL GRAND JURY
COUNTY OF MONTEREY
2023-2024**



**FINAL REPORT
JUNE 13, 2024**

MONTEREY COUNTY CIVIL GRAND JURY

**2023/24
FINAL REPORT**

JUNE 13, 2024

TABLE OF CONTENTS

Cover Letter.....	v.
2023/24 Monterey County Civil Grand Jury	vii.
Mission Statement.....	ix.
Reports:	
In Memoriam, Ileen Fogarty Groves.....	1
Continuity and Compliance Report: 2022/23 Monterey County Civil Grand Jury	3
Monterey County’s Response to Community Members Experiencing Mental Health Crisis	7
Cannabis Tax Revenues: Highs and Lows	27
Monterey Regional Airport: Understanding Noise	43
Monterey Fire Department: Overdue for Overhaul.....	53
Fentanyl: Our Youth in Crisis	83

Monterey County Civil Grand Jury

P.O. Box 414

Salinas, CA 93902

Telephone: (831) 883-7553



May 17, 2024

Honorable Stephanie E. Hulsey
Superior Court of California
240 Church Street
Salinas, CA 93901

Honorable Judge Hulsey:

It is our privilege to present to you and the citizens of Monterey County, the 2023/2024 Civil Grand Jury Final Report. The members of the jury dedicated their one-year term of service to evaluating how government is working in Monterey County. This jury devoted many hours researching, investigating, interviewing, and writing these reports. It is our hope that the reports will provide guidance to the governmental entities investigated as they strive to meet the many needs of our community.

It was an honor to serve as Foreperson of the 2023/2024 Civil Grand Jury and I am grateful for and acknowledge the high level of commitment, integrity and diligence demonstrated by my fellow jurors. The oversight of local government by its citizens is an integral part in assuring transparency, efficiency, and effectiveness. This jury embraced the responsibility by working tirelessly and collaboratively in investigating complaints and critical issues that affect the well-being of our community.

We thank you, Judge Stephanie Hulsey, for the initial charge to us as we began our term. A special thank you to County Counsels Leslie J. Girard and Susan Blitch, our legal advisors, District Attorney Jeannine M. Pacioni, and Administrative Operations Manager Sandra Ontiveros for her support and guidance.

Our service as Civil Grand Jurors has been a rewarding experience and we hope that our new insights will enable us to continue to support our community in other ways. We thank you for the opportunity and privilege to serve our fellow citizens of Monterey County.

Respectfully,

Christine Lerable
Foreperson

2023/24 MONTEREY COUNTY CIVIL GRAND JURY ROSTER

OFFICERS

Foreperson	Christine Lerable
Foreperson Pro Tem	Norma Aguilar
Recording Secretary	Andrea Kingman
Corresponding Secretary	Tracy Jones
Treasurer	Clare Munteer

JURORS

Casey Aguilar	Salinas
Norma Aguilar	Salinas
Shaaron Delsohn	Pacific Grove
Shawne Ellerbee	Pacific Grove
Lisa Griffin Burns	Seaside
Uwe Grobecker	Monterey
Phil Hopfner	Monterey
Tracy Jones	Carmel Valley
Andrea Kingman	Monterey
Christine Lerable	Salinas
Clare Munteer	Pacific Grove
Lynette Stone	Pacific Grove
Joseph Truskot	Salinas
Ken Underwood	Salinas
Daisy Yopez	Salinas



BACK ROW FROM LEFT TO RIGHT

Lisa Griffin Burns, Phil Hopfner, Uwe Grobecker, Joseph Truskot

MIDDLE ROWE FROM LEFT TO RIGHT

Daisy Yopez, Andrea Kingman, Norma Aguilar, Clare Munteer

FRONT ROW FROM LEFT TO RIGHT

Casey Aguilar, Lynette Stone, Judge Stephanie E. Hulsey, Christine Lerable,
Tracy Jones, Ken Underwood

Not Pictured: Shaaron Delsohn and Shawne Ellerbee

2023/24 MONTEREY COUNTY CIVIL GRAND JURY

Mission Statement



The principal mission of the Monterey County Civil Grand Jury is to serve the residents by performing a watchdog function in reviewing and evaluating the performance of county, municipal and special district agencies within Monterey County. The Civil Grand Jury accomplishes this mission by conducting selected independent inquiries of agency operations and annually publishing a report of its findings, recommendations, and commendations.

CIVIL GRAND JURY MISSION AND RESPONSE REQUIREMENTS

The primary mission of a civil grand jury in the State of California is to examine county and city governments, as well as districts and other offices, in order to ensure that the responsibilities of these entities are conducted lawfully and efficiently. The civil grand jury is also responsible for recommending measures for improving the functioning and accountability of these organizations, which are intended to serve the public interest.

Jury Selection

Each year, citizens of the county who apply for civil grand jury service are invited to an orientation session for an overview of the process. The court then interviews them, and approximately 40 names are forwarded for inclusion in the annual civil grand jury lottery. During the lottery, 19 panel members are selected, with the remaining to serve as alternates. Those selected to serve are sworn in and instructed to their charge by the presiding judge. Civil grand jurors take an oath of confidentiality regarding any civil grand jury matters for the rest of their lives.

Investigations

Each civil grand jury sets its own rules of procedures and creates committees to investigate and create reports. California Penal Code section 925 states:

The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving ex-officio capacity as officers of the districts.

Additionally, Section 919 prescribes that:

The grand jury shall inquire into the condition and management of the public prisons within the county, including inquiring into willful or corrupt misconduct in office of public officers of every description within the county.

The public may submit directly to the Monterey County Civil Grand Jury complaints requesting that it investigate issues of concern regarding public agencies or official in

Monterey County. The public may request complaint forms by contacting the office of the Monterey County Civil Grand Jury at (831) 883-7553 or through the Grand Jury's website address at www.monterey.courts.ca.gov/grandjury or <http://www.co.monterey.ca.us/government/participate-get-involved/civil-grand-jury>.

Grand juries conduct proceedings behind closed doors, as required by law, primarily for the protection of people who file complaints or who testify during investigations. All who appear as witnesses or communicate in writing with a grand jury are protected by strict rules of confidentiality, for which violators are subject to legal sanction.

Reports

Section 933(a) of California Penal Code declares:

Each grand jury shall submit...a final report of its finding and recommendations that pertain to county government matters during the fiscal or calendar year.

The civil grand jury summarizes its findings and makes recommendations in a public report, completed at the end of its yearlong term. Each report is presented to the appropriate department or agency.

Section 933(b) declares:

One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

Each report is distributed to public officials, libraries, the news media and any entity that is the subject of any of the reports. The public may also view each year's final report through the Monterey County Civil Grand Jury's website at <http://www.co.monterey.ca.us/government/participate-get-involved/civil-grand-jury> or www.monterey.courts.ca.gov/grandjury.

Content of Responses

Section 933.05 of the California Penal Code declares:

- (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
1. The respondent agrees with the finding.
 2. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
1. The recommendation has been implemented, with a summary regarding the implemented action.
 2. The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
 3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
 4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

Timeline of Responses

Section 933(c) states:

No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendation pertaining to matter under the control of that county officer or agency head any and agency or agencies which that officer or agency head supervises or controls...All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury.

Address for Delivery of Responses

The Honorable Stephanie E. Hulse
Judge of the Superior Court
c/o County of Monterey
Civil Grand Jury Liaison
168 W. Alisal Street, 3rd Floor
Salinas, CA 93901

IN MEMORIAM

Ileen Fogarty Groves

October 7, 1947 – February 7, 2024

Monterey County Civil Grand Jury Member, 2023-2024



The members of the 2023-2024 Civil Grand Jury dedicate this report to the memory of our friend and fellow juror, Ileen Fogarty Groves. Ileen left us unexpectedly on February 7, 2024 after a battle with pancreatic cancer.

Ileen brought joy and inspiration to the Grand Jury. Her smile and her kindness, her sense of humor, keen insight, and ability to get to the heart of an issue made her a valued and well-respected member of our team. Ileen was a model collaborator, always patient and considerate of the viewpoint of others, yet never failing to steer us back on course if our conversation veered for too long in a different direction. Whether Ileen was in the Grand Jury room, or away on a short trip, joining a meeting by Zoom, she showed how much she cared and wanted to contribute. In addition to her service on the Civil Grand Jury, Ileen shared her talents with the community in local theatre, as a volunteer, as a business owner, and as a devoted member of her church community in Gonzales. Ileen came from a large, close-knit family whom she loved immensely.

Ileen touched us all in different ways. Her contributions to the 2023-2024 Civil Grand Jury and to the Monterey County community will forever be honored and cherished.

CONTINUITY AND COMPLIANCE REPORT

SUMMARY

The Civil Grand Jury (CGJ) monitors the required responses from government entities to findings and recommendations by previous juries. Jurors then determine whether those responses are complete and legally sufficient according to [Penal Code Sections 933 and 933.05](#). This monitoring effort ensures a seamless, year-to-year transition. The 2023-24 CGJ reviewed responses from the previous five years of grand jury reports to determine that mandatory responses were received and posted to the CGJ website. In addition, the CGJ followed up with the entities regarding the implementation of the recommendations agreed upon in the 2022-23 reports.

BACKGROUND

The California Constitution requires each county to empanel a Civil Grand Jury and publish a report at the conclusion of its one-year term. The report identifies findings and recommendations for selected government entities and elected officials in each county to improve government operations and efficiency. Government entities are required to submit responses to the recommendations of the Civil Grand Jury to the presiding Superior Court Judge for the grand jury within 90 days of the date the report is published. Elected officials are required to submit responses within 60 days of publication.

The required responses must state whether the entity or elected official agrees or disagrees with the specific findings and recommendations of the report, and whether the recommendations have or will be implemented.

This report focuses on the Penal Code requirements for responding to the CGJ's recommendations. The responses must include whether each recommendation:

- was implemented with a summary of the action taken
- will be implemented with a specific timeframe provided

- requires further analysis or study with an explanation of the scope, parameters, and timeframe for conducting the analysis or study
- will not be implemented because the entity deems it is not warranted or is not reasonable, with an explanation provided

METHODOLOGY

The 2023-24 CGJ reviewed the final reports for the five-year period from 2018 to 2023 to determine which entities and elected officials were required to submit written responses and whether they had been submitted.

The CGJ sent follow-up letters to entities and elected officials who did not submit the required written responses. They were given a 30-day timeframe for compliance. The CGJ conducted detailed reviews of the submitted responses to determine compliance with the Penal Code provisions.

DISCUSSION

2018 to 2022 Required Responses

There were two responses received but not previously posted to the [Civil Grand Jury website](#). These have now been posted and include:

1. [The City of Monterey's Response](#) to the 2019-20 Report [Sexual Harassment Prevention #Training Compliance](#).
2. [The City of Del Rey Oaks Response](#) to the 2018-19 Report [Rape Kit Processing in Monterey County](#).

There were three reports for which responses were missing or incomplete. Responses have now been received and posted to the Civil Grand Jury website. They include:

1. [The County Administrative Officer's Supplemental Response](#) on behalf of the Board of Supervisors to the 2019-20 Report titled [Monument to a Failed Process South County PLN](#).

2. [Assessor/Clerk Recorder’s Response](#) to the 2021-22 Report titled [Monterey County’s Cannabis Industry Up in Smoke](#).
3. [Chualar Union School District’s Response](#) to the 2021-22 Report titled [Excellence in Action, Monterey County’s Educational Response to Covid-19](#).

The MCCGJ 2023-24 is pleased to report that all individuals and entities have submitted the required responses since 2018. Future MCCGJs will be able to begin follow-up with 2023-24 compliance and responses.

2022-23 Report Mandatory and Supplemental Responses

All the required responses from the 2022-23 Reports have been received and posted to the [Civil Grand Jury website](#). The CGJ sent follow-up letters to the various entities to request status reports regarding agreed-upon recommendations.

While implementation status reports are not required by the Penal Code, various government entities provided them upon request. These supplemental status responses to the 2022-23 Reports have been posted to the CGJ website and are linked in the table below.

2022-23 Civil Grand Jury Reports and Responses

Report Title	Required Initial Response	Supplemental Response
City of Seaside: The Real Cost of Fireworks	City of Seaside	No supplemental response received by publication deadline
Human Resources, Help Wanted: A Speedier Way to Hire	Board of Supervisors	Board of Supervisors Civil Rights Officer Human Resource Director
The Monterey County Coroner’s Office: A Matter of Life and Death	Board of Supervisors Monterey County Sheriff	Monterey County Sheriff

<u>Noise Ordinance: Sleepless in Monterey County</u>	<u>Board of Supervisors</u> <u>Monterey County Sheriff</u>	<u>Board of Supervisors and Monterey County Sheriff</u>
<u>Public Guardian, The Final Helping Hand: A Mandate to Care</u>	<u>Board of Supervisors</u> <u>Monterey County Director of Social Services</u>	<u>Board of Supervisors</u> <u>Health Department Director</u> <u>Director of Social Services</u>
<u>Take the Bus: Ridership and the MST Fleet</u>	<u>MST Board of Directors</u>	<u>MST CEO</u>

CONCLUSION

The CGJ appreciates that the Board of Supervisors, the various department heads, and the MST CEO submitted supplemental responses providing additional organizational accountability and transparency.

Governmental entities or elected officials that do not submit required responses undermine the mission and the work of the Civil Grand Jury. It is a disservice to the residents of Monterey County and a missed opportunity to demonstrate accountability and transparency.

By publishing this report, the CGJ is holding the entities and elected officials accountable as required by law.

BIBLIOGRAPHY

Civil Grand Jury Reports | Monterey County, CA
<https://www.countyofmonterey.gov/government/participate-get-involved/civil-grand-jury/reports>

Penal Code Sections 933 and 933.05
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=933.&lawCode=PEN

MONTEREY COUNTY'S RESPONSE TO COMMUNITY MEMBERS EXPERIENCING A MENTAL HEALTH CRISIS



SUMMARY

Throughout Monterey County, law enforcement officers respond to multiple incidents during a typical day. A significant portion of these calls involve individuals experiencing some form of crisis or distress. Studies suggest that 15% to 37% or more of police calls involve a mental health crisis, substance abuse issues or other situations where immediate intervention is required. Sometimes these calls result in the hospitalization or incarceration of the individual, or in tragedy, either for the individual or the responding officer. The public is often left asking what happened and how it could have been prevented.

Training in Comprehensive Crisis Intervention helps officers respond more effectively and safely to situations involving people experiencing behavioral instability. It reduces escalation, and the possible use of force, and in some cases costly litigation. In addition, Monterey County and many municipalities have Mobile Crisis Response Teams (MCRTs) comprised of trained mental health professionals. Law enforcement agencies (LEAs) can utilize these teams to assist them when responding to people in crisis.

Despite ongoing staff shortages and mandatory overtime hours, County staff and law enforcement representatives do their best to provide emergency assistance to people in crisis.

Several areas warrant improvement. These include:

- Providing short, in-service crisis intervention training sessions for first responders throughout the year in addition to the more formal, 40-hour training that is only offered once or twice a year to a limited number of participants
- Conducting annual law enforcement training needs assessments
- Devising plans to ensure that training courses remain relevant and comply with changes in legislation
- Formalizing regular collaborative meetings among entities providing emergency crisis response
- Strengthening and expanding the public awareness campaign regarding the newly available 24/7 mobile crisis team service effective January 1, 2024
- Making law enforcement education and training materials more accessible on LEA websites

BACKGROUND

Law enforcement officers face high-stress and potentially dangerous situations daily. They must be prepared to make split-second decisions that can have significant consequences for themselves and others.

Public interest in how law enforcement officers respond to high-stress situations has increased over the past decade, particularly regarding their interactions with people experiencing a mental health crisis, or who are under the influence of drugs or alcohol. High profile cases resulting in the death of community members, and sometimes police officers, have led to closer scrutiny by the public, the District Attorney's Office, and the U.S. Department of Justice.

As a result, there is now more transparency and accountability for officers through body cameras and publicly available data collection and analysis. There have also been changes to policies and guidelines regarding the use of force to emphasize de-escalation techniques. Efforts have been made to improve police training, focusing on areas such as cultural sensitivity, implicit bias, crisis intervention, and mental health awareness. The goals are to equip officers with the skills needed to serve diverse communities and handle sensitive situations more effectively and safely.

