



MONTEREY COUNTY CIVIL GRAND JURY

2013-2014 FINAL REPORT



6460. COLTON HALL. FIRST STATE CAPITOL OF CALIFORNIA. MONTEREY.

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JUNE 30, 2014

MONTEREY COUNTY
CIVIL GRAND JURY

2013-2014
FINAL REPORT

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Front cover:

--Colton Hall, Monterey, site of California's Constitutional Convention, 1849. Also shown is the first jail. (Courtesy of the Monterey County Historical Society.)

Back cover:

--Cut-out shapes by artist John Cerney decorate fields along Highways 101 and 68.

--Monterey Bay as seen from Pt. Pinos in Pacific Grove (Courtesy of Trudy Haversat and Gary S. Breschini)

--Esselen Indian rock paintings, Los Padres National Forest (Courtesy of Trudy Haversat and Gary S. Breschini)

--Bixby Bridge, south of Carmel.

Background:

--Sections from the *Official Map of Monterey County, California*, by Lou G. Hare, 1898. (Courtesy of the Monterey County Historical Society.)

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June 30, 2014

The Honorable Marla O. Anderson
Presiding Judge, Superior Court of California
County of Monterey
240 Church Street
Salinas, CA 93901

Dear Judge Anderson:

On behalf of the 2013-2014 Monterey County Civil Grand Jury, I am pleased to submit its Final Report. The Report reflects the efforts of dedicated Monterey County citizens, all but two of whom had not previously in their experiences served on a Grand Jury nor undertaken investigative activities. The Report is the result of many hours that included interviews, research, drafting and collaboration.

The Jury is hopeful that its efforts will benefit the citizens of Monterey County, as well as the public agencies which are the subject of its efforts. However, I would be remiss if I did not observe that much, if not most, of the benefit of the Jury's efforts came not from its formal Reports, but from the interaction between the Jury's investigative Committees and the public employees they interviewed. The showing of interest in a matter often led to changes and improvements in public entity matters not foreseen by the Jury nor reflected in Reports.

The ability of the 2013-2014 Civil Grand Jury to accomplish its duties is in no small manner reflective of the support provided by Your Honor, Nona Medina of the Court Executive Office, and Leslie Girard and Sandra Ontiveros of the Office of County Counsel. That support made all the difference.

Our service as Civil Grand Jurors has been rewarding and educational. It was absolutely worth the time and effort. We thank you for the opportunity to serve our fellow citizens.

Respectfully,


Francis M. Small, Jr.

Foreperson

2013-2014 Monterey County Civil Grand Jury



From left to right: John Meeks, Salinas; Jena Barrera, Salinas; Debeliah Anthony, Pacific Grove; Shaaron Delsohn, Pacific Grove; Joseph Grebmeier, King City; Robert Black, Monterey; Guillett Davis, III, Monterey; Presiding Judge Marla O. Anderson; Kenneth Allen, Salinas; Cleveland Smith, Salinas; Francis Small, Jr., Foreperson; Vicki Nohrden, Carmel; Shannon Cardwell, Pacific Grove; Peter Purdue, Monterey; Jo Thompson, Monterey; Gary Breschini, Salinas; David Burbidge, Carmel Valley; Porter Wells, Prunedale; Rene Lacsina, Salinas; and Noel Perry, Salinas (not present).

IN MEMORIAM
WILLIAM J. (BILL) FISCHER
1935-2014
MONTEREY COUNTY CGJ MEMBER, 2013-2014

We, the members of the 2013-2014 Civil Grand Jury, dedicate this Annual Report to the memory of our good friend and fellow Grand Juror, Bill Fischer, who left this life unexpectedly on February 16, 2014, as a result of a massive heart attack. We empathize with his grieving wife, Lisette Negrady Fischer, whom he loved very much, as she still feels his spirit and love from beyond.

Bill was a highly unusual man—a retired international bank executive who befriended all those he met, felt a compulsion to help those in need, and had an incredible work ethic and ability to do almost anything he undertook. We saw that immediately, as he commenced his work as the Chairperson of our County Committee and urged us all to do our best as we investigated the subjects of interest to the Grand Jury. We miss him all the more as time passes.



He was born August 21, 1935 in Ashland, KY and commenced his work-life at age 14 to help his mother and younger sister support themselves, after his father abandoned his family, never to return. His favorite early job was as an Intern with the FBI Fingerprint Division. After graduation from high school in 1953, he joined the U.S. Army and eventually served as an NCO with the Third Armored Division until his discharge in 1956. After his military duty, he entered the University of Kentucky where he graduated with a B.S. in Economics with a specific emphasis on International Banking, Economics, and Finance.

After college graduation in 1963, he moved to New York where he accepted a position with the Chemical Bank and Trust Company and worked there for some years. In the late Sixties he and his family moved to San Francisco where he joined the International Department of Wells Fargo Bank, and was eventually sent to South America as Vice President for that entire continent. He perfected his ability to speak fluent Spanish in this critical position.

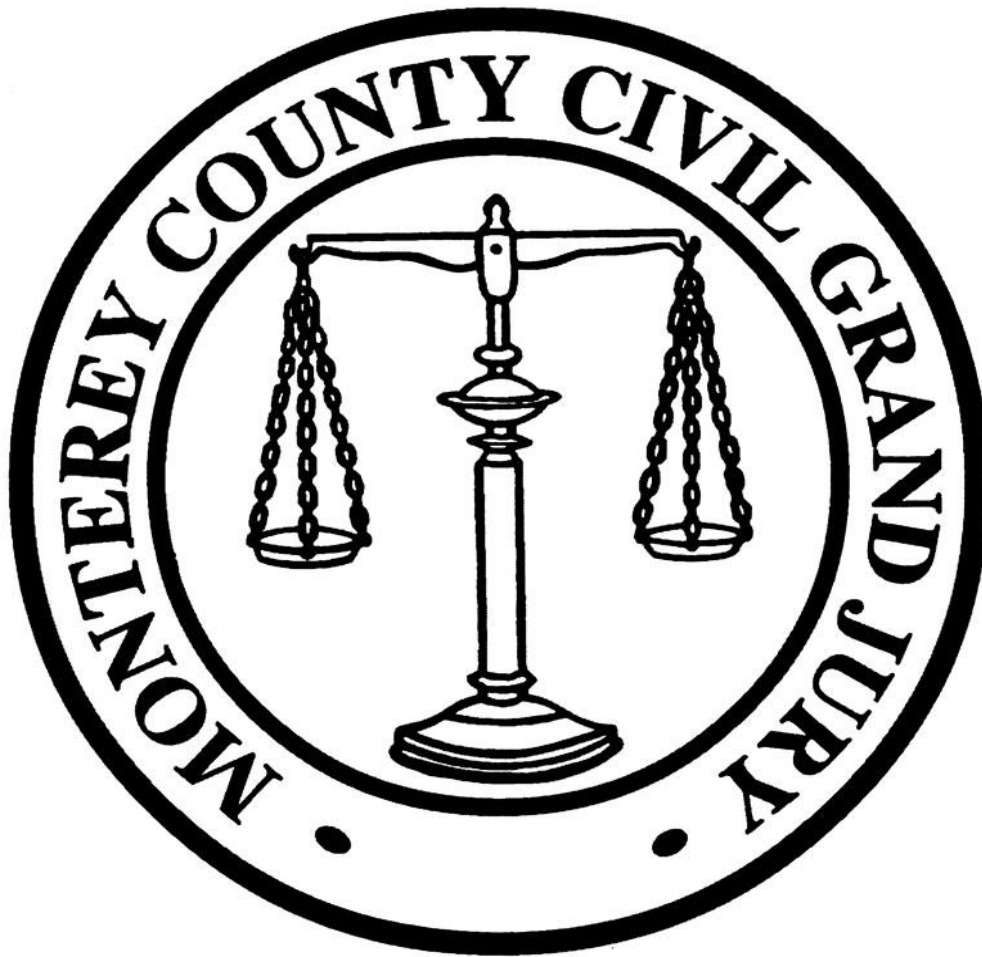
In the late 1970s he accepted an offer to join the French bank, Credit Lyonnais in Chicago, and soon was returned to San Francisco as Vice President and Manager for the West Coast. His marriage to his first wife was terminated in 1982. He remained with Credit Lyonnais until he retired in 1996. During 1983 Bill first met Lisette Negrady when he hired her as his Administrative Assistant and Office Manager. He eventually married her in 1996, several years after her first husband died unexpectedly. Bill and Lisette lived in Napa County for some years and then finally moved to Carmel Valley, where they were living when Bill died, and where she still lives. Both of Bill's two adult sons, John and Andrew, currently live and work in the Bay Area.

Bill, we will all miss you forever, as we hope you can tell as you look down on our beautiful Monterey County, your many friends and your loving family.

2013-2014 Monterey County Civil Grand Jury

Mission Statement

The mission of the Monterey County Civil Grand Jury is to conduct independent inquiries and to respond to citizen complaints concerning any government agency, municipality, or special district within Monterey County. The reports of the Grand Jury will provide a clear picture of the functioning of the organizations. Recommendations for improvement will be made, and commendations will be offered when effectiveness, efficiency, or excellence is found.



CIVIL GRAND JURY MISSION AND RESPONSE REQUIREMENTS

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

Jury Selection

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

Investigations

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

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

Additionally, Section 919 prescribes that:

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

The public may submit directly to the Monterey County Civil Grand Jury complaints requesting that it investigate issues of concern regarding public agencies or official in Monterey County. The public may request complaint forms by contacting the office of the Monterey County Civil Grand Jury at (831) 883-7553 or through the Grand Jury's website address at www.monterey.courts.ca.gov/grandjury or <http://www.co.monterey.ca.us/inc/pr/CivilGrandJury/>. Grand juries conduct proceedings behind closed doors, as required by law, primarily for the protection of people who file complaints or who testify during investigations. All who appear as

witnesses or communicate in writing with a grand jury are protected by strict rules of confidentiality, for which violators are subject to legal sanction.

Reports

Section 933(a) of California Penal Code declares:

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

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

Section 933(b) declares:

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

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

Content of Responses

Section 933.05 of the California Penal Code declares:

- (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
1. The respondent agrees with the finding.
 2. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
1. The recommendation has been implemented, with a summary regarding the implemented action.

2. The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

Timeline of Responses

Section 933(c) states:

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

Address for Delivery of Responses

The Honorable Marla O. Anderson
Presiding Judge of the Superior Court
County of Monterey
240 Church Street
Salinas, CA 93901

**PRIVACY AND SECURITY OF COUNTY ON-LINE
DATA AND INFORMATION SYSTEMS**



PRIVACY AND SECURITY OF COUNTY ON-LINE

DATA AND INFORMATION SYSTEMS

SUMMARY

The impetus for the Civil Grand Jury (CGJ) to investigate Monterey County Information Technology operations, concerning its obligation to protect County controlled and stored data, was a September 2013 press release from the Monterey County Department of Social Services. This press release disclosed for the first time that a data breach, by persons unknown, had occurred in March 2013 on an old 2008 computer health database connected to a California State network, which data was illegally accessed through State computers. After reviewing the facts, the CGJ concluded that this was an unusual event, the exact nature of which was unlikely to occur again, the data was very old, and the Social Services Department had appropriately notified the victims -- albeit not as rapidly as contemplated by the Privacy laws existing at the time.

However, in the process of investigating this reported breach, the CGJ determined that the County Policies and Procedures for protecting data on Monterey County computer systems were totally obsolete and unlikely to be in compliance with existing Privacy and Data Protection laws and regulations. As a result the CGJ commenced in depth interviews with various County departments and personnel, during which it became clear that efforts before and during the 4th quarter of 2013 to update and replace 2008-age Privacy Policies and Procedures were not progressing well. It was also evident that major operational changes were needed to bring the County into compliance with such laws.

Insufficient funding resources, bureaucratic inertia, changes in management of the IT Department and, more recently, other priorities by the County Counsel's office had caused the Policy revision process to drag on for many years. During the past several years the IT Department and its new Director have been acutely aware of this situation but were unable to move the matter along at an adequate and desirable pace until very recently.

There was also an apparent lack of realization by many County officials that a number of new and different Privacy laws and Data Breach Notice requirements applicable to Monterey County, to be effective January 1, 2014, required immediate completion of the long delayed County Privacy and Security policies revisions. Generally, these new laws relate to notices of breach and use of "Personally Identifiable Information" ("PII"). See the listing of the new California Privacy laws at the California Attorney General's website, <http://oag.ca.gov/privacy/privacy-legislation/leg2013>.

To their credit, when this was called to County officials' attention by the CGJ, action was promptly taken to commence completion of the policy updating. However, this was not completed until May 2014 because of the complexity of such revisions and the need for all key County departments to participate in the updating process. These new Policies were approved by the Board of Supervisors in May 2014, yet major efforts will still have to be made so that said policies are properly implemented and well understood by County staff. The required new technical software must also be installed, become operational, and then used properly.

However, even with the adoption of these new Policies and new technical steps to protect the data, the CGJ concludes that the County should provide more funding for continuing legal and technical education for its staff to be in full compliance with these important laws in the future. This would help the County avoid serious penalties and potentially expensive litigation in case of data breaches or other failure to comply with these laws. Proper and constant on-going legal review must be scheduled, and the proposed new operational procedures must be implemented.

As a result, the CGJ felt it necessary to compile a detailed series of Factual Conclusions and Recommendations, all set forth below, which are aimed at helping the County and the public to understand why these admittedly costly steps *must* be taken by the County. In some ways, these recommendations might be thought of as a form of liability insurance against events over which the County does not have much control – like earthquakes or floods. The cost of failure to comply can run into the millions of dollars, per event, as recent commercial data breaches, like that of the Target Stores, have shown.

INVESTIGATIVE METHODOLOGY

During this investigation the CGJ interviewed key personnel of the following Offices and Departments concerning the Privacy and Data Security processes in Monterey County government operations:

1. Several members of The Board of Supervisors
2. Department of Information Technology
3. Offices of the County Counsel
4. Department of Health and Social Services
5. Chief Administrative Officer of the County, and his two Deputies
6. Treasurer-Tax Collector
7. Offices of the District Attorney

The CGJ also spoke with several well-known authors of published legal materials on the subject of Privacy and Security, and conducted extensive research on the subject on the Internet. For further background, some members of the CGJ read and reviewed a 150 page publication entitled “Foundations of Information Privacy and Data Protection,” and several similar books and program materials sponsored by the International Association of Privacy Professionals (“IAPP”).

IAPP. IAPP is an internationally recognized group of over 22,500 individuals and sponsoring corporations that conduct seminars and educational programs, including the publishing of books and instructional materials on the subject. One Grand Juror even enrolled in and attended an IAPP introductory class, at his own expense, to gain a better understanding of these issues.

In the investigative process, some members of the CGJ spent significant time reading and reviewing the immense body of laws, rules and regulations promulgated by Federal, State and foreign governments in this area of the law, including the excellent website of the California Attorney General at www.oag.ca.gov/privacy. This is an excellent starting point for such an inquiry.

As the California AG states there:

“In the 21st century, we share and store our most sensitive personal information on phones, computers and even in ‘the Cloud’. Today more than ever, a strong privacy program is essential to the safety and welfare of the people of California and to our economy.”

The CGJ believes this is an accurate summary of the current environment for data stored and used by all businesses and government agencies, including Monterey County government. More attention to this area of the law by our County government is imperative.

BACKGROUND

How We Got Here.

It may help to review briefly how we as a society got from “the old ways” to the Information Age. Prior to the extensive use of computers and the Internet, to get cash we usually went to our local bank where we presented our check or withdrawal slip to the bank teller, who probably knew us personally, or at least could check on a ledger card next to his station to see what our signature looked like and what our bank account balance was. We were handed the cash and left, after thanking the teller personally. There were no ATM’s and the Internet was just an idea under consideration by futurists.

