



Monterey County Board of Supervisors

Response to the

2021 - 2022 Monterey County Civil Grand Jury

Topic: "Monterey County's Cannabis Industry Up in Smoke"

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Topic: “Monterey County’s Cannabis Industry Up in Smoke”**

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

Topic: “Monterey County’s Cannabis Industry Up in Smoke”

RESPONSE BY: Monterey County Board of Supervisors

RESPONSE TO: Findings F1, F2, F3 and F4

FINDINGS

F1	The estimated price for finished cannabis product dropped from \$1,600 per pound in 2020, to under \$500 per pound in 2021, due to a glut in the state cannabis supply.
<i>Response F1</i> The Board of Supervisors agrees with this finding	
F2	The major source of cannabis revenue in Monterey County comes from assessed square footage of cultivation.
<i>Response F2</i> The Board of Supervisors agrees with this finding	
F3	Growers paid around \$19 million in assessed taxes in 2021. An additional \$1.4 million in taxes were collected from other cannabis businesses, including dispensaries processors, quality assurance testing, delivery, transportation, and disposal.
<i>Response F3</i> The Board of Supervisors disagrees partially with this finding. The County does not impose taxes on processing or disposal activities, and there are no testing facilities within the unincorporated area	
F4	In the past five years, just under \$70 million has been collected in Cannabis tax revenues.
<i>Response F4</i> The Board of Supervisors disagrees partially with this finding. The County has collected just under \$77 million in cannabis tax revenue since Fiscal Year 16-17	

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

Topic: “Monterey County’s Cannabis Industry Up in Smoke”

RESPONSE BY: Monterey County Board of Supervisors

RESPONSE TO: Findings F5, F6 and F7

FINDINGS

F5	Even with the glut of cannabis on the open market, Monterey County is still actively processing a nine-fold increase of provisional licenses over the active/complete licenses.
<p><i>Response F5</i> The Board of Supervisors disagrees partially with this finding.</p> <p>Commercial cannabis operators within the unincorporated area hold a total of 582 active state licenses, with 66 annual and 516 provisional. This is roughly an 8:1 ratio of provisional to annual licenses</p>	
F6	County FTEs (staff) have increased from 6 to 28 in fiscal 2021-22 involving multiple agencies that regulate, inspect legal cannabis, and enforce the eradication of illegal cannabis in the County.
<p><i>Response F6</i> The Board of Supervisors disagrees partially with this finding.</p> <p>There were 19.48 FTEs in FY 19, which has increased to 25.23 in FY 22 plus 2 additional FTEs that are not dedicated to cannabis. Those 2 FTE’s, approved by the Board of Supervisors, are in the Health Department and the Military and Veteran’s Affairs Office.</p> <p>The roles of the FTEs dedicated to cannabis include thr following responsibilities:</p> <ul style="list-style-type: none">• Enforcement of building, health, pesticide, and commercial cannabis regulations through inspections• Legal review of ordinances and other procedures and documents• Assessing and collecting applicable taxes• Ensuring proper accounting and utilization of cannabis allocations• Executing search warrants and abating unlicensed cannabis goods Civil and criminal prosecutions of unfair business practices	
F7	The County Cannabis Program is the county regulatory infrastructure with a budget of \$6.3 million, a third of the cannabis tax revenue in 2021.
<p><i>Response F7</i> The Board of Supervisors disagrees partially with this finding.</p> <p>Operating the County Cannabis Program will cost approximately \$5.7m in Fiscal Year 21-22, with estimated costs of \$6.1m in Fiscal Year 22-23</p>	

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

Topic: “Monterey County’s Cannabis Industry Up in Smoke”