The Civil Grand Jury (CGJ) reviewed the type of Crisis Intervention Training (CIT) law enforcement officers receive, focusing on two of the County's largest law enforcement agencies: the Salinas Police Department (SPD) and the Monterey County Sheriff's Office (MCSO). The CGJ reviewed how these departments interface with trained mental health professionals from Monterey County's Department of Behavioral Health (MCBH) when responding to crisis situations.

METHODOLOGY

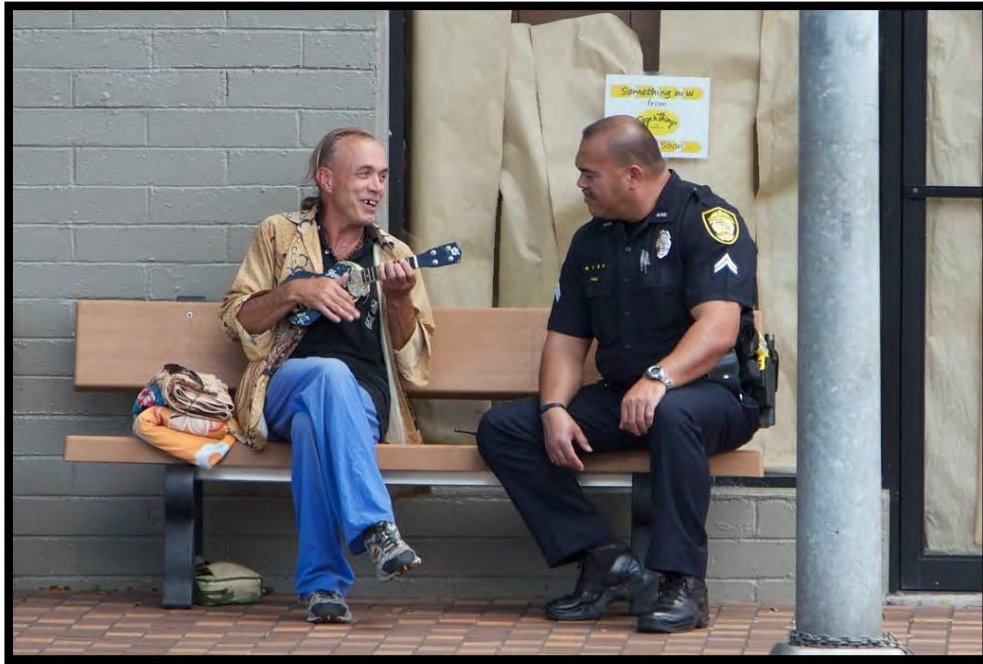
The CGJ reviewed mandatory training requirements for law enforcement officers in California, and reviewed how easily the public can access information regarding education and training materials at law enforcement agencies in our community. The CGJ reviewed California Penal Code Sections and other legislation relating to law enforcement training and training requirements from the Commission on Peace Officer Standards and Training (POST) website. Additionally, the CGJ examined procedures manuals and websites of the SPD, MCSO, the MCBH website and internal service call tracking data provided upon request. The CGJ reviewed California Civil Grand Jury Reports from other counties on related law enforcement topics and many media articles regarding national, state and local law enforcement responses to those experiencing a mental health crisis. Finally, the CGJ conducted interviews with County staff and local law enforcement officials knowledgeable about law enforcement training and the current policies and procedures regarding crisis intervention response.

DISCUSSION

Evolution of Law Enforcement Training to Meet Community Needs

In the 1950s and 1960s, states throughout the country gradually moved away from institutionalization for those suffering from mental illness. In 1967, the Lanterman-Petris-Short Act was passed in California ending the practice of institutionalizing patients against their will without Court oversight. Many institutions closed their doors. In 1981, federal legislation put the responsibility of caring for mentally ill patients on the states. With dwindling support from the federal government, many states struggled to provide adequate mental health treatment and housing for the mentally ill.

Our communities have witnessed increases in both homelessness and the incarceration of those with mental illness. Studies indicate that more than one third of currently incarcerated individuals have been diagnosed with a mental illness, a rate much higher than that of the general population.



Source: Flickr, Mike Dunford, Creative Common License

According to background information for Proposition 1, an update to the Mental Health Services Act on the March 2024 ballot, one out of every 20 adults in California now lives

with serious mental illness, one in 13 California school aged children suffers serious emotional disturbance, and one in 10 Californians has some sort of substance abuse disorder.

First responders have several options when responding to people experiencing a crisis including:

- De-escalate the situation and refer to local service providers
- Request assistance from the Mobile Health Response Team
- Arrange for transportation for the person to the hospital for a psychiatric evaluation if they appear to be a danger to themselves or others, and/or appear to be “gravely disabled” (Welfare & Institutions Code §5150)
- Arrest the person if they are breaking the law

According to the Salinas Police Department, its officers respond daily to situations that result in a person in crisis being transported to the hospital for a psychiatric evaluation that may result in an involuntary 72-hour hold (§5150 cases). In 2022, 510 individuals were taken to the hospital for an evaluation. During the first 10 months of 2023, 369 individuals were taken to the hospital. The Monterey County Sheriff’s Office classified 98 of its calls as §5150 cases in 2022 and 76 in 2023.

As law enforcement officers respond more frequently to situations involving those with mental illness and/or substance abuse, it is imperative that they are sufficiently trained to respond appropriately. Instead of resorting to force, trained officers use de-escalation techniques leading to better outcomes for themselves, the individual, and the community at large.

Development of Training Standards for Law Enforcement

In 1959, the California Commission on Peace Officer Standards and Training (POST) was established. POST sets minimum selection and training standards for California law enforcement officers. It develops and certifies training courses, including Basic Academies, specialized training, and continuing education. Basic law enforcement

training in California includes courses on firearms, criminal law, report writing and more.



*Law Enforcement Leadership Academy
Source: U.S. Marshalls Office, Commons.wikimedia.org*

Over time, training courses have evolved to include additional hours focusing on topics such as crisis intervention, cultural diversity, ethics, community policing, de-escalation techniques, conflict resolution, cultural sensitivity and more.

The Basic Academy takes 888

hours over six months. Law enforcement officers in California may also receive additional training in several other ways including:

- Field training (on the job training)
- Continuing education training (shorter in-service training), and
- Roll call briefings (occurring at the beginning of each shift)

Penal Code §13515.26 requires that all peace officers receive 15 hours of training at the Basic Academy on the topic of “Persons with Mental Illness, Intellectual/Developmental Disability or Substance Abuse Disorder.” Penal Code § 13519.10 requires the commission on Peace Officer Standards and Trainings to develop uniform, minimum, guidelines on the use of force for adoption and promulgation by California Law Enforcement agencies. There are different mandatory training requirements for different ranks of officers. For example, Penal Code §13515.28 (a) (1) requires Field Training Officers (FTOs) to have eight hours of crisis intervention training within six months of assuming the position.

During their careers, officers must continually log onto POST’s website to determine if they are up to date with their mandatory training requirements and to sign up for courses as needed. LEAs keep their own records regarding officer participation at non mandatory training.

Development of Crisis Intervention Team (CIT) Programs

The Memphis Model, developed in 1988 in Memphis, Tennessee, is often cited as the first structured CIT program. It was a collaboration between mental health professionals, law enforcement, and advocacy groups.

In 1989, the Eugene Police Department in Oregon developed a program known as “Cahoots” (Crisis Assistance Helping Out on The Streets) which involves a specialized emergency response model that pairs mental health professionals with law enforcement officers to respond to crises involving mental health, homelessness, and substance abuse. The program’s purpose is to divert individuals away from the criminal justice system and towards appropriate care and support.

Crisis intervention training for law enforcement continues to change in response to legislative mandates, societal changes, increased public awareness of mental health issues, and the need for officers to effectively manage crisis situations.



Crisis Intervention Training, Source: Hamilton County Sheriff's Office, TN website

In 2008, CIT International, a nonprofit organization, was formed to assist communities worldwide with crisis response system reform by developing CIT programs at the state/province, regional, and local level. CIT International certifies courses that train officers to effectively handle situations involving individuals experiencing mental illness

and/or addiction disorders. The goal is to provide officers with the skills to de-escalate such encounters without resorting to unnecessary force. According to CIT International’s website, communities that prescribe to the CIT Program model have higher success rates in safely resolving crisis situations.

Crisis Intervention Training (CIT) in Monterey County



While many counties in California provide CIT Training for first responders, not all these training programs are 40-hours in length. Monterey County is fortunate that the Monterey County Department of Behavioral Health (MCBH) has developed a comprehensive 40-hour Crisis Intervention

Training that has been certified by Police Officers Standards and Training (POST). It is offered twice a year for a maximum of 35-40 law enforcement officers/first responders per session in Monterey County.

Monterey County had 662 sworn officers employed with 21 different jurisdictions in 2022, according to the California Department of Justice. The table below shows the number of sworn officers in Monterey County.

Sworn Officers by Year in Monterey County

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
All Monterey Co. Police Depts	356	334	334	343	367	377	377	380	364	363
Monterey Co. Sheriff’s Office	281	300	291	295	296	304	295	312	288	283
CHP/Other	20	19	21	20	19	15	14	15	16	16
TOTAL	657	653	646	658	682	696	686	707	668	662

Source: <https://openjustice.doj.ca.gov/exploration/crime-statistics/criminal-justice-personnel/>

Both SPD and MCSO have a goal of sending 100% of sworn personnel to CIT training according to officials from both agencies. Smaller jurisdictions find it more challenging to

divert officers away from their regular patrol responsibilities to attend a full week of training.

The CGJ was unable to determine how many law enforcement officers currently working in Monterey County have attended the 40-hour CIT training. However, since only 35-40 participants are accepted into the CIT training offered once or twice a year, it is unlikely that all 662 officers have received this training.

Expanded Mobile Crisis Team Services in Monterey County

Monterey County Department of Behavioral Health (MCBH) launched mobile crisis services in 2015 to respond to calls for service received through the 911 system when requested by law enforcement. Through December 2023, the team’s operating hours were Wednesday-Saturday from 12:30 to 10:00 p.m. and alternating Tuesdays from 1:30 to 10:00 p.m. As of January 1, 2024, services are available 24/7. The goal is to de-escalate and stabilize situations, connect individuals with appropriate voluntary resources and treatment in the community, coordinate with existing treatment teams/providers, and avoid unnecessary hospitalization and incarceration.

The table below shows the number of contacts the Monterey County Mobile Crisis Team had with community members from 2018 to 2023.

	Mobile Crisis Team Frequency Report					
	(Serving all of Monterey County)					
	2018	2019	2020	2021	2022	2023
Total Contact Counts Countywide	865	918	187	543	679	1076
Status: New episode	248	210	50	105	201	257
Location of contact: Home	458	531	116	271	293	474
Location of contact: Police Dept.	66	74	7	110	157	278
Location of contact: Public Place	87	94	24	49	65	116
Substance abuse involved	161	182	36	123	121	210
Disposition: §5150 (involuntary hold)	166	211	54	118	114	211
Disposition: Arrest	10	11	2	7	17	33
Disposition: Crisis intervention & Referral	256	225	30	104	105	215

Source: Monterey County Behavioral Health

Monterey County Behavioral Health, Monterey County Sheriff's Office, and the Monterey County Probation Department collaborated to prepare a report providing recommendations for a wide range of system improvements known as the *Stepping Up Monterey System Mapping Project*. The project results were published in June 2021.

One of the recommendations of the Mapping Project was to improve cross-system collaboration, specifically, to establish a quarterly meeting with justice, health, and housing/homelessness representatives in attendance. Collaboration in the form of meetings have been held on an ad-hoc basis; one specific recommendation was to establish a more regular meeting schedule with an agenda.

An additional recommendation was to “develop and provide training on mental illness, substance use disorders, and co-occurring disorders for various justice partners. For example, the county could provide training on mental illness for dispatch personnel, build on existing Crisis Intervention Team training for law enforcement, and train attorneys, judges, and jail staff of behavior health needs.”

Policies, Evaluation of Training Programs, and Plans for Future Training at SPD and MCSO

Both SPD and MCSO have lengthy (800+ page) policy manuals posted on their websites that include information regarding the number of hours of training required for different positions within the departments. Both policies include the requirement to prepare an annual training needs assessment and an updated annual training plan. The plan considers any legislative changes, state-mandated training, and critical incident training. The CGJ determined that neither department has prepared updated training needs assessments and training plans in the last few years.

Public Awareness Regarding Law Enforcement Training

To increase communication and community trust and enhance transparency, effective January 1, 2020, California Senate Bill 978 requires all law enforcement agencies to:

“Conspicuously post on their Internet Web sites all current standards, policies, practices, operating procedures, and education and training materials that would otherwise be available to the public if a request was made pursuant to the California Public Records Act.”

Other than limited information in their policy manuals, the CGJ was unable to find specific education and training materials on either SPD’s or MCSO’s websites. Many police departments in other counties have posted such information on their websites with clear references to SB 978. One such example is the Petaluma Police Department (referenced in the Bibliography below).

FINDINGS

- F1. In 2022, there were 662 sworn officers in Monterey County. Those without the 40-hour CIT training, offered twice a year for 35 first responders per session, are unlikely to be as effective at responding to people in crisis, leading to potentially dangerous outcomes for officers and community members.
- F2. There has not been a comprehensive public awareness campaign to inform County residents of a specific crisis line number and the new 24/7 (as of January 1, 2024) capacity of the Mobile Crisis Team to respond to individuals experiencing a mental health crisis causing the public to remain unaware of the availability of this resource.
- F3. The Mapping Project found no formal collaboration exists among the various entities that respond to people with mental health difficulties who are in crisis. A case-by-case response is not a consistent or effective strategy and does not serve the community well.
- F4. SPD and MCSO have not prepared annual training needs assessments and plans as required by their internal policies. Consequently, their training plans are out of date leaving officers and deputies less equipped/prepared to respond to crisis calls for service and putting themselves and the public at risk.
- F5. Current standards, policies, practices, operating procedures, and education and training materials are not conspicuously posted on either SPD or MCSO websites causing them to be out of compliance with California Senate Bill 978 and making it more difficult for the public to obtain such information.

RECOMMENDATIONS

- R1. Monterey County Department of Behavioral Health develop a POST-certified, abbreviated in-service training course on CIT by December 31, 2024, designed for law enforcement officers who have not taken the 40-hour course to be facilitated annually by Field Training Officers.
- R2. Monterey County increase its public awareness campaign regarding the Mobile Crisis Team's 24/7 availability to include more social media posts, news articles, and advertising by July 31, 2024.
- R3. Monterey County appoint a liaison to establish regular meetings among entities such as MCBH, LEAs, 911 dispatchers, hospital ER staff, and relevant nonprofit service providers that respond to individuals with mental health difficulties by July 31, 2024.
- R4. The Salinas Police Chief and the Monterey County Sheriff prioritize the completion of an annual training needs assessment and plan by no later than July 31, 2024, and by the end of each fiscal year thereafter.
- R5. The Salinas Police Department and Monterey County Sheriff's Office conspicuously post all current standards, policies, practices, operating procedures, and education and training materials to their websites by June 30, 2024.

REQUEST FOR RESPONSES

The following responses are required pursuant to Penal Code Sections 933 and 933.05:

From the following governing bodies within 90 days of the publication of this report:

- Monterey County Board of Supervisors
 - Findings: F1-F5
 - Recommendations: R1-R5

- Salinas City Council
 - Findings: F1 and F3-F5
 - Recommendations: R1 and R3-R5

From the following individuals within 60 days of the publication of this report:

- Monterey County Sheriff
 - Findings: F1 and F3-F5
 - Recommendations: R1 and R3-R5

INVITED RESPONSES

From the following individuals:

- Chief of Police, Salinas Police Department
 - Findings: F4-F5
 - Recommendations: R4-R5

- Monterey County Chief of Behavioral Health
 - Findings: F1-F3
 - Recommendations: R1-R3

- Monterey County Director of Health
 - Findings: F1-F3
 - Recommendations: R1-R3

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 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.