Today we can deposit checks using our cell phones, pay our bills on line, and make purchases from merchants across the country for amounts running into the thousands of dollars by merely typing in a credit or debit card number, a name, a PIN or other identifying password, and then hitting the Return or Enter key. Funds are transferred and the transaction completed instantly. Our bank can be in New York or France, and we as customer/residents of Monterey County could be traveling in Asia at the time. This worked well until the Internet made international commerce so simple that international cybercrime became equally simple. Thieves thrive on invisibility, the complexity of efforts to trace them, and speed and distance.

Now we are faced with a situation where vast sums of money and information about a customer/user can be captured and later used to create millions of fraudulent transactions, unless the computer system accessed and the means of downloading these identifying pieces of data employ complex protective software that quickly warns of intrusion. This environment makes it clear that even with sufficient validation identification in the form of a name, credit card number and password, the user is still at the mercy of the security systems used by our distant electronic merchants. The same problem exists on government systems that collect or use information from its citizens.

What These Laws Are and Do.

To recognize this new disparity of control, hundreds of laws have been passed at all levels aimed at protecting the customers and users from the theft of data and information. As thieves become more adept and systems become more complex, the protective laws have to become more complex. In fact today there are, just in the US and its 50 states, at least 29 separate bodies of such laws. These laws often change annually, and become broader in scope with each change. These rapid changes mean that constant legal and technical help and continuous review of databases, websites, statutory notices, and contracts is required. These protective costs cannot be avoided because of the pervasive nature of these laws.

Notably, these laws make a distinction between “data” and “information.” The difference is that a single piece of *data* or list of data, say credit card numbers, has little value to a criminal, *but* when linked to a name, email address, or PIN number it becomes highly useful *information* which, in combination, can be used to steal money or create illegal transactions or transfers of money. This is why such combined data is called Personally Identifiable Information or “PII” in the lingo of these laws.

These expansive laws take two forms:

Privacy Protection laws which impose on the government agency, hospital or merchant an obligation to use “reasonable care” in protecting the data collected and used, *and* of advising customers and citizens what use is being made of data collected from them and why. Thus, for example, the required Privacy notices on webpages are very important. Coincidentally, the notices on the current Monterey County website appear to be non-conforming as of the date of issuance of this Report.

Breach Notification laws are the other form of legislation that impose a very expensive obligation on the merchant or government agency to notify the customer or citizen if the Privacy Protection failed and the data system is breached. Experts in this field tell us that the average cost of just the notification and remediation steps, *per customer or citizen*, is

\$188, even before customer or user damage claims are dealt with. Significantly, the total cost of notifying the owners of the 140,000 records of Monterey County residents of the 2013 breach, described at the outset of this Report, was estimated by a County manager to be over \$87,000, including staff time and mailing costs.

Why Monterey County Has to Comply.

While these laws are incredibly complex and change yearly, Monterey County has no choice but to comply because many such laws impose financial penalties on entities that are not in compliance. In the event of a breach where the entity is held not to have used reasonable care in attempting to protect the data, statutory penalties can be up to \$150,000 for each event, and there are already cases where the total penalties have run into many millions of dollars. Such failures to protect the data can also be the basis for private class actions, thereby risking millions of dollars in legal fees and damages.

The California Breach Notification law expressly applies to counties and other local agencies, as of January 1, 2014, whereas it previously applied only to state agencies. In most cases the obligations imposed by these breach and notice requirements can only be ascertained by qualified legal counsel. Thus, County Department heads and County Counsel must work together, quickly, to determine what changes may be required, each time a law or regulation is changed or passed.

How Does Monterey County Comply and How Does The Process Work?

It is important to understand that compliance is a two-fold process where County IT security experts must handle the IT hardware and software compliance side of things, while the legal experts must determine both the reasonableness of the technical compliance *and* must provide the language for notices and in any third party providers' contracts and licenses. Neither is a simple task, and the personnel assigned to the task must be carefully trained and must remain aware of the constant changes in these requirements. These advisors cannot fall behind in their knowledge of these laws without increasing financial and legal risks to the County.

Even more difficult is the fact that every time a contract, a website section, or a procedure or policy is changed, adopted or instituted, both the technical and the legal professionals must be made aware of the change or the event. For this reason, nearly all County personnel of every department must be aware of the existence of these laws and requirements. This is especially so since virtually every County employee has or uses computers, cell phones, tablets, or other devices which are connected to the Internet and susceptible to intrusion by cyber thieves. No amount of training and technical help will ever *totally* prevent intrusions or loss of information, but this constant effort has to be made to comply with the law and to protect County residents and their County government.

FINDINGS

- F1.** During the past eight or more years the Monterey County government has not devoted adequate attention to compliance with the California and Federal Privacy laws, and must now immediately change this attitude to strict attention and compliance, if it is to avoid serious financial consequences for potential violations.
- F2.** The present old and defective Privacy and Data Breach Notification Policies are to be replaced immediately and the newly developed 2014 versions disseminated promptly to all Department heads now that they have been approved by the Board of Supervisors. This must be quickly followed-up by education of all County employees as to these new rules, and the appropriate conduct required when using or operating County IT and communication systems.
- F3.** County Counsel's office has not been adequately aware of these Privacy issues in the past, in part because of inadequate staffing and education of its lawyers, but it is now actively trying to change this situation within its budget limitations. However, it clearly needs additional funding to address these issues and to assist the IT Department and other County departments with this complex area of the law.
- F4.** The County IT Department needs to continue its active pursuit of software and hardware means of preventing intrusions, and to keep the Chief Administrative Officer (CAO) and his staff fully aware of the extent of this problem and the costs involved in complying. This activity may require that the CAO recommend changing some aspects of the Zero-based budgeting methods currently used to allocate funds to the IT Department to pay for necessary personnel and software. This possible change in budgeting methods is something that should not be postponed beyond the current fiscal year.
- F5.** Everyone involved must realize that this area of the law is in a constant state of change, both at the state and federal level, and that there may even be some aspects of international Privacy laws that come into play at times, even for locally stored data.
- F6.** Of particular concern should be those Privacy laws relating to health records used or maintained by County agencies like Natividad Medical Center and the County Health Department since the provisions of the Federal HIPAA law are particularly burdensome and the penalties very expensive if violated.
- F7.** County departments and those agencies and personnel involved in acquisition of communications, software and almost every other type of goods and services, must insist both contractually and in practice that all vendors at every level comply with required Privacy and Breach Notice laws when dealing with County owned or controlled personal

data and information. Unfortunately, many commercial vendors and businesses are not currently in compliance, worldwide, as can be seen from the numerous data breaches recently reported in the U.S. news media.

- F8.** Finally, Monterey County is not unique in dealing with these critical Privacy problems, according to a story in the IAPP newsletter in late May 2014. This publication reported that the Los Angeles (LA) County Board of Supervisors recently voted to direct its county staff to promptly develop a plan to require third-party contractors hired by the County to “encrypt sensitive information on their computers as a condition of their contracts.” This followed the February 2014 breach of data on eight computers holding 342,000 patients’ medical records taken from the offices of contractor Sutherland Healthcare Solutions. LA County already mandates that county laptops be encrypted. These new rules now also require that all county department’s computer workstations’ hard drives are to be encrypted.

RECOMMENDATIONS

The CGJ makes the following Recommendations, based on the Facts and Conclusions discussed and reached in the foregoing investigative Report:

- R1.** The Monterey County Board of Supervisors and their staff should carefully study this Report on Privacy problems, in conjunction with its CAO, the County Counsel and his Privacy Deputy, and the Director of County Information Technology and her Security Chief and other IT personnel. These are key people since they directly work in the field of privacy, prevention of data breaches, and in coordinating the design and operation of the County website. The study of these issues has a dual purpose of understanding the significant penalties and financial risks to the County government due to the complexity of the laws, *and* realizing that there are some expensive and complex technical issues in this aspect of County business operations.
- R2.** The Board of Supervisors should consider the immediate need for additional funding to be provided both to County Counsel and the IT Department in order to improve existing and continuing compliance with California and Federal Privacy laws, rules and regulations. The CGJ believes funding at least one additional full time legal position for the County Counsel’s office is imperative at this point, to help protect the County and its citizens. The IT Department also needs more funds to acquire and use various protective software packages that warn of impending attempts at data intrusion and stop them; and perhaps for one additional key person to head and direct the development and continuing maintenance of the County website on behalf of its many departments and agencies.

- R3.** County Counsel’s office should promptly take all steps necessary to formally designate one of its lawyers as “County Privacy Law Counsel” and to provide for that person’s continuing legal education in this extremely complex area of the law. This should include education to the point of certification of his or her knowledge in this field by the IAPP, the standard of this industry. We have been told portions of such proposed actions are currently underway.
- R4.** The duties of such Privacy Counsel should encompass working closely on a *continuous* basis with the IT Privacy Directors and County Department managers on *existing* and future Privacy Policies, and on all proposed contracts where vendors may have access to County records, and on all software licenses with third-party vendors. Privacy Counsel also needs to monitor closely these ever-changing laws to be certain that when changes in such laws occur these modified legal obligations and requirements are promptly communicated to responsible County personnel; so that they can be reflected quickly in then existing Policies; and so that follow-up educational meetings can be made for County personnel who must comply with these new laws.
- R5.** The County Information Technology Department Director and the Chief Security & Privacy Officer, working with the Security and Privacy Officers in other Departments, should be commended for the recent massive revision of Monterey County Privacy and Security Policies. This critical project has been on-going for more than for six years, in order to replace the existing, obsolete 2002-2004 versions. Unfortunately, these old Policies, as of May 2014, were still posted on the IT Department website, as well as a 2008 version which apparently still exists but is accessible only internally. In an effort to reduce County exposure for failure to comply with existing California and Federal Laws, and in fairness to Monterey County residents, prompt completion and dissemination of these revised Privacy and Security Policies should be a priority, especially since large amounts of Personally Identifiable Information (“PII”) could otherwise be at risk of illegal disclosure.
- R6.** Finally, the CGJ strongly recommends that the subject of education about compliance by all County employees and their departments with California and Federal Privacy and Security laws be taken more seriously. We understand that existing County Policies call for such education efforts in the form of providing and requiring attendance at biennial educational programs. Several CGJ members actually attended the current educational program, which was well presented and current. However, employees from the highest to the lowest level of County government must be made to realize that, while these Policies, rules and laws may seem burdensome and inconvenient, failure to comply may not only result in loss of their jobs, but also in massive and punitive penalties and legal fees

incurred by the County if any such violations were to be litigated. This educational process is not an easy, nor inexpensive, task, but it must not be minimized.

RESPONSES REQUIRED

Pursuant to Penal Code Section 933.05, the CGJ requests Responses to all Findings and Recommendations by and from the Monterey County Board of Supervisors.

**AN OVERVIEW OF THE
SALINAS POLICE DEPARTMENT**



AN OVERVIEW OF THE SALINAS POLICE DEPARTMENT

SUMMARY

On October 2, 2013 members of the Civil Grand Jury (CGJ) met with members of the Salinas Police Department (SPD) to introduce themselves and to gain information about issues affecting the SPD. During the interview CGJ members identified two important concerns: (1) The actual number of sworn officers assigned; and (2) The adequacy of the SPD headquarters facility.

INVESTIGATIVE METHODOLOGY

The CGJ interviewed the Chief of Police, two SPD Deputy Chiefs, the Gang Task Force Commander and several on-duty officers and civilian staff. Members of the CGJ also preformed "ride-alongs" with an on-duty patrol officer and the Gang Task Force Commander. Searches of the Internet were used to collect overtime statistics as they related to officer fatigue. The CGJ also took photographs of the interior of the SPD Headquarters during a subsequent CGJ visit. CGJ members participating felt there was nothing "off limits" during their inspections.

FACTS

The population of Salinas in 1950 was 13,917 and in 1960 it grew to 18,957. With the annexation of Alisal in 1963 the population of Salinas grew by another 16,500 citizens bringing it to approximately 50,000. The 2010 census shows that the population of Salinas was 154,484 in 2010. The current police facility was built in 1958 and was designed to support a population of less than one-fourth of the current population.

The SPD is authorized 155 sworn officers and 51 full time civilian employees. Currently there are 139 sworn officers and 47 full-time civilian employees on the force, down from a high of 206 sworn officers and full time civilian employees in 1997. Currently the number of officers assigned is 1 officer to 1,111 residents. However, the number of officers on duty is only 1 to 11,034 residents. The SPD currently has 2 full-time Motor Officers whose sole function is traffic control. Due to the limited number of Motor Officers available they are only available at certain times. However, the SPD has coordinated with other Monterey County Police Departments, the California Highway Patrol and four former SPD Motor Officers to supplement the number of Motor Officers on the streets of Salinas. Currently the additional Motor Officers are used primarily to saturate areas of concern, particularly areas with increased pedestrian-involved accidents and school-crossing areas.

In the event of an officer involved shooting incident, Department policy mandates paid administrative leave for the involved officer(s) of 40 work hours.

Of great concern to the SPD is the number of forced overtime hours sometimes necessary to ensure that the required number of officers are on duty at all times. This concern is based upon research by British and Canadian Criminal Justice experts. They determined that productivity goes down, and injuries increase after 8 - 10 hours on duty. This overtime dilemma is further impacted by the judicial process, which often requires an officer to appear in court for arraignments, trials or hearings.

The SPD operates on a two-shift policy (Day-Shift and Swing-Shift) each shift is 14 hours long. There is an overlap between shifts of two hours. Department policy requires that a minimum of 11 officers be on duty for the day-shift. The Department has 14 officers on duty for the swing-shift, Sunday - Thursday; and 16 officers on duty for this same shift on Friday and Saturday nights.

Due to the SPD's work with workers compensation representatives and the City of Salinas Human Resources Department, the SPD has been able to return disabled or injured officers to "light duty". Furthermore, to help reduce injuries to officers, the SPD has contracted with Pinnacles Healthcare to instruct the officers how to do job required functions such as lifting of heavy equipment or even suspects, safely.

FINDINGS

- F1.** The SPD has a well-qualified and trained staff of officers and investigators. Unfortunately, there is not a sufficient number of sworn officers and full-time civilian employees to fully staff the department and adequately meet the needs of the community.
- F2.** The SPD Headquarters was built in 1958 and it has out-lived its' design capabilities and is in dire need of replacement. The structure has severe problems with mold, and mildew caused by water leaks from the roof, which no amount of repair can remedy. Many areas of the structure have a distinct musty odor, as well as mildew and mold. Sump pumps installed in the basement areas are insufficient to remedy the situation. The CGJ observed a 30 gallon plastic bag taped to the wall of an area to funnel the leakage of water from the roof into a plastic 30 gallon bucket. When it rains, this bucket must be emptied frequently. It is estimated that 30 gallons of water weighs 250.5 lbs. or 113.55 kg. Simply lifting the bucket and taking the water out to be disposed of could cause physical injury to an employee.
- F3.** The physical structure itself was not designed even for the current number of 139 sworn officers and 47 civilian employees. The facility does not have sufficient locker space to

store the officers' equipment and uniforms, etc. while off duty, and therefore, some equipment is stored in hallways.

