



Monterey County

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Board Report

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August 25, 2015

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- a.) Consider approval of the response to the 2014- 2015 Monterey County Civil Grand Jury Interim Final Report No. 13; and
- b.) Direct the County Administrative Officer to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, by September 11, 2015.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a) Consider approval of the response to the 2014- 2015 Monterey County Civil Grand Jury Interim Final Report No. 13; and
- b) Direct the County Administrative Officer to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, by September 11, 2015.

SUMMARY/DISCUSSION:

The 2014 - 2015 Monterey County Civil Grand Jury Interim Final Report No. 13 was issued in June 2015. By law, the Board of Supervisors and elected County officials are required to respond to specific findings and recommendations as directed therein. Within 90 days of report issuance, on or before September 11, 2015, the Board's response must be filed with the Presiding Judge of the Superior Court, County of Monterey.

The County Administrative Office prepared the recommended response to the 2014 - 2015 Monterey County Civil Grand Jury Final Report No. 13 on behalf of the Board of Supervisors. On June 18, 2015 the Board of Supervisors approved the response, requesting information, to Grand Jury Interim Final Report No. 13 and directed staff to return to the Board for final approval. Attached is a copy of the Grand Jury Response: a clean version to submit to the Presiding Judge of the Superior Court, County of Monterey.

The Board of Supervisors' approved response should be deemed by the Monterey County Civil Grand Jury and the Presiding Judge of the Superior Court, County of Monterey, as the response of the Board of Supervisors to those issues raised by the Jury regarding "The Monterey County Jail - A Review of Past and Current Problems".

OTHER AGENCY INVOLVEMENT:

The County Administrative Office coordinated preparation of the recommended response to the 2014 - 2015 Monterey County Civil Grand Jury Final Report No. 13 with the assistance, input

and appropriate review by the following County departments: Monterey County Office of Criminal Justice and the Office of the County Counsel.

Members of the 2015 Monterey County Civil Grand Jury and the 2015 Presiding Judge were invited to attend the Board of Supervisors hearing on this matter.

FINANCING:

There are no fiscal impacts to the General Fund with this recommendation.

Prepared by:



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Approved by:



Manuel T. Gonzalez
Assistant County Administrative Officer

Date: August 12, 2015

Attachment: Board of Supervisors Response - 2014 - 2015 Monterey County Civil Grand Jury Interim Final Report No. 13

cc: Lew C. Bauman, County Administrative Officer
Charles McKee, County Counsel
Stephen Bernal, Sheriff



Monterey County Board of Supervisors

Response to the

2014 Monterey County Civil Grand Jury Interim Final Report No. 13

August 25, 2015

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REPORT TITLE: The Monterey County Jail – A Review of Past and Current Problems.
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Findings F-1, F-2, F-3, F-4, F-5, F-6, F-7, F-8, F-9, F-10, F-11, F-12, F-13, F-14, F-15, F-16, F-17, F-18, F-19, F-20, F-21, F-22, F-23, and F-24

Finding F-1: *The Monterey County Sheriff is responsible for proposing, and the Monterey County Board of Supervisors is responsible for approving, a budget for the Sheriff's Office each fiscal year.*

Response F-1: The Board agrees with the finding.

Finding F-2: *On-duty staffing levels at the Jail are inadequate.*

Response F-2: The Board disagrees wholly with the finding. The Sheriff's Office is actively recruiting to fill all vacancies at the Monterey County Jail and reorganizing the job duties of personnel for more effective staffing coverage. However, staffing, with overtime, has been adequate to fulfill state and federal mandates, including Title 15.

Finding F-3: *Excess overtime continues to be a problem.*

Response F-3: The Board agrees with the finding. However, as stated in the response to Finding 2, recruitment is being conducted to fill vacancies. Additionally, deputies from the Enforcement Operations Bureau were transferred to the Corrections Operations Bureau to help reduce overtime costs in the Corrections Operations Bureau. However, transferring personnel from the Enforcement Operations Bureau is merely a short-term fix which negatively impacts the patrol operation.

Finding F-4: *Numerous conditions at the Monterey County Jail are substandard, and fail to comply with the requirements of Title 15 or Title 24 of the California Code of Regulations.*

Response F-4: The Board disagrees wholly with this finding. The Monterey County Jail is not "substandard". In fact, the BSCC report attached to the MCCGJ Final Report identifies a few areas of concern; however, those concerns have been addressed and continue to be addressed when identified. For example, policies have been revised to remain compliant with Title 15. With regard to Title 24, the Jail will remain out of compliance due to overcrowding. The Sheriff's Office is on schedule and budget for the 576 bed jail expansion project scheduled to open in 2018.

Finding F-5: *There is inadequate inmate programming space in the Jail.*

Response F-5: The Board agrees with this finding.