GLOSSARY & ACRONYMS

CGJ	Civil Grand Jury
CIT	Crisis Intervention Training
LEAs	Law Enforcement Agencies
FTO	Field Training Officer
MCBH	Monterey County Behavioral Health Department
MCHD	Monterey County Health Department
MCRT	Mobile Crisis Response Teams
MCSO	Monterey County Sheriff's Office
POST	Police Officer Standards and Training
SMWG	Sierra Mental Wellness Group
SPD	Salinas Police Department

BIBLIOGRAPHY

Commission on Peace Officer Standards and Training, Mental Health Training for Law Enforcement

<https://post.ca.gov/mental-health-training-in-law-enforcement>

South Bay Regional Public Safety Training Academy, Basic Police Academy

https://theacademy.ca.gov/basic_police_academy/

Crisis Intervention Team International (CIT)

<https://www.citinternational.org/>

Monterey County Sheriff's Department Policy Manual

https://montereysheriff.org/wp-content/uploads/2023/09/policy_manual_2023-09-27.pdf

Salinas Police Department Policy Manual

https://salinaspd.org/wp-content/uploads/2023/08/California_LE_Policy-Manual_Updates_August_2023.pdf

Senate Bill 978

<https://legiscan.com/CA/text/SB978/id/1821983>

Medi-Cal Mobile Crisis Services Benefit Implementation Plan. Proposed launch date:
12/31/23

<https://www.co.monterey.ca.us/home/showpublisheddocument/126955/638345100682470000>

Stepping Up Monterey County System Mapping Project, Council of State Governments
Justice Center, June 2021

<https://csgjusticecenter.org/publications/stepping-up-monterey-county-system-mapping-project/>

California Department of Justice Statistics, Open Justice

<https://openjustice.doj.ca.gov/exploration/crime-statistics/criminal-justice-personnel>

Petaluma Police Department

<https://cityofpetaluma.org/police-training-records/>

APPENDIX

Mobile Crisis Team Expansion Services Flyer

Monterey County System Map from The Mapping Project

DISCLAIMER

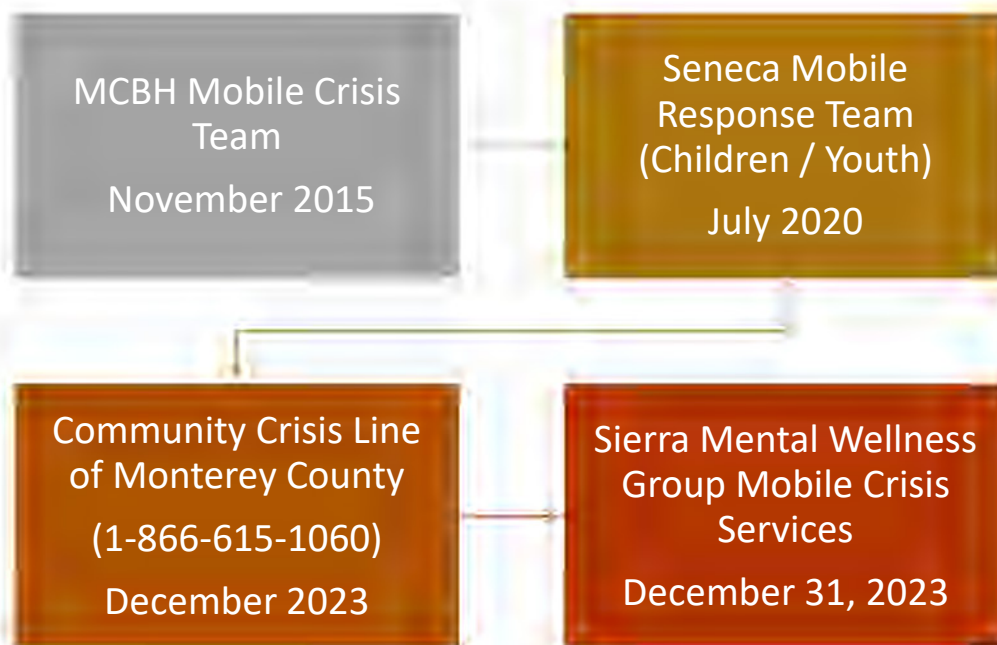
Unless otherwise noted, all photographs in this report are license free stock images.

Expansion of Mobile Crisis Services

January 2024



Path to 24/7 mobile crisis services in Monterey County



Línea de Crisis Comunitaria del Condado de Monterey

brinda apoyo emocional gratuito y confidencial a personas en crisis suicida o angustia emocional 24 horas al día, 7 días a la semana.

Para hablar con alguien, llame ahora al

1-866-615-1060



Llame para ayudarse a sí mismo o a otra persona.

CONDADO DE MONTEREY
DEPARTAMENTO DE SALUD

988
SUICIDE
& CRISIS
LIFELINE

MONTEREY COUNTY
BEHAVIORAL HEALTH
Avanzando Juntos Forward Together

Community Crisis Line of Monterey County

provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week.

To talk to someone now call

1-866-615-1060



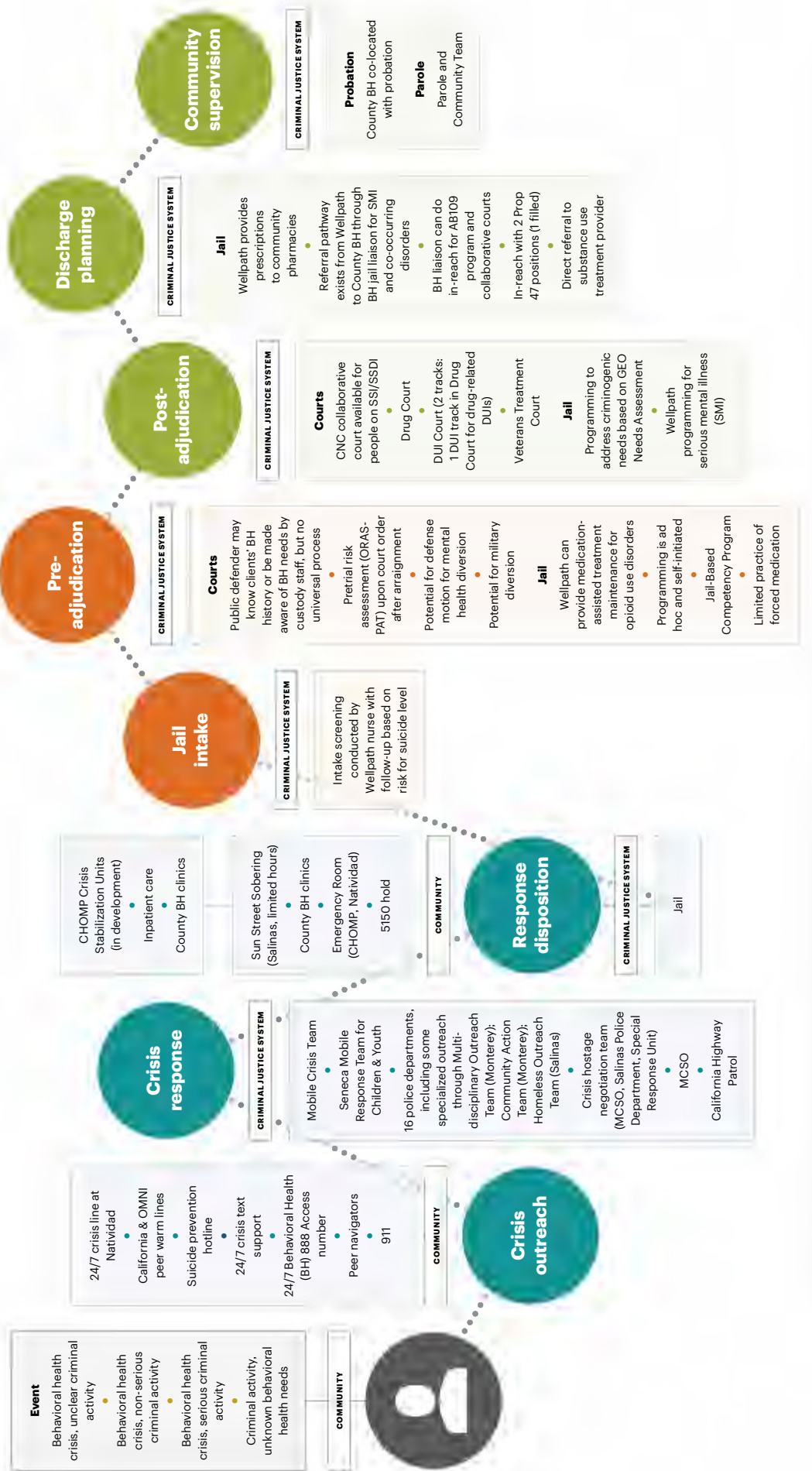
Call to help yourself or someone else.

COUNTY OF MONTEREY
HEALTH DEPARTMENT

988
SUICIDE
& CRISIS
LIFELINE

MONTEREY COUNTY
BEHAVIORAL HEALTH
Avanzando Juntos Forward Together

Fig. 2. Monterey County System Map



Reduce recidivism

Reduce average length of stay

Reduce bookings

Increase connections to care and treatment

CANNABIS TAX REVENUES: HIGHS AND LOWS



Stock Photo from Microsoft 365

SUMMARY

On November 9, 2016, California Proposition 64 and Monterey County Measure Y were both approved by voters legalizing the commercial marijuana business. The Monterey County Board of Supervisors (BOS) approved a well-supported system to manage the new cannabis industry. The system was designed to provide discretionary revenue to fund new and enhanced community services. Since 2016, more than \$70M from the cannabis industry has been allocated by the BOS for community services. The BOS, in collaboration with several well-organized growers, had intended Monterey County to be a model for a well-administered cannabis industry in California. Since then, however, the industry has experienced numerous challenges with licensing, regulation, fines, and bankruptcies.

Market and environmental challenges now place the cannabis industry in a financial crisis. Overproduction, high initial tax rates, and growth in illicit production have significantly lowered market prices. Stricter regulations have resulted in multiple business closures and bankruptcies.

Since 2018, tax rates were reduced for growers by more than 75% with three separate ordinances instituted by the BOS. Despite these stabilizing efforts, cannabis businesses

continue to close and default on tax payments. Alarming, projected cannabis tax revenue for the current year may not fully fund the County's cannabis-related operational expenses for FY 2024-25.

Annual funding allocations from the Cannabis Tax Fund (CTF) for community services declined from a high of \$23M to \$100,000 for FY 2023-24.

The Cannabis Program was established in 2018 to oversee cannabis operations in collaboration with other County departments. The County commissioned a study conducted by Citygate Associates, LLC (Citygate) to review the organizational structure of the program and identify inefficiencies. Recommended actions undertaken by the BOS have not produced the desired organizational and structural results needed to stabilize the industry in Monterey County.

The Civil Grand Jury (CGJ) recommends the BOS take the necessary actions to help sustain and organize the cannabis industry in Monterey County, creating additional measures balancing revenues and expenses.



Stock Photo from Microsoft 365

BACKGROUND

In 2016, Measure Y imposed a tax on the commercial cannabis business in unincorporated areas of Monterey County. Tax revenues would be placed in the County's General Fund and used at the discretion of the BOS. Proposition 64, the California statewide measure, outlined the use of state tax funds to support primarily youth drug education programs, environmental protection, and law enforcement.

After what growers identified as an overly burdensome implementation of Measure Y, the BOS approved the creation of a Cannabis Program to oversee the industry and streamlines processes.

By 2021, cannabis tax revenues were the third leading contributor to the County's General Fund. Almost \$70M has been allocated by the BOS for community services from the CTF since the program began.

The cannabis industry now faces numerous challenges threatening its survival. More than 50 cannabis businesses have closed or filed for bankruptcy, defaulting on more than \$6M in unpaid taxes. Annual tax revenues have plummeted from \$20M just three years ago to approximately \$3M, excluding tax collections received from prior years' deferral plans.

Budgeted operational expenses for FY 2024-25 are projected to be more than \$3M, leaving little to no funding for community services. Several Citygate recommendations addressed improvements within the system. Documents presented by the Cannabis Program to the BOS Cannabis Subcommittee and the information made available on their website are difficult to interpret due to the inconsistently presented statistics from different departments.

To stabilize the cannabis industry and its tax revenues, more focused oversight from the BOS is needed to implement the following Citygate recommendations:

- initiating a comprehensive cannabis systems internal audit
- creating more operational expenditure efficiencies
- reallocating additional resources to mitigate the impact of the illicit market
- significantly reducing cannabis business tax deferral balances
- providing more funding for youth drug prevention and education

The Citygate recommendations deserve more attention and consideration.

METHODOLOGY

The CGJ launched an investigation into the current state of the Cannabis industry in Monterey County in 2023. The goal was to consider incoming revenues from growers and retailers with an emphasis on examining shifting tax rates, determining the benefits to the community, and ascertaining the viability of the Cannabis Program.

The CGJ interviewed key County of Monterey personnel, reviewed relevant documentation available both publicly and confidentially, read the 2021-22 CGJ report on this topic, researched past BOS meeting minutes, and kept abreast of current media reports.

Interviews were extensive and included County of Monterey representatives from the Auditor Controller's Office, Treasurer Tax Collector's office, the County Administrative Office, and the District Attorney's office. Additionally, the CGJ interviewed municipal leader and a private cannabis business partner.

Documents reviewed by the CGJ included:

- Cannabis Program Allocations for the past eight years
- The 2022 Citygate Report
- Budget Committee Bi-Annual Reports
- Cannabis revenues by type by fiscal year

- Industry and Governmental Organizational Charts
- Community Services Reports by fiscal year
- County of Monterey Strategic Plans and Goal Reports
- Information regarding growers and dispensaries
- County of Monterey Tax Payment Status Reports
- Tax policies of California State and County of Monterey
- Comparison of County of Monterey reports to other jurisdictions
- Community Needs Assessment Survey

DISCUSSION

Cannabis Tax Assignment Fund (CTF)

Cannabis tax revenues are recorded in the CTF, a sub-fund within the County’s general fund. After accounting for annual cannabis program expenses, the CTF has been vital to supporting the County with allocations totaling approximately \$70M. Funded projects include:

Cannabis Tax Allocations Major Project Funding County of Monterey FY 2017-18 through FY 2022-23	
PROGRAM	ALLOCATION (in millions \$)
Covid-19 Services	9-12 M
Laguna Seca Projects/Bridge Construction	5-8 M
Children’s Women’s Emergency and Homeless Services	3.5 M
Pajaro River Projects	2-3 M
Sheriff Radios	2.5 M
Lakes Fund Deficit (San Antonio/Nacimiento)	2.6 M
Gonzales Community Center/Library	1.8 M
Domestic Water Protection	1.5 M
Jailhouse Addition	0.9 M

Source: Cannabis Program and County of Monterey Budget Office

County staff develop and propose many funding projects and submit them to the BOS for consideration. Of note, youth drug prevention and educational activities represented little more than one-tenth of one percent of the total CTF allocations.

The CTF fund balance in FY 2019-20 was \$26.9M. In FY 2023-24, the fund balance was reduced to approximately \$2.5M. Annual allocations from the CTF for community services are only projected to be about \$100,000 for the next few fiscal years.

Based on projected FY 2024-25 cannabis program tax revenue and expenses, the CTF fund balance will continue to decline as the cannabis industry looks to stabilize itself. The BOS continues to address these tax revenue reductions and a reduced CTF by cutting some operational expenses. However, the cuts are insufficient and not aligned with the reduction in revenues.

Cannabis Program Operational Support

Cannabis Program support is provided by several County departments. The Cannabis Program Manager functions as the centralized coordinator, including maintaining a website, producing reports, and supporting the bi-monthly BOS Cannabis subcommittee meeting. The Program Manager also participates in cannabis coalitions with other California counties and agencies.



Stock Photo from Microsoft 365

Licensing, permits, tax collections, inspections, accounting, and enforcement are paid for from cannabis tax revenues. Program support and expenses a few years ago included 28 full-time employees, plus support for six other County staff members. Annual budgeted expenses at that time were more than \$7M.

The BOS has faced difficult decisions regarding how to manage and service an important revenue resource effectively with fewer staff. Operational projections in FY 2024-25 include additional reductions from 18 to 14-15 full-time employees. Last year, the BOS reduced expenses and voted not to fund program expenses from the general fund.

Community Needs Assessment Survey

In 2018, the BOS approved funding from the CTF for a community needs assessment survey to identify priority funding from cannabis tax revenues. The top five priority areas were education, health, economic self-sufficiency, safety, and overall County services.