- F4.** The ratio of all sworn officers to residents in Salinas as of the 2010 Census is 1 to 1,111. The ratio of officers on duty is 1 officer to 11,034 residents. The number of sworn officers in relationship to the population is insufficient to meet the needs of Salinas.
- F5.** The ratio of officers in Salinas to residents is currently the lowest when compared to other cities in Monterey County with the highest of 1 officer to 276 residents (in Carmel) the next lowest is 1 officer to 945 residents in Seaside.
- F6.** The SPD headquarters' physical structure is not designed to hold and maintain evidence, records, and forms in a central location and therefore, these materials are stored throughout the building wherever space available. At times this makes tracking evidence difficult. As difficult as it may be the SPD continues to do a great job keeping written records and evidence at various locations throughout the facility and in various secure locations around the city. Often documents and evidence must be stored and maintained for a number of years making it even more difficult to find adequate storage for new case material.
- F7.** The SPD houses a small arms and shotgun range in the basement of the facility. This range is inadequate to provide an environment for officers to train with long range and heavy weapons used by the Special Weapons and Tactics (SWAT) Division. The only convenient facility where SPD SWAT officers may train with their assigned weapons is in San Benito County.
- F8.** Due to the changes in modern warfare environments from battle grounds in open territory to a house to house battle environment the US Army began developing Urban Tactical Training facilities or Military Operations Urban Terrain (MOUT) facilities. One of these training facilities was developed and constructed by the 7th Infantry Division in the late 1970s or early 1980s. This facility is located on what is now the former Fort Ord, California. The Army used this "mock city" sometimes referred to as the Impossible City to train personnel in Urban Warfare Tactics to be employed in Kuwait City during the 1st Gulf War. Lessons learned from that war were employed in Afghanistan and Iraqi cities such as Bagdad during the 2nd Gulf War. The Former Fort Ord MOUT is in the process of being transferred from the Fort Ord Reuse Authority (FORA) to Monterey Peninsula College (MPC) for use by MPC's Police Academy.
- F9.** The most convenient and cost effective resolution to the lack of an adequate facility to train SWAT Officers, would be for the SPD to enter into an agreement with MPC for the use of

the "Impossible City". The use of this facility would allow SWAT to train in an environment where they could practice home extraction techniques.

- F10.** MPC in support of their Police Academy training program intends to add a long rifle and heavy weapons range to the Impossible City facility. The addition of this range would provide a fully functional environment for both MPC Police Academy and SPD SWAT training.
- F11.** It is expensive to live in Monterey County, the high cost of living here makes it difficult to recruit, train and retain Officers. As in many other agencies in Monterey County, personnel are recruited and once fully qualified they move to other locations where the pay is higher and the cost of living is lower than in Monterey County.

RECOMMENDATIONS

- R1.** A new facility should be built to replace the current SPD facility. (It is noted that a new facility is in the planning stages).
- R2.** Recruit for the SPD (when possible) personnel who already reside in the Salinas area. This would enhance the probability that the officers would remain with the SPD after their training is complete.
- R3.** It should be a priority to increase the number of officers on the force. This number should be determined and agreed upon by the Salinas City Council, City Manager and the Chief of the Salinas Police Department.
- R4.** All Officers should attend annual training on proper lifting techniques in order to minimize injuries.
- R5.** Local Law Enforcement Agencies should coordinate on an agreement with Monterey Peninsula College for the use of the Impossible City Training Facility.

RESPONSES REQUIRED

Pursuant to Penal Code Section 933.05, the Grand Jury requests a response as indicated below from the following governing bodies:

- Salinas City Council:

All Findings, except F8 and all Recommendations

CHUALAR SEWER SYSTEM



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Chualar Sewer System

SUMMARY

During a Civil Grand Jury (CGJ) interview with the Director of the Monterey County Public Works Department, the subject of the sewage system in Chualar came up. The CGJ decided to follow up by conducting an investigation of the sewage system. The CGJ conducted aerial surveillance of the treatment ponds and their proximity to the Salinas River, using a camera equipped unmanned model aircraft. The CGJ also conducted a site visit, along with members of the Monterey County Public Works Department, to determine how sewage is handled in Chualar. During the site visit, members of the CGJ were allowed free access to inspect the system, including the sewage pumps and the treatment ponds near the Salinas River.

The Chualar sewer system was put into place in 1963. It consists of two sewage pumps located in Chualar proper. The raw sewage is pumped through a pipeline under the Highway 101 overpass and two miles to one of five treatment ponds located near the Salinas River.

In the event of heavy rains, the Salinas River may overflow into the treatment ponds, causing raw sewage to flow back into the river and into the Monterey Bay Marine Sanctuary. Additionally, deterioration of the outdated Chualar sewage system has a high potential to cause major problems, including possible health issues. The system should be upgraded or replaced as soon as possible.

BACKGROUND

The town of Chualar was settled in 1914. Chualar is a rural farming community and currently has a population of 1,720, up from 1,190 in 2010. The racial makeup of the community is 96.72% Hispanic with 26.81% of the population between the ages of 5 and 17 and 58.99% of the population between 18 and 64. The population density of Chualar is 1,900.5 persons per square mile.

In about 1963, as part of the development of Chualar, County Service Area (CSA) 75 was formed to provide limited municipal infrastructure, including waste water disposal. A CSA is governed by the County Board of Supervisors and managed by the County Public Works Department. Revenues include service fees, property taxes, interest on pooled investments, and subvention payments from the State. Service fees are charged to each business and property owner within the CSA.

FACTS

Chualar has a basic sewage treatment plant, sometimes referred to as a primary waste water treatment plant (WWTP). All water from toilets, sinks, and showers in Chualar flows through underground gravity collection system pipes to a central pumping station. From there the untreated sewage is pumped through a two-mile force main to the WWTP. The WWTP is governed by the Regional Water Quality Control Board Waste Discharge Requirement (WDR 01-038). The WWTP consists of five sewage treatment ponds.

Two sewage pumps are installed in Chualar proper, at the corner of Grant and Main streets.

At no point in the process are any chemicals used to treat the raw sewage.

The pump station is designed to operate with one pump as a lead pump and one pump as a lag pump. When demand is low, only one pump is needed. When demand is high, the second pump, the lag pump, operates in conjunction with the lead pump to meet demand. The lead/lag responsibilities of each pump are alternated weekly so that there is even wear between the two pumps.

Even with only one pump in operation, sewage would not back-up into homes. There is sufficient surcharge capacity in the gravity system to buffer the short duration peak demands. While the system is capable of operating under single pump conditions, it is not a desirable management strategy.

The force main (sewer pipe) from the pump station travels under Grant Street and under the sidewalk of the Highway 101 overpass. The force main is a high-density polyethylene (HDPE) pipe that is both flexible and structurally rigid. This portion of the force main has never fractured or spilled sewage. Where the force main crosses under the Highway 101 overpass and railroad tracks, it goes through a larger diameter carrier pipe, an added measure of protection.

From immediately west of the Highway 101 overpass, the untreated waste water is pumped approximately two miles to one of five treatment ponds. Many portions of this sewage pipe are 50 years-old and made from Polyvinyl Chloride (PVC) or clay pipe. When a fracture occurs in this pipe it is patched with PVC.

The piping system from the force main pumps in Chualar is approximately two miles long. This two-mile pipe carries the raw sewage to one of five treatment ponds that are located within the 100-year flood plain of the Salinas River.

The force main was designed with six air relief valves (ARV) at the relative high points in the profile of the force main to release air that accumulates. This allows the force main and pumps to operate most efficiently. Recent events have shown that the force main will continue to operate without the ARVs, though the reduced efficiency allows for the accumulation of solids in the pipe over time, and can lead to a shutdown.

Recently, five of the six ARV locations were rehabilitated to restore the operational efficiency of the pump station/force main system. The encroachment permit for rehabilitation of the sixth location at the Highway 101 overpass has been issued by Caltrans and the work is to be completed in May 2014.

In 2013, the Housing and Urban Development Department awarded a \$200,000 community development block grant to CSA 75 to address deferred maintenance. The replacement of valves, installation of an emergency generator and improvements to wet-well covers is currently underway.

At the WWTP, sewage from the force main goes through a solids screening and flow monitoring system to remove large pieces of debris. From there it flows into Pond 2A, where solids settle out. Waste water from Pond 2A flows through a low-flow weir to Pond 2 where primary treatment is accomplished. From there, the treated flow goes into Pond 4 where discharge is accomplished by evaporation and percolation as designed. Ponds 1 and 3 provide reserve capacity, and generally are not in use.

The solar powered equipment in Pond 2A is a Solarbee aerater. It is designed to stir the sewage and increase the available dissolved oxygen in the water, which improves the biological treatment process and reduces the production of undesirable gasses. None of the other four ponds are equipped with a skimmer system.

The entire system has a permitted operating capacity of 100,000 gallons per day.

The earliest available plans that exist indicate that the sewage collection system was already in use by 1963. The treatment ponds were first put into use in 1965 along with the WWTP and the force main. The ponds have a design depth of approximately eight feet, though the depth varies from location to location.

The average annual revenues to operate the Chualar sewer system is \$70,000 per year, while the average annual maintenance cost for normal operation of the system is \$150,000. Insufficient revenue has led to deferred maintenance resulting in several expensive emergency responses in recent years that have skewed the normal cost of operating the system.

FINDINGS

- F1. The two sewage pumps in Chualar are two-three years old.
- F2. From just west of the Highway 101 overpass much of the remaining two miles of pipe is over 50 years old and made of clay pipe and in some instances PVC.
- F3. The clay and PVC pipe from west of the Highway 101 overpass to the treatment ponds are maintained through patching with PVC when there is a break in the line. These breaks in

in clay and PVC pipes happen frequently, as may be expected due to the 50-year-old materials used.

- F4. The treatment ponds are located within the 100-year flood plain of the Salinas River. Overflow of these ponds could cause major environmental contamination of the Salinas River and the Monterey Bay Sanctuary.
- F5. Since 1911 the Salinas River, due to heavy rains, has over-flowed its banks 23 times, the latest being February 1998. This has allowed the treatment ponds to be breached by the River eight times since their inception in 1965. This overflow of the river has caused raw sewage from the treatment ponds to flow into the river and northwest into the Monterey Bay Marine Sanctuary.
- F6. Standing water and the nutrients in the raw sewage in the treatment ponds provide an ideal place for cattails and reeds to grow in or along the banks of the pond. This in turn could provide an ideal place for disease carrying mosquitoes to lay their eggs.
- F7. The Chualar sewage treatment ponds are not within the boundaries of the Northern Salinas Valley Mosquito Abatement District as established by the Monterey County Board of Supervisors in the 1950s. Therefore, any mosquito abatement would have to be provided by the Monterey County Health Department.
- F8. Water recovered from a sewage treatment plant, built in or near the east side of Chualar, could provide a source of an agricultural water supply for the crops grown near Chualar, just as the sewage treatment plant near Marina provides agricultural water for the Castroville area.
- F9. Building the treatment plant on the east side of Chualar would prevent the need to pump raw sewage under the Highway 101 overpass and the train tracks on the west side of Chualar.
- F10. A sewage treatment plant on the east side of Chualar would eliminate the necessity for the pipeline and treatment ponds completely.
- F11. Reuse of this water would reduce the amount of water that is pumped from the underground aquifer for agricultural use. It may also help to possibly reduce salt-water intrusion into the aquifer.
- F12. To enhance CSA 75 revenue, soil removed from the treatment ponds when dredged, could be sanitized and sold for use as commercial fertilizer.
- F13. The deterioration of the Chualar sewage system has a high potential to cause major problems including possible health issues. The system should be replaced as soon as possible.

F14. Through interviews with the Monterey County Public Works Department and its own research the CGJ has determined that, if built today, the cost to build a sewage treatment plant at or near Chualar would be about four million dollars.

RECOMMENDATIONS

- R1. A sewage treatment plant should be built on the east side of Chualar.
- R2. The Monterey County Board of Supervisors should allocate or assist in the raising of the \$4 million it is estimated would be required to build a sewage treatment plant in or near Chualar.
- R3. The Monterey County Public Works Department, Monterey County Health Department and/or the Monterey County Board of Supervisors should request the Northern Salinas Valley Mosquito Abatement District to place mosquito traps in Chualar to determine if there is a necessity to treat the treatment ponds for mosquito larva.
- R4. At a minimum, the pipeline from the Highway 101 overpass to the treatment ponds should be completely replaced.

RESPONSES REQUIRED

Pursuant to Penal Code Section 933.05, the Grand Jury requests a response as indicated below from the following governing bodies:

- Monterey County Board of Supervisors:
All Findings and Recommendations
- Northern Salinas Valley Mosquito Abatement District:
Recommendation: R3

**ALISAL UNION SCHOOL DISTRICT
CREDIT CARD USE**



ALISAL UNION SCHOOL DISTRICT CREDIT CARD USE

SUMMARY

After being apprised by numerous media reports of possible misuse of credit card spending in the Alisal Union School District the 2013-2014 Civil Grand Jury (CGJ) elected to investigate further these reports. The CGJ found that the District has done a good job of establishing procedures and implementing controls of credit card expenditures.

BACKGROUND

The Alisal Union School District is located in east Salinas and serves a population of approximately 85,000 people with five schools under the jurisdiction of the School Board. Several media reports implicated the Board and staff with misuse of credit card spending authority. An investigation by the Monterey County Board of Education found that although there were some questions about several expenditures of a personal nature (which were later repaid), there appeared to be none that were illegal.

INVESTIGATIVE METHODOLOGY

Members of the CGJ met with the Business Manager of the School District to discuss the credit card issue. Two major questions were:

- Had procedures been established?
- Were the procedures implemented and being followed?

FACTS

The Business Manager provided the CGJ with copies of the new credit card procedures and his audit of expenditures conducted since the procedures were implemented. As part of the District's credit card control system only one card is available for use by District staff. This card is controlled by the Business Manager and must be checked out for staff use. This control procedure appears to be working but when the card is in use by one staff member if a need arises for another staff member to use a credit card, then a check must be issued or some other procedures followed to meet the requirements of that staff member. This can cause problems in some cases.

BIBLIOGRAPHY

Alisal Union School District credit card use procedures

Alisal Union School District audit documents and receipts

FINDINGS

- F1. At the order of the Alisal Union School District Board of Directors, new procedures for credit card usage have been developed and implemented.
- F2. These procedures are being followed.
- F3. The CGJ noted that acceptable expenditure levels were not provided to credit card users.

RECOMMENDATIONS

- R1. Additional procedures should be developed to control credit card expenditures, such as having a list of acceptable expenditures with limits, depending on the cost and nature of the expenditures.
- R2. More than one credit card should be made available as needed for staff travel, using the same established controls.

RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests a response as indicated below from the following governing bodies:

- Alisal Union School District Board:
All Findings and Recommendations

**MONTEREY COUNTY WEBSITE — THE PERFECT STORM
INFORMATION ACCESS AND POSSIBLE RE-DESIGN ISSUES**



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MONTEREY COUNTY WEBSITE ISSUES

INFORMATION ACCESS AND THE NEED FOR RE-DESIGN

SUMMARY

On the 21st Century's Internet of People and Things, the Monterey County Government website at <http://www.co.monterey.ca.us/> is the electronic equivalent of the physical doors and windows of the County government offices. When these electronic doors are closed or the windows shuttered, neither the necessary information nor the required communication tools are available to the inquiring public or to County employees.

As Thomas Jefferson perceptively wrote "*Information is the currency of democracy.*" However, in the Monterey County website's present, partially dysfunctional state, many County website users cannot find, nor even become aware of what information is available behind these doors, nor what is required of its citizens by the County. Because of the wonders of modern computer technology, all that should be required of these citizens to use the Monterey County website successfully is Internet access and reasonable typing and simple computer skills.

Yet in the opinion of the Monterey County Civil Grand Jury ("CGJ"), the current website and its various subsections have been, for the past six or more years, in less than desirable condition due to major inconsistencies in access, design, presentation and outdated content. (To avoid confusion, the reader should note that references in this Report to "the website", refers to the Monterey County website, unless otherwise qualified).