RESPONSE BY: Monterey County Board of Supervisors

RESPONSE TO: Findings F8, F9, F10 and F11

FINDINGS

F8	Consumers also pay state Sales Tax, state Excise Tax, and county or city sales taxes which results in a four-fold increase in price compared to unlicensed/illegal cannabis.
<i>Response F8</i> The Board of Supervisors disagrees partially with this finding. Comparing pricing for 1/8 oz of cannabis flower from pricesofweed.com against pricing on weedmaps.com for licensed retailers, staff has found that licensed pricing is roughly double the unlicensed pricing	
F9	Allocation of the Cannabis Tax/Assignment Fund (CTF) is difficult to track. The increase of property values due to requirements of the Cannabis Program has not been available to the public.
<i>Response F9</i> The Board of Supervisors agrees with this finding	
F10	To help the passage of AUMA, the Board of Supervisors stated the new industry would bring new economic development and jobs to counter losses from NAFTA twenty-two years prior.
<i>Response F10</i> The Board of Supervisors agrees with this finding	
F11	Monterey County did not hire an Economic Development Manager and staff until November 2021, five years after the Cannabis Program was established. The number of new jobs remains unknown.
<i>Response F11</i> The Board of Supervisors disagrees partially with this finding. Staff presented an item to the Board of Supervisors Cannabis Committee in November 2021 that reported 2,400 employees of cannabis-related businesses as of July 2021.	

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RESPONSE BY: Monterey County Board of Supervisors

RESPONSE TO: Findings F12

F12	Many inspections do not operate in a consistent manner nor with a standardized check list.
<p><i>Response F12</i></p> <p>The Board of Supervisors disagrees partially with this finding.</p> <p>During small focus groups conducted by staff, the industry has reported that the inspection process can be inconsistent. However, efforts are underway to improve the process, including a compliance inspection checklist which is specific to each commercial cannabis activity</p>	

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

Topic: “Monterey County’s Cannabis Industry Up in Smoke”

RESPONSE BY: Monterey County Board of Supervisors

RESPONSE TO: Recommendations R1, R2 and R3

RECOMMENDATIONS

R1	Require the Monterey County Cannabis Program to provide a comprehensive annual report detailing all CTF revenues, allocations, and reserves. This report should include detailed information including budget and distributions to community service agencies. The Cannabis Program must publish its annual report on their website. Implementation by December 31, 2022
<i>Response R1</i> The Board of Supervisors will implement this recommendation by December 31, 2022	
R2	Revise Monterey County Cannabis Program webpage to include easy-to-follow directions for accessing revenues and expenditures. Implementation by December 31, 2022.
<i>Response R2</i> The Board of Supervisors will implement this recommendation by December 31, 2022	
R3	Monterey County to monitor and report on improved property value and tax re-assessment due to Cannabis Compliance Regulations. Implementation by December 31, 2022
<i>Response R3</i> The Board of Supervisors will work with the Assessor’s Office to implement this recommendation by December 31, 2022	

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

Topic: “Monterey County’s Cannabis Industry Up in Smoke”

RESPONSE BY: Monterey County Board of Supervisors

RESPONSE TO: Recommendations R4, R5 and R6

RECOMMENDATIONS

R4	Direct the Economic Development Manager to complete a study on new jobs created by the cannabis industry and its impact on the local economy. Implementation by June 30, 2023.
<p><i>Response R4</i> The recommendation requires further analysis.</p> <p>This recommendation would require initial research and analysis to identify the feasibility of such a study. In collaboration with the Cannabis Program, Economic Development will assist with further research and analysis to determine the data and resources needed to conduct this study. The level of data, research and analysis required is undetermined at this time and may require the assistance of a specialized third-party resource. Once initial analysis is complete a scope and timeframe for the study can be proposed.</p>	
R5	Include in the Cannabis Program annual report, an accounting of all FTEs funded by the CTF. Implementation by December 31, 2022.
<p><i>Response R5</i> Board of Supervisors will implement this recommendation by December 31, 2022</p>	
R6	Cannabis Program adopt a consistent process for inspection and check list. Implementation by December 31, 2022.
<p><i>Response R6</i> The Board of Supervisors has implemented this recommendation.</p> <p>Staff has implemented a new compliance inspection process that is both less frequent and focuses resolving existing violations. Additionally, a compliance inspection checklist has been developed which is specific to commercial cannabis activities</p>	