Specific programs included:

- substance abuse education/prevention
- water protection
- education
- streetlights

- affordable housing and shelter
- homeless services
- protections for legal growers
- regulation enforcement of illicit growers
- public transportation
- parks
- libraries
- safer environments for bikes/walking

Both the California Prop 64 ballot initiative and the survey identified priority funding to address youth education for drug prevention. As mentioned above, of the \$70M allocated by the BOS, only a little more than one-tenth of one percent (.014%) or \$93,000, could be identified for youth drug prevention and education.

Cannabis Revenue Community Needs Survey	
COMMUNITY PRIORITY ADVOCACY RANKING	
EDUCATION	29.00%
HEALTH	28.00%
ECONOMIC SELF-SUFFICIENCY	22.00%
SAFETY	15.00%
Overall County Services	6.00%

Cannabis Tax Rates and Collections

The BOS establishes and updates tax rates for the commercial cannabis business within the unincorporated areas of Monterey County. Personal cultivation and personal use in compliance with code exceptions are exempt from this tax.

Tax rates have been consistent with rates identified elsewhere in California and neighboring counties. The BOS, however, did not fully account for the impact on the cannabis business by approving high tax rates as well as stringent capital mandates for

facility safety and security upgrades. Many businesses collapsed and defaulted on millions in deferred tax payments.

In response to growers' requests for tax relief, and in consideration of their high start-up costs and the significant drop in product price, the BOS has reduced the tax rates on multiple occasions. To help stabilize the industry, and to be consistent with other counties, tax rates have been reduced from \$15 per square foot of plant space (canopy) to \$2.13 in February 2023. Nursery rates are \$0.71 per square foot and dispensary sales taxes for the county are 4.15% of gross receipts. Plant cultivation this year is reported at \$3.1M per square foot compared to \$4.6M in FY 2020-21.

The cannabis business tax burden increased with the passage of Measure J. It was approved in 2022 to generate \$350,000 annually to benefit the Monterey County Fire District. Measure J was approved as an "evergreen" tax, a tax without a fixed end date. It can only be terminated upon repeal by the voters. This tax now represents more than 10% of all projected tax revenue from the cannabis industry in FY 2024-25 for unincorporated Monterey County.

Approximately 99% of cannabis tax revenue is generated from indoor/mixed light cultivation, nursery cultivation, and dispensaries. The remaining 1% tax revenue is received from manufacturing, distribution, and lab processing fees. Three different departments report on cannabis revenue: the Auditor Controller's Office, the Treasurer Tax Collector, and the County Administrative Office (Cannabis Program). They are inconsistent in how they report, making information tracking difficult.

Aggregate annual collection percentages are as follows:

- Indoor/Mixed Light Cultivation – 66%
- Nursery – 13-20%
- Dispensaries – 10-20%

Approximately 60 cannabis businesses are licensed in the unincorporated areas. The FY 2023-24 projected cannabis tax collections from current year taxes are approximately

\$3M. An additional \$2M is projected to be collected this year from prior years' deferral tax payment plans. County documents indicate annual tax collections peaked in FY 2020-21 between \$18.2M and \$20.1M. Lower tax rates and less cultivated canopy footage have resulted in more than an 89% reduction in tax collection.

Strategic Planning Overview

In June 2020, a cannabis program strategic plan was released after two years of discussions and work sessions. The BOS subcommittee and the County Administrative Officer (CAO) were tasked with the oversight and policy direction of the Cannabis Program, including supervision of the Program Manager and other supporting agencies. They approved goals to support cannabis economic development activity, public safety, equitable compliance, law enforcement, revenue growth, and system management. They prioritized the development of the Cannabis Program website and improved transparency of communications between stakeholders.

Each BOS subcommittee meeting provides updates, accountability reports, and key program data. Each goal of the Strategic Plan is scheduled to be updated every two years. The first notation of an updated Strategic Plan and goals was not identified until the January 2024 BOS subcommittee meeting.

Tax Deferrals

Commercial cannabis business taxes are paid quarterly to the County of Monterey's Treasurer-Tax Collector.

Initially these businesses had extensive start-up costs to meet strict regulatory safety codes and greenhouse modifications. These challenges, coupled with overproduction, falling product prices and financially challenging tax rates created the demand for tax deferrals. The BOS approved many tax deferral plans as did other counties in California. However, initial tax deferral plans were approved without documented qualifying criteria or consistency of terms. The Treasurer-Tax Collector's office had difficulties managing these tax deferral plans and various extensions and revisions.

In FY 2022-23 standardized deferral plan documents and agreements with set criteria were approved and implemented. A significant number of businesses closed or went bankrupt. Current county records reflect more than 50 business defaults resulting in over \$6M in unpaid taxes.

Approximately 25 cannabis businesses have an existing approved tax deferred payment plan with an unpaid deferral tax balance of over \$1M. Nine businesses are delinquent with a deferred tax balance of approximately \$333,900.

Illicit Market



Stock Photo from Microsoft 365

Funding was approved by the BOS for staff in the Monterey County Sheriff's Office (MCSO) and the District Attorneys' office to address the illicit market. All are dedicated to inspections and prosecution of illicit market cannabis production, cultivation, and sales. The staff utilized a state Track and Trace system to assist in identifying illicit cannabis. Initial inspections were primarily focused on facility code and regulatory compliance, generating supplemental income from fines.

In 2019, the MCSO confiscated or destroyed approximately \$36M in illicit cannabis, peaking at \$68M in 2022. Primarily based on security hazards for staff, inspections in 2023 have been inconsistent. The illicit market became less profitable as prices for cannabis fell. Law enforcement officials have witnessed a reduction in the number of illicit cannabis fields.

Some cannabis varieties can produce flower from seed in fewer than 2.5 months. The time interval associated with fewer inspections creates the potential for untaxed cannabis production with licensed growers.

CONCLUSION

Since voter approval of legalized sales, the cannabis industry in Monterey County and across the state has experienced start-up regulatory and operational hurdles. Local officials have approved numerous changes to create sustainability within the cannabis industry, including an additional tax rate reduction over one year ago. Maintenance of a lower tax rate, as well as reductions in Cannabis Program staff, are expected to provide a stabilizing effect on the CTF and cannabis operators. In the event the BOS approves the regulated licensing of cannabis lounges in Monterey County, revenues could potentially increase.

FINDINGS

- F1. Current revenues do not provide sufficient margins over expenses to fund community services at prior years' levels. Without operational changes, the Cannabis Program's sustainability is in jeopardy, and future funding for community services from this source will be minimal and/or unavailable.
- F2. The 2020 Cannabis Program Strategic Plan, intended to be updated every two years, was not revised until January 2024, causing delays in assessing key metrics and whether program goals are being met.
- F3. Current tax rates have stabilized. Revenues for FY 2024-25 are projected to be consistent with prior years, contributing to the Program's sustainability if Program expenses are aligned with revenues.
- F4. An internal audit of the Cannabis Program, recommended by the Citygate Report, was not completed, thus risking inefficient operating practices and the potential for inaccurate record keeping.

- F5. More than 50 cannabis businesses have closed or filed bankruptcy leaving the County with \$6M in unpaid taxes, resulting in reduced revenues for community services.
- F6. A community survey indicated that a high priority for cannabis tax revenues should be allocated toward drug education and prevention. However, only a small fraction of the cannabis tax revenues has been allocated toward such programs. The lack of funding for these programs is inconsistent with community priorities and increases the potential for drug abuse and death.
- F7. Illicit activities are one of several major factors contributing to the reduction in funds available for community needs.
- F8. Criminal/Civil penalties for most illicit business activities may be adjudicated as a misdemeanor by the District Attorney's office with less than a year probation and/or a fine of \$1,000 or less, resulting in an ineffective deterrent system.

RECOMMENDATIONS

- R1. The BOS direct Cannabis Program staff to analyze ways to reduce expenses within the Cannabis operational system, supplementing best practices identified in the Citygate report recommendations to stabilize and grow the Cannabis Tax Assignment Fund by September 30, 2024.
- R2. Cannabis Program Manager complete a Strategic Plan every year and provide the BOS with status updates at each subcommittee meeting by January 31, 2025.
- R3. The BOS support the growth and sustainability of the Cannabis industry by maintaining the current Program tax rates for the next two budget years by September 30, 2024.
- R4. The Office of the Auditor-Controller's Internal Audit Division (IAD) conduct an internal audit on the Cannabis Program in FY 2023-24 by January 31, 2025.
- R5. The Office of the Auditor-Controller's Internal Audit Division (IAD) conduct an internal audit of cannabis businesses with tax deferral payment plan agreements, including those in tax delinquency by January 31, 2025.
- R6. The Treasurer-Tax Collector Office develop a timely action plan for those growers in arrears and recommend to the BOS to consider phasing out further tax payment extensions by November 30, 2024.
- R7. The Director of Public Health identify projects to assist with youth drug awareness/education/prevention and request funding from BOS as a priority allocation from the CTF by September 30, 2024.
- R8. MCSO increase enforcement of the regulations regarding illicit activity by licensed and unlicensed growers by September 30, 2024.

R9. The District Attorney's office in cooperation with the Cannabis Program and Sheriff/Coroner's office increase prosecutorial efforts of unlicensed and underreporting cannabis growers to the maximum extent of the law; by using existing resources, potential grant funding, and assistance from the Cannabis Administrative Prosecutor Program (CAPP) by December 31, 2024.

REQUEST FOR RESPONSES

The following responses are required pursuant to Penal Code sections 933 and 933.05:

From the following governing bodies within 90 days of the publication of this report:

- Monterey County Board of Supervisors
 - Findings: F1-F8
 - Recommendations: R1-R9

From the following individuals within 60 days of the publication of this report:

- Monterey County District Attorney
 - Finding: F8
 - Recommendation: R9
- Monterey County Auditor-Controller
 - Findings: F4, F5
 - Recommendations: R4, R5
- Monterey County Treasurer/Tax Collector
 - Finding: F3, F5
 - Recommendations: R5, R6
- Monterey County Sheriff/Coroner
 - Finding: F7
 - Recommendation: R8, R9

INVITED RESPONSES

From the following individuals:

- Monterey County Health Department Director
 - Finding: F6
 - Recommendation: R7
- Monterey County Cannabis Program Manager
 - Findings: F1-F4
 - Recommendations: R1, R2

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 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.

GLOSSARY AND ACRONYMS

BOS	Board of Supervisors
CA Proposition 64	The Adult Use of Marijuana Act effective November 9, 2016. It legalized specific personal use and cultivation of marijuana for adults 21 years of age or older, reduced criminal penalties for specific marijuana-related offenses for adults and juveniles, and authorized resentencing and dismissal and sealing of prior, eligible marijuana-related convictions. The proposition includes provisions on regulation, licensing, and taxation of legalized use. (courts.ca.gov)
CAO	County Administrative Office
CAPP	Cannabis Administrative Prosecutor Program. Established in 2023 and provides California cities and counties who partner with DOJ with legal support to address illicit cannabis activity through administrative enforcement and nuisance abatement
Citygate	Consultancy who was contracted to provide reports for various departments within Monterey County
CTF	Cannabis Tax Assignment Fund
DA	District Attorney
FY	Fiscal Year
IAD	Internal Audit Division
MCSO	Monterey County Sheriff Office

BIBLIOGRAPHY

Cannabis Program County of Monterey
<https://www.co.monterey.ca.us/government/departments-a-h/administrative-office/intergovernmental-and-legislative-affairs/cannabis-program#mcp>

Cannabis Program Indicators County of Monterey

<https://www.co.monterey.ca.us/government/departments-a-h/administrative-office/intergovernmental-and-legislative-affairs/cannabis-program/performance-indicators#mcp>

Citygate Associates LLC Organization Review of Current Cannabis Program
February 2022

<https://monterey.legistar.com/View.ashx?M=F&ID=10554107&GUID=B80F13A9-0D1F-4904-A35C-68DADBF327D5>

Department of Cannabis Control 2024 Announcements (Unified Enforcement Cannabis Taskforce)

<https://cannabis.ca.gov/2024/01/california-seizes-over-312m-in-unlicensed-cannabis-during-task-forces-first-calendar-year-of-operation/>

County of Monterey Treasurer/Tax Collector Tax Rates

<https://www.co.monterey.ca.us/government/departments-i-z/treasurer-tax-collector/commercial-cannabis-business-tax>

Local News Matters: Monterey County looking to eliminate prior cultivation requirement for outdoor growers

<https://localnewsmatters.org/2024/01/10/monterey-county-looking-to-eliminate-prior-cultivation-requirement-for-outdoor-growers/>

Monterey County Board of Supervisors 3.6.2024 Agenda Items Related to Cannabis

<https://monterey.legistar.com/LegislationDetail.aspx?ID=6559569&GUID=074BB660-F225-48FB-8158-3B64E4144D03&Options=ID|Text|&Search=Cannabis>

MONTEREY REGIONAL AIRPORT: UNDERSTANDING NOISE



Commercial aircraft takes off over Canyon del Rey neighborhood. Photo by Civil Grand Juror.

SUMMARY

The Monterey County Civil Grand Jury (CGJ) received a complaint regarding the noise aircraft produce when approaching and departing from the Monterey Regional Airport, particularly the annoyance of early morning and late evening flights. The complaint instigated an investigation by the CGJ into the operation of the airport and its response to community noise complaints.

The Monterey Peninsula Airport District (MPAD) regulates and manages all operational functions which take place on the ground. MPAD does not have the authority to regulate what happens in the airspace, including flight paths. Those regulations are dictated by the Federal Aviation Administration (FAA) and are done so uniformly across the United States.

The CGJ found that the public is largely unaware of the multiple factors involved in airport noise, flight paths, and schedules.

MPAD identifies “Voluntary Procedures” on its website for pilots. Noise management recommendations for non-operational hours are unenforceable because Monterey Peninsula Airport operates 24 hours a day, 7 days a week according to the FAA regulations. A 24/7 airport must be available for emergencies, military operations, commercial carriers, weather delays, and aircraft operational issues.

MPAD regularly reviews and logs complaints received. In many cases MPAD responds to specific complaints; however, it does not respond to mass-generated complaints. Most complaints are derived from a single event, such as the California International Airshow Salinas or the Pebble Beach Concours d'Elegance.

The CGJ found that MPAD could improve its community outreach efforts, especially regarding noise complaints. In addition, public complaints and MPAD responses should be more easily found on its website.

MPAD has a distinguished history of providing the Monterey Bay area with a variety of services responsive to our community's air transportation needs.

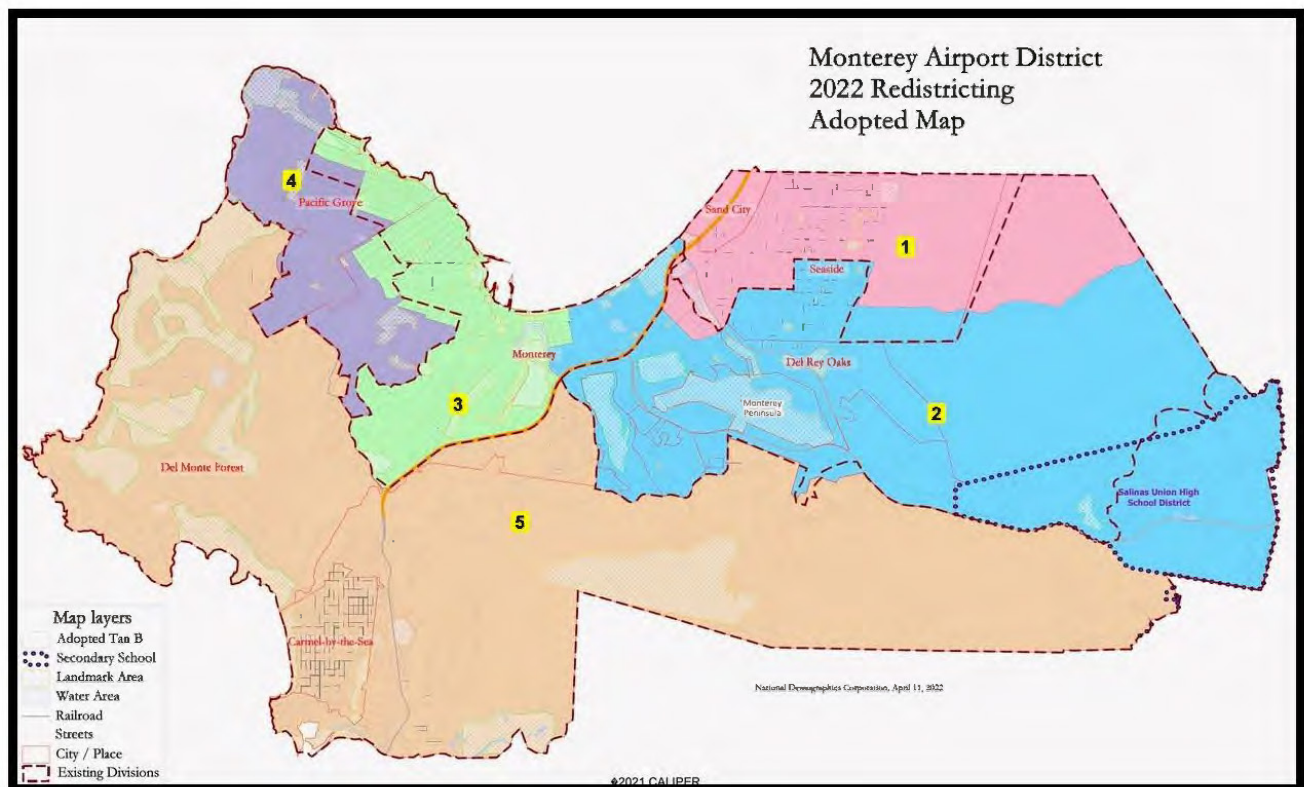


Aerial photography on display at Monterey Regional Airport. Photo taken by Civil Grand Juror.