The CGJ is aware from its interviews that attempts have been made over the past five or six years to correct the design and content flaws, and that from time to time patches of defective portions have been *and are currently being made*, on an *ad hoc* basis, even as this Report is being completed in the second quarter of 2014. As noted in more detail below, we also know a detailed study of the website design, specifications and standards, to be followed by actual implementation of the significantly revised website, is underway -- with a goal of completion by the end of 2014.

The purpose of this Report is not to criticize past or current efforts, but to point out the approaches we feel are needed to correct, *permanently*, these inadequacies. We also make suggestions and present possible solutions that might assist the County in creating and maintaining a far more useful website for the public *and* for County employees. In the process, we point out other California county websites which, to us, demonstrate much more effective presentations of governmental services and information than the current Monterey County website.

We explain in our Background and Recommendations, below, what we, as users looking for information, see as the current website problems and then we set out our possible solutions to them.

BACKGROUND

The CGJ's interest in this matter was first generated during the second half of calendar 2013 by our own extensive use of the Monterey County website as a means of trying to understand the relationships among different departments and other aspects of our County government. We have also used it to physically locate agencies while trying to identify and contact specific County personnel. Our own frustrating experiences seem a typical example of how a reasonably intelligent person might expect to be able to use the website to obtain contact information and to, for example, understand how to pay fines, tax bills, or generally meet one's obligations to the County.

We found, during the past ten months, that many serious attempted uses resulted in error messages or total lack of information, such as when a user sought to obtain information about County services or to locate phone numbers or email addresses of the County personnel or departments. For example, until we pointed out the errors, the website stated in late 2013 that two of the current members of the Board of Supervisors terms of office had expired in 2012. It also listed one major Department head, who had not been with the County for over three years but was still shown as in that position, among the many other types of factual errors or omissions.

Much of the data in departmental portions of the website still appear to date back as far as 2004, based on copyright and other notices of dates of last revision. Many pages appear, from the errors we found on them, not to have been reviewed since then by departmental personnel. Other sections simply do not appear at all -- except for an error message that the desired section is under revision. The initial opening countywide sections also appear to have major legal deficiencies in the area of required legal notices under current California and Federal Privacy and Data Protection laws.

At present many of the numerous departmental portions or sections of the website appear to be entirely developed and the content provided and maintained by the individual County departments themselves, but without reference to use of any common template or standard. For example, the Monterey County Sheriff's Office has a well-organized and functional departmental set of webpages, but these displays were obviously prepared and coded by a third party contractor, since the colors, theme and entire presentation method is totally different than other County departments. This is not to say that this is wrong or dysfunctional, in and of itself, but merely evidence of lack of any standard template or common rules of presentation followed or expected to be used on all the various County departmental sections of the website.

Furthermore, prospective visitors from outside the County may not accurately learn of the many natural features and events pertinent to our part of California if the website is not well organized. The County, thereby, potentially loses some of the critical economic activity that is part of its citizens' employment opportunities and the sources of tax revenues supporting the governmental agencies.

We are cognizant that a serious cross-departmental study and plan for revision and complete replacement of the entire website look and the information presented is currently underway and is now at the implementation stage. We understand that this effort was spearheaded by the Business Manager of the County Information Technology (IT) Department, working with appropriate IT and Public Information personnel from a majority of the other County departments. This review group of technical personnel has a stated goal of development, design and some standardization of policies relating to the entire website and its various departmental sections by the end of 2014. This commendable effort has already resulted in licensing of much needed third-party Content Management software by which insertion of new materials and revisions of existing information can be accomplished and controlled by the common standards to be enforced.

Unfortunately, from the facts discovered during our investigation, the CGJ still feels that whatever comes out of this current study and new standards may still leave the County with a less than a desirable website and information tool because of a combination of existing budgeting or fiscal policies, and a lack of any on-going central review of how the website sections will appear and work for the user.

We acknowledge, and want to make clear, that there should *not* be central control over what is *said* or *presented* by the various departments. But for ease of use there has to be some means of ensuring that the material posted follows an established common website template and agreed presentation policies, *and* that all website information presented is reviewed and revised for accuracy on a regular monthly or at least quarterly basis by each department. We address these deficiencies and suggest some possible solutions in our Recommendations below.

INVESTIGATIVE METHODOLOGY

In the process of investigating and fact finding for the purpose of these Recommendations, many CGJ members extensively used the Monterey County website to determine how to obtain information from and how to conduct business with the County as the website has existed over a period of the most recent ten months. We also accessed the websites of several other California counties, as described below, both to compare the presentation and interactivity of comparable websites, as well as to see how well they provided the user with desired information and permitted actions such as payments and other means of communication with the various county departments involved. We specifically reviewed the budget aspects of Placer County's website

by studying those provisions related to funding their website versus the present funding used in Monterey County budgets for its IT Department and the website.

We worked extensively with the Monterey County IT Department to determine how the present system is *supposed* to operate and what technical aspects of website operation and design appear to present problems and opportunities at present. We also learned a great deal for our investment in time, with the help of this well-organized Department staff, and we appreciate their assistance. We were impressed with how concerned the IT management is about these problems, how they are seeking cross-departmental input, and how solution-oriented they are.

Finally, we talked to various third party website developers, designers, artists and computer programmers to gain a better understanding of how websites should operate and what issues are likely to arise in this electronic and technical environment. This investigation was done without our disclosure of any current CGJ activities or this Report.

FINDINGS AND CONCLUSIONS

- F1.** We have been advised that the Monterey County website is hosted on the servers at the County IT Department. These hosting costs are borne by the County IT Department. With central direction and input as to the content desired from the County Public Information Officer (PIO), the IT department creates and maintains the home page and initial basic access and design features.
- F2.** Some of the County departments appear to create and maintain their own sections of the website, and some even host those sections elsewhere than on the Monterey County IT servers, at third party sites. The IT department staff of technicians, web developers and graphic artists is available for technical assistance to the County departments upon request, for a fee chargeable to the requesting agency.
- F3.** In our review process of the Monterey County website, we felt it valuable to compare our user experience with that website to our experiences with three other California counties, representing a cross section of size, population and economies. We were also interested in how the website activities were funded. We arbitrarily selected the Kern County, Marin County and Placer County websites as examples. Kern is twice the population of Monterey County but has similar sized businesses and agricultural activities, cities, and large unincorporated areas under county jurisdiction. Marin has half the population of Monterey County and fewer agricultural areas, but has similar major governmental concerns. Placer County was selected since it has nearly the same population, business and agricultural activities as Monterey County and has an excellent, well presented website that we felt Monterey County could learn from by example.

F4. From this review we also learned that Placer County has created, and apparently maintained, an Administrative Services Department, *within which* IT exists as a General Fund Division with responsibility for maintaining and operating the Placer County website. While we do not suggest that the IT department should be part of another larger department, we do think it useful to quote and consider the clear purposes stated in the 2013-14 Placer Proposed Budget. It says:

“In order to maintain the level of service the County provides to its citizens, future investment in technology replacement will be an important consideration for ensuring the County’s continuity of operation. For example, progress on the County’s website redesign and functionality from a Department-centric site to a Public-centric site continues. Last year alone the website had over 2.4 million visits, resulting in more than 7.7 million pages being viewed. The website will focus on helping people accomplish their primary tasks quickly and easily. Content will be consolidated, organized, and user intuitive. Menus and navigation tools will be organized in a way that simplifies the use of the County’s website.”

Page 108.

In our judgment, this budgeting approach, as opposed to Monterey’s Zero-based budgeting, creates an environment that is more conducive of cooperation and consistency of the website because of cost sharing, while this budget method also places on each department content responsibility and determining for itself what the citizens need from it. It allows the website to serve not only the public but also its county employees, in sections of the website created solely for them and not available to the public. On the other hand the Monterey County method of funding costs, quoted on its County website, discourages this cooperative environment.

F5. The Monterey County Budget 2013-14 document describes the current method of funding the Information Technology Department (“ITD”) as follows:

“ITD is a zero General Fund Contribution department where its budget is solely based on the revenue generated through the services rendered to its clients.”

F6. We also feel that the Marin and Kern county websites are more representative of what the CGJ believes the Monterey County website should look like and how it should function, once some standard principles of development and operation, and rules for responsibility for information accuracy, are adopted and applied. We acknowledge that this will take considerable time and patience on the part of the many people and departments involved.

RECOMMENDATIONS

R1. This CGJ is not an advocate of complex sets of rules and procedures imposed on each of the County departments and agencies, since this creates time consuming and expensive

requirements that makes government less responsive to its citizens. However, in this situation there needs, at least, to be: (a) a commonly agreed upon set of written principles governing the creation and design, information presentation and templates to be used; (b) a provision for review by some designated party, such as the IT website head, for compliance before posting of new sections; and (c) a requirement that each department regularly review, and correct errors, in those materials that have been posted for accuracy and currency of the information. These principles need to be worked out by a representative committee consisting of managers of IT functions in each department, and the CAO or one of his deputies, and chaired by the IT department representative who is most likely to have the technical expertise necessary.

- R2. The guiding principle should make clear that it is up to each department to decide what public information *about its operations* is relevant and useful for posting. This then places the responsibility on departmental management for their portion of the County website. There is, however, certain minimum information that should always be there -- such as listing department functions and services available to the public, contact information in the form of telephone numbers and at least one central email address to reach the department, physical addresses of facilities, and perhaps a location map. Most departments should also list the names and functions of its personnel so the public can ascertain whom to contact within a given group.
- R3. In order to create and operate a departmental section of the website, these rules need to provide permission for each department to contract out the development and/or operation of their section of the County site where necessary or more cost effective, but that any such development/operation entity contractually be required to conform with the template and technical specifications adopted by the website study committee. The contracts entered into with third party developers must also obligate them to follow the County general website rules and procedures, including Privacy and Data Breach laws as previously established by County Counsel and the IT department for protection of the County and its citizens.
- R4. These rules should specify that the IT department, on behalf of the County, has the right to examine all developed materials and changes, other than merely updated data, *prior to posting or use*, and to certify or reject the proposed materials and changes for failure to comply with the common standards. New materials or sections that do not comply may need to be modified. In order not to delay important changes, time limits for review and compliance need to be established.
- R5. In all instances of development and operation of the various departmental website sections, including the initial entry page to the website, careful consideration needs to be given to compliance with the multitude of Federal and State Privacy and Data Breach laws. The cost of non-compliance in the form of penalties, fines and class action litigation

that might be incurred can be significant, to the point that in worst case situations, a major data breach of the County website and/or the IT department could bankrupt the County. We therefore suggest that a standing procedure for regular consultation with County Counsel be established, so that Counsel is aware of what legal notices are posted, what third party development and operation contracts exist or are contemplated, and that the departments are promptly apprised of the continual changes in these complex Privacy laws.

- R6.** Finally, we believe that the Board of Supervisors and the CAO should consider changing the current Zero Basis Budgeting of the IT department, for its duties involving website presentation and development, by adopting the so-called Enterprise Funding method. Under this method, each department would be required to pay at least a portion of the cost of development and of changes to the ITD for each budget year (based on head count). This would ensure a stronger financial incentive for the County Departments to work with the IT department rather than with outside developers. In addition, in most cases it makes no sense for the various departments to electronically host their own sections of the website or to contract out such duties to third party vendors. It is also far more cost effective to have the IT department serve as the central contact point for the website and to have the obligation of maintaining the initial, opening pages, which pages likely have general comments on how the County is organized, much of which information will likely be provided by the CAO and the County PIO. (See, the example above of how the Placer County website handles this.)

RESPONSES REQUIRED

Pursuant to Penal Code Section 933.05, the CGJ requests Responses to *all* Findings and Recommendations from the following governing bodies:

- The Board of Supervisors of Monterey County

**PUBLIC SAFETY AND COST REDUCTION CONSIDERATIONS
IN THE MONTEREY COUNTY SUPERIOR COURT
CRIMINAL ARRAIGNMENT PROCESS**



Photograph by Scott MacDonald. Used with permission of the *The Californian*.

**Public Safety and Cost Reduction Considerations
In the Monterey County Superior Court
Criminal Arraignment Process**

SUMMARY

The Monterey County Superior Court and the Monterey County Jail (“Jail”) are no longer co-located, as they were for many years before the new North Wing Courthouse building and the new Jail were constructed. The Jail is over two (2) miles from the downtown Courthouse. As a result, the current procedure for Superior Court criminal arraignments requires the physical transport by the Monterey County Sheriff’s Office of all incarcerated prisoners from the Monterey County Jail to the Superior Court courtrooms in downtown Salinas. There is also a similar issue concerning transport of some incarcerated felony prisoners, who may have also been charged with traffic infractions, that requires their movement from the Natividad Jail to and from the Traffic Court in Marina for arraignment.

Any such transportation of inmates involves potential security issues such as escape attempts, attempts to separate and injure inmates, or fights occurring among the inmates, while in transport. The current procedures appear to be unnecessarily costly because there are less expensive alternatives available.

It is the belief of the Monterey County Civil Grand Jury that both issues could be minimized, if not eliminated, by cooperation between the County, Sheriff, and the Superior Court in planning and developing an Arraignment courthouse facility built next to the Jail on the Jail land. There is an alternative possibility of seeking State legislation to allow video appearances for felony arraignments at the existing jail facilities, linked to the several Monterey courts in order to conduct the appearance, which is also considered in this Report. Existing law already allows misdemeanor video hearings.

BACKGROUND

A. The State-funded Monterey Superior Court system is independent of the County of Monterey, although the Court routinely works cooperatively with County departments on many matters of mutual public interest. This Civil Grand Jury has no jurisdiction over the Monterey Superior Court system except to make suggestions which may involve Court interaction with these various County departments.

B. We understand that in 2011 AB 118 codified how State funding for Court security *and* transport of prisoners to and from various locations is handled and paid for under most circumstances. Under current law the State allocates an annual calculated sum for such costs to

the Monterey Sheriff's Office, instead of sending these funds direct to the Superior Court to cover these Court costs. For the coming fiscal year 2014-2015 this is projected to involve funds of over \$4 million to be provided the County Sheriff's Office. Planning for and actual use of these funds makes the interaction and cooperation between the County Board of Supervisors, the Sheriff and the Superior Court Executive Offices all the more important and necessary, because the State bases the funding on information provided to it by these entities.

C. The Sheriff's Office maintains nine special, secured vans and three buses primarily for use in transporting prisoners to and from the Courts and to other required locations. The operation of these vehicles involves assignment of about ten sworn officers to this duty, although not all such deputies are on shift at any one time. Most such daily transports involve carrying a group of no more than thirteen inmates, and often less, in each van, and up to forty-five on the buses. Special vans are needed for mobility impaired prisoners in some cases. As an example of these significant transport costs, we note that due to recent State of California major budget cuts for the California Courts, the Monterey Superior Court was forced to order the closing of the King City Superior Courthouse and its related facilities. This closing resulted in over \$200,000 potential annual cost-savings to the Sheriff's Department which sum was formerly used for transporting prisoners and for services of deputies as bailiffs in the King City courtrooms. Some of these "saved" funds have since been used for the Sheriff's Department Court security operations including re-assignment of deputies to other more critical law enforcement duties and the assignment of more bailiffs to provide better security of prisoners when in the Courtrooms, and during transports for arraignments and for other required Court hearings.

D. Due to two important fairly recent events, the Superior Court, the County Supervisors, and the County Sheriff's office now have an unusual opportunity to implement policy, procedures and new technologies to achieve several significant benefits:

(i). Commencing October 1, 2013 an organizational change by the Superior Court management resulted in establishment of what is known as "Department 11" of the Court, the sole function of which is to consolidate and handle *all* criminal arraignments for the Monterey County Superior Court system into that one courtroom and before its assigned judge. A major purpose of this change is to create Court efficiencies, consolidation of Court resources, and to provide an environment for early resolution of criminal cases at the initial arraignment proceeding. Early resolution can reduce the need for subsequent trials thereby saving the Court and the County Sheriff the significant costs incurred if and when a full criminal trial were actually necessary. In addition, it decreases the inmate population at the Jail, otherwise being held for trial. At the time of release of this Report, in the second quarter of 2014, Department 11 was operating very successfully toward its several objectives, according to the Executive Offices of the Court.