Finding F-6: *The plans for the upcoming Jail addition may not include adequate space for inmate programs and training.*

Response F-6: The Board disagrees wholly with this finding. The design for the jail expansion project was given to the MCCGJ. Those plans included adequate space for inmate programming in the proposed facility.

Finding F-7. *The inmate training and other inmate programs at the Jail are currently, and have been in recent years, inadequate.*

Response F-7 The Board partially agrees with this finding. The Inmate Programs Unit has added numerous programs in 2015 and currently offers inmate programs to inmates in areas of the Jail where inmate classification previously restricted inmate access to programming. Current inmate programming includes, but is not limited to, cognitive skills, anger management, substance abuse, GED courses, parenting skills, and employability services.

Finding F-8. *The mailroom is insufficiently staffed, and there is a lack of mail screening equipment.*

Response F-8 The Board partially disagrees with this finding. A staffing study will need to be completed in order to determine whether staffing of the mailroom is sufficient.

Finding F-9. *Inmate-to-inmate mail across units is permitted and poses a safety risk.*

Response F-9 The Board partially disagree with this finding. Title 15 does not allow the Sheriff's Office to restrict mail privileges simply because a person is incarcerated at the Jail. When facility violations are discovered, appropriate actions are taken.

Finding F-10 *Inmate health and welfare checks are not being consistently performed.*

Response F-10 The Board partially disagrees with this finding. We routinely audit the health and welfare check logs completed by correctional staff. Although some logs, occasionally, are not completed correctly, the Sheriff's Office does conduct audits and supervisors do routine checks to ensure the health and safety of the inmates. When violations of policy are discovered, action is taken to prevent further violations.

Finding F-11 *Inmate health and welfare check logs are not being properly completed.*
of Supervisors

Response F-11 As described in Finding 10, the Board partially disagrees with this finding. The Sheriff's Office routinely audit the health and welfare check logs completed by correctional staff. Although some logs, occasionally, are not completed correctly, the Sheriff's Office does conduct audits and supervisors do routine checks to ensure the health and safety of the inmates. When violations of policy are discovered, action is taken to prevent further violations.

Finding F-12 *Contraband, primarily in the form of drugs, is a serious problem at the Jail.*

Response F-12 The Board agrees with this finding. Contraband drugs are a serious problem in all correctional facilities and not specific to the Monterey County Jail.

Finding F-13 *The paint and cleanliness of many parts of the Jail are substandard.*

Response F-13 The Board wholly disagrees with the term "substandard." Cleanliness and maintenance of the Jail are a high priority and personnel routinely clean and paint areas of the Jail as needed.

Finding F-14 *There are no windows in the doors entering into the inmate dormitory areas which poses a safety risk.*

Response F-14 The Board partially disagrees. Although there are no windows in the dormitory doors, personnel assigned to the main control tower can watch the dormitory surveillance cameras and observe the other side of the dormitory door. Additionally, personnel in the dormitory control tower can view the dormitory and advise of any threats before the door is opened.

Finding F-15 *The Jail is viewed through video cameras by one officer in a control tower with limited relief staff.*

Response F-15 The Board wholly disagrees with this finding. There is video camera coverage throughout the Jail. However, the cameras are a secondary system and not used as direct supervision. Personnel assigned to control towers have coverage when needed.

Finding F-16. *There are too few cameras placed around the institution to give total coverage of the facility.*

Response F-16 The Board agrees that there are not enough cameras in the Jail. The Sheriff's Office has requested an upgrade to the digital surveillance camera system in a Fiscal Year 15-16 CIP.

Finding F-17 *Roll call briefings at the beginning of a shift are inconsistently conducted, and such briefings are necessary for continuity.*

Response F-17 The Board partially disagrees. Currently, there is no regular "roll call" briefing that includes each member of the assigned shift. Each supervisor provides his/her shift "roll call" information as they make their rounds.

Finding F-18: *The Chief Probation Officer has the discretion to spend and is ultimately responsible for the AB 109 funds received from the State.*

Response F-18: The Board wholly disagrees with this finding. Pursuant to Penal Code 1230 (b) (4), the Chief Probation Officer has discretion to spend funds under the Community Corrections Performance Incentives program, established by SB 678 in 2009. This is a prior, separate funding stream and program from AB 109, albeit with similar goals. California counties, as the recipient of realignment funding and responsibilities, are ultimately responsible for the AB 109 funds received by the State.

Finding F-19. *At least one position in the Sheriff's Office funded by AB 109 funds is not staffed as required by the MOU with the Probation Department.*

Response F-19 The Board wholly disagrees with this finding. The Sheriff's Office submits invoices for funding to the AB 109 fiscal agent, Monterey County Chief Probation Officer, to authorize all AB 109 expenditures. Considering the AB 109 MOU specifies deputy sheriff, management analyst, and Criminal Intelligence Specialist positions, without clarification, the "at least one position" is too vague of a finding and the Sheriff's Office disagrees with this finding. Additionally, the Sheriff's Office is working with the Chief Probation Officer to ensure all invoices submitted for AB 109 expenditures meet the requirements specified in the MOU.