Monterey County Board of Supervisors

Response to the

2021 - 2022 Monterey County Civil Grand Jury

Topic: "Monterey County's Initial Response to Covid -19 Pandemic"

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

Topic: "Monterey County's Initial Response to Covid -19 Pandemic"

RESPONSE BY: Monterey County Board of Supervisors

RESPONSE TO: Findings F1 and F2

FINDINGS

F1	Monterey County does not have a Pandemic Response Plan that focuses on processes and procedures for addressing the public health needs of the public during a pandemic.
<p>Response to F1</p> <p>The Board of Supervisors disagrees with this finding.</p> <p>The Health Department’s All Hazards Emergency Operations Plan outlines the strategies and activities the Department Operations Center (DOC) would initiate in response to large outbreaks, epidemics and pandemics. The plan includes but is not limited to annexes addressing continuity of operations, risk communication, epidemiology and surveillance, mass prophylaxis, and isolation and quarantine. Additionally, the Monterey County Office of Emergency Services manages and maintains the Monterey County Operational Area Emergency Operations Plan (EOP) which is an all-hazards response plan. The EOP does not have a Pandemic Response Plan Annex</p>	
F2	The Monterey County Health Department’s “Pandemic Influenza Plan” (last updated June 11, 2013) does not address how the Health Department would continue to provide essential county services to Monterey County during a pandemic crisis.
<p>Response to F2</p> <p>The Board of Supervisors partially disagrees with this finding.</p> <p>While the Monterey County Health Department’s “Pandemic Influenza Plan, ” which is Annex F to the Department’s All Hazards Emergency Operations Plan, does not address how the Health Department would continue to provide essential county services during a pandemic, the Department’s All Hazards Emergency Operations Plan Annex A - Continuity of Operations Plan (last updated January 2018) outlines the Health Department’s strategies for continuing essential services during a significant emergency or disaster such as a pandemic.</p>	

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

Topic: "Monterey County's Initial Response to Covid -19 Pandemic"

RESPONSE BY: Monterey County Board of Supervisors

RESPONSE TO: Findings F3 and F4

F3	Monterey County did not use the existing AMC system to communicate public health information to the Monterey County residents and businesses subscribing to the service.
<p><i>Response F3</i></p> <p>The Board of Supervisors partially disagrees with this finding.</p> <p>Alert Monterey County was leveraged utilizing multiple methods for disseminating information. Through Alert Monterey County, a Nixle Channel “MCCOVID” was established at the onset of the pandemic and was advertised on the Public Health website and social media, OES website and social media, and to the media in press briefings. This channel disseminated daily text messages to subscribers with public health statistics and updates on changing regulations. Additionally, Alert Monterey County was utilized to disseminate a Wireless Emergency Alert (WEA) to the entire community when the Shelter-in-Place order was first issued in 2020; the Emergency Operations Center (EOC) was widely criticized and received community backlash for utilizing the system in this incident. Emergency Notification Systems such as Alert Monterey County (AMC) are intended to be used to communicate one-way alerts to communities during an emergency situation instructing them to take immediate action to preserve life and property, such as orders to evacuate. Health DOC and EOC Joint Information Center (JIC) staff recognized that long-term disasters such as a pandemic do not typically require immediate action by the community. Rather, Health DOC and EOC JIC relied on a variety of messaging outlets in multiple languages to numerous target populations to educate and inform. In addition, Health DOC personnel met with the media, elected officials, school leaders, health agency administrators, and regulated businesses to recommend messaging and communication strategies to various communities.</p> <p>The “Reverse 9-1-1” function of Alert Monterey County was not utilized at the recommendation of staff, as this function is primarily utilized for informing the public of immediate threats to life and property. The pandemic was a slow onset protracted event that did not necessitate the use of “Reverse 9-1-1”; utilization of this function would not have been commensurate with the nature of the threat at the time.</p>	
F4	Monterey County’s EOC did not have sufficient certified speakers or translators to provide accurate and timely communication or messaging to the non-English speaking population in the County.
<p><i>Response F4</i></p> <p>The Board of Supervisors partially disagrees with this finding.</p> <p>The Health DOC relied almost entirely on bilingual Department staff and contracted vendors to translate messages to the public. Bilingual Health staff also served as DOC spokespersons for interviews with the media. On rare occasion, the DOC requested translation support from the EOC JIC. In addition, the County recruited Spanish speaking community leaders and celebrities to create and disseminate public messages to the Spanish speaking community through social media, radio and television.</p>	