(ii). The County Board of Supervisors has now allocated the required local \$7.87 million funding match required to obtain \$80 million in AB 900 jail construction funds. These funds will be used to construct a planned 576-bed addition to the existing Jail on the Natividad site.

E. We have been advised that jail addition plans have been completed and are working their way through the environmental review process, with ground breaking currently anticipated in 2015. Due to restrictions on AB 900 funding the County is, at this point, unable to develop or modify the previously approved rough designs and construction plans in order to accommodate a fully equipped Arraignment Courtroom and related facilities *within* this new Jail addition.

F. However, the Grand Jury believes a Jail Arraignment Courtroom at the Jail site should be considered, which courtroom can then be used, either full-time or part-time, to allow other uses of the space. Actual use would depend on the nature and level of charges against the prisoners involved and how many prisoners were being arraigned on any given day. Significantly, the co-location of this courtroom at or adjacent to the Jail would eliminate almost all situations where the transport of prisoners would be needed for initial court proceedings. There are, of course, other reasons a prisoner still has to be transported to court at the later stages of the trial process if a trial takes place.

G. The actual physical process of arraigning prisoners in the Arraignment Courtroom is handled differently in various jurisdictions, but primarily depends on the distance from the jail to the arraignment locale and the nature of the inmate population. California Penal Code 977 allows some misdemeanor court appearances to be completed via video systems installed at the Jail and in the courtroom at the actual Courthouse. So, as one alternative to a co-located arraignment courtroom, the County and the criminal Courts *could* provide for creation of a video arraignment facility at the Jail which, would take less space than a full courtroom. If this were desirable, the Monterey County legislative delegation could be approached to seek legislation allowing felony arraignments and appearances by video, similar to those proposed to be permitted in AB 2397, as introduced by Assembly member Frazier.

INVESTIGATIVE METHODOLOGY

Research on the Internet by Grand Jury members revealed that the misdemeanor arraignment process used by some California counties is solely a closed circuit TV (CCTV) system between their jails and courthouses. Examples of use of this alternative system exist in California in Alameda County and Orange County. Both these counties claim this method is cost effective and minimizes public safety issues inherent in the physical transfer of prisoners from one remote location to another. Further, other examples exist as where the State legislatures of Michigan and North Carolina have enacted specific statutes providing for CCTV use in their courts. Our investigation here is predicated on *both* the Cost Savings issues and the Public Safety issues;

although there are reasons the CCTV method is a less valuable solution versus creation of the Jail site arraignment courtroom. We also reviewed the various Penal Code provisions relating to video arraignments – principally Penal Code §977.

During this investigation the Grand Jury interviewed key personnel of the following stakeholders associated with the arraignment process:

- 1) The Monterey County Superior Court and its Executive Offices
- 2) The Sheriff's Department
- 3) The County District Attorneys' Office
- 4) The County Public Defenders' Office
- 5) The Contracted Alternate Public Defenders' Group
- 6) The County Probation Department

Grand Jury members also visited the new Department 11, Arraignment Court in Salinas, in order to observe its actual procedures during both misdemeanor and felony hearings, which take place in the morning and afternoon, respectively.

The following documents were also relied on to support our Recommendations:

- 1) Previous CCTV proposal dated 2011 from the Monterey Superior Court.
- 2) Cost savings report by the County Sheriff's Department on the closing of the King City Court several years ago for budgetary reasons.
- 3) The Feasibility study of a Video Arraignment System for Yellowstone County, Montana by American University, Washington, D.C.
- 4) Monterey County Strategic Initiatives and Key Objectives approved by the Board of Supervisors in 2013.
- 5) Proposal Submitted by Polycom for a CCTV system between Marina Traffic Court and the County Jail Arraignment Facility (dated 12/04/2013).
- 6) In addition, valuable information in the form of recently compiled data and statistics concerning the number and nature of recent arraignments and criminal trials, as well as the sources of funding for prisoner transport, was provided the Grand Jury by the Executive Offices of the Superior Court in various emails and clarified during several in-person interviews.

FINDINGS AND CONCLUSIONS

F1. Virtually all of the personnel in the Agencies and Departments we interviewed either concurred in principle or fully agreed with our Grand Jury Recommendation that an Arraignment Courtroom facility should be provided either as part of the expanded Natividad Jail facilities, or immediately adjacent to it, so that all the Arraignment

hearings for incarcerated prisoners can be conducted on the grounds of the Natividad site of the Jail.

F2. The recent establishment of Department 11 Arraignment Court by the Monterey Superior Court has made these Recommendations a near perfect solution for both the County and the Sheriff, as well as for the County taxpayers, and for the State which funds much of this security process. There are also potential financial and operational benefits to the Superior Court, itself, which benefits can be enhanced by careful joint planning of this proposed new facility, and its future operation, by all concerned.

F3. The Sheriffs' Department is in a unique position to benefit from incorporating an arraignment courtroom co-located at the Jail. Once the new Jail addition is built and occupied, there may eventually be more prisoners held in the Jail which increase will undoubtedly result in a larger number of required arraignment hearings. Additional prisoners at the Jail will otherwise create an immediate need for more prisoner transports and increased security concerns, if there is no Arraignment Courtroom on site.

F4. The Superior Court and its Department 11 would also benefit by having a more flexible scheduling agenda for Arraignment hearings, which can even be shared with its Traffic and Misdemeanor Court facilities, as a logical way to avoid transporting incarcerated prisoners for cases involving relatively minor infractions and misdemeanors.

F5. The consolidation of all these outstanding in-custody inmate cases to the one onsite courtroom would reduce the distance and risks of the present process of transporting felons, where appropriate and agreeable to the parties. Alternatively, an interim installation and lease of CCTV facilities at the Jail and the Marina Traffic Court could also save costs and risks. Accordingly, these alternatives for the Traffic Court could be considered, if an arraignment facility at the Jail were planned to be used only by the Superior Court.

F6. Reducing the transportation of prisoners to and from the Natividad Jail to the Salinas Courthouse each year for brief Arraignment hearings is of obvious benefit to public safety. Such changes would mean that there is far less chance of an escape, or efforts to escape, and may reduce violence or injuries from altercations between inmates during transport. While such events are not common, reducing even the possibility is very important to the Public and the County.

F7. Any effort to quantify the *specific* financial savings to the County and the Courts by adopting the Recommendations is a more difficult process. Nonetheless, there are several aspects of this proposed change that show the likelihood of major financial savings even if not a specific amount. With all the pressures on cutting budgets at all levels of

government this could help reduce costs over the next many years without the necessity of laying off badly needed Sheriff's Department law enforcement personnel.

F8. However, we do recognize that even if all arraignment proceedings were moved to the proposed Court Arraignment facility at the expanded County Jail, the Sheriff's Office will still have to transport a number of prisoners daily to the Salinas Courthouse for the actual Court criminal trials, as well as for all the attendant pre-trial and other case related hearings and appearances. There appears to be no other alternative to this.

F9. If we assume, for example, a reduction of two full-time deputies because of the proposed change in transporting prisoners, this *could* reduce salary and benefit costs by more than \$200,000 per year, plus eliminating significant vehicular operational costs for fuel and wear and tear and the carbon emissions associated. Each trip avoided saves a 4+ mile roundtrip to and from the Salinas Courthouse. Some of the current contingent of personnel and vehicles will, of course, still need to be used for transport and backup of other Sheriff's Office activities, and deputies are still going to have to escort prisoners from their cells to the Arraignment courtroom. Yet, based on data provided to the Grand Jury by the Executive Offices of the Superior Court, it is clear that the actual number of prisoners would be reduced from the large number presently being transported.

F10. The Superior Court Executive Offices have advised the Grand Jury that the actual total number of Arraignment Hearings in Department 11 during the last three calendar months of 2013 was 2,885 cases – with 1,043 such hearings during October, 929 in November and 913 in December. Such statistics for a longer period would also give more conclusive evidence of the reduction involved, but were unavailable to us at this time. It should be understood that these figures include some out-of-custody defendants who do not normally have to be transported, and that these numbers reflect only the number of cases, and not the number of defendants appearing for a particular case. Some defendants may have multiple cases against them, each of which is treated as a separate arraignment matter. Misdemeanor cases seldom involve transport of the defendants because most are released after citation, while felony cases almost always involve arrest and incarceration. Nonetheless, on a projected annualized basis, this data projects out to a total of 11,540 required Arraignment hearings per year.

F11. Examination of those Superior Court statistics against further Court data indicates that during the period of October 2013 through the end of December 2013, there were a total of only 18 actual criminal trials at the Salinas Courthouse – 10 of which were felony trials while 8 were misdemeanor cases. These trials and all the pre-trial hearings before the trials almost always mean daily transports back and forth, day after day, for many days during the actual trial.

F12. Assuming that these statistics were to be typical year to year, and although they undoubtedly would vary month to month, this means that the number of transports which would be needed, if there were a Sheriff's Natividad Jail Arraignment courtroom, is far smaller than at present by a significant reduction of prisoner transport trips. This is a ratio of 72 annual criminal trials to 11,540 annual Arraignment hearings. Thus, the potential reduction of the number and costs of such Sheriff transports for arraignments is significant when viewed in this light. As noted above, there are still going to be some cases of need for transporting prisoners in case of appearances and hearings occurring *after* the initial arraignment has taken place.

F13. County and/or State/Superior Court capital funds would likely be involved in the cost of planning and the actual construction of the proposed Arraignment Courtroom, but it would seem that amortization of any such courtroom construction costs over a twenty five year life, and the location of the new Arraignment courtroom, as an example, would still show a significant savings to the State, the Sheriff's office, the County and its taxpayers. There are also other long term financial implications to both the County and the Superior Court because of the normal operating costs of Department 11 at the Natividad Jail; however, similar operating costs already exist for the present Department 11 courtroom. Any added operating costs to the Superior Courts are also offset, by the Court being able to make available the use of the existing Department 11 courtroom at the Salinas Courthouse for other types of hearings and trials by the Courts. According to the Executive Offices of the Court, there is presently a serious shortage of courtrooms there, which would become even greater were all the present authorized vacancies of judges to be appointed by the Governor.

F14. If the Grand Jury correctly understands the existing practices of the State of California (which effectively provides the funding for construction of all Courthouses), the State requires that the State own the land and the building for each of its courthouses. Therefore, the County and the Sheriff will need to verify the feasibility of this aspect and find a mutually acceptable approach to this factor, since the County currently owns the land around and under the proposed Jail courtroom. It is also possible that with special legislation introduced in the Legislature, the State might fully fund the construction of this special courtroom, as it already does for regular courthouses in other counties. This aspect of funding should be explored further with the Monterey County State Legislative delegation.

RECOMMENDATIONS

R1. A new Natividad Jail *site* plan should be developed that incorporates a fully equipped Department 11 Arraignment Courtroom on site and adjacent to the Jail, with appropriate and mutually agreed upon support amenities for staff offices and counsel conference facilities.

R2. The Superior Court, the Board of Supervisors and the County agencies and their department heads (most notably the Sheriff and DA) involved in the arraignment process should promptly have their representatives meet with the Monterey County CAO to determine the desirability, feasibility and means of accomplishing these Recommendations, including identifying possible funding sources to co-locate a courtroom at the Jail. Furthermore the Board of Supervisors and Superior Court should take into consideration the various other factors discussed in this Report, in order to reach a prompt and conclusive decision to move forward.

R3. Once the Board of Supervisors and the Court have preliminarily agreed on sources of funding and the need for the creation of the necessary facilities to operate Superior Court Department 11 at the Natividad Jail, the County Administrator, in conjunction with the Public Defender, District Attorney, the Sheriff and the Superior Court Executive Offices, should commence the detailed planning process, including aggressively pursuing the most likely and successful source of the construction funding.

R4. For the present time, these same parties might consider, as part of this same planning activity, providing for a temporary inexpensive closed circuit television (CCTV) system connecting the Traffic Court and the existing County Jail for the purpose of misdemeanor arraignments and traffic hearings; at least until the new Natividad Jail arraignment courtroom is made available for operation which likely would not be operational for several years. We do not, however, recommend the CCTV approach except as a necessary alternative because it is not consistent with the concept of encouraging early resolution of cases, in that it is difficult with CCTV to have counsel for the prisoners at the same location so they can discuss the possible pleas or settlement proposals to be made, if counsel and the prisoner are not both at the Jail.

R5. In the meantime, we recommend that the Court and the DA should encourage the voluntary transfer of all the Marina Traffic Court arraignments involving incarcerated prisoners to the Salinas Misdemeanor Court, with consent of their legal counsel, so a major portion of the transport costs and security issues of those prisoners currently required to be transported to the Marina Traffic Court can be eliminated.

R6. The Marina Traffic and Salinas Misdemeanor Courts could eventually use the proposed Arraignment Courthouse at the new Jail for all incarcerated prisoners within their jurisdictions. In the interim, Recommendations R4 and R5 would reduce transport costs and public safety. However, this particular additional use of the Jail facility should be worked out so that it does not interfere with the Department 11 misdemeanor and felony inmate case arraignments, which are the primary and most important purpose of these Recommendations.

R7. If the participants in this planning and implementation process feel that use of the Jail site courtroom by the Traffic Courts is inconsistent with the primary use by the planned Department 11 arraignment operations, prompt action should be taken to encourage use of one of the two other alternatives, discussed above, concerning the Marina Traffic and the Salinas Misdemeanor Courts.

R8. Finally, the CAO, the Superior Court Administrative office, and the Sheriff's Department should promptly investigate how to apply to the State for a further grant for the costs of planning and constructing the proposed on-site Arraignment Courtroom facility and adjoining conference and office facilities. If special legislation appears necessary, the parties should then promptly seek the assistance of Monterey County area State legislators since without funding this proposal, however valid, will go nowhere.

RESPONSES REQUIRED

Pursuant to Penal Code Section 933.05, the Grand Jury requests Responses to *all* Findings and to those Recommendations *as indicated*, from the following governing bodies:

- The Board of Supervisors of Monterey County – R1 thru R8

The following elected individuals:

- The Sheriff of Monterey County – R1 thru R8
- The District Attorney of Monterey County – R1 thru R7

And By Way of Voluntary Responses:

- The Grand Jury also respectfully invites The Executive Offices of the Monterey Superior Court, should it be so disposed, to respond to any and all of the Grand Jury's Findings and Recommendations in so far as they contemplate cooperative decision making on the desirability of such facilities, the design and construction plans, and on subsequent cooperative operation and scheduling of the Jail Arraignment facility and any related issues.

**MOSQUITO ABATEMENT
IN MONTEREY COUNTY**



Mosquito Abatement in Monterey County

SUMMARY

Mosquitoes are an acknowledged public health threat, but it appears that unless there is an outbreak of disease, the public is not aware of the threat nor the measures that need to be taken to prevent and control outbreaks of mosquito born diseases. These diseases are debilitating and sometimes deadly to humans and animals.