BACKGROUND

On March 31, 1941, the Monterey Peninsula Airport District, a California Public Agency, was created. MPAD is governed by five publicly elected board members, one from each district represented in the map below. The primary role of the Board of Directors is to establish and oversee policy implementation.

This Special District is not incorporated into the County of Monterey or any municipality. It currently occupies 498 acres of land. Its boundaries encompass the cities of Carmel, Del Rey Oaks, Monterey, Pacific Grove, and Sand City; portions of Seaside, Pebble Beach, and Carmel Highlands; the west end of Carmel Valley and the Monterey-Salinas Highway to Laureles Grade.



Airport District Map provided by MPAD

A special district is directly accountable to its voters and taxpayers through its elected board. It is required to submit annual financial and compensation reports to the State Controller and follow meeting requirements mandated by state laws pertaining to public

meetings, bonded debt, record keeping, and elections. MPAD operates as an enterprise district that collects its fees for services from customers and leaseholders. In addition, it receives grants to fund specific projects. Unlike most enterprise districts, MPAD serves populations beyond its board district boundaries.

The mission of the Monterey Regional Airport is to provide the region with convenient commercial and general aviation access to the national air transportation system; operate the airport in a safe, efficient, sustainable, fiscally responsible manner; and develop the airport to meet future needs, opportunities, and challenges.

METHODOLOGY

The CGJ conducted multiple interviews with individuals familiar with the operations of MPAD and toured its newly constructed fire station to gain a wider perspective of its overall operations.

The MPAD website was reviewed as a source of information to supplement the interviews and provide historical context. Information about the management of MPAD, its contracts, logs, policies, and procedures were obtained and reviewed.

The CGJ also examined third-party reports on airport noise including the Federal Aviation Administration policy regarding noise restrictions such as the Congressional Research Service, Federal Airport Noise Regulations, and Programs dated September 27, 2021. In addition, the CGJ researched other California Grand Jury Reports regarding airports.



*Commercial aircraft deplanes at gate with North Monterey neighborhood in the background.
Photo taken by Civil Grand Juror.*

DISCUSSION

The FAA is empowered with overseeing both airports and airspace in the United States. The intent of the FAA is to achieve safe airport operations and to fulfill its responsibilities of assuring that safe conditions exist. This demands experienced professionals to manage ground operations and to control air traffic above and around all airports.

The FAA categorizes all airports according to several criteria including runway length, lighting, and tower staffing. According to the FAA, the Monterey Regional Airport must operate 24/7 and remain open for all commercial, private, or military aircraft to land or take off.

FAA regulations control the flight paths and aircraft routing into and out of every airport. MPAD does not control airspace routing. An airport can only encourage pilots on Visual Flight Rules (VFR) flights to fly over unpopulated areas.

MPAD provides valuable travel and hospitality services to the communities of California's Central Coast. MPAD is governed by an elected board of directors who represent the community in its local air transportation needs. MPAD is managed by staff

with multiple years of experience in the business of airport operations. It promotes transparency in its operations and is financially stable.



Monterey Regional Airport control tower. Photo taken by Civil Grand Juror.

MPAD operates similarly to a shopping mall, earning a significant portion of its revenue from rent received from commercial airlines, car rental properties, private aircraft hangars, shops, restaurants (including Woody's at the Airport and Tarp's), and other tenants. The sale of jet fuel is also an important source of revenue.

Noise is a common nuisance related to airports, especially to people living along common flight paths or close to the airport. This issue is being addressed slowly nationwide as newer commercial and private aircraft are considerably quieter and more fuel efficient. Aircraft are louder when landing than when taking off as greater surface area, essential to slowing down, generates more sound. General laws of aerodynamics dictate that aircraft land and take off into the wind. This explains why aircraft use different flight paths and land in different directions.

The planned creation of a new terminal will end MPAD's noncompliance with FAA regulations, largely due to the insufficient size of the current airplane taxiway. The new

terminal is also designed to provide an electric system for recharging aircraft. This will eliminate the noisy, diesel-powered vehicles currently used for this vital purpose.



*Commercial aircraft deplanes on tarmac with Monterey neighborhood in the background.
Photo taken by Civil Grand Juror.*

FINDINGS

- F1. A summary of noise complaints is only available inside monthly board packets making it difficult for the public to find and review them, adding to community misunderstanding.
- F2. MPAD's complaint response is not well understood by the community causing frustration.
- F3. Although the MPAD has community relations committees, these committees do not effectively communicate, involve, or educate the public regarding air traffic noise resulting in community complaints and dissatisfaction.

RECOMMENDATIONS

- R1. MPAD create a more visible area on its website that shares public complaints and MPAD's response to them within 72-hours of receipt by October 31, 2024.
- R2. MPAD create a more prominent statement on its website explaining the parameters regarding a 24/7 airport specific to noise management by August 31, 2024.
- R3. MPAD create and approve an internal written policy and procedure for responding to citizen noise complaints by August 31, 2024.
- R4. MPAD develop a more proactive community outreach program regarding air traffic noise, construction updates, and other information impacting the community by October 31, 2024.
- R5. MPAD develop a Citizens Committee to provide community input regarding operations and noise mitigation efforts by October 31, 2024.
- R6. MPAD increase its visibility on social media to convey information regarding the Airport District by October 31, 2024.



Commercial aircraft awaits servicing on the tarmac with North Monterey neighborhood and the Monterey Bay in the distance. Photo taken by Civil Grand Juror.

REQUESTS FOR RESPONSES

The following responses are required pursuant to Penal Code sections 933 and 933.05:

From the following governing bodies within 90 days of the publication of this report:

- Board of Directors, MPAD
 - Findings: F1 - F3
 - Recommendations: R1 - R6

INVITED RESPONSE

From the following individual:

- Executive Director, MPAD
 - Findings: F1 - F3
 - Recommendations: R1 - R6

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 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.

GLOSSARY

CGJ	Civil Grand Jury
FAA	Federal Aviation Administration
MPAD	Monterey Peninsula Airport District
VFR	Visual Flight Rules relate to aircraft without auto pilot equipment

BIBLIOGRAPHY

Monterey Regional Airport
<https://www.montereyairport.com/>

Districts make the Difference
<https://www.districtsmakethedifference.org/home>

Federal Aviation Administration
https://www.faa.gov/air_traffic/publications/atpubs/pham_html/chap10_section_3.html

Congressional Research Service, Federal Airport Noise Regulations and Programs dated September 27, 2021
<https://crsreports.congress.gov/product/pdf/R/R46920>

DISCLAIMER

One civil grand juror recused themselves from all meetings and discussions regarding this report and abstained from voting on its approval.

MONTEREY FIRE DEPARTMENT: OVERDUE FOR OVERHAUL



*Downtown Monterey Fire Station 11 on Pacific Avenue
Source: Photograph taken by Civil Grand Juror*

SUMMARY

In July 2023, the Monterey County Civil Grand Jury (CGJ) received a complaint regarding leadership, promotions, operations, vehicle and facility safety, low morale, and mental health support at the Monterey Fire Department (MFD). After receiving the complaint, the CGJ launched an investigation.

By December 2023, low morale prompted the MFD Union Local 3707 to pass a vote of no-confidence in its leadership, followed by the resignation of the Monterey Fire Chief at year-end. An interim Fire Chief was appointed in early 2024.

The CGJ discovered that despite the firefighters' commendable job maintaining protection and exceeding national response standards, the MFD lacks support, advocacy, and funding for its current and future needs. This chronic neglect has resulted in an aging infrastructure and substandard working and living conditions. The issues requiring immediate attention include administration of policies and training programs, aging fire apparatus, outdated fire stations, communication systems such as the 911 dispatch and Computer Aided Dispatch (CAD), and mental health services for MFD personnel.

The MFD has initiated changes to address several of the issues in this report. The CGJ maintains that its recommendations are relevant to present and future MFD Administrations.

BACKGROUND

The MFD was established in 1882. In 2008, Monterey, Pacific Grove, and Carmel-by-the-Sea merged their fire departments to improve efficiency. A few years later, Sand City, the Naval Postgraduate School, La Mesa Village housing, and the Monterey Peninsula Airport joined the merger.

The MFD operates six fire stations employing 85 people across a 24-square-mile area, serving approximately 55,000 people. Strategically located, the MFD's six stations ensure quick emergency response. This was confirmed in 2022 when the City of Monterey commissioned an independent firm (Citygate Associates) to conduct a comprehensive Community Risk Assessment and Standards of Cover for the MFD. Table 1 shows the call categories which the MFD responded to.

Table 1: Number/Types of Service Calls Made to MFD

Call Type	2020	2021	2022
Rescue & Emergency Medical	4,232	4,657	5,297
Good Intent	1,350	1,392	1,569
Public Service Assistance	1,205	1,230	1,320
False Alarms	677	685	732
Hazardous Condition Standby	278	294	315
Fires & Explosions	152	137	155
Other Types of Incidents	15	27	17
TOTAL INCIDENTS	7,909	8,422	9,405

Source: Citygate 2022 Community Risk Assessment and Standards of Cover Study - Vol 1

Most calls were for Rescue & Emergency Medical services, comprising 56% of the responses. Good Intent Calls occur when firefighters arrive at a call and find no threat or problem. Public Service Assistance means firefighters were requested to provide non-emergency services such as helping people who have fallen and need assistance.

In 2022, an average of 25 calls/day were spread among the six fire stations. At this level of activity, both personnel and equipment must be in top-notch condition to provide effective service and response.

The Citygate report states *“In Citygate’s more than 20 years of conducting fire service deployment studies, very few client agencies have met all the key best practice response performance measures to the same degree as the Monterey Fire Department.”* While consistently achieving above-average response times, the department grapples with challenges stemming from aging fire apparatus. This results in an augmented maintenance workload and staff frustration as they respond to emergencies. Constructed more than 70 years ago as places for fire personnel to live and work, the fire stations have undergone no significant renovations. Additionally, the process to access mental health support for traumatic incidents is not clear to all staff.

METHODOLOGY

The CGJ conducted multiple interviews with individuals familiar with the operations of fire departments in both Monterey and Salinas and toured facilities to gain a wider perspective of overall fire operations. The CGJ also interviewed members of various City of Monterey departments that provide services and administration for MFD.

The MFD and the City of Monterey websites were reviewed as sources of information to supplement the interviews and provide historical context. Information about the maintenance of the fire apparatus owned by the MFD and contracts, logs, policies, and procedures were obtained and reviewed.

The CGJ also examined third-party reports on MFD response and operations as well as National Fire Protection Association (NFPA) standards, a U.S.-based international nonprofit organization devoted to eliminating death, injury, property, and economic loss due to fire, electrical, and related hazards.

DISCUSSION

To ensure public safety, firefighters use physical stamina and compassion to combat fires and handle hazardous situations. Their duties include using equipment to extinguish fires, rescuing people, and assisting with cleanup at the scene of a car accident or natural disaster. Firefighters work in teams, requiring strong communication and quick decision-making, often under pressure.

As of 2023, the MFD comprises 85 paid personnel across six fire stations with seven companies. Firefighting companies work a 48-hour shift and take 96 hours (4 days) off between shifts. A minimum of 22 personnel work per shift across the Department.

Administrative roles include Fire Chief, Assistant Chief, three Division Chiefs, a Training Captain, a Deputy Fire Marshal, two Part-Time Fire Inspectors, a Senior Administrative Analyst, a Fire Prevention Technician, and a Fire Inspector. Fire apparatus include seven pumping engines, two aerial tiller trucks, and various other specialized fire vehicles such as command vehicles, a fire boat, and wildland fire apparatus.

Administration



*Source: Photograph taken by
Civil Grand Juror*

Organization

Each MFD fire company is comprised of at least three individuals: a firefighter, engineer, and captain. The firefighter lays hoses and fights the fire, the engineer drives the fire apparatus and runs the pumps and engine, and the captain oversees each incident. Each fire station is staffed 24 hours per day and may have one or more fire companies. The Division Chief (DC) is responsible for administrative duties and day-to-day operations. All the DCs report to the Assistant Fire Chief who reports to the Fire Chief.

Unlike most workers, who go to work and then go home, the fire companies live and work in the same building. They eat, exercise, study, train, and respond to calls throughout the 48 hours they are on duty.

Policies

The MFD follows policies that provide guidelines to perform its duties. These policies are constantly reviewed and revised based on best practices, state mandates, and other performance guidelines.

The MFD policies are stored in various places including paper binders, file shares, and Lexipol – an online platform that provides policy manuals, training bulletins, and consulting services to law enforcement agencies and public safety departments nationwide.

Despite selecting Lexipol as the main source for MFD policies years ago, there has not been a focused effort to centralize where all policies can be found and compliance tracked. The MFD staff expressed confusion regarding the location and correctness of policy updates.

Training

The MFD staff must be able to train effectively, not only for the day-to-day operations necessary to run the fire apparatus and address different emergencies, but also to qualify for promotions within the Department.

Certain fire apparatus requires specialized training to operate. The Aircraft Rescue and Fire Fighting (ARFF) engines used at airports are critical to airport emergency response, mitigation, evacuation, and rescue of passengers and crew involved in accidents and incidents. Operating an ARFF requires specific knowledge regarding aircraft fires and hazards. The MFD also operates a fire boat out of Monterey Harbor that has its own specialized equipment requiring training to operate properly.

Additionally, as technology continues to advance, so must the techniques and technologies for dealing with emergencies. A prime example is the recent shift in automobiles from internal combustion engines (ICE) to electric vehicles (EV). ICE fires are different from EV fires, and firefighters must learn new techniques to address these emergencies safely and appropriately.

Ongoing training programs are inconsistently delivered due to the lack of funding and resources. As noted in the Citygate report, the MFD has been understaffed in administration areas, including its training personnel.

Apparatus



Engine 6473 Tiller Truck at the Downtown Monterey Fire Station 11 on Pacific Avenue
Source: Photograph taken by Civil Grand Juror

The MFD provides staffing for all six fire stations but only owns the equipment, stations and fire apparatus for the three stations geographically located in Monterey. The other stations (Carmel, Pacific Grove and the airport) own their fire equipment, facilities and apparatus.

Some fire apparatus are designed for pumping water, others for aerial rescue, and still others serve as command centers without firefighting capabilities. The primary types of fire engines seen by the public are pumper trucks and aerial tiller trucks. While the MFD operates other apparatus like wildland fire vehicles, ARFF engines, fire boats, and command vehicles, this report focuses on pumper and tiller trucks, as they are more commonly used in emergencies. Pumper trucks are equipped with onboard water and chemical tanks for direct firefighting, stand-alone ladders, and other equipment. Aerial tiller trucks feature hydraulically assisted, extendable ladders capable of reaching high-rise buildings or assisting in cliffside rescues. The MFD owns two aerial tiller trucks and seven pumper trucks.

Fire apparatus is designated as primary or backup. A primary fire apparatus is the vehicle used first with the backup apparatus generally being an older vehicle that is only used when the primary is on-site at an emergency or in the shop for repairs. Fire vehicles have three ways to measure their age: year, mileage, and engine hours, often referred to as PTO (Power Take Off).