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

Topic: "Monterey County's Initial Response to Covid -19 Pandemic"

RESPONSE BY: Monterey County Board of Supervisors

RESPONSE TO: Findings F5, F6 and F7

FINDINGS

F5		The County Health Department did not acknowledge its lead role and responsibilities as Incident Commander in the County EOC during a public health emergency.
<i>Response F5</i> The Board of Supervisors partially disagrees with this finding. The California Emergency Services Act 2015 requires that the County Health Department use Standardized Emergency Management System (SEMS) to respond to emergency events. Accordingly, the Department activated and still operates the Health Department Operations Center (DOC) in response to the COVID-19 pandemic. The Director of Public Health/Health Officer was dedicated full-time to serve as the DOC Incident Commander, while the Director of Health served as the Command Liaison. DOC Command identified other personnel within the DOC command structure that assumed roles under the EOC Command structure.		
F6		The County Health Officer did not appear to use the full authority of his office to command and direct the County response to COVID-19 in Monterey County.
<i>Response F6</i> The Board of Supervisors disagrees with this finding. Although neither California statute nor California Code of Regulations require that local Health Officers direct disaster response at the local jurisdictional level, the Monterey County Director of Public Health/Health Officer did serve as the full-time Department Operations Center (DOC) Incident Commander.		
F7		Monterey County did not follow the unified chain of command protocols of SEMS and ICS to communicate pandemic information to the public.
<i>Response F7</i> The Board of Supervisors disagrees with this finding. The County acknowledges it had many communication struggles throughout the response. However, the County did follow the Standardized Emergency Management System and Incident Command System, and the National Incident Management System to communicate pandemic information to the public. This is supported by the County Emergency Operations Plan, Incident Action Plans, establishment of the Public Information Officers within the Emergency Operations Center organizational structure, chain of command protocols for development and dissemination of content, Operation Area Coordination Calls, and Media Briefings. Incident command systems guide all levels of government, nongovernmental organizations (NGO), and the private sector to work together to prevent, protect against, mitigate, respond to, and recover from incidents. Accordingly, many agencies in the County, including the Health Department, established their own incident command system in response to the COVID-19 pandemic and designated a PIO in their command structure. Each PIO helped develop messages and communicate to their respective communities. In addition, the County EOC Joint Information Center, comprised of PIO representatives from several local incident command centers, supported the ongoing messaging by local agencies to the public.		

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Topic: "Monterey County's Initial Response to Covid -19 Pandemic"

RESPONSE BY: Monterey County Board of Supervisors

RESPONSE TO: Findings F8

F8	The County's communications to the public did not address the needs of the hearing-impaired residents in Monterey County.
<p><i>Response F8</i></p> <p>The Board of Supervisors partially disagrees with this finding.</p> <p>The Health Department Operations Center developed and disseminated messaging via social, television and print media, and other outlets which do make written, closed captioning and audio messaging available for residents in Monterey County with hearing impairments. Press Briefings from the Emergency Operations Center did not include an American Sign Language Interpreter.</p>	