The US Center for Disease Control (CDC) states that more than 30,000 people in the United States have been reported with West Nile virus disease since 1999, and of those almost 13,000 have been seriously ill and over 1,200 have died. Many more cases of illness are not reported to CDC, but it's likely that more than 300,000 people from almost every state have been sickened in the 12 years since West Nile virus came to the United States. In 2010, the California Department of Public Health released a report "The Best Management Practices for Mosquito Control in California" that summed up the situation in our state:

"California has a long history of mosquito borne diseases. Measures were first developed in the early 1900's to combat malaria and other diseases and to reduce populations of nuisance mosquitoes. Currently there are 12 mosquito borne viruses recognized in California, however only West Nile virus (WNV) and Saint Louis encephalitis (SLE) are significant threats to public health. Global trade and travel will continue to provide an avenue for introducing or re-introducing other mosquito borne pathogens and their vectors into California and the United States. The diseases of greatest concern include: Japanese encephalitis, dengue, yellow fever, Rift Valley fever, Chikungunya, Venezuelan encephalitis and malaria."

More recently the California Mosquito & Vector Control Association (an Association of California Mosquito and Vector Control Agencies) discovered that there are two new invasive mosquito species now found in California. New types of mosquitoes are making it more complicated for mosquito control districts to protect the public from the biting insects. At the same time, counties in nearly every region of the state are reporting the now familiar West Nile virus activity, including confirmed fatalities, as well as both mosquitoes and birds testing positive for the disease. (See Ex. A. *Aedes albopictus* and *Aedes aegypti*)

The 2013/14 Monterey County Civil Grand Jury decided to examine what Monterey County and the Northern Salinas Valley Mosquito Abatement District (hereinafter "District") are doing today to deal with mosquitoes, the level of public awareness of these activities, and what the future of mosquito abatement might look like in Monterey County. The following report is a result of the

Grand Jury investigation of the status and activities of the District and the Monterey Department of Health mosquito abatement program.

The District covers the Northern part of Monterey County, was created in the 1950's, and is funded by an ad valorem property tax and a parcel tax of \$5 per parcel. This assessment is part of the property tax bill for residents within the District boundaries (Ex. B map of the District). The parcel tax provides \$371,000 to the District each year, a significant part of their budget. The total 2013-2014 budget for the District is \$1,365,993. The District spends approximately \$740,472 on salaries and benefits, \$488,200 on services and supplies, \$8,000 for the West Nile Virus Lab, and \$60,000 on fixed assets with a reserve fund of \$40,000.

Mosquito control work in Monterey County is primarily done by the District, not the County, even though the District only covers north Monterey County. The District has assisted some areas outside of its boundaries, however, the majority of the County has no current mosquito abatement program, regular abatement activities, equipment or staff dedicated to mosquito control and eradication.

Unfortunately even the existing abatement activities provided by the District may not continue. The parcel fee assessed on real property within the District to support abatement services within the District is scheduled to sunset in 2016 unless renewed by District voters. Currently the District has prepared a mail ballot directed to property owners in the District. The purpose of this ballot is to determine whether or not to extend the parcel fee. The ballot was mailed March 15, 2014 and the results were tabulated during a public forum on April 29, 2014 and released at a public meeting on May 13, 2014.

If District voters fail to pass an extension of the parcel tax, mosquito abatement activities will not be continued at the current level, even within the District. There will be a lesser ability to provide assistance with requests for help with mosquito problems throughout the County. The Grand Jury believes that these services are important to public health and should be provided at the current level, not only within the current District, but throughout Monterey County.

INVESTIGATIVE METHODOLOGY

The investigation of this District was conducted through interviews of representatives from: LAFCO, Northern Salinas Valley Mosquito Abatement District Board and staff members, Monterey County Health Department, and the Fresno Westside Mosquito Abatement District. Grand Jury Committee members also performed background research using the District website, Vector control websites, CDC, and sites specific to mosquito and mosquito control. We reviewed the Monterey County Health Department West Nile Virus and Mosquito Vector Borne Disease Response Plan July 2004, and other written materials provided by the District.

FACTS

The District was established in 1950 and covers 458 square miles. It was created because of mosquito proliferation around the Elkhorn Slough, it has a current staff of 6 people, reduced from 13, and is governed by a Board of Directors that is appointed by each city council from the cities within the District. The Monterey County Board of Supervisors appoints members to represent the unincorporated areas of the county that lie within the District.

Mosquitoes carry West Nile Virus, and many other diseases that affect humans as well as some diseases or conditions that affect animals (ex. heartworm in dogs and equine encephalitis in horses). Unfortunately a very dangerous, aggressive and disease carrying mosquito, “*Aedes aegypti*” has now been found in San Mateo County, and the District is in contact with that County to track the spread of this species in California. Three primary diseases carried by this new species are Yellow fever, Dengue and Chickugunya.

The primary daily activities of the District involve source reduction, weed abatement and mosquito control. The District is also involved in responding to service calls, eradication, monitoring, trapping mosquitoes, raising and providing mosquito eating fish to individuals and public agencies. They also maintain two “sentinel” chicken flocks to help detect the presence of West Nile virus. These are pro-active activities to prevent disease and the spread of disease within the District. Monterey County Health Department does not have a formal mosquito abatement program so the majority of the County must rely on the good will and cooperative nature of the District Board and employees if mosquito problems need to be addressed in areas not within District boundaries.

The Federal Clean Water Act requires States to develop and implement non-point source pollution management programs. California has law and regulations to comply with this Federal mandate. Developers, road builders, and individual construction activities now build “storm water holding ponds”. Standing water is the breeding ground for mosquitoes; it is reasonably foreseeable that additional mosquito activity could result from the creation of these ponds as construction projects occur throughout Monterey County.

FINDINGS

- F1. Mosquitoes in Monterey County carry diseases that can infect humans and animals, including but not limited to West Nile virus and equine encephalitis.
- F2. The requirements for construction of holding ponds, continuing and growing irrigation of vineyards and other agricultural crops in the County create mosquito breeding locations.

Additionally, with a growing population, global trade, and tourism, new mosquito species traveling into new regions, present an increasing potential for humans and animals to contact mosquito borne disease throughout Monterey County.

- F3. Coordination and communication between the District staff and the Monterey County Health Department staff has been infrequent, somewhat limited to instances of disease out-breaks. A large working group of stakeholders was established during the West Nile outbreak in 2004 but it no longer meets on a regular basis.
- F4. The District has a competent and hardworking staff but unfortunately the public does not seem to be aware that the District exists, what they do or why it is important that mosquito abatement activities continue. Preventing disease simply does not attract public notice, active support or media attention, although it is the most cost effective measure for preventing disease, human misery and death.
- F5. Should the proliferation of mosquitoes and mosquito borne disease increase, it will not only have an impact on the health of residents but will also negatively impact tourism thus affecting the whole economy of Monterey County.

RECOMMENDATIONS

- R1. County Board of Supervisors, The District, and the Monterey County Health Department should work together to develop a coordinated plan for mosquito control, including a budget for countywide mosquito management, whether the parcel tax passes or does not pass.
- R2. The District and the Monterey County Health Department should establish regular and routine communication regarding mosquito abatement and control issues. They should work to find ways to maximize resources of both groups to broaden the reach of mosquito control throughout the County when possible.
- R3. The Northern Salinas Valley Mosquito Abatement District Board should allocate resources to public information and outreach, including but not limited to; managing the website, social media and written materials explaining the role of mosquitoes in human and animal disease and the resources available to members of the public trying to control mosquitoes on their own property.
- R4. The District and Monterey County Health Department staff should mutually and quickly explore and report on a path to extend the mosquito abatement activities throughout the County and report their findings to the Board of Supervisors.

RESPONSES REQUIRED

Pursuant to Penal Code Section 933.05, the Grand Jury requests a response *as indicated* below, from the following governing bodies:

- Northern Salinas Valley Mosquito Abatement District and the District Board of Trustees:
All Findings and Recommendations
- Monterey County Board of Supervisors:
Findings: F1, F2, F3, F5 and Recommendations: R1, R2, R3, R4



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HD News and Events HD Public Health News PH Communicable Disease News **Aedes albopictus and Aedes aegypti Mosquitos**

WEDNESD

AEDES ALBOPICTUS AND AEDES AEGYPTI MOSQUITOS

LAST UPDATED ON MONDAY, OCTOBER 21, 2013. FIRST PUBLISHED ON MONDAY, OCTOBER 21, 2013.

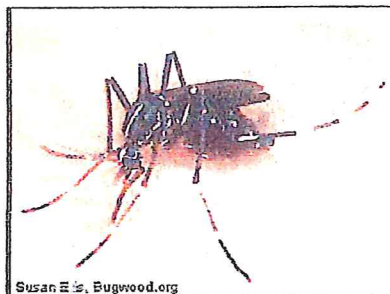
Aedes aegypti is an aggressive, day-biting mosquito and has the potential to transmit several viruses, including dengue, chikungunya, and yellow fever. However, none of these viruses are currently known to be transmitted within California. The eggs of the *Aedes aegypti* mosquito have the ability to survive being dry for long periods of time which allows eggs to be easily spread to new locations.

Aedes albopictus probably was introduced into Hawaii late in the last century from Asia. Until its discovery in Houston, Texas, in August 1985, this species was unknown in the New World. By 2000, it was believed to be established in 866 counties in 26 states in the continental U.S. *Aedes albopictus* is most well known for transmitting dengue and chikungunya viruses, but it has also been found infected in nature with West Nile, Eastern equine encephalitis, and Japanese encephalitis. It can also transmit dog heartworm parasites.

Aedes aegypti has been detected in the California counties of Fresno, Los Angeles, Madera, and San Mateo. While neither of these mosquitoes have been detected in Monterey County, public health officials urge residents to apply repellents containing EPA registered ingredients such as DEET, picaridin, oil of lemon eucalyptus, or IR3535 to exposed skin and/or clothing (as directed on the product label). Wear long sleeve shirts, long pants, socks and shoes when mosquitoes are most active. Be sure window and door screens are in good repair to prevent mosquitoes from entering your home.



Aedes aegypti



Aedes albopictus

Susan E. S. Bugwood.org

LINKS TO MORE INFORMATION ON THE INTERNET:

- [North Salinas Valley Mosquito Abatement District](#)
- [Centers for Disease Control and Prevention](#)

READ MORE ABOUT IT IN THESE RELATED ARTICLES:

- [Dengue Frequently Asked Questions](#)
- [Monterey County Health Officials remind residents to protect themselves from mosquitoes](#)
- [West Nile Virus: What you need to know](#)
- [Yellow Fever Frequently Asked Questions](#)

THIS ARTICLE IS REFERENCED IN THESE TOPICS:

- [Dengue](#)
- [Yellow Fever](#)
- [Mosquitos](#)

OPERATIONAL UNITS ASSOCIATED WITH THIS ARTICLE:

- [Communicable Diseases](#)
- [Environmental Health Bureau](#)

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- [Communicable Disease News](#)

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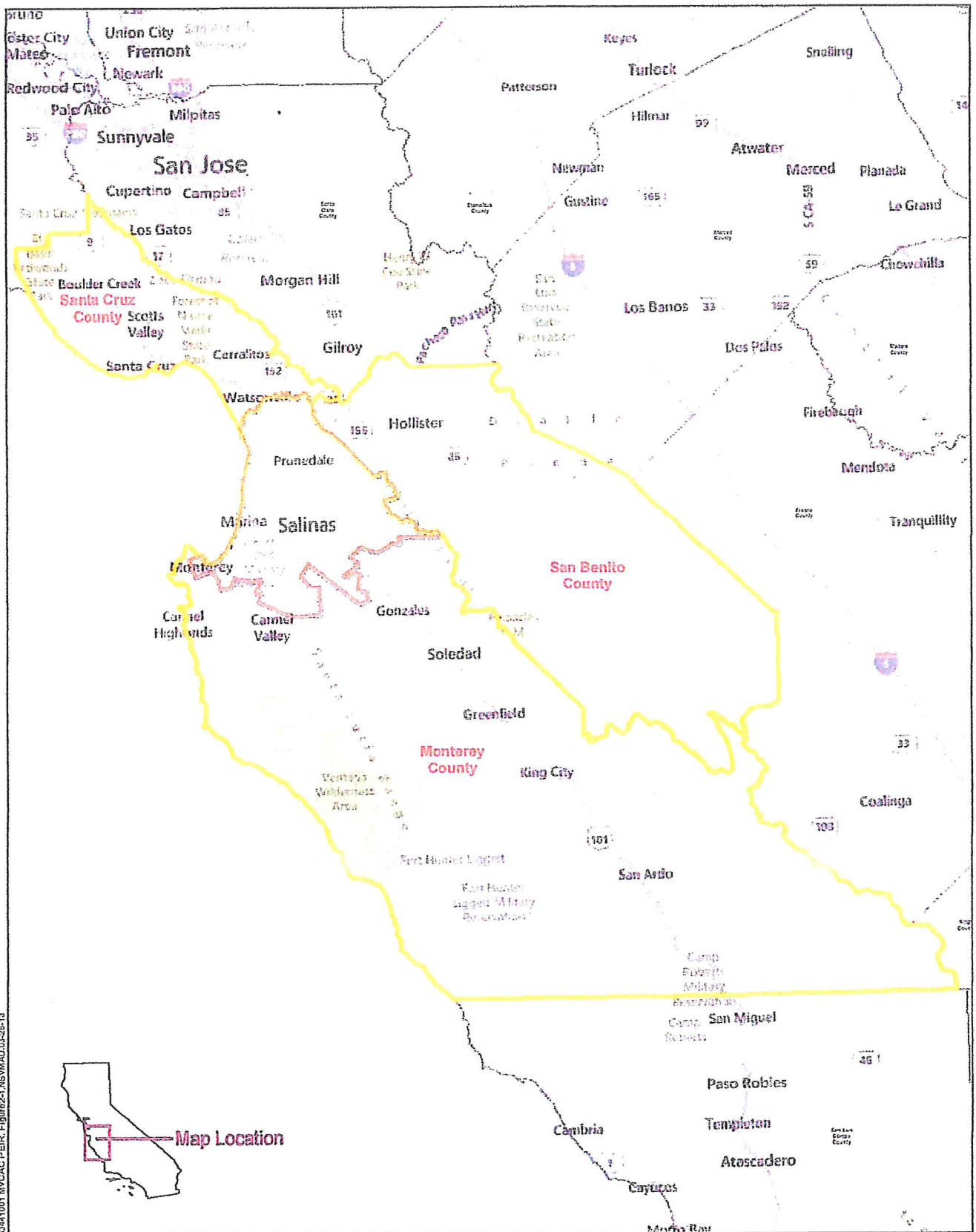
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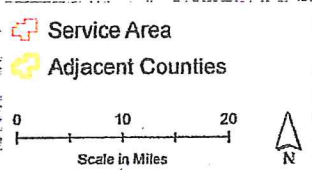
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Source: Cardno ENTRIX, 2013



INTEGRATED MOSQUITO MANAGEMENT PROGRAM

Northern Salinas Valley Mosquito Abatement District
 Figure 2-1 - Program Area

**LAW ENFORCEMENT SPECIAL WEAPONS AND TACTICS
TRAINING IN MONTEREY COUNTY**



Photograph copyright 2012 by Joe Reifer. Used with permission of the Fort Ord Reuse Authority.

LAW ENFORCEMENT SPECIAL WEAPONS AND TACTICS TRAINING IN MONTEREY COUNTY

SUMMARY

In this report the Monterey Civil Grand Jury investigates the lack of appropriate training facilities for SWAT and related law enforcement activities in Monterey County and the use of the Military Operations on Urban Terrain (MOUT) facilities at the former Fort Ord to provide law enforcement agencies with additional possibilities.

BACKGROUND

Several law enforcement agencies within Monterey County employ Special Weapons and Tactics (SWAT) teams. Some of these agencies are the Monterey County Sheriff's Department and the Salinas Police Department. Additionally the Monterey County Sheriff's Department has a bomb disposal unit. Other law enforcement agencies within Monterey County depend upon the Sheriff's Department to provide for SWAT and bomb disposal services when needed. However, many of the Cities within Monterey County provide sworn officers to assist SWAT in their duties. None of the law enforcement agencies within the County have the capability to provide an in-house environment to train with long range and other high-powered weapons or bomb disposal.

