OFFICE OF THE SHERIFF
MONTEREY COUNTY, CALIFORNIA

February 23, 2007

The Honorable Russell D. Scott
2007 Presiding Judge of the Superior Court
County of Monterey
240 Church Street
Salinas, CA 93901

Judge Scott:

This response complies with Penal Code Section 933.05 (b) to report on the 2006 Monterey County Civil Grand Jury's Findings and Recommendations applicable to the Office of the Sheriff, Monterey County:

Findings F 2.5: *The Board of Supervisors agreed to implement Recommendation 6.1 regarding State Criminal Alien Assistance Program funds during FY 2005-06. As of the end of that FY, this recommendation has not been implemented.*

Response: The respondent disagrees wholly with the finding. The Sheriff's Office is in agreement with the Monterey County Board of Supervisors response that "recommendations regarding ongoing use of State Criminal Alien Assistance Program (SCAAP) funds were approved in conjunction with Board approval of the FY 2005-06 Recommended Budget, and have been implemented since July 1, 2005".

Recommendation F 2.5: *Recommendation 6.1 of the 2004 Monterey County Civil Grand Jury Report regarding State Criminal Alien Assistance Program funds should be implemented.*

Response: The Sheriff's Office is in agreement with the Monterey County Board of Supervisors response that "the recommendation of the 2004 Monterey County Civil Grand Jury Report regarding State Criminal Alien Assistance Program (SCAAP) funds has been implemented. The 2004 Grand Jury recommended that the Board of Supervisors should reconsider its policies related to the allocation of SCAAP funds as one-time resources.

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As stated in its response to the 2004 Grand Jury, the Board agreed with the recommendation to reconsider the use of SCAAP funds. Because of the uncertain nature of these funds from one year to the next, the recommendation did not result in adoption of the Grand Jury's suggestion that these funds be used as an ongoing revenue source to offset the Sheriff's Office Net County Cost. As described in the Board's original response on this issue, in preparation for the FY 2005-06 Budget, consideration was given to utilizing this unpredictable revenue source toward meeting the ongoing facility and maintenance needs for operating the County Jail.

The FY 2005-06 Recommended Budget recognized that as discretionary funds, SCAAP revenue is appropriately deposited in the County's Non-Program Revenue Budget Unit 104. An equal amount of General Fund dollars are annually contributed to the Facilities Projects Fund, Budget Unit 166, specifically for expenditures related to Sheriff's facility improvement and maintenance projects. The Facilities Maintenance Projects budget unit functions as a cost center for budgeting major maintenance projects, deferred maintenance and remodeling in County facilities. Adopted budgets in FY 2005-06 and FY 2006-07 state that any additional SCAAP funds received over the budgeted amount, and any General Fund contribution earmarked for Sheriff's facility related projects not spent/obligated, will be available in the subsequent fiscal year for one-time expenditures in the Sheriff's budget and/or designated for Sheriff's related Capital Projects.

FY 2006-07 SCAAP revenue is budgeted at $735,000, an amount equal to funding received in FY 2005-06. At this writing current year revenue information is unavailable, pending final actions related to the Federal FY 2006-07 budget."

Recommendation R 12.3: *All TASER-using agencies should evaluate the use of the "TASER-cam."*

Response: The recommendation requires further analysis with an explanation and the scope and parameters of an analysis or study, and the 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.

A free TASER cam™ test and evaluation unit has been secured from the distributor and effective 1-29-07; a sixty day pilot program is being monitored for evaluation. It is recognized that the TASER cam™ offers increased accountability for both the deputies and the public.

Of great concern is that the Sheriff's Office still has a number of deputies deployed in both the jail and patrol who do not have a TASER® issued to them. It is a high priority to equip each Sheriff's Deputy with a TASER® weapon. Approximate cost to outfit the remaining 112 Sheriff's Deputies who do not have TASER® weapons is $91,275. This coincides with Recommendation R 12.1 that advocates that agencies should continue the use of the TASER® weapon.

The Sheriff's Office currently has 136 TASER® weapons. Of the 136 weapons 92 are TASER® X26 models. These models will accept the new TASER cam™. Also in our inventory are 44 of the older M26 TASER® weapons that are not compatible with the new TASER cam™.

The TASER® X26 is powered by a Digital Power Magazine (DPM), which is a self contained power source for the X26 weapon. The TASER cam™ is integrated into the rechargeable power source that replaces the DPM. Cost of the TASER cam™ is $399.95. Cost to retrofit all X26 TASER®'s in our inventory would be approximately $38,000.