- Years are measured by the manufacture date
- Mileage is the number of road miles traveled
- Power Take Off (PTO) is the length of time the engine has run

A pumper truck arriving at the scene of a fire may be parked, but its engine is left running to provide power (PTO) to drive the water pumps and floodlights. An engine may only travel short distances, but if its engine is constantly running to fight fires, it wears down.

The National Fire Protection Agency (NFPA) provides guidelines determining when fire apparatus should be replaced and states that fire apparatus:

Should respond to first alarms for the first 15 years. For the next 5 years, be in reserve status for use at major fires or as a temporary replacement for out-of-service first line apparatus.

Be retired at 20 years of age, unless the apparatus meets the recommended annual, service and acceptance level tests and has been deemed in excellent mechanical condition.

The City of Monterey maintains its own Vehicle & Equipment Replacement Policy with guidelines as to when vehicles should be replaced. The policy states that vehicles with Gross Vehicle Weight Rating (GVWR) of 16,001 – 26,000 (which includes all the fire apparatus) should be replaced at:

- Trucks, Vans, and SUVs: greater than 15 years old or 100,000 miles
- Tractors, Backhoe, Equipment: greater than 20 years old or 4,000 PTO Hours

Table 2 lists the year, mileage and PTO of the MFD-owned pumper/tiller apparatus as of Nov 2023.

Table 2: Fire Apparatus Age/Mileage/PTO

Engine	Make	Type	Year	Age	Mileage	PTO	Replace
235	Pierce	Pumper	2010	14	136,804	15,843	Y
6411	Pierce	Pumper	2015	9	83,159	10,414	Y
6412	Hi-Tech	Pumper	2001	23	150,334	14,657	Y
6413	Hi-Tech	Pumper	2002	22	138,604	15,843	Y
6416	Pierce	Pumper	2008	16	85,389	7,303	Y
6418	Pierce Enforcer	Pumper	2020	4	19,423	2,120	N
6420	Pierce Enforcer	Pumper	2020	4	27,070	2,648	N
6471	KME	Tiller	2008	16	11,6814	13,076	Y
6473	American LaFrance	Tiller	1998	26	25,679	3,082	Y

Source: Compiled from City of Monterey Fleet Repair Records

Table 2 does not include the specialized apparatus such as the Wildland Fire Engines or the 19-year-old fire boat. For the nine MFD fire apparatus engines listed above, the average is 15 years old with 87,000 miles and 9,400 engine hours. The oldest vehicle in use is 26 years old. Only two of the current vehicles in service are less than five years old.

By either the City of Monterey Vehicle & Equipment Replacement Policy or the NFPA Standards, nearly three-quarters of the MFD apparatus fleet meet the requirements for replacement.

Additionally, the fire apparatus for Monterey Peninsula Airport District (MPAD), Carmel, and Pacific Grove not owned by the MFD are also beyond the NFPA standards of 15 years as a primary vehicle and 20 years as a backup.

The MFD has two new fire pumper engines and a new tiller truck on order, but they are not scheduled for delivery for the next one or two years, due to supply chain and backorder issues. When they are eventually delivered, the MFD will still own several apparatus well beyond their recommended lifespan. The CGJ found no line items exist in the FY2023-24 budget to continue the replacement of aged fire apparatus.

Even after the new fire apparatus arrive and are certified, the MFD will need to replace additional fire apparatus to bring the fleet up to NFPA standards. Fire companies are often forced to respond with the backup apparatus due to safety or repair issues with the primary equipment. The City of Monterey fleet repair yard maintains a 1-6 priority scale to rate the severity of an issue with a vehicle. “Priority 1” repairs take the fire apparatus completely out-of-service. The apparatus cannot be used until the Priority 1 repair is completed.

Table 3 shows the frequency of repairs over the last three years on the Monterey Fire Apparatus specifying total repairs requested and the number of repairs that were designated as Priority 1.

Table 3: Service/Repair Calls for Monterey Fire Apparatus

Year	All Repairs	Priority 1 Repairs
2021	23	3
2022	60	7
2023	152	25
Grand Total	251	35

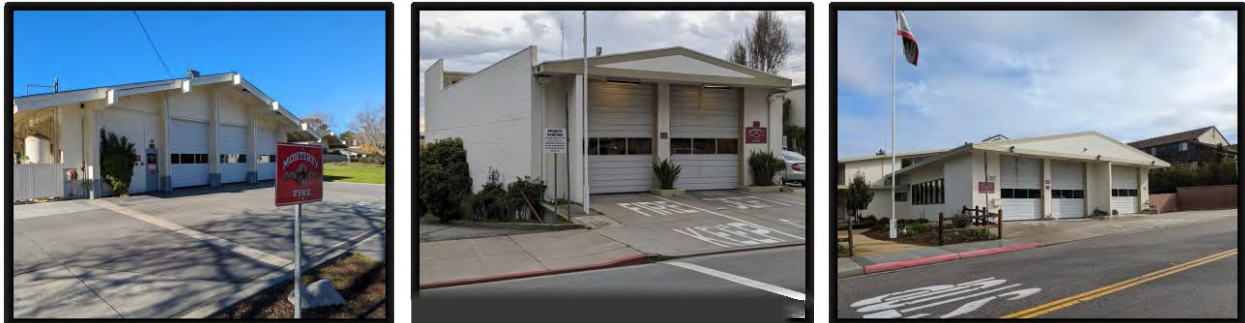
Source: Compiled from City of Monterey Fleet Repair Records

These figures reflect a fleet that is suffering from an increasing rate of breakdowns due to age and wear. This leads to increased response times and/or calls for mutual aid from surrounding jurisdictions. Mutual aid refers to emergency calls that require assistance from non-MFD fire stations based on proximity.

At the time of this report, one-quarter to nearly half of all fire apparatus were out of service or in some state of disrepair. Additionally, only one certified mechanic in Monterey’s Public Works Department can repair specialized fire apparatus. Other mechanics, in addition to MFD engineers, can assist and perform minor maintenance (adding oil, fixing light bulbs, etc.), but only one certified fire mechanic is on staff. This mechanic also works on other Public Works vehicle repairs issues but does not receive a classification revision or additional compensation reflecting this specialized workload.

As vehicles age, more repairs are needed to keep them safe and roadworthy. Between having a single certified mechanic, as well as supply chain issues, some of these repairs can take weeks or even months. The supply chain problem is exacerbated as specialized fire vehicles require unique, vendor-specific parts with long delivery lead times.

Monterey Fire Stations



*From Left: #11 Pacific Street, #12 Hawthorne Street, and #13 Del La Vina
Source: Photograph taken by Civil Grand Juror*

The CGJ toured the three fire stations owned by the City of Monterey and the recently opened MPAD fire station. The MPAD fire station is a new, state-of-the-art facility owned by the airport. At all three fire stations, the City of Monterey needs to strive to provide functionality and cleanliness similar to the MPAD fire station.

The three MFD stations located in the City of Monterey were built in the 1950s. Station 11 (600 Pacific Street) was built in 1959. Stations 12 (582 Hawthorne Street) and 13 (501 Dela Vina Avenue) were built in 1951.

No major remodeling of any of the Monterey stations has taken place since they were built. The stations are the living and working quarters for the fire companies 24 hours a day. With groups of people rotating through, living and working together in the same facilities for seven decades, the facilities are in dire need of major renovation and/or replacement.

The City of Monterey has inspected certain areas of the buildings for asbestos piping, but no comprehensive assessment for potentially hazardous building materials in the three fire stations has been performed. Building codes have evolved considerably since

the fire stations were constructed as have the fire vehicles and their storage and maintenance requirements.

Many issues are not only cosmetic but potentially hazardous:

- peeling, flaking, possibly lead-based paint on windowsills, walls, and ceilings
- bubbled paint on freshly painted walls due to water leaks
- and outdated or malfunctioning heating ventilation (HVAC) systems that need to be supplemented by numerous electric space heaters.

Station 13 has an attached rotted, unsafe training tower that has been unusable for years. The fire stations often house workout equipment in the same space as the fire engines. Any aerosol chemicals left on the engines can potentially contaminate that equipment and harm the firefighters as they exercise. In conclusion, all the Monterey-owned fire stations are profoundly outdated and pose significant health risks.

Monterey Airport Fire Stations



Aircraft Rescue and Fire Fighting (ARFF) Engine AR16 at the new North Side MPAD Fire Station
Source: Photograph taken by Civil Grand Juror

The Monterey Peninsula Airport District (MPAD) owns and manages the newly constructed airport fire station and its fire apparatus and equipment. The MFD only provides personnel to work the fire apparatus.

The MPAD fire station serves the airport with specialized ARFF equipment to fight aircraft fires and handles emergencies inside the terminal and on airport grounds. At the time of this report, some vital communication systems (the 911 alert system and “crash phone”) were not fully operational.

The MPAD fire station, built in late 2023, is on the north side of the airport. The old fire station was on the south side of the airport, close to Garden Road and Highway 68. It was demolished to make room for the new terminal project, a component of the overall Monterey Regional Airport Safety Enhancement program.

Since 2014, the MFD has used a cost-sharing service model with the airport whereby the MFD uses the airport fire station to respond to fire and emergency calls both on-airport and off-airport grounds.



Engine 16 at the MFD South-Side modular trailer
Source: Photograph taken by Civil Grand Juror

When the airport fire station was relocated to the north side and the former south side fire station demolished, the MFD was left without a 24-hour fire station to serve the Fisherman’s Flats/Ryan Ranch/Hwy 68 neighborhoods quickly.

This situation was partially addressed by relocating the airport fire company to a

modular trailer set in a side parking lot across from the upper short-term parking area on the south side of the airport. The MFD owns the trailer and MPAD owns the parking area.

Per the contractual agreement to provide fire services between the City of Monterey and MPAD, the south-side modular trailer is staffed by the MFD between the hours of 8:00 a.m. and 7:59 p.m. When the south-side modular trailer is closed, the MFD personnel and fire apparatus are relocated to the new north-side station.

Emergency responses at night to Fisherman's Flats, Ryan Ranch, Highway 68, and other areas are dispatched from the new north-side station or other MFD stations. This adds an additional 4-8 minutes to any emergency call. Delays of several minutes put the public at risk and can lead to serious medical complications or potentially loss of life. The CityGate report also noted that the north-side station "*...will impact the Department's response capacity and related response performance to the eastern areas of the City outside the airport grounds.*"

Besides the slower nighttime response, other major issues with this modular trailer setup exist. While MFD personnel at the modular trailer have access to the new north-side station for repairs, sleeping, showering and some changing, it is a 20+ minute round trip between the two sites, reducing the time that fire company is available.

The MFD personnel who work daytime hours at the modular trailer lack many of the necessities to perform their jobs. No fire apparatus shelter, no potable water, and no decontamination changing or storage areas for turnout gear outside the trailer. Turnout gear is heavy, chemically treated, fire-retardant outer clothing that firefighters wear when they are called to duty. The south-side modular trailer:

- Provides no indoor decontamination changing area forcing the male and female firefighters to change into and out of their gear outside in public view
- Has no provision for a dry storage area to store it except in the apparatus or in the living area

This is a violation of the NFPA standard which states that turnout gear must "*... not be worn or stored in the living areas of fire department facilities.*"

Most important to the MFD personnel stationed at the airport, the modular trailer is a temporary solution with no permanent solution in sight. This situation further demoralizes the MFD personnel.

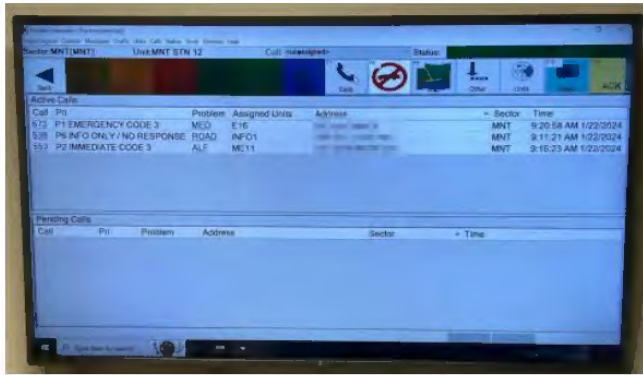
CAD/911 Dispatch Systems



Computer Aided Dispatch alert system in Monterey Fire Station 12
Source: Photograph taken by Civil Grand Juror

The MFD is dispatched to emergency calls via the 911 Dispatch Center run by the County of Monterey. As the 911 Center is notified of an emergency, a radio-link communication system is activated to alert the fire stations of an incoming call. These alerts play a series of tones. When a specific station is being dispatched, a specific set of tones is played over loudspeakers to alert that fire station's personnel. This process is referred to as being "toned out."

The Computer Aided Dispatch (CAD) system that operates out of the 911 Center determines where the emergency call is geographically located and then dispatches the closest fire company to respond to the emergency. The CAD system is aware of the location of all fire apparatus and their current state (on a call, ready, out-of-service, etc.). Each fire station has one or more CAD system display screens that describe all MFD emergency calls. Each fire apparatus is also equipped with a dashboard computer screen that displays information emanating from the CAD system. Responding engines get further updates, traffic guidance, and communications from the 911 Center such as calls for additional aid.



Station mounted CAD system display



Vehicle mounted CAD system display

Source: Photographs taken by Civil Grand Juror

The CAD system mounted in the apparatus frequently malfunctions, forcing firefighters to rely on radios and handheld GPS devices to provide updates to emergency calls.

During daytime hours, all MFD stations hear all alerts for the Monterey area – but only dispatch if their specific station’s tone is used. When a station company hears its tone over the loudspeaker, followed by an often-inaudible announcement, they spring into action. They alert the 911 Center that they are responding, suit up, open the bay doors, take their places in the vehicle and roll out of the station – generally in under one minute. As previously noted in the Citygate report, MFD is onsite for the emergency in under 7½ minutes, putting them above the best-practice response time.

The communication between the 911 Center and the fire stations is over a radio-link communication rather than a modern digital system. When multiple stations are required to respond, each station must be toned out one at a time, causing a delayed response as all stations are toned out prior to the announcement. If the current radio-link to the station alert system fails, dispatch reverts to using a telephone call to the station to alert them of an emergency.

According to members of both the Monterey and Salinas Fire Departments, a modernized network dispatch system would be far more efficient than the current radio-link network. The County already has such a system called NGEN (Next Generation).

The current radio-link with telephone backup system for alerting fire stations functions but is several decades old and slows response times and dispatch-to-station

communications. The MFD fire station dispatch and alerting system currently lacks the interface to utilize the County NGEN system. Tying the dispatch alert system into the NGEN system would provide the capability to alert multiple fire stations simultaneously and shorten response times.

Mental Health



Sign inside Fire Station 11 on Pacific Street, Monterey
Source: Photo taken by Civil Grand Juror

Firefighters are expected to be calm, level-headed, and able to face even the most challenging situations with courage. However, this expectation can take a toll on their mental health. Research indicates that many firefighters

have experienced mental health issues such as PTSD, anxiety, depression, and suicidal thoughts. Therefore, it is critical to provide mental health resources and suicide prevention initiatives for all firefighters. Early detection, access to culturally competent, trauma trained mental health specialists, and proper screening can help reduce the effects of post-traumatic stress. Fire service leaders note that some firefighters believe that they are expected to “tough it out.” They ignore personal issues because asking for help may indicate weakness or put their jobs in jeopardy. Therefore, raising awareness of mental health in the fire service is crucial to encourage firefighters to seek treatment at the first sign of a problem.

In a 2018 nationwide survey of 7,000 firefighters, 95% felt incredibly stressed, and 81% said they feared being seen as weak or unfit for duty if they asked for help. To combat these alarming numbers, several fire departments in California (Los Angeles, El Cajon, Santa Rosa, among others) have worked with agencies to provide specially-trained therapy dogs to accompany officers and live at the station. The Salinas Fire Department uses facility dogs to provide mental support for its firefighters, and the program has proven quite effective and popular.

Mental health services are made available to MFD through the City of Monterey's Human Resources Department, the County of Monterey's Behavioral Health Services, and a Licensed Marriage and Family Therapist (LMFT) contracted with the City of Monterey. Although MFD staff were generally aware that mental health services existed, most were unaware of how to receive them.