The Salinas Police Department houses a small arms and shotgun range in the basement of their facility. This range is inadequate to provide an environment for officers to train with long-range weapons such as M-16s and other hand-held heavy weapons used by their SWAT team.

There is only one adequate facility in Monterey County where Sheriff's Department SWAT officers can train with their assigned weapons. This is the range at the Salinas Valley State Prison in Soledad. The Salinas Police SWAT officers train in San Benito County. Neither of these two facilities provides an environment for Urban Tactics Training.

Currently, to practice home extraction techniques, SWAT teams must rely upon local contractors and Urban Renewal Project managers to allow them to use their buildings during different phases of construction or demolition.

In order to improve upon this very unsatisfactory situation the CGJ carried out an investigation into the use of appropriate facilities at the former Fort Ord.

INVESTIGATIVE METHODOLOGY

The CGJ interviewed some members of the Monterey County Board of Supervisors, the Salinas Chief of Police, the Monterey County Sheriff, the Salinas Police Department SWAT Team Commander, the Monterey County Sheriff's SWAT Team Commander, members of the Fort Ord

Reuse Authority (FORA), and the President of Monterey Peninsula College. The CGJ also used the Internet to research the history and development of US Army and Marine Corps urban warfare techniques and the development of the MOUT facility (also known as Impossible City) located on the former Fort Ord.

FACTS

Due to the changes in modern warfare environments from battlegrounds in open territory to a house-to-house battle environment, the US Army began developing Urban Tactical Training facilities or MOUT facilities. One of these training facilities was developed and constructed by the 7th Infantry Division in the late 1970s or early 1980s at the former Fort Ord. This facility was used to train primarily Army personnel in Urban Warfare Tactics to be employed in Kuwait City during the first Gulf War. Lessons learned from that war were employed in Afghanistan and Iraqi cities such as Bagdad during the second Gulf War.

With the closure of Fort Ord, the Fort Ord Reuse Authority (FORA) was created by the California State Legislature in 1994 to facilitate conversion of the former Fort Ord from military to civilian activities that support our local and regional communities. Some of this property was deeded to California State University Monterey Bay, the US Bureau of Land Management, and Monterey Peninsula College.

FORA is currently in the final stages to turn-over the "Impossible City" MOUT facility to Monterey Peninsula College (MPC). The college intends to use the facility in support of their Police Academy training program. They also intend to add a long rifle and heavy weapons range to the Impossible City facility. To complete the requirements levied by the California Department of Toxic Substance Control, MPC must construct a four-strand barbed wire fence to completely surround the facility. The purpose of this fence is to prevent personnel using the facility from entering adjacent properties that may still contain unexploded ordnance.

FINDINGS

- F1.** The CGJ toured Impossible City and found it to be in excellent condition and fully capable of being used today. Currently the facility is reserved for use by the US Army 45 days a year.
- F2.** With the addition of a long rifle and heavy weapons range, Impossible City would provide an ideal solution to the lack of adequate facilities within Monterey County to train SWAT and bomb disposal officers of the Monterey County Sheriff's Department, and Salinas Police Departments SWAT officers.

RECOMMENDATIONS

- R1.** The County of Monterey and the City of Salinas should enter into negotiations with Monterey Peninsula College for joint use of Impossible City. These negotiations should

include the Monterey County Board of Supervisors, the Salinas City Council, Salinas City Manager, and representatives of the Monterey County Sheriff's Department and the Salinas Police Department.

- R2.** With today's use of long-range weapons by most city police departments, an invitation should be extended to all law enforcement agencies within the County to participate in these negotiations.

RESPONSES REQUIRED

Pursuant to Penal Code Section 933.05, the Grand Jury requests a response as indicated below, from the following governing bodies.

- Monterey County Board of Supervisors
Finding: F2 and Recommendation: R1
- Salinas City Council
Finding: F2 and Recommendation: R1

**A DESALINATION PLANT
IN MONTEREY COUNTY**



DESALINATION PLANT IN MONTEREY COUNTY

SUMMARY

Sand City's coastal desalination plant is the only operating full-scale seawater desalination facility in the State of California. It is capable of producing 300 acre-ft. of water (approximately 98 million gallons) a year and uses a reverse osmosis (RO) process to desalinate brackish seawater from inland sources. The plant became operational in April 2010. The official opening ceremony was held in May 2010.

Funding for the \$11.9 million project came from two sources. An amount of \$2.9 million was provided by the California Department of Water Resources through Proposition 50 grant funding and the remaining \$9 million was provided by the City itself through redevelopment funds and city capital improvement funds.

FACTS

When faced with severe restrictions on groundwater use, Sand City constructed a desalination plant on its own, which is operated by California American Water Company (CalAm), the region's public water utility.

Due to the design, there have been no adverse environmental effects to coastal resources to date, including marine organisms, groundwater supplies, and sensitive habitat areas.

The desalination plant provides a solution to the severe cutbacks in groundwater pumping that Sand City was facing.

Today there are over 15,000 desalination plants operating around the world. Although others are being built in California, the Sand City plant is currently the only operational plant in the state.

INVESTIGATIVE METHODOLOGY

The Monterey Civil Grand Jury (CGJ) interviewed the Sand City Mayor and City Engineer concerning the history, financing and construction of the Desalination Plant; reviewed City financial reports; and engaged in internet research relating to desalination plants in California. Additionally members of the CGJ toured the Sand City Desalination Plant and discussed its operation, maintenance and production with members of the California American Water Company staff who are responsible for the Plant's daily operation and upkeep.

RECOMMENDATIONS

It is time to seriously evaluate desalination plants in coastal Monterey County as one part of the solution to our increasing water needs. The Sand City facility illustrates that it can be done locally.

RESPONSES REQUIRED

No response required.

DETENTION FACILITIES INSPECTIONS



Image in the public domain at: http://www.cdcr.ca.gov/Facilities_Locator/SVSP.html

DETENTION FACILITIES INSPECTIONS

SUMMARY

The 2013-2014 Monterey County Civil Grand Jury (CGJ) conducted site inspections and inquired into the management and operation of places of incarceration within the County, as required by the California Penal Code section 919(b).

BACKGROUND

The CGJ toured and inspected: the County Jail, Salinas; Juvenile Hall, Salinas; Youth Center, Salinas; Salinas Valley State Prison, Soledad; and the Correctional Training Facility, Soledad. The CGJ focused its attention on the county detention facilities, as their needs appeared more pressing than the state facilities, i.e., Salinas Valley State Prison and the Correctional Training Facility.

INVESTIGATIVE METHODOLOGY

The management staff of each institution provided a general overview of its operation at the commencement of each visit. The CGJ spoke with the Sheriff, the Chief Probation Officer, and the Wardens from the Correctional Training Facility-Soledad and the Salinas Valley State Prison. Thereafter, CGJ members toured each of the facilities and conducted interviews with their respective staff.

Further, the CGJ reviewed prior Monterey County Civil Grand Jury reports, current facility lists of services and brochures, the latest applicable legislation, state and county websites and any complaints about the operation or management of the facilities received by the CGJ.

- Ref:
1. <http://www.co.monterey.ca.us/SHERIFF/>
 2. <http://www.co.monterey.ca.us/probation/>
 3. http://www.cdcr.ca.gov/Facilities_Locator/CTF.html
 4. http://www.cdcr.ca.gov/Facilities_Locator/SVSP.html
 5. <http://www.cdcr.ca.gov/realignment/docs/realignment-fact-sheet.pdf>

This report will present the results of our investigations separately for each of the reviewed facilities.

MONTEREY COUNTY JAIL

FACTS

This facility, operated by the Monterey County Sheriff's Office, has a rated capacity of 825 beds, however the daily inmate population in 2014 is averaging about 900 prisoners. The facility has several design and capacity issues that create safety and security concerns for staff and inmates. There are not enough beds and there is a need for more single cells and fewer open housing units to address the security risk of the existing inmate population. The facility was designed for minimum and low to medium security inmates, but the majority of inmates currently housed at the facility are medium to high security, requiring a disproportionate use of space for those inmates.

The jail was designed to hold sentenced prisoners for not more than one year. State legislation (see below) has converted the County Jails into the equivalent of local State Prisons, all without the benefit of planning or the requisite training or staff. This is a virtual "perfect storm" for fiscal and physical trouble!

The U.S. Supreme Court ordered California to fix its overcrowded prison problem, citing constitutional protections against cruel and unusual punishment (*Brown v. Plata* No. 09-1233). In response, California legislators enacted AB 109, which shifts the responsibility for incarcerating many low-risk inmates from the state to the counties. This is being called "realignment." Multiple trailer bills have been passed to attempt to secure proper funding for realignment. AB 109 requires non-serious and non-sex offenders to serve their sentences in County Jail or under local community supervision by the Adult Division of the Probation Department instead of state prison.

No inmates currently in state prison will be transferred to County Jail, nor will they be released early. All felons sent to state prison will continue to serve their entire sentence in state prison. However, all parole revocations are to be served in County Jail instead of state prison, and are limited to 180 days. Also, persons convicted of "non-violent" or "non-sexual" felonies, as defined by the legislature, may be sentenced to serve time in the local County Jail for any period of over one year and a day. To date, some prisoners have been sentenced to up to eight years in the County Jail.

In summary, as a result of realignment, prisoners who would have served time in the state prison system are now being sentenced to serve time in local jails. The Monterey County Jail population is growing at a rate of about 30 inmates per month. In addition to struggling to maintain its population capacity limit, the jail administration is seeking alternatives to housing so that there is space available to provide rehabilitation programs structured to stop the "revolving

door” for low-level offenders. These alternatives include Home Detention, Work Alternative, and Sheriff’s Parole.

Since the passage of AB 109, at least two things have changed at the Monterey County Jail:

- The type of inmate has changed:
Approximately 150 inmates who would have been sentenced to State Prison are now sentenced to the County Jail, and
- The number of un-sentenced inmates has increased:
2008 63% of the inmates were pre-trial detainees
2014 75% of the inmates are pre-trial detainees

The Sheriff’s Department has taken steps to address the overcrowding in the County Jail over a period of many years. The adoption of AB 109 gave new urgency to addressing this issue. To that extent, the Sheriff, Probation Department, and the Courts are doing the following:

Superior Court Judges are handing down more "blended" sentences. A blended sentence is a sentence to County Jail along with a period of probation, home electronic monitoring, community service, and/or residential treatment programs, instead of a straight sentence to an equivalent period in County Jail. As of this writing, fourteen persons have received a blended sentence where some portion of that sentence is served on mandatory supervision through probation following completion of the term in the County Jail. Three of those inmates have been released from jail to begin their mandatory supervision.

The County Jail, pursuant to criteria established by the Superior Court, releases some prisoners on their own recognizance at the time of booking, with a “Failure to Appear” rate of only 2%.

The Probation Department is considering the establishment of a unit to investigate and screen arrested individuals and to prepare comprehensive reports to the courts with recommendations as to whether those persons are candidates for proposed pre-trial release on their own recognizance or reduced bail. This program is currently dependent upon acquiring new funding.

The County Jail has a contract with Alameda County to house prisoners. This is needed, as Jail overcrowding is exacerbated by the need to classify local gang members and to house them in separate areas.

There is a pending jail expansion with the current estimated date of groundbreaking in 2015, with completion some time in 2017 or 2018. The planned jail expansion will provide an additional 576 inmate beds, space for new programs, and allow the County to more appropriately, safely, and securely house the current inmate population.

Ref:

<http://www.co.monterey.ca.us/jailexpansion/pdfs/JailExpansionFrequentlyAskedQuestionspr.pdf>

FINDINGS

- F1.** The Sheriff's Department is trying to address the complexities of accepting new prisoners with extended sentences. Also, there is an increased need for housing that reflects the classification and segregation of gang members. Contrary to initial expectations, AB 109 has not yet impacted the jail population. It is, however, anticipated to have an impact on the jail population as more prisoners who would have been sentenced to the state prison are now being sentenced to the County Jail.
- F2.** The inmate population differs from that originally intended to be housed in the facility. The majority of the inmates are now medium to high security risks and are being incarcerated prior to trial.
- F3.** The Monterey County Jail is being transformed, by prisoner transfers, from a jail into a local prison facility. It was not designed and is not staffed to be a prison.
- F4.** The Sheriff should be commended for obtaining \$36 million in state funds for the jail expansion.

RECOMMENDATIONS

- R1.** The Sheriff's Office and the Probation Department should work with Superior Court Judges to increase the number of blended sentences, thus shortening the actual time that low-level offenders would be housed in County Jail.
- R2.** The Sheriff should recommend to the Superior Court that the pre-trial bail schedule for non-violent, non-serious, and non-sex offenders, be examined and, when appropriate, lowered to reduce the pre-trial jail population that is now a contributor to jail overcrowding.
- R3.** The Probation Department should establish a unit to investigate and screen arrested individuals to aid the court in determining candidates for their own recognizance or reduced bail release from County Jail pending trial.
- R4.** The County Jail expansion should move forward and be completed as soon as possible, as the longer the delay the greater the chance that when completed the jail expansion will not adequately house the anticipated jail population increase.

JUVENILE HALL

FACTS

The Juvenile Hall is a secure facility for juveniles, under 18 years of age, facing pending criminal charges or probation violations or transfer to other facilities.

The Juvenile Hall was built in 1959 and is showing its age. The facility is outdated and many short-term repairs have had to be made to extend the useful life of the facility. It has a capacity of 114 beds, but is currently housing below capacity.

The physical facility is antiquated and in need of replacement. The current design does not represent the current standards for physical security. It does not meet current earthquake standards. Also the infrastructure, e.g., plumbing, HVAC, electrical, and roof, need to be updated.

In addition, the current facility is lacking in a Visitation room, Confidential meeting room (Attorneys), Program rooms, and secure Sally Port (secured entrance) for bringing prisoners into the facility.

The Probation Department has qualified for a grant from the State of California to build a new Juvenile Hall. The construction of a 150-bed facility would cost an estimated \$52.8 million, with the County paying about \$17.8 million of the amount.

Most recently, the Probation Department has made a request to the Board of Supervisors and the Board of State and Community Corrections to reduce the proposed 150 beds to 120, based on a utilization and needs review. This reduction in beds will allow the funds to be used for other improvements in the new Juvenile Hall.

Ref. <http://www.kionrightnow.com/news/local-news/board-approves-juvenile-hall-downsizing/25613856>)

Ref. <http://www.thecalifornian.com/article/20140422/NEWS09/304210038/Board-consider-cut-Juvenile-Hall-project>)

FINDINGS

- F1. The current Juvenile Hall facility is antiquated and needs to be replaced with a new facility as soon as possible.
- F2. The Chief Probation Officer should be commended for obtaining \$35 million for funding for the construction of a new Juvenile Hall.

RECOMMENDATIONS

- R1.** The Board of Supervisors should move forward as soon as possible with the construction of the new facility.

YOUTH CENTER

FACTS

The Youth Center is a residential facility for wards of the Monterey County Juvenile Court, and is administered and operated by the County Probation Department. (Wards of the court are juveniles under the authority of the court.) The program, which lasts 365 days, includes both educational and rehabilitation opportunities. Nine months are spent in custody at the Youth Center. The last three months are spent in the community in an after-care program.

The Youth Center is currently operating with a capacity limit of 60 juveniles. The staff, including Probation personnel, is 24, not counting additional staff members from other agencies who provide services to the youths.

The City of Salinas has made a recent proposal to convert the Youth Center to a Community Center, moving the current services and youth residents to the proposed new Juvenile Hall.