The TASER cam™ is an add-on product. Therefore, there is no cost saving that could be seen in future TASER® purchases. A compatible TASER® must first be purchased at a cost of $799.95 to $814.95 after which, TASER cam™ may be purchased at the additional cost of $399.95.

TASER® technology enhances officer safety and may prevent injuries or death. Budgetary costs associated with the TASER® technology include not only the weapon and "cam" but also replacement cartridges, battery replacements, initial certification and annual recertification costs. The Sheriff's Office's Training budget would have to be significantly increased to fully implement the TASER® X26 and the TASER cam™ recommended in R 12.3.

Findings: F 15.1: *Severe overcrowding in the present jail facility requires that large financial outlays be made by the County to insure the safety and security of both inmates and correctional officers.*

Response: The respondent agrees with this finding. The Sheriff continues to work with the County Administrative Office and Board of Supervisors to secure operational funding for the detention facility to include staffing and planning for future facility needs.

Findings: F 15.2: *The current budget for the Sheriff's Department is inadequate to meet projected County jail incarceration needs.*

Response: The respondent agrees with this finding. The Sheriff continues to work with the County Administrative Office and Board of Supervisors to secure an adequate budget that addresses the increased costs for current and future County Jail operations and best practices staffing patterns.

Findings: F 15.3: *The current County jail facilities are inadequate to meet current or future incarceration requirements.*

Response: The respondent agrees with this finding. The Board of Supervisors approved Jail Facility Needs Assessment began in October of 2006. This planning project is to provide the foundation for the process that leads to the funding, the designing and the constructing of additional detention beds and/or new County jail facilities. The Facility Needs Assessment is scheduled for completion in April 2007.

Findings: F 15.4: *The Sheriff's Department has difficulty recruiting and retaining a sufficient number of qualified peace and correctional officers because of low compensation and the high cost of living in Monterey County.*

Response: The respondent agrees with this finding. Monterey County Deputy Sheriffs are not the highest paid law enforcement officers in the County. The Sheriff's Office competes with the other seventeen (17) law enforcement agencies in Monterey County, and other agencies through out the state, for the same pool of peace officer candidates. The high cost of living in Monterey County and the lack of affordable housing are deterrents to recruitment and retention in the Sheriff's Office.

Findings: F 15.5: *The mission of the Sheriff's Department (community safety and the safety and security of inmates, peace and correctional officer, and staff) is being accomplished through prudent use of resources, overtime, technology (video and audio surveillance), and good management.*

Response: The respondent disagrees partially with this finding. The prudent use of resources, overtime, technology and good management **facilitate** the attainment of the mission of the Sheriff's Office. The mission of the Sheriff's Office is constrained by the lack of adequate staffing levels, relief factors and the physical plant of the detention facility.

Findings: F 15.6: *Communications between the Sheriff's Department and Immigration and Customs Enforcement (ICE) are not rapid enough to facilitate early identification and deportation of criminals to their country of origin to serve their sentence or to ensure timely pick-up of illegal or undocumented inmates for deportation upon release at the completion of their sentences.*

Response: The respondent disagrees wholly with the finding.

The Sheriff's Office and ICE have increased their communications regarding illegal immigrant inmates. ICE receives a computer down load of the daily bookings that are foreign born on a regular basis. ICE has open access to the facility and can review inmate file information and conduct interviews at any time. The Sheriff's Office places an immigration hold on the inmate as soon as ICE has identified him or her as an illegal immigrant and requests the hold. ICE is notified when the illegal immigrant inmate is through with local charges and available for their pickup. ICE usually picks up within 48 hours. ICE is also notified three to four weeks prior of a sentenced illegal immigrant inmate's release date and told that he or she is available for their pick up. They will usually pick up the illegal immigrant inmate about three weeks prior to the actual release date. This early pick up facilitates the reduction of the jail inmate population.

Findings: F 15.7: *Funding of incarceration costs associated with the implementation of the Monterey County Joint Gang Task Force and other federal and state law enforcement programs has not been included in the federal and state grants or added to the Sheriff's Department budget by the County.*

Response: The respondent disagrees partially with this finding.

The Sheriff's Office did not request funding for incarceration costs related to the Monterey County Joint Gang Task Force. Incarceration costs for which the Sheriff's Office does budget are costs associated with contracts with the California Forensic Medical Group (inmate medical care and services) and Aramark (food services). The Sheriff does have the option to request an augmentation (increase) to the Sheriff's Office budget to help offset the cost associated with the incarceration of all inmates, to include incarcerations generated by Joint Gang Task Force arrests.

The Sheriff does not charge cities booking fees (fee established for the processing and screening of inmates booked into the jail) for those arrests made by the Joint Gang Task Force. The waiving of these fees was a decision the Sheriff and the County made as evidence of their commitment to the Joint Gang Task Force.

