



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

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Consider and provide direction on Oversight of the Sheriff's Office and Other Related Matters as follows:

- a. Report and recommendation from the Board of Supervisors ad hoc committee regarding AB1185-Sheriff Oversight;
- b. Report from the County Administrative Office regarding State Criminal Alien Assistance Program (SCAAP) funding;
- c. Report from the County Administrative Office regarding issues related to outside employment of the Sheriff's Office staff;
- d. Update on the financial audit of the Sheriff's Office by GPP Analytics, Inc.; and,
- e. Update on the provisions of legal services to undocumented individuals incarcerated in the Monterey County Jail.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Receive the report and recommendation from the Board of Supervisors AB1185 Sheriff Oversight Ad Hoc Committee (Supervisors Askew and Church) recommending the creation of an Office of Inspector General and the hiring under contract of an Inspector General; take action necessary to implement the ad hoc committee recommendation or provide other direction to staff;
- b. Receive information about SCAAP funding and reporting requirements and provide direction to staff to either continue receiving SCAAP funding or to discontinue receiving SCAAP funding, and if direction is to discontinue SCAAP funding, to direct the County Administrative Officer to review and report back to the Board of Supervisors regarding impacts to the Sheriff's Office budget;
- a. Receive a report on limitations related to releasing information on outside employment of Sheriff's Office law enforcement staff due to provisions of the Public Safety Officers Procedural Bill of Rights Act (POBRA); and provide any necessary direction to staff;
- b. Receive a status update regarding the financial audit of the Sheriff's Office by GPP Analytics, Inc.;
- c. Receive an update on the provision of legal services to undocumented individuals incarcerated in the Monterey County Jail; and,
- d. Provide any other direction to staff as necessary

SUMMARY:

This report addresses a number of matters that staff were directed to report back on following extensive public comment and Board discussion at the April 14, 2026, Board of Supervisors meeting. The April 14, 2026, Board meeting was a follow-up intended to address a number of issues initially raised during the Sheriff's report on Truth Act compliance at the January 27, 2026 Board of Supervisors meeting.

DISCUSSION:

Oversight of the Sheriff's Office:

The Board of Supervisors Ad Hoc Committee on AB 1185-Sheriff Oversight met on June 11, 2026, to finalize their report and recommendation (attached). The Ad Hoc committee recommends, under the County Code, the creation of an Office of Inspector General and the hiring of a contracted Inspector General to implement this function. The Ad Hoc Committee believes that this approach would provide oversight in a manner that is both effective and fiscally prudent. If the Board directs the creation of the office and the hiring of a contracted Inspector General, details of the scope of contracted services would need to be developed. However, based on similar arrangements in other jurisdictions, it is envisioned that the contracted Inspector General would be tasked with, in general, the following, as related to the Sheriff's Office:

1. Review/investigation of community complaints involving the Sheriff's Office
2. Review of Sheriff's Office Internal Affairs Investigations
3. Review of Sheriff's Office officer-involved shootings
4. Audit the Sheriff's Office misconduct complaint and discipline process
5. Conduct independent investigations
6. Audit and recommend changes/improvements to the Sheriff's Office policies, procedures, and training
7. Produce periodic and annual reports regarding reviews conducted
8. Present public reports to the Board of Supervisors
9. Develop and participate in community outreach to inform the public about oversight efforts and to gain input from the community regarding concerns related to the Sheriff's office

State Criminal Alien Assistance Program (SCAAP):

SCAAP is a federal reimbursement funding program administered by the US Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. The program provides payments to eligible states and units of local government that incurred correctional officer salary costs associated with incarcerating qualifying undocumented individuals during a defined reporting period. Although the Sheriff's Office compiles the necessary custody and salary information necessary to support the application, the award is made to the eligible unit of local government, in this case, the County of Monterey. The funds are a reimbursement and are retrospective in nature, meaning they reimburse a portion of costs already incurred. They are not advance funding and do not create a direct funding

stream to the Sheriff's Office. Funds in the amount of \$625,344 were received by the County based on FY 24 data. Staff's understanding is that, if submitted, the FY25 amount would be approximately \$1,198,874. Based on questions raised by both the Board of Supervisors and the public, the Sheriff's Office provided the following information regarding whether or not there is any connection between reporting done under SCAAP and individuals being taken into custody by ICE.