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

Topic: "Monterey County's Initial Response to Covid -19 Pandemic"

RESPONSE BY: Monterey County Board of Supervisors

RESPONSE TO: Recommendations R1

RECOMMENDATIONS

R1	The County use the AMC system to communicate public health emergency information to County residents by Dec. 31, 2022.
<p><i>Response R1</i></p> <p>The recommendation will not be implemented because it is not warranted or is not reasonable.</p> <p>Alert Monterey County will be leveraged and utilized in a manner that is commensurate with the risk and threat presented to public safety and at the discretion of the Director of Emergency Services. Monterey County follows the State of California Statewide Alert and Warning Guidelines (2019).</p> <p>Alert Monterey County is an Alert and Warning System. Warnings should be issued when there is an imminent threat to life, health, or property. This can include alerts and warnings issued in advance of forecasted severe weather events when doing so will give the public time to evacuate. When a threat exists, even though it might not be imminent, such as a Red Flag Warning, hurricane or flooding, it is advised to communicate that threat out to the public so that they may be better prepared. Warning systems, such as sirens, while helpful in alerting a community of a hazard, should not be used for reassuring the public that an ongoing situation or an upcoming event is not hazardous; other public information channels should be used for those purposes instead.</p> <ul style="list-style-type: none">• Public Alerts are intended to attract public attention to an unusual situation and motivate individual awareness – The Community is already aware of the situation and have motivation to remain aware; this also implies that there is new and immediate information regarding a threat for which there is not. It is not justified to leverage the “Reverse 9-1-1” Function of Alert Monterey County.• Public Alerts are intended to encourage the audience to become attentive and search for additional information assuming they are not aware of the situation - The Community is already actively seeking information from official resources that are maintained by the Monterey County Public Health Department, California Department of Public Health, the Center for Disease Control, and the World Health Organization. It is not justified to leverage the “Reverse 9-1-1” Function of Alert Monterey County.• Public Warnings are intended to immediately persuade members of the public to take one or more protective actions in order to reduce losses or harm – The public no longer requires immediate persuasion to reduce losses or harm. It is not justified to leverage the “Reverse 9-1-1” Function of Alert Monterey County.	

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Topic: "Monterey County's Initial Response to Covid -19 Pandemic"

RESPONSE BY: Monterey County Board of Supervisors

RESPONSE TO: Recommendations R1 (*CONTINUED*), R2, R3 and R4

RECOMMENDATIONS

R1	The County use the AMC system to communicate public health emergency information to County residents by Dec. 31, 2022.
<p><i>CONTINUED</i> Response R1:</p> <ul style="list-style-type: none">Protective Actions that are typically recommended include: Shelter-in-place (with or without detailed instructions, such as sealing and/or locking doors and windows); Evacuation; Prepare to evacuate (or to take some other specified action when advised); Prepare for re-entry; Observe or be on the lookout; Take health precautions, such as boiling water; Distribution instructions (for food, water, ice, building materials, medications, etc.). -None of these protective actions apply to the current incident as emergency public health mitigation measures (such as sheltering in place or mask mandates) are lessened and no longer restrictive. <p>There are many methods, both kinetic and cyber, to communicate public health information. The Alert Monterey County system is not the only method for communication and is not the most effective method for communicating complex or lengthy information to the public.</p> <p>Irrelevant warnings can fatigue the public rapidly and lead to recipients discounting further warning messages or opting out of receiving future alerts and warnings. Every effort should be made—within the capabilities of the warning system(s)—to limit the warning to people at risk. At this point in the pandemic, use of Alert Monterey County may fatigue community members which can be detrimental as we enter a severe drought and wildfire season and could cost lives.</p>	
R2	The County implement a public service campaign to significantly increase the number of County residents signed up for the AMC system by Dec. 31, 2022.
<p><i>Response R2</i></p> <p>The recommendation has not yet been implemented but will be implemented within the 2022/23 fiscal year.</p> <p>Generally, the Office of Emergency Services is constantly encouraging the public to register with Alert Monterey County. This has been an ongoing endeavor since the system’s inception in 2016. The Monterey County Operational Area Emergency Operation Plan – Crisis Communication Annex is currently under development and should be completed and adopted by July 2023.</p>	
R3	The County Health Officer and Health Department management staff receive SEMS and ICS training to provide the requisite education on the roles and responsibilities of the Health Department during medical disaster or pandemic incidents by Dec. 31, 2022.
<p><i>Response R3</i></p> <p>The recommendation has been partially implemented.</p> <p>The County Director of Public Health/Health Officer and Health Department management staff who routinely fill lead roles in the Department Operations Center (DOC) completed SEMS training prior to December 2019. Monterey County Health Department will continue to schedule SEMS training for Health Department management staff, as appropriate.</p>	

