



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

Tina M. Nieto
Sheriff-Coroner

July 6, 2023

Honorable Stephanie Hulsey
Judge of the Superior Court
c/o Office of the County Counsel
Attention: Sandra