After Action Reviews (AARs) are intended to analyze intended outcomes versus actual outcomes at an incident and identify ways to improve. After a fire company responds to an emergency, producing an AAR helps the firefighters analyze their techniques and knowledge by documenting lessons learned.

When MFD responds to an emergency that is particularly traumatic (vehicle accident involving minors, firefighter injury, etc.) fire departments use their Critical Incident Stress Management (CISM) policy to help the firefighter company cope with the post-traumatic stress brought on by the incident.

At the time of this report writing, both the MFD AAR and CISM policies are in a draft format in Lexipol. These policies need to be finalized and adopted throughout the department so that all firefighting staff understand the processes designed to support them.

ACKNOWLEDGMENT

This report has been prepared to identify issues and to offer recommendations. The CGJ is aware that some of its findings are currently being addressed by the City of Monterey and the MFD.

FINDINGS

Administration

- F1. During its interviews and tours, the CGJ found that firefighters are uniformly committed to the mission of public safety.
- F2. The City of Monterey has not addressed the issues of aging facilities, increasingly failing fire apparatus, and timely follow-through on mental health services all leading to low staff morale and public endangerment.

- F3. The transition to a consolidated set of policies has not been a priority of the MFD Administration, leading to confusion among staff.

Apparatus

- F4. The MFD is not adhering to its Vehicle & Equipment Replacement Policy as three-quarters of the fire apparatus is at or beyond its lifecycle replacement. This has resulted in a doubling of the repair frequency over the past three years, increasing the workload of the City's Public Works Department, and affecting apparatus availability for emergencies, thus endangering the public.
- F5. The MFD's primary tiller truck has been out-of-service for nearly a year and the 25-year-old backup tiller truck has frequent breakdowns often leaving the MFD without an operable 100-foot ladder causing the need to call for mutual aid from other fire departments.
- F6. Having only one certified fire apparatus mechanic serving the Monterey fleet hampers quick repairs and puts the MFD at risk of not having the proper equipment in service to respond to emergencies thus endangering the public.

Monterey Fire Stations

- F7. All Monterey-owned fire stations are in a significant state of disrepair. Years of neglect and normal wear have resulted in unsafe and unsanitary living and working conditions and contribute to the low morale for MFD personnel.
- F8. Station 13 and the daytime airport south-side modular trailer currently rely on audio alerts with no visual information on 911 calls unlike other Monterey Fire stations limiting available information on the emergency.
- F9. The extent of the deterioration of the Station 13 training tower is a danger to the station, its firefighters, and the parking area immediately adjacent.
- F10. Most MFD firefighter companies work and live in 70-year-old facilities that have not been thoroughly tested for hazardous building materials potentially endangering their health and safety.
- F11. Responding from the new airport north-side station increases the response time to serve the Fisherman's Flats/Ryan Ranch/Hwy 68 neighborhoods putting public safety at risk.
- F12. Firefighter companies at the airport south-side modular trailer do not have access to safe inside changing and storage areas for their turnout gear, violating NFPA standards and causing potential harm and distress for firefighters.
- F13. Fire engines at the airport south-side modular trailer are exposed to the weather hastening deterioration and increased costs for repair or replacement.
- F14. No potable water is available inside the south-side modular trailer, compromising the health and safety of the firefighters who work there during daytime hours.

CAD/911 Dispatch Systems

- F15. The MFD currently relies on an outdated two-tone paging system for alerts. Upgrading to a modern Fire Station Alerting system would enhance response times for multi-station emergency calls and bolster public safety.
- F16. Unreliable CAD software and hardware in the fire apparatus and stations forces firefighters to rely on less comprehensive systems to respond to calls efficiently.

Mental Health

- F17. The MFD does not utilize facility dogs that have been successfully used to enhance wellbeing for first responders and build positive relationships in the community.
- F18. Some MFD staff are unaware of the process to access a City-contracted Licensed Marriage Family Therapist or County Behavioral Health Department personnel which compromises their mental wellness.
- F19. The MFD policies for After-Action Reviews and Critical Incident Stress Management are in draft form leading to confusion or misinterpretation by MFD personnel.

RECOMMENDATIONS

Administration

- R1. No recommendation needed.
- R2. The City of Monterey formalizes its multi-year strategic plan for the MFD that addresses: updating facilities, replacing apparatus, training firefighter staff, and ensuring that the mental health service policy is clearly defined by December 31, 2024.
- R3. The MFD Administration consolidates all MFD policies into a single unified system by September 30, 2024.

Apparatus

- R4. The MFD Administration aligns its Monterey Vehicle & Equipment Replacement Policy with NFPA Standards for apparatus replacement by September 30, 2024.
- R5. The City of Monterey funds the repair of the primary MFD aerial ladder making it operational by October 31, 2024.
- R6. The City of Monterey develops a hiring plan or internship program to maintain sufficient certified and appropriately compensated fire mechanics commensurate with the number of fire apparatus by October 31, 2024.

Monterey Fire Stations

- R7. The City of Monterey develops a schedule to begin upgrading, renovating, or replacing the MFD fire stations by December 31, 2024.
- R8. The City of Monterey ensures that all visual 911 Center alert system boards function at all MFD stations, including the south-side modular trailer by August 31, 2024.
- R9. The City of Monterey immediately red-tags and develops a plan to repair or demolish the Station 13 training tower by October 31, 2024.
- R10. The City of Monterey performs a comprehensive assessment to identify potentially hazardous building materials in all MFD fire stations by December 31, 2024.
- R11. The City of Monterey creates a plan for a permanent fire facility to provide faster, 24-hour emergency response coverage for the communities near the Highway 68 corridor by December 31, 2024.
- R12. The City of Monterey, MFD and MPAD Administration collaborate to provide safe and private decontamination changing and storage areas for turnout gear at the airport modular trailer to comply with NFPA standards by October 31, 2024.
- R13. Until a permanent facility is constructed, the City of Monterey collaborate with MPAD to provide a protective structure for the fire apparatus at the south-side modular trailer by October 31, 2024.
- R14. The City of Monterey provides a potable water source for the south-side modular trailer by November 30, 2024.

CAD/911 Dispatch Systems

- R15. The City of Monterey and MFD Administration collaborate with the County of Monterey to implement a plan and timeline for upgrading to a modern Fire Station Alert system by December 31, 2024.
- R16. The City of Monterey ensures all CAD software/hardware is consistently operational in all fire apparatus and stations by November 30, 2024.

Mental Health

- R17. The MFD Administration conducts a study to gauge the interest and feasibility of MFD personnel obtaining one or more facility dogs by August 31, 2024.
- R18. The City of Monterey posts at each fire station information regarding the availability of the contracted Licensed Marriage Family Therapist by July 30, 2024.
- R19. The MFD Administration finalizes and distributes the AAR and CISM policies ensuring that every critical incident is reported, and after-action mental support services are made available by October 31, 2024.

REQUEST FOR RESPONSES

The following responses are required pursuant to Penal Code sections 933 and 933.05:

From the following governing bodies within 90 days of the publication of this report:

- Monterey City Council
 - Findings: F1 to F19
 - Recommendations: R1 to R19
- Monterey Peninsula Airport District Board
 - Findings: F12 to F13
 - Recommendations: R12 to R13
- Monterey County Board of Supervisors
 - Findings: F15
 - Recommendations: R15

INVITED RESPONSES

From the following individual:

- Monterey Fire Chief
 - Findings: F1 to F19
 - Recommendations: R1 to R19

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 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.

GLOSSARY & ACRONYMS

Acronym / Phrase	Definition
AAR	After Action Review
Aerial ladder truck	A fire apparatus with a self-extending ladder used for high-rise rescues and able to extend a hose over a roof to fight fires from above
ARFF	Aircraft Rescue and Fire Fighting

Apparatus	Any vehicle that has been highly customized for use during firefighting operations (aka “fire truck” or “fire engine”)
Automatic aid	Assistance dispatched automatically by contractual agreement between two communities or fire districts to all first alarm structural fires
CAD	Computer Aided Dispatch Computer system utilized by dispatchers, call-takers, and 911 operators to prioritize and record incident calls, identify the status and location of responders in the field, and effectively dispatch responder personnel
Captain	A member of a fire company that is in overall charge
CGJ	Civil Grand Jury
CISM	Critical Incident Stress Management
Citygate Associates	A public sector consultancy dedicated to “The Business of Better Government”
Crash phone	Direct alerting phone from airport tower to the airport fire station
DC	Division Chief The commander in overall charge of administrative duties of a single shift of multiple fire companies
Engineer	A member of a fire company that drives the apparatus and manages the apparatus’ pressures and gauges
EV	Electric Vehicle
FAA	Federal Aviation Administration
Fire chief	The commander in overall charge of the entire Fire Department
Fire company	A Captain and one or more Engineers and Firefighters organized and equipped to extinguish fires and respond to Public Safety emergencies

Fire engine / fire truck	A generic term for any fire apparatus
Firefighter	A member of a fire company that manages the hoses and fights the fire and sometimes used as a generic term to mean any fire department emergency responder
GVWR	Gross Vehicle Weight Rating
HVAC	Heating, ventilation, and air conditioning
IAFF	International Association of Fire Fighters
ICE	Internal Combustion Engine
Ladder truck	A fire apparatus that carries ladders and is also called an aerial ladder truck
LMFT	Licensed Marriage and Family Therapist
MFD	Monterey Fire Department
MPAD	Monterey Peninsula Airport District
Mutual aid	Assistance that is dispatched, upon request, by the responding fire department
NFPA	National Fire Protection Association
NGEN	Next Generation radio network
PPE	Personal Protective Equipment (aka turnout gear) Chemically treated clothing designed to protect firefighters from the heat, fire, smoke and chemicals encountered during a fire emergency
PTO	Power Take Off Equipment that diverts power from the fire apparatus wheels to the pumps and hydraulics onboard

Pumper truck An apparatus that pumps water and carries hoses and has an internal water tank or can connect to a fire hydrant for water

BIBLIOGRAPHY

Community Risk Assessment and Standards of Cover Study

https://monterey.org/Document%20Center/Fire/Administration/Vol1-Monterey-CRA-SOC-Study-Technical-Report-22_0429.pdf

MFD Response Statistics

https://monterey.org/city_hall/fire/about/response_statistics.php#collapse1850b0

National Data Shows Firefighters' Mental, Emotional Health Not Getting Enough Attention

<https://www.nbcphiladelphia.com/news/local/new-jersey-pennsylvania-firefighters-mental-emotional-health-not-getting-enough-attention/55822/>

APPENDIX

Appendix A - Supplemental Fire Station Photos

Appendix B - City of Monterey 2023-24 Facility Facts

DISCLAIMER

One Civil Grand Juror recused themselves from all meetings and discussions regarding this report and abstained from voting on its approval.

Appendix A - Photos Illustrating Conditions in Monterey Fire Stations

The following photos were taken by Civil Grand Jury members during Monterey Fire station tours. They are meant to better illustrate the condition of the fire stations in which the firefighting companies work and live.

Station 11 (Pacific Street)



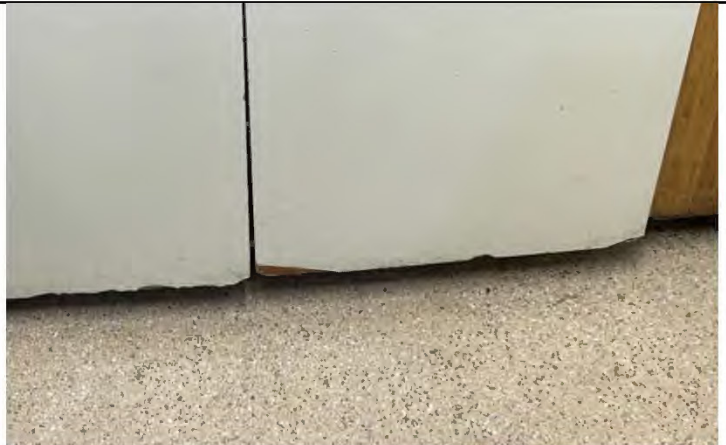
Old stove/counter top damage



Exercise gear used and stored in fire engine garage



Worn out carpeting



Chipped/worn out kitchen cabinetry

Appendix A - Photos Illustrating Conditions in Monterey Fire Stations

Station 12 (Hawthorne)



Bubbling paint after two weeks



Poor condition of fire pole landing pad



Window sill paint peeling



Kitchen area windowsill



Living area



Kitchen paint flaking/peeling

Appendix A - Photos Illustrating Conditions in Monterey Fire Stations

Station 13 (DeLa Vina)



Abandoned training tower



View inside abandoned training tower



View inside abandoned training tower



Workout equipment in vehicle storage area

Appendix A - Photos Illustrating Conditions in Monterey Fire Stations

Station 16 (Airport) Modular Trailer



Modular trailer "fire station" at airport



Working area inside modular trailer



Alert system in modular trailer



Non-potable water supply



Sign above sink



Septic system for modular trailer

FACILITY FACTS



AVERAGE AGE
OF CITY FACILITIES
= 60 YEARS
UPGRADE NEEDS



**City Hall Campus -
580 Pacific St.**

BUILT: 1934



**5 Community Centers -
built:**

**1947, 1955,
1958, 1962, 1992**




**Fire Stations
12 & 13**

BUILT: 1951



**Monterey
Public Library**

BUILT: 1952



**Public Safety
Facility -
Police and Fire**

BUILT: 1959



**Lighthouse
Tunnel**

BUILT: 1967



**4 Parking
Garages -
built between:**

1971 & 1979



**Monterey
Sports Center -
rehab reserve
needed**

BUILT: 1992




**Monterey
Conference
Center**

**REHAB RESERVE
NEEDED**



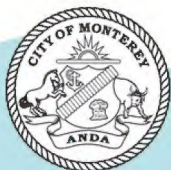
**Storm Water
System**

**REPAIR/REHAB/
REGULATORY
MANDATES**



**Harbor Office
Seawall
Wharves I & II**

**1970's - 1980's
WHARVES:
1913 & 1926**



FENTANYL: OUR YOUTH IN CRISIS



Rainbow Fentanyl On Display

Source: Copyright free image from Drug Enforcement Agency (DEA)

SUMMARY

The Monterey County Civil Grand Jury (CGJ) launched an investigation into the fentanyl crisis in the County. The investigation examined the extent to which Monterey County public schools and other partners provide fentanyl awareness and prevention education in the community.

The fentanyl epidemic is a public health crisis. According to a Rand Survey released in February 2024, more than 40% of Americans know someone who died from a drug overdose. In 2022, drug overdoses were the primary cause of death for both men and women ages 25-54 in California. Among young adults ages 15-24, it was the second leading cause of death. An effective approach to this crisis is an expansion of community awareness, especially for our vulnerable youth, according to experts in the field.

The CGJ's investigation yielded areas of concern. Funding disparities across school districts limit:

- expanding opioid awareness beyond the California Education Codes
- financing the valuable services offered by drug education agencies
- providing safe spaces on campus benefiting youth mental health
- training staff to administer Narcan (or Naloxone), the medical antidote for fentanyl
- implementing peer-to-peer and youth leadership programs as tools for broadening student awareness, elevating the youth voice, and improving mental health outcomes

Although Monterey County received more than \$2M of opioid settlement funds in 2022 and 2023, it has yet to approve the final plan for the allocation of the funds. This funding delay compromises equitable County-wide responsiveness to the fentanyl crisis and puts lives at risk. The CGJ recommends immediate action by the Monterey County Health Department (MCHD) to bring its final plan for equitably allocating the opioid settlement dollars designated for all Monterey County local governments before the Board of Supervisors (BOS) for its swift review and approval.

The CGJ further recommends all County middle and high schools prioritize full compliance with Senate Bill 10 (SB10), Melanie's Law, by updating safety plans with overdose protocols, improving Narcan availability, and accessibility to fentanyl resources. Lastly, the CGJ advocates for creation of more wellness centers and youth leadership programs to enhance both mental health and fentanyl awareness outcomes.

Monterey County Office of Education (MCOE) and Montage Health's Prescribe Safe (MHPS) have both created multi-agency coalitions implementing awareness and prevention initiatives across the County. The continued collaboration between MCOE and MHPS is vital to reducing the County's vulnerability to the danger of illicit fentanyl. Formalizing this partnership is recommended.

BACKGROUND

According to the California Overdose Surveillance Dashboard, the opioid epidemic began in 2000 with the first wave of overdose deaths related to prescription opioid use, followed by a second wave due to heroin overdoses. Fentanyl is now driving the third, most deadly wave of the opioid epidemic.