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

Topic: "Monterey County's Initial Response to Covid -19 Pandemic"

RESPONSE BY: Monterey County Board of Supervisors

RESPONSE TO: Recommendations R4, R5, and R6

RECOMMENDATIONS

R4	All County personnel that are assigned to fulfill duties in the EOC must be trained in SEMS and ICS by Dec. 31, 2022.
<p><i>Response R4</i></p> <p>The recommendation has been partially implemented for some County personnel who are regularly assigned to duties in the DOC and EOC and will be completed by December 31, 2022 for those not already trained. The County will implement EOC Teams for all positions in the EOC and appropriate SEMS training will be provided.</p>	
R5	Monterey County develop an Infectious Disease Response Plan that addresses the health and safety requirements of county residents during infectious disease outbreaks by June 30, 2023.
<p><i>Response R5</i></p> <p>The recommendation has partially been implemented and further updates to Plan will be made by June 30, 2023.</p> <p>The Health Department’s All Hazards Emergency Operations Plan outlines the strategies and activities the Department Operations Center would initiate in response to large outbreaks, epidemics and pandemics. The plan includes but is not limited to annexes addressing continuity of operations, risk communication, epidemiology and surveillance, mass prophylaxis, and isolation and quarantine. The Department acknowledges that some sections of this plan should be updated and will complete updates by June 30, 2023.</p>	
R6	The County adopt the SEMS and ICS protocols for communicating public health emergency information to the public during an ongoing incident by Dec. 31, 2022.
<p><i>Response R6</i></p> <p>The recommendation has been implemented.</p> <p>The County of Monterey adopted SEMS and ICS into government code, county policies, and procedures in 1995 when the County of Monterey was established as the Operational Area Authority which was unanimously passed by Supervisors Salinas, Pennycook, Perkins, Johnsen, and Karas (Minute Book 68, Agenda Number 5-15a). The County’s commitment to following and implementing ICS, SEMS, and NIMS is regularly affirmed upon update, ratification, and adoption of the Monterey County Operational Area Emergency Operations Plan (2007, 2014, 2020) and subsequent Annexes.</p> <p>County Departments that routinely activate Operations Centers already adhere to SEMS, which includes the management of information and emergency communications.</p>	

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RESPONSE BY: Monterey County Board of Supervisors