Finding F-20. *The Jail administration has identified and documented chronic problems in the Daily 24-Hour File Audits.*

Response F-20 The Board agree that the 24-Hour audits identify problems. The audits are used to determine which areas need improvement and extra training for personnel.

Finding F-21 *The ISS staff, using nearly half of the Inmate Welfare Fund, supervises inmates in performing routine Jail cleaning and maintenance rather than providing inmate training and programs.*

Response F-21 The Board agrees that in recent years the ISS positions have devolved from specific inmate training programs to cleaning and maintenance. The Sheriff's Office is recruiting additional ISS staff and reorganizing the inmate training programs.

Finding F-22 *There are financial expenditures from the Inmate Welfare Fund that do not appear to be consistent with statutory requirements.*

Response F-22 The Board wholly disagrees with this finding. Prior to the MCCGJ report, the Sheriff asked the Audit-Controller's Office to conduct an audit. Until the audit is complete, the Sheriff's Office will not know if any expenditure was outside of the statutory requirements.

Finding F-23 *CFMG has been the sole provider of medical care at the Jail for 26 consecutive years.*

Response F-23 The Board agrees that CFMG has been providing medical services for many years.

Finding F-24 *Approximately 10% of the sworn deputies are on modified duty or other leave that reduces the workforce at the Jail, contributing to staff shortages and overtime.*

Response F-24 The Board agrees that some correctional employees are on modified duties and the Sheriff's Office is accommodating employees as is required by law.

Finding F-25. *There is minimal use of a formal progressive disciplinary system for staff infractions.*

Response F-25 The Board wholly disagrees with this finding. Formal and informal discipline is used when any employee misconduct is discovered.

REPORT TITLE: The Monterey County Jail – A Review of Past and Current Problems.
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Findings R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-9, R-10, R-11, R-12, R-13, R-14, R-15, R-16, R-17, R-18, R-19, and R-20

Recommendation R-1 *The Sheriff should request, and the Board of Supervisors should approve, adequate funding for additional staff positions and inmate programs for the Jail.*

Response R-1 The recommendation has been implemented. The Sheriff's Office proposed their Fiscal Year 15/16 budget to the Board of Supervisors. The Board of Supervisors approved the Sheriff's request and did not cut staff positions from the Corrections Operations Bureau. However, the Board of Supervisors did not approve the funding of eighteen (18) correctional deputy sheriffs and three (3) correctional sergeants requested for Fiscal Year 14/15.

Recommendation R-2 *The plans for the Jail addition should include sufficient inmate program and training rooms.*

Response R-2 The recommendation has been implemented. The Sheriff's Office has included designs for adequate inmate program space in the plans for the Jail expansion. Additionally, any revisions or new plans will have adequate inmate program space.

Recommendation R-3 *Install prison-strength view windows onto each door leading into an inmate area.*

Response R-3 The recommendation will not be implemented and is not needed. The installation of windows on the dormitory doors will not alleviate the perceived threat. Currently, personnel assigned to a control tower can view the dormitory via video monitor and view any perceived threats before opening the dorm door for personnel. Additionally, a Deputy in the separate dormitory control tower can physically look into the dorm and can advise of any threat in the dormitory door area prior to opening any doors, thus adding a checks and balance before opening any doors.

Windows in the dormitory doors would allow inmates in the dormitories to observe movement or other inmates and could cause additional security concerns.

Recommendation R-4. *Purchase and install additional cameras to adequately cover blind spots in the current camera system.*

Response R-4 The recommendation has not been implemented. The Sheriff's Office has requested an upgrade to the digital surveillance camera system in a Fiscal Year 15/16 CIP.

Recommendation R-5 *Assign adequate relief staff to the security camera control tower.*

Response R-5 The recommendation, will not be implemented. There are several control towers with security camera coverage and each has available relief coverage.

Recommendation R-6 *Prohibit inmate-to-inmate mail except between immediate family members.*

Response R-6 The recommendation will not be implemented. The Sheriff's Office cannot violate the law and restrict mail to immediate family only. Any inmate violating the law or mail policy will be disciplined in accordance with the law, Title 15 and facility rules.

Recommendation R-7. *Immediate efforts should be made to correct chronic problems identified in the Daily 24-Hour File Audits*

Response R-7 The recommendation has been implemented. The 24-Hour audit files are reviewed by supervisors and any deficiencies are immediately addressed.