Findings: F 15.8: *Enhanced video and audio surveillance, enhanced fingerprint identification and analysis, and iris scan are available and could be used to help the Sheriff's Department meet the safety and security needs created by inadequate jail facilities.*

Response: The respondent agrees with this finding. Video and audio surveillance has been increased in the detention facility to enhance safety and security. Fingerprint identification and analysis and the iris scan are operational in the facility and confirm the inmate's identity. Technology, along with video and audio surveillance, is a beneficial tool, but is not a substitute for "best practices" staffing levels and an adequate physical plant.

Recommendation R 15.1: *The Board of Supervisors in conjunction with the Sheriff's Department should seek funding for additional or new jail facilities to meet the current and projected needs for incarceration.*

Response: The recommendation has been implemented. The Board of Supervisors approved Jail Facility Needs Assessment began in October of 2006. This planning project is to provide the foundation for the process that leads to the funding, the designing and the constructing of additional detention beds and/or new County jail facilities. The Facility Needs Assessment is scheduled for completion in April 2007.

Recommendation R 15.2: *The Board of Supervisors should fund budget requests made by the Sheriff's Department for technology such as enhanced video and audio surveillance, enhanced fingerprint identification and analysis, and iris scan equipment.*

Response: The recommendation has been implemented. The Board of Supervisors has consistently approved technology to include enhanced finger print identification and analysis equipment, an iris scan and video and audio surveillance equipment. The funding of this technology has been a successful collaborative effort.

Recommendation R 15.3: *The District Attorney's Office should expedite the trial and sentencing of inmates housed at the jail facility in order to reduce overcrowding. The Grand Jury cannot and did not investigate the Superior Court in relation to this matter. However, the Superior Court should also expedite trial and sentencing whenever possible.*

Response: The recommendation has not been implemented because it is not within the authority or control of the Monterey County Sheriff's Office to do so.

Recommendation R 15.4: *The Board of Supervisors in conjunction with the Sheriff's Department should provide additional compensation for peace and correctional officers to bring them into parity with higher paying law enforcement agencies in Monterey County.*

Response: The recommendation has not been implemented because it is not within the authority or control of the Monterey County Sheriff's Office to do so. The Sheriff, as the Chief Law Enforcement Officer of the County, has consistently supported the Monterey County Sheriff's Deputies being the highest paid law enforcement officers in the County.

The County of Monterey negotiates a Memorandum of Understanding with the Deputy Sheriff's Association of Monterey County. The current MOU covering compensation and benefits is approved by the Board of Supervisors and expires in 2009.

There is a nationwide problem of recruiting and retaining qualified law enforcement officers. The Sheriff's Office has been continuously recruiting for Deputy Sheriff's since January 1999. Since 2006, approximately a twelve percent (12%) peace officer vacancy rate has existed. The cost of living in this area and the lower salary and benefits of Monterey County Deputy Sheriffs compared with other peace officers in the County affects recruitment and retention locally. It is difficult for the Sheriff's Office to successfully compete with the other local law enforcement agencies that offer larger signing bonuses, higher salaries, home purchase assistance and the opportunity to go straight to patrol. The Sheriff's Office also competes with the private sector which offers more money for entry-level positions.

Recommendation R 15.5: *The Board of Supervisors and the County Administrative Officer, in conjunction with the Sheriff's Department, should provide a local, non-union negotiated, differential cost-of-living or housing allowance to peace and correctional officers working for the County Sheriff's Department in order to recruit and retain highly qualified officers.*

Response: The recommendation has not been implemented because it is not within the authority or control of the Monterey County Sheriff's Office to do so. The Sheriff supports increases in compensation or benefits that would be retention and recruitment incentives. The Sheriff recognizes the Deputies Sheriff's Association as the authorized bargaining agent and supporting a non-union negotiated benefit may not be feasible.

Recommendation R 15.6: *The Sheriff's Department should proactively seek to enhance communications and interactions with Immigration and Customs Enforcement (ICE) to facilitate early identification and deportation of criminals to their country of origin to serve their sentences or to ensure timely pick-up of illegal or undocumented inmates for deportation upon release at the completion of their sentences.*

Response: The recommendation has been implemented. The Sheriff's Office and ICE collaboratively and proactively address illegal immigrant inmates. The Sheriff's Office and ICE have developed identification protocols, notification protocols and transport protocols that facilitate the earliest possible release by the Sheriff's Office and earliest possible pick up and transport by ICE. This collaboration between the Monterey County Sheriff's Office and ICE facilitates the reduction of the inmate population in the County Jail.

Mike Kanalakis

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