The response from the Sheriff's Office is as follows:

"There is no operational or custodial connection between SCAAP participation and an individual being taken into custody by U.S. Immigration and Customs Enforcement. SCAAP is a retrospective federal reimbursement program. It is based on individuals who have already been arrested, convicted, and incarcerated under state or local law and who meet the federal eligibility criteria for the reimbursement calculation. Bureau of Justice Assistance describes SCAAP as providing payment to states and localities that incurred correctional officer salary costs, incarcerating undocumented criminal aliens with qualifying convictions, and at least four consecutive days of incarceration during the reporting period. The SCAAP application is submitted after the custody period has occurred. It does not authorize, request, or initiate ICE enforcement action. It does not require ICE interviews, detainers, transfer requests, or releases to ICE custody. Any ICE action involving a person in custody would arise from separate federal and state legal authorities, including applicable restrictions under California law, and would be independent of SCAAP reimbursement reporting."

In the matter of whether or not the County should continue to receive SCAAP funding, this is a policy matter within the discretion of the Board of Supervisors. Staff requests direction from the Board as to whether or not the County should continue seeking and receiving SCAAP funding. Given the significant amount of funding involved, should the Board decide to terminate participation in the SCAAP program, staff requests that the CAO be directed to evaluate and report back to the Board on the impact of this action on the budget of the Sheriff's Office.

Outside Employment of Sheriff's Office staff:

As directed at the April 14, 2026, Board of Supervisors meeting, staff were asked to examine whether Sheriff's Office personnel might be working during off-hours for ICE or any federal agency involved in immigration enforcement-related matters. Existing County policy requires authorization from the department head if an employee proposes to engage in employment outside of their county employment. The authorization request, whether approved by the department head or denied, becomes a part of the employee's personnel file. This matter was examined by both the Human Resources Department and County Counsel. After review, the conclusion of both departments is that information about outside employment contained in law enforcement personnel records may not be disclosed for the purpose of determining outside or secondary employment. Under California Penal Code Section 832.7(a), the personnel records of peace officers and custodial officers are confidential and may not be disclosed except through formal legal discovery proceedings. Additionally, the Public

Safety Officers Procedural Bill of Rights Act (POBRA) establishes broad procedural protections for peace officers with respect to their employment records and personnel files.

Status Update of Sheriff’s Office financial audit:

This audit is being conducted by GPP Analytics, Inc under contract administered by the County Administrative Office. The full title of this audit is “Performance and Compliance Audit of the Monterey County Sheriff’s Office Expenditures and Revenues Fiscal Years 2021-22 through 2024-25”. Work on the audit was paused during Spring 2026 due to the Sheriff’s Office budget preparation, which involved a significant amount of commitment from the Sheriff’s fiscal staff. On June 22, 2026, the audit team met with the Sheriff, Undersheriff, County Administrative Office, and staff to discuss the audit scope, planned testing, and next steps. The group reached a shared understanding of how the engagement will proceed. Over the next month, the audit team will meet with the Sheriff’s Office finance staff and then submit document and testing requests with a draft report for internal review anticipated by the end of Summer. At this point, the audit team anticipates a final report presented to the Board of Supervisors in December 2026.

Provision of Public Defender Legal Services to Undocumented Individuals Incarcerated in the Monterey County Jail:

This matter has been addressed. As part of the FY 26-27 County budget, the Board augmented the Public Defender budget by \$125,000 to fund the anticipated cost of providing legal services to undocumented individuals incarcerated in the Monterey County Jail.

OTHER AGENCY INVOLVEMENT/COMMITTEE ACTIONS:

This report has been prepared with information provided by County Counsel, Sheriff’s Office, Human Resources Department, and GPP Analytics, Inc.

FINANCING:

Depending upon Board direction, there will be impacts to the County budget of varying degrees. The primary budget impacts would be to fund an Inspector General contract and associated staff, and potential litigation costs, as well as the impact to the Sheriff’s Office budget related to the elimination of SCAAP funds, should the Board decide to discontinue participation in that funding program.

BOARD OF SUPERVISORS STRATEGIC PLAN GOALS:

Mark a check to the related Board of Supervisors Strategic Plan Goals:

- Well-Being and Quality of Life
- Sustainable Infrastructure for the Present and Future
- Safe and Resilient Communities
- Diverse and Thriving Economy

Approved by: Nicholas E. Chiulos, Chief Assistant CAO

Attachments:

Attachment A - Report of AB 1185 Ad Hoc Committee

Attachment B - AB 1185 Cost Estimates