Recommendation R-8. *The Jail administration should enforce a formal, mandatory progressive discipline system to be consistently applied for all employee disciplinary matters including not properly making or documenting inmate welfare/safety checks.*

Response R-8 The recommendation has been implemented. The Sheriff's Office agrees and will continue to consistently use formal and informal discipline when misconduct is discovered. The Sheriff's Office will follow the law and policy in all disciplinary matters involving employees.

Recommendation R-9 *Roll call briefings should be regularly conducted.*

Response R-9 The recommendation has been implemented and the Sheriff's Office will continue to explore effective methods to improve communication between work shifts.

Recommendation R-10: *The Chief Probation Officer should annually audit the Sheriff Office's use of AB 109 funds to insure that the expenditures are fulfilling the mandates of State law.*

Response R-10: The recommendation will not be implemented as not warranted nor reasonable. As Probation's executive leader, the Chief Probation Officer does not function in an auditing capacity. As for the great majority of California Counties, the Probation Department was identified as AB 109 fiscal agent, in Monterey County by Board action on 11/01/11. In this role, Probation is fulfilling its obligation to collect, review and approve fiscal documentation prior to authorizing the reimbursement of eligible expenses from a state-mandated Fund and Restricted Account, which reside outside each department's individual budget.

Recommendation R-11 *Immediately provide additional adequate programming space for the current Jail facility.*

Response R-11 The recommendation has been implemented. The Monterey County Sheriff's Office has expanded all inmate programming and currently offers inmate programming in housing areas previously restricted due to inmate classification. Since the beginning of 2015, numerous inmate programs have been added and others, including evidence based programs, are in various stages of implementation. The Sheriff's Office will continue to explore ways to provide inmate programs to include seeking grant funding for construction of a new facility.

Recommendation R-12 *Undertake an outside audit of the use of the Inmate Welfare Funds to determine whether the funds are being spent in accordance with State law.*

Response R-12 The recommendation has been implemented. The Auditor-Controller's Office is currently conducting an audit of the Inmate Welfare Fund.

Recommendation R-13 *Reestablish the Inmate Welfare Fund Advisory Committee and appoint at least three civilians to serve on the Committee.*

Response R-13 The recommendation will be implemented. The Sheriff's Office agrees with the recommendation and will appoint at least four civilians to the Inmate Welfare Advisory Committee. The Committee will be reestablished by September 2015.

Recommendation R-14 *The ISS positions that are currently funded from the Inmate Welfare Fund should be funded from the Jail budget.*

Response R-14 This recommendation requires further analysis. The Sheriff's Office is currently evaluating the ISS positions and funding. The completion of the IWF audit will also be used to determine whether the ISS positions are properly funded. The audit and evaluation will be completed within six months.

Recommendation R-15 *Funds should be sought for an additional full-time Mailroom Clerk.*

Response R-15 This recommendation requires further analysis. The Sheriff's Office will conduct a staffing study to determine whether an additional Mailroom Clerk is required or if current staffing is adequate.

Recommendation R-16 *Funds should be sought to purchase electronic mail scanning equipment for the mail room.*

Response R-16 This recommendation requires further analysis. The Sheriff's Office is researching current technologies for mail screening and will make any recommendation based the efficacy and ROI of mail screening equipment. The Sheriff's Office is in preliminary talks to have a mail screening device at the Jail in August 2015. A report of the effectiveness of the device will be reviewed by the Sheriff within six months and a determination to request funds from the Board of Supervisors will be made based on recommendations of the report.

Recommendation R-17 *When the Jail Medical Services contract next comes up for bid, it should be widely advertised and proposals should be actively solicited from as many different contractors as possible.*

Response R-17 This recommendation will be implemented. The Sheriff's Office will follow the law and County policies with regard to contract services for any service provider. Currently, the contract for medical services expires in June 2016.

Recommendation R-18 *Analyze the possibility of providing medical services run by the Sheriff's Office, in partnership with Natividad Medical Center.*

Response R-18 This recommendation requires further analysis. The Sheriff's Office, with collaboration from other County Departments, will explore all options to provide the best medical care for individuals incarcerated at the Jail. However, this cannot be completed in six months and the current medical services are under contract until June 2016.

Recommendation R-19 *The Sheriff should conduct a thorough analysis of all the causes of overtime, with the purpose of providing solutions.*

Response R-19 This recommendation has been implemented. The Sheriff's Office is analyzing the current overtime usage and developing an annual overtime budget.

Recommendation R-20 *Allocate appropriate funds for the ongoing maintenance of the current Jail facility.*

Response R-20 This recommendation needs further analysis. The Sheriff's Office submitted their Fiscal Year 15/16 budget to the Board of Supervisors and the budget was approved. The Sheriff's Office has three fulltime employees from Facilities Management assigned to the Jail. Additionally, the Sheriff's Office is exploring other funding sources for ongoing maintenance.