FINDINGS

- F1.** The Youth Facility initiated new policies and improvements to the physical facility and exterior fence to address the problems identified in 2011.
- F2.** The current capacity is limited to 60 youths by the Probation Department.
- F3.** The current design and funding for the new Juvenile Hall does not include moving the operations of the Youth Center to the new proposed Juvenile Hall.

RECOMMENDATIONS

- R1.** The current Youth Center is meeting the needs of the Probation Department.
- R2.** Any discussions for converting the Youth Center to a Community Center should include funding for building a new facility to house the Youth Center.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

FACTS

The California Department of Corrections and Rehabilitation (CDCR) manage two prisons in Monterey County. The Correctional Training Facility (CTF) and the Salinas Valley State Prison (SVSP) located just north of the City of Soledad.

The California Department of Rehabilitation and Corrections is currently working under the direct supervision of the United States Court of Appeals for the Ninth Circuit as a result of the Colman-Plata decision, which requires that department to address medical care in the state prisons.

Correctional Training Facility

The CTF is a Level I and II General Population prison consisting of four separate facilities. Facilities A and B are Level II Sensitive Needs (prisoners who are at risk of injury from other prisoners) Yard units consisting of four three-tier cell block housing units, two-man cells, and two Dorms, with a total bed capacity of 2800. Facility C is a Level II General Population unit consisting of nine three-tier cellblock housing units, and two-man cells, with a total bed capacity of 2496.

Facility C contains an Administrative Segregation Unit, which is a three-tier cell block housing unit consisting of one-man cells with a total bed capacity of 240. Facility D is a Level I General Population unit consisting of six Dorms with a total bed capacity of 1012.

Each facility has an independent dining room, clothing distribution, canteen, medical/dental/mental health services, education, library, chapel, and visiting rooms.

Salinas Valley State Prison (SVSP)

The SVSP consists of five facilities: A, B, C, D, and M. Of the five, Facility A houses Sensitive Needs Yard (SNY) inmates. The surrounding housing units hold Level-IV inmates. M yard is a Level-I yard that houses, approximately, 200 inmates.

The prison had a gymnasium that, due to the prison's over-crowding, at one time had been converted into a dormitory but due to inmate population reductions was shut down around 2008.

Productivity and self-improvement opportunities are provided for inmates through academic classes, work programs, religious and self-help groups. SVSP was constructed to meet the access requirements of the Americans with Disabilities Act (ADA). The housing of inmates is

accomplished on a Minimum Support Facility (MSF), two 270-design facilities, two 180-design facilities and a 100-cell standalone Administrative Segregation Unit (ASU).

In 2011, SVSP had over 1200 incidents (inmate assaults), in 2012 there were 1163 incidents, and in 2013 977 incidents. If this rate stays consistent, SVSP should have around 700 incidents in 2014. That is a reduction of 500 or so incidents per year.

SVSP has a Correctional Treatment Center (CTC) where inmates receive professionally supervised health care in an inpatient setting. SVSP provides Correctional Clinical Case Management System (CCCMS), Enhanced Outpatient Program (EOP) and Mental Health Crisis Bed (MHCB) for those inmates requiring mental health services. SVSP also houses inmates who meet the criteria of the CDCR Disability Placement Program (DPP).

Note:

Level I - Facilities and Camps consist primarily of open dormitories with a low security perimeter.

Level II - Facilities consist primarily of open dormitories with a secure perimeter, which may include armed coverage.

Level III - Facilities primarily have a secure perimeter with armed coverage and housing units with cells adjacent to exterior walls.

Level IV - Facilities have a secure perimeter with internal and external armed coverage and housing units or cell-block housing with cells non-adjacent to exterior walls.

FINDINGS

- F1.** Both Institutions have made physical and staff changes to meet the recommendations of the Colman-Plata decision.
- F2.** Salinas Valley State Prison is working to bring back Inmate Programs, such as vocational training, GED education, and others.
- F3.** The Correctional Training Facility has upgraded its Dental Services.

RECOMMENDATIONS

- R1.** The Salinas Valley State Prison should continue its efforts to provide programs for the inmates.

RESPONSES REQUIRED

Pursuant to Penal Code Section 933.05, the CGJ requests Responses to Findings and Recommendations as follows:

MONTEREY COUNTY JAIL:

- Monterey County Board of Supervisors:
Findings: F1, F2, and F3, and Recommendations: R1., R3. and R4.
- Monterey County Sheriff:
Findings: F1, F2, and F3, and Recommendations: R1., R2., R3. and R4.

JUVENILE HALL:

- Monterey County Board of Supervisors: Findings:
F1, F2, and F3, and Recommendations: R1.

YOUTH CENTER:

- Monterey County Board of Supervisors: Findings:
F1., F2. and F3. and Recommendations: R1. and R2.

SEASIDE PUBLIC SAFETY



Photograph by Hustvedt, used under the terms of the Creative Commons Attribution-Share Alike 3.0 Unported license.

SEASIDE PUBLIC SAFETY

SUMMARY

The 2013 Monterey County Civil Grand Jury (CGJ) investigated the Seaside Police Departments use of cameras, a network of police surveillance cameras to fight crime. The system will use fixed cameras in public locations aimed at public areas.

BACKGROUND

The City of Seaside was having an increase in youth violence and drug crimes; with this increase it was impacting the use of officers, overtime, and the overall budget.

The average cost to the City of Seaside for a police officer is \$147,774 a year based on salary and benefits.

The Spatio Temporal Event Management Architecture (STEMA) project is seen as an aid to public safety, and in the investigations / collection of evidence, helps to identify perpetrators, and help deter crime and reduce the fear of crime.

The City received computer equipment and four cameras from the Navy Postgraduate School where the system was developed.

Last summer community meetings were held discussing the project. During these meetings the public feedback was positive.

INVESTIGATIVE APPROACH

Data for this report was secured from the CGJ's meetings with the Seaside Chief of Police and attending Seaside City Council meetings.

BIBLIOGRAPHY

Documents Reviewed:

STEMA Camera Project

Draft of the Policy Statement Seaside Police Department

The Monterey Herald

www.ci.seaside.ca.us

FINDINGS

- F1.** The City of Seaside received an anonymous donation of \$100,000, to help with the purchase of eight cameras and set up of the eight cameras to help fight crime and help in the investigations of public safety.
- F2.** The incoming video would not be monitored continually and would only be viewed when it was found that an incident had occurred in that area earlier. After 30 days the video in each area would be purged if not needed. The video feeds would go to a dedicated central server in the Police station.
- F3.** The annual maintenance cost will run approximately \$5,000 and will be absorbed in the Police Department Budget.
- F4.** The imagery is searchable by date, time & location. No information is collected on individuals; it only captures systemic movement & general pictures of an area.
- F5.** The Camera strategic locations throughout the City would be at the direction and approval of the Chief of Police.
- F6.** In any location where the view of any camera may compromise a citizen's privacy expectation, the Chief of Police or his/her designee shall review the cameras location and either make a recommendation to relocate the unit, or if not eliminate the potential for video intrusion.
- F7.** A citizen liaison committee will be established. This committee will periodically review the surveillance logs of camera usage every three months and provide a report to the City Council and the Community.
- F8.** Similar camera programs are in several cities in California, Gardena 125 cameras, Redlands 130, Long Beach over 400, and Los Angeles more than 370. It is reported that after the installation of these cameras, crime decreased.
- F9.** It has been reported that four or five cameras will be installed within the City by July 1, 2014.

RECOMMENDATIONS

- R1.** The STEMA Program should be implemented to help in the area of public safety for the Seaside citizens.
- R2.** The annual maintenance cost should be included in the regular Police budget that is approved by the Seaside City Council every year, for the program to be a success.

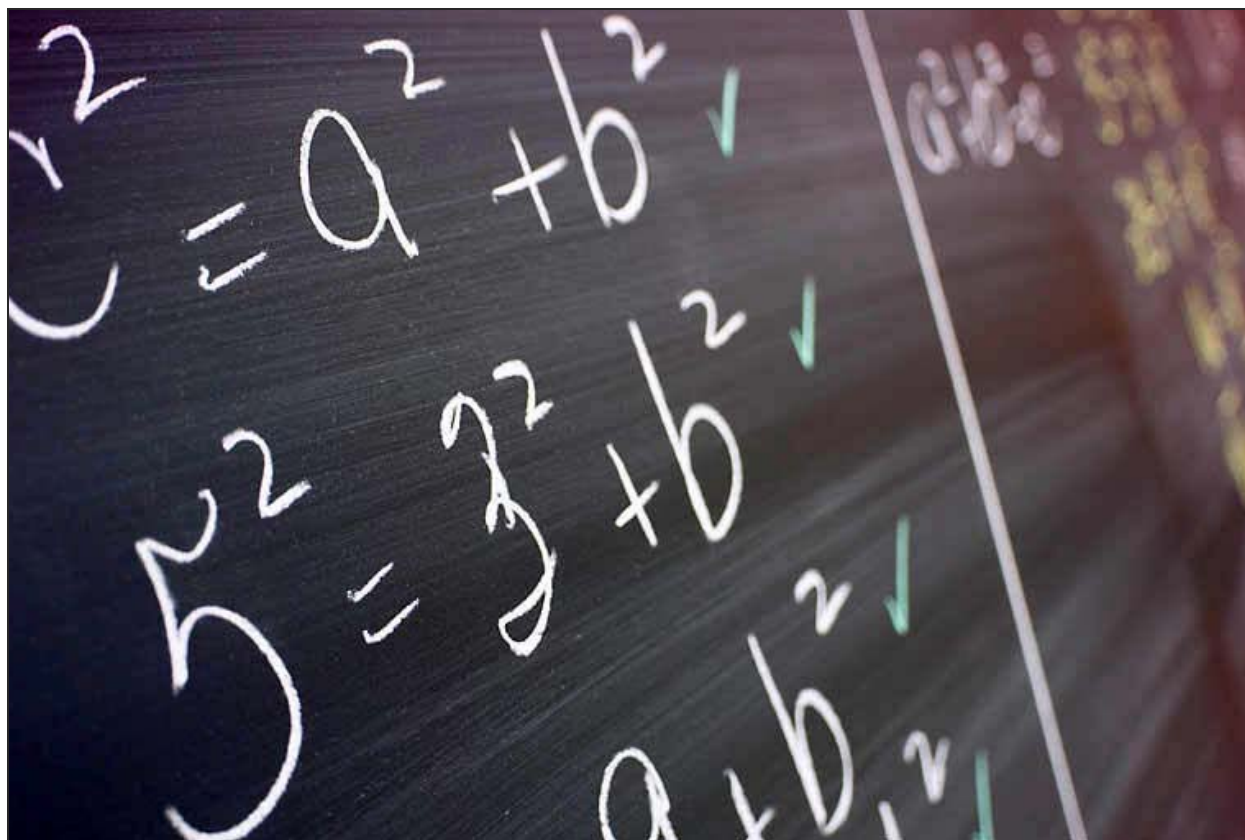
- R3.** When a citizen voices his /her concern for their privacy, this should also be reviewed by the City Manager, the citizen committee, and the results should be made public.
- R4.** The citizen committee should be comprised of five members, a member of the City Council, a police officer, and three citizens appointed by the Mayor.
- R5.** The citizen committee should be empowered to recommend areas for camera placement. Such recommendations would be approved through the City Manager and Police Chief.

RESPONSES REQUIRED

Pursuant to Penal Code Section 933.05, the CGJ requests Responses to all the Findings and Recommendations as follows:

- Seaside City Council:
All Findings except F8 and all Recommendations

**MONTEREY PENINSULA UNIFIED SCHOOL DISTRICT'S
"ALGEBRA" ISSUE**



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THE MONTEREY PENINSULA UNIFIED SCHOOL DISTRICT'S "ALGEBRA" ISSUE

SUMMARY

The Monterey County Civil Grand Jury (CGJ) investigated a Report prepared by the Monterey County Office of Education (MCOE) concerning changes to student transcripts that occurred in a number of Monterey schools. The CGJ concentrated on how effectively the recommendations of the MCOE Report are being implemented.

BACKGROUND

In February 2014, the MCOE issued a report titled, "An Investigation of Student Transcript Issues in the Monterey Peninsula Unified School District" (the Report). This Report was prepared in response to a request from the Governing Board (Board) of the Monterey Peninsula Unified School District (MPUSD) concerning changes to the transcripts of 93 students who had been enrolled in Algebra I at schools within the MPUSD. While the original impetus for the investigation appears to have been a report in the *Monterey Herald* concerning transcript changes, the MCOE investigation was much wider and included issues related to policies, administrative regulations and their inconsistencies, access to transcripts, and related issues.

The Report contained a number of findings and recommendations directed at both the Board and the Superintendent of the MPUSD. Most of the action items directed by the MCOE Report were to be undertaken within a fairly tight time frame.

The CGJ elected to investigate how the Board and Superintendent were responding to the MCOE recommendations and action items. The most immediate action item was to correct the transcript "errors" and to "ensure the authenticity of each student's academic record, grade point average, and transcript," without interfering with the Class of 2014's graduation.

INVESTIGATIVE METHODOLOGY

The CGJ undertook a detailed review of the Report. The CGJ scheduled meetings with members of the MPUSD Board, the Interim Superintendent, and members of the administrative and academic staff. These meetings were very informative and open and provided the CGJ with accurate and timely information. The CGJ also reviewed the MPUSD web pages for more detailed course and graduation information. The Interim Superintendent informed the CGJ that a revised Student Handbook incorporating the recommendations of the Report was being prepared for use by the incoming Senior Class of 2015.

The changes to the students' transcripts were a serious matter which could have resulted in significant loss of confidence in the integrity of the whole grade reporting system of the MPUSD and interfered with a student's ability to transfer to a four year college or university. Clearly the current Interim Superintendent is fully aware of this and appears to have taken ownership of the issue.

The CGJ was told that all of the transcript changes have been reversed and current students have been provided with the appropriate information. The CGJ was also assured that students who had graduated in 2013 were not impacted by the changes.

In order to correct the inconsistencies in policies and procedures related to student grading, courses of study, and graduation requirements, the present Interim Superintendent and the Board have created a number of task forces to prepare drafts for the Board's consideration by August 2014.

To ensure that all of the MPUSD High Schools will be using the same mathematics course outlines and grading policies, the Interim Superintendent has formed a review group representing all of the mathematics departments in the District to create and make available common descriptions, policies and procedures for mathematics courses across all departments.

A Student Handbook is required by the District to be given to all incoming Freshmen. However, the Student Handbook for MPUSD has not been updated since the "new" algebra requirement for graduation has been in place.

FINDINGS

- F1: MPUSD made changes to the transcripts of 93 students.
- F2: MCOE carried out an investigation of these transcript changes and directed that they be corrected.
- F3: MCOE also determined that policy and administrative requirements used by MPUSD pertaining to student grade, course, and graduation issues contained serious inconsistencies and were partly to blame for the transcript problems.
- F4: The current Interim Superintendent is aware of the issues and has a firm grasp on the importance and timeliness of carrying out all of the recommendations of the Report.

F5: The Board is focused on the issues raised by the Report, intent on making the grade, curricular and policy changes recommended, and is fully supportive of the efforts of the Interim Superintendent in that regard.

RECOMMENDATIONS

The CGJ makes the following Recommendations, based on the Facts and Conclusions discussed and reached in the foregoing investigative Report:

R1: The Board should fully implement all of the MCOE recommendations.

R2: The Interim Superintendent should be commended for his focused attention to the issues raised in the Report.

R3: The Board should assure that the Interim Superintendent is charged with the responsibility for implementing the MCOE recommendations through their completion.

RESPONSES REQUIRED

Pursuant to Penal Code Section 933.05, the CGJ requests Responses to all Findings and Recommendations by and from the Monterey Peninsula Unified School District Board.