RESPONSE TO: Recommendations R7, R8 and R9

RECOMMENDATIONS

R7	Public communications during an emergency incident address effective communication with the hearing impaired and non-English speaking County residents by Sept. 1, 2022.
<p><i>Response R7</i></p> <p>The recommendation has been implemented.</p> <p>The Monterey County Operational Area Emergency Operations Plan (2020) which was unanimously passed and adopted by the Board of Supervisors in 2020, states: “Monterey County is committed to ensuring that considerations are made for persons – with access and functional needs (AFN) at every stage of the emergency management process. In addition, the County maintains compliance with the Americans with Disabilities Act. Monterey County Office of Emergency Services complies with Assembly Bill No. 477 (2019) which considers the access and functional needs population in emergency planning.”</p> <p>The Monterey County Office of Emergency Services has hired a bi-lingual Emergency Services Planner as of November 2021.</p> <p>During the pandemic, Health DOC relied almost entirely on bilingual Department staff and contracted vendors to translate messages to the public. Bilingual Health staff also served as DOC spokesperson for interviews with the media. On rare occasion, the DOC requested translation support from the EOC JIC. In addition, the County recruited Spanish speaking community leaders and celebrities to create and disseminate public messages to the Spanish speaking community through social media, radio and television.</p>	
R8	The CAO clarify the authority and responsibilities of the Health Department and Health Officer under State Law in responding to medical disaster or infectious disease outbreaks and memorialize them in emergency response plans by Dec. 31, 2022.
<p><i>Response R8</i></p> <p>The recommendation has been implemented.</p> <p>The Health Department’s All Hazards Emergency Operations Plan outlines the strategies and activities the Department Operations Center would initiate in response to large outbreaks, epidemics and pandemics. The plan includes but is not limited to annexes addressing continuity of operations, risk communication, epidemiology and surveillance, mass prophylaxis, and isolation and quarantine. The Department acknowledges that some sections of this plan should be updated and will complete updates by June 30, 2023.</p>	
R9	The County enter Memorandums of Understanding with all hospital systems in Monterey County to establish the terms and conditions for cooperation and resource allocation during a designated countywide medical disaster or infectious disease outbreak by Jun. 30, 2023.
<p><i>Response R9:</i></p> <p>The recommendation requires further analysis and discussion with area hospital systems to determine feasibility of implementing the recommendation.</p>	



Monterey County Board of Supervisors

Response to the

2021 - 2022 Monterey County Civil Grand Jury

Topic: "Public Safety At What Cost"

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

Topic: “Public Safety At What Cost”

RESPONSE BY: Monterey County Board of Supervisors

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

FINDINGS

F1		The advent of the Guardian RFID system provides a better process of tracking. It significantly reduces the likelihood of human error, negligence, and falsification of documentation of custody security and safety check procedures.
<i>Response F1</i> The Board of Supervisors agrees with this finding.		
F2		Weaknesses in the utilization of the video security camera system were involved in the lack of detection of all the escapes. The failure to utilize the video camera system to capture in progress escapes remains to this day.
<i>Response F2</i> The Board of Supervisors disagrees partially with this finding and concurs with the Sheriff’s response to the Presiding Judge dated June 21, 2022 (attached).		
F3		In both the November 2019 and January 2021 escapes, weaknesses in the physical security structures were involved. Some remedial changes were implemented to alleviate or at least greatly lessen the known weaknesses.
<i>Response F3</i> The Board of Supervisors agrees with this finding.		
F4		The long-awaited new structure’s addition to the Jail property holds promise of better security and safety for employees, inmates, and the public.
<i>Response F4</i> The Board of Supervisors agrees with this finding.		
F5		The new facility creates efficiency, relief from overcrowding, and reduces the need to escort inmates to ancillary and centralized services.
<i>Response F5</i> The Board of Supervisors agrees with this finding.		

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2021 - 2022 Monterey County Civil Grand Jury Final Report –

Topic: “Public Safety At What Cost”

Topic: “Public Safety At What Cost”