Lethal Dose of Fentanyl (2 milligrams)

*Source: Copyright free image from
Drug Enforcement Agency (DEA)*

Pharmaceutical fentanyl is prescribed by a doctor to treat severe pain, such as after surgery. The current opioid epidemic is caused by illegally-produced fentanyl sold on the streets. Illicit fentanyl is commonly mixed into other drugs like heroin, cocaine, and methamphetamines and is highly addictive. Cheap to produce, drug-makers cut fentanyl into most street

drugs. When laced into other drugs or counterfeit prescription pills, such as Xanax or Percocet, fentanyl is nearly impossible to detect. It is tasteless, odorless, and fatal in small quantities. People are often unaware they are taking drugs contaminated with lethal amounts of fentanyl, which increases the risk for accidental overdose or death. Counterfeit medications account for a dramatic increase in opioid-related overdose injuries and deaths, particularly among teens and young adults.

Naloxone, also called Narcan, is a nasal spray used to reverse opioid overdoses. It is safe to use, and has no side effects, even if someone is not experiencing an overdose. With the rise of fentanyl-related accidental overdoses that can happen anywhere, at any time, experts in the field are now recommending that everyone carry Naloxone to help save lives.

The latest data released March 1, 2024, on the California Overdose Surveillance Dashboard confirmed that overdose rates again increased in Monterey County for the 12-month period ending the second quarter of 2023, making 2023 a deadlier year than

2022. Youth are an especially vulnerable group, due to age-related drug experimentation, lack of awareness of fentanyl's deadliness and widespread availability, and access to social media sites such as Snapchat and Instagram for drug purchases. In 2019, Monterey, Pacific Grove, and Seaside all suffered the heartache of teen overdoses due to fentanyl-laced pills. These teen deaths are traumatizing for community members across the entire County.

The CGJ launched an investigation into the opioid epidemic to assess efforts to reduce youth overdoses through fentanyl mitigation efforts – awareness, education, and prevention – in Monterey County school districts. With an enrollment of 77,387 students, the Monterey County Office of Education (MCOE) provides oversight, guidance, and training to all public and charter schools. According to the MCOE website, the Monterey County vulnerable student population includes: 75% socioeconomically disadvantaged, 34% English learners, 10% students with disabilities, and 9% homeless youth, and 4% migrant students. Opioid settlement funds awarded to California for opioid remediation prioritize allocations for vulnerable youth.

The County's student demographics also impact funding that the school districts receive from the State of California. Several years ago, the State revised the funding methodology and introduced the Local Control Funding Formula (LCFF). Districts are now given more authority to design budgets based on the needs of their students.

Opioid Settlements Fund (OSF)

In 2018, Monterey County joined as a lead plaintiff in the federal lawsuit against 24 of the largest pharmaceutical manufacturers and distributors of prescription opioids. The case was settled in federal court in 2021. National Opioid Settlements Agreements of more than \$50B were finalized against 16 companies. The terms of the settlements specify that the funds are to be spent for opioid remediation efforts, such as prevention strategies and addiction treatment.

The California State Treasury created the Opioid Settlements Fund (OSF) where the federal judgments will be deposited. The State Department of Healthcare Services (DHCS) is the oversight agency for these funds. The Monterey County Health Department (MCHD) Director is the designated primary contact for Monterey County, setting the stage for the County and its 12 cities to receive current and future disbursements.

The County received disbursements in November 2022 from the “California Abatement Account Fund” allocated to all participating cities and counties that must be used for drug prevention, treatment, and education. In February 2023, Monterey County received funds earmarked solely for lead plaintiffs. These funds will be used for future opioid remediation efforts. Award periods last up to eighteen years and vary in terms of amounts.

In March 2023, the Monterey Health Department presented a comprehensive plan and strategies for allocating these funds. The BOS and the MCHD have yet to allocate \$2.7M in County opioid settlement funds received from the State.

METHODOLOGY

The CGJ interviewed representatives familiar with operations of several Monterey County School districts as well as MCOE to understand school districts’ responsiveness to the opioid crisis. The CGJ also spoke with individuals from agencies working in partnership with these entities. The CGJ reviewed agency budgets, contractual agreements, and health/safety programs.

The CGJ consulted agency websites and conducted research on California Education Codes, legislation, opioid-related online resources, including the California Overdose Surveillance Dashboard, the Drug Enforcement Agency (DEA), the California Department of Public Health (CDPH) Substance and Addiction Prevention Branch, and the California Department of Health Care Services (DHCS) concerning the OSF. Also reviewed were previous California Grand Jury reports regarding this topic.

The CGJ selected four school districts under the purview of MCOE: Monterey Peninsula Unified School District (MPUSD), Pacific Grove Unified School District (PGUSD), Salinas Union High School District (SUHSD), and Soledad Unified School District (SUSD). MPUSD and PGUSD have both been impacted by fentanyl-related student overdoses. SUHSD is the largest district and SUSD is a smaller district. The CGJ also viewed student videos and watched fentanyl presentations and reviewed training materials.

DISCUSSION

The CGJ initiated its investigation with a sense of urgency to understand how County agencies were responding to the ongoing fentanyl crisis.

Montage Health Prescribe Safe Initiative (MHPSI)

Montage Health Foundation funds the Initiative which started in 2014 in response to the rise of overdose deaths from prescription opioids. Realizing the benefits of a collective approach to the epidemic, the Initiative brought together partners from throughout the County. Today, more than 35 agencies from health, law enforcement, schools, and business sectors participate in this multi-agency coalition, led by emergency medicine physicians with specializations in addiction. By 2018, prescription opioid overdose cases had declined in Monterey County.

However, overdose deaths in Monterey County increased dramatically between 2018 and 2021. Illegal fentanyl flooding the market was leading to the spike in overdoses and deaths.

The Initiative developed new goals to address the urgency of the fentanyl crisis:

- create and provide resources for youth and families
- educate the community and medical professional
- improve the safety of prescription drugs
- reduce inappropriate prescribing of pain medications and sedatives
- increase community access to addiction treatment

MHPS is a recognized leader in the County for its proactive partnerships, initiatives, and resource materials for schools. During the CGJ's investigation, fentanyl-related resources expanded.

The Drug Free Communities Grant

The goal of this multi-year grant, from the Montage Health Foundation, is to address youth substance abuse through community collaboration-building. The Initiative selected MPUSD as its partner. A student needs assessment was completed in May 2021. This information helped inform District plans. Additionally, Youth Leadership Councils have been created in all three MPUSD high schools. Youth Council students serve as mentors for middle school students. They also collaborate with the Initiative to share their youth perspective as future programming and materials are developed, to include an updated district-wide Drug and Alcohol Prevention Policy. A shift in school culture is the goal of the grant so that students can openly discuss mental health and substance use/abuse issues.

Monterey County Office of Education (MCOE)

While MCOE provides guidance and resources to County public school districts. Each district determines its own educational programming priorities based on local needs and student population. This yields a variance in funding levels across school districts and responsiveness to urgent educational challenges.

Valuable fentanyl prevention education is not available to all students in all County schools. Some schools can afford school-day fentanyl education by professionals to supplement instruction, and some schools cannot. At a minimum, students receive drug awareness education during their PE classes from a credentialed staff member, not a drug education professional. This pertains to the mandated health education classes, per California Education Code 51890; however, these classes focus more on alcohol, tobacco, marijuana, and vaping, versus opioid/fentanyl awareness and prevention. Districts strapped for funds may have limited or no contracts with nonprofit partners to augment the standards-based approach within a district. In addition, MCOE does not receive any funding specifically for fentanyl/drug awareness prevention instruction.

Monterey County Safe and Healthy Schools and Communities Coalition (MCSHSCC)

In 2022, MCOE launched the Monterey County Safe and Healthy Schools and Communities Coalition in response to the fentanyl crisis and other safety concerns. Like the Prescribe Safe Initiative, the Coalition is a multi-agency collaborative of school districts, charter schools, first responders, community-based organizations, county departments, and youth-focused entities. The Coalition's focus is to develop comprehensive resources and services to address school safety needs and challenges countywide, but more recently has prioritized fentanyl awareness and prevention.

The Coalition works with its community partners to standardize policies and protocols, improve communication and respond more effectively to student mental health and safety needs. During this academic year, MCOE and its coalition partners have hosted dozens of presentations for students, staff, and parents on fentanyl awareness topics.

Naloxone Toolkit for Schools

In February 2024, the MCOE coalition and the Prescribe Safe Initiative jointly developed, vetted, and launched the Naloxone Toolkit for Schools. It offers an opioid and fentanyl fact sheet, training tools to administer Naloxone, tips for setting up a school or agency Naloxone program, and more resources. Links to access the Toolkit are available on both partner websites. The Initiative will also produce fentanyl training videos for school districts and parents using MCOE's Media Center for Art, Education and Technology studio.



Naloxone/Narcan Nasal Spray
Source: Stock image from Microsoft 365

Senate Bill 10 (SB10) – Melanie's Law

SB10, referred to as “Melanie's Law,” became law in California in October 2023. The bill is named for Melanie Ramos, a teenager who died from a fatal overdose of fentanyl in her school bathroom, unaware she had taken the drug.

SB10 mandates that schools serving grades 7-12 update their school safety plans to include specific protocols for preventing and/or responding to opioid overdose emergencies. This bill also requires the California Department of Education publish information on its website that addresses opioid awareness.

Melanie's Law also recommends that all County Offices of Education establish working groups on fentanyl education. Monterey County is already complying with the law's working group recommendation through its Coalition. Regarding other aspects of the law, some school districts are still minimally compliant. While the law sets a baseline, there is plenty of room to go beyond the minimum requirements.



Source: Stock image from Microsoft 365

Wellness Centers

Educators, health care professionals, addiction specialists, and increasingly parents are realizing the need for youth mental health services. Addressing the critical mental health needs of our county's youth is valuable to incorporate into drug awareness and prevention efforts.

A designated wellness center is a valuable mental health asset. This is a space ideally located on campus for students seeking support from a mental health professional or simply a retreat space during the school day. A wellness center does not need to be in a separate building, but simply a safe, accessible space for students.

The Salinas Unified High School District (SUHSD) currently has designated Wellness Centers on eight of its ten campuses, with the remaining two in development. It is an important investment for the SUHSD, as the financial outlay has been substantial. Not all districts have the financial means to replicate wellness centers of this nature. For example, SUSD recently opened a Wellness space that is only open during lunchtime and breaks, until a social worker is hired. Yet, this space may have a similar level of impact as the more expensive sites on the SUHSD campuses. Any effort to transform and staff an existing space on campus to fill this purpose is an opportunity to improve student well-being.

Youth Leadership / Peer-to-Peer Programs

Youth Leadership Councils have been created at all three MPUSD high schools and are engaging with collaborative partners to provide valuable input and suggestions from the



Source: Stock image from Microsoft 365

student perspective. Drug awareness and prevention presentations used at school assemblies were developed with and vetted by Youth Council members. Teens will listen more attentively and with a greater sense of connection to other teens in their peer group as opposed to adults. Similarly, peer-to-peer programs are great opportunities to build student

mentorship and leadership skills. Implementing programs of this nature can improve mental health outcomes for students. They are also vital drug awareness and prevention tools.

FINDINGS

- F1. The Monterey County Safe and Healthy Schools and Communities Coalition and the Montage Health Prescribe Safe Initiative are leaders in the County's drug awareness and prevention efforts. A formal agreement between these two entities could enhance effectiveness and ensure partnership continuity.
- F2. The BOS has not approved allocations of County Opioid Settlement funds, while the MCHD finalizes a Comprehensive Strategy and Plan to allocate these funds, putting lives at risk.
- F3. The lack of the availability of a wellness space within County public schools, either a designated room or a separate building, staffed with at least one mental health professional, is a missed opportunity to address mental health needs.
- F4. Since the implementation of SB10 in January 2024, some school districts have not revised their safety plans to include overdose response protocols, risking the health and safety of students.
- F5. While peer-to-peer and youth student leadership programs supporting drug awareness and prevention education are successful tools for student engagement on this topic, some schools have not implemented these programs, putting students at risk.

RECOMMENDATIONS

- R1. MCOE and the MHPS formalize their partnership through a written agreement to ensure ongoing collaborative leadership by August 31, 2024.
- R2. The MCHD finalize its Comprehensive Strategy and Plan for allocating County Opioid Settlement funds for BOS approval by July 31, 2024.
- R3. The MCHD finalize agreements for services to begin equitable disbursements of County Opioid Settlement funds to partner agencies and school districts by October 31, 2024.
- R4. MCOE develop strategies with school districts for implementation of on-campus wellness spaces with appropriate staff to support students with their mental health and/or drug awareness by November 30, 2024.
- R5. MCOE require that all school districts comply with SB10, by updating school safety plans with overdose prevention, response protocols, and staff training by October 31, 2024.

- R6. MCOE ensure that all educational spaces in every district are equipped with Naloxone, known as Narcan, for use by trained staff in an opioid overdose emergency by August 31, 2024.
- R7. MCOE develop a training program and resources for district personnel to implement peer-to-peer and youth leadership programs by December 31, 2024.

REQUEST FOR RESPONSES

The following responses are required pursuant to Penal Code sections 933 and 933.05:

From the following governing bodies within 90 days:

- Monterey County Board of Supervisors
 - Finding: F2
 - Recommendations: R2 and R3

From the following elected official within 60 days:

- Monterey County Superintendent of Schools
 - Findings: F1 and F3-F5
 - Recommendations: R1 and R4-R7

INVITED RESPONSES

From the following individual:

- Monterey County Health Department Director
 - Finding: F2
 - Recommendations: R2-R3

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 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.
--

GLOSSARY & ACRONYMS

BOS	Monterey County Board of Supervisors
CDC	Centers for Disease Control and Prevention
CDPH	California Department of Public Health
DEA	Drug Enforcement Agency
DHCS	Department of Healthcare Services
LCFF	Local Control Funding Formula
MCHD	Monterey County Health Department
MCOE	Monterey County Office of Education
MCSHSCC	Monterey County Safe and Healthy Schools and Communities Coalition
MHPS	Montage Health Prescribe Safe
MHPSI	Montage Health Prescribe Safe Initiative
MPSUD	Monterey Peninsula Unified School District
OSF	Opioid Settlements Fund
PGUSD	Pacific Grove Unified School District
SUHSD	Salinas Union High School District
SUSD	Soledad Unified School District

BIBLIOGRAPHY

Drug Enforcement Agency (DEA) - Fentanyl “One Pill Can Kill” Campaign
<https://www.dea.gov/onepill>

Alison Athey Beau Kilmer Julie Cere “An Overlooked Emergency: More Than One in Eight US Adults Have Had Their Lives Disrupted by Drug Overdose Deaths”, *American Journal of Public Health* 114, no. 3 (March 1, 2024): pp. 276-279.

<https://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2023.307550?journalCode=ajph>

California State of Public Health Summary Report 2024

<https://www.cdph.ca.gov/Programs/OPP/CDPH%20Document%20Library/California-State-of-Public-Health-Summary-Report-2024.pdf>

CA Department of Healthcare Services (CHCS) - CA Opioid Settlements

<https://www.dhcs.ca.gov/provgovpart/Pages/California-Opioid-Settlements.aspx>

CA Department of Public Health (CDPH) - Substance and Addiction Branch: Fentanyl

<https://www.cdph.ca.gov/Programs/CCDPHP/sapb/Pages/Fentanyl.aspx>

CA Overdose Surveillance Dashboard - Monterey County Statistics

<https://skylab.cdph.ca.gov/ODdash/?tab=CTY>

Centers for Disease Control and Prevention (CDC) - Fentanyl Facts

<https://www.cdc.gov/stopoverdose/fentanyl/>

Drug Enforcement Agency (DEA) - Fentanyl Info for Teens

<https://www.dea.gov/onepill/teens>

Monterey County Office of Education (MCOE)

<https://www.montereycoe.org/>

Monterey County Office of Education (MCOE) 2022-23 Annual

<https://resources.finalsite.net/images/v1698941333/montereyk12caus/lar0e9cs2205isplnmei/2022-23AnnualReport.pdf>

Senate Bill 10 (SB10), Melanie’s Law

<https://legiscan.com/CA/text/SB10/id/2845936>