RESPONSE BY: Monterey County Board of Supervisors

RESPONSE TO: Findings F6, F7 and F8

FINDINGS

F6		The 911 Dispatch Center has updated their notification procedures to mitigate lapses in communication of escapes from the Jail.
<p><i>Response F6</i></p> <p>The Board of Supervisors agrees with the finding.</p> <p>After the incident occurred, the Emergency Communications Department reviewed the process and ultimately created a new procedure related to high profile buildings in the County to create additional notifications. This is referenced in the report and a copy of the SOP is included as Appendix A.</p>		
F7		The Jail’s Operations Manual does not provide communication algorithms for varying levels of risk with escapes dependent upon each situation.
<p><i>Response F7</i></p> <p>The Board of Supervisors agrees with this finding.</p>		
F8		The BOS does not have statutory powers to oversee the Sheriff’s Office. AB1185 provides an opportunity to address this issue since historically, the communication between the BOS and Sheriff’s Office has been trying at best.
<p><i>Response F8</i></p> <p>The Board of Supervisors agrees in part with this finding.</p> <p>Existing law requires a Board of Supervisors to supervise the conduct of all county officers and ensure that they faithfully perform their duties.</p> <p>AB 1185, entitled “County Board of Supervisors : Sheriff Oversight”, was signed into law on September 30, 2020 and authorizes creation of either a sheriff oversight board or an office of the inspector general to “assist the Board of Supervisors with these duties as they relate to the Sheriff”. The law provides that the oversight board or office of the inspector general may be established either by action of the Board of Supervisors or through a vote of county residents.</p>		

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

Topic: “Public Safety At What Cost”

RESPONSE BY: Monterey County Board of Supervisors

RESPONSE TO: Findings F9 and F10

FINDINGS

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

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

Topic: “Public Safety At What Cost”

RESPONSE BY: Monterey County Board of Supervisors

RESPONSE TO: Recommendations R1, R2, R3 and R4

RECOMMENDATIONS

R1	The Sheriff’s Office hire an outside consultant to study the Jail’s video surveillance motion detection alerting system capabilities activation to maximize desired alarms and minimize unwanted ones. Implementation by July 1, 2023.
<i>Response R1</i> This recommendation will not be implemented because it is not warranted or is not reasonable. The Board of Supervisors concurs with the Sheriff’s response provided to the Presiding Judge in a letter dated June 21, 2022 (attached)	
R2	The Sheriff’s Office immediately hire an outside consultant to perform an audit of physical security systems of the entire facility and implement remediations by July 1, 2023.
<i>Response R2</i> This recommendation will not be implemented because it is not warranted or it is not reasonable. The Board of Supervisors concurs with the Sheriff’s response provided to the Presiding Judge in a letter dated June 21, 2022 (attached)	
R3	The Sheriff’s Office and BOS agree on appropriate practices for notifications when Jail escapes occur, based upon levels of risk to the community. Complete by June 30, 2022.
<i>Response R3</i> This recommendation will not be implemented because it is not warranted or is not reasonable. The Board of Supervisors concurs with the response provided by the Sheriff to the Presiding Judge in a letter dated June 21, 2022 (attached)	
R4	The BOS and the Sheriff’s Office collaborate on the implementation of AB1185. Complete by Dec. 31, 2022
<i>Response R4</i> This recommendation requires further analysis. The Board of Supervisors directed staff to conduct a preliminary analysis of AB 1185 as part the Board’s “referral process”. After discussion, the Board agreed to defer further analysis, discussion and possible action on this matter until a new Sheriff takes office in January 2023.	

2021 - 2022 Monterey County Civil Grand Jury Final Report –

Topic: “Public Safety At What Cost”

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

Topic: “Public Safety At What Cost”

RESPONSE BY: Monterey County Board of Supervisors

RESPONSE TO: Recommendations R5 and R6

RECOMMENDATIONS

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

APPENDIX A

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

Policy

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

Definition

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

Procedure

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

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

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



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

STEVE BERNAL
Sheriff-Coroner

June 21, 2022

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

Dear Judge Hulsey,

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

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

The Sheriff's Office agrees with this finding.

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

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

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

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

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

The Sheriff's Office agrees with this finding.

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

The Sheriff's Office agrees with this finding.

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

The Sheriff's Office agrees with this finding.

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

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

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

The Sheriff's Office agrees with this finding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

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

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

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

Respectfully,



Steve Bernal
Sheriff/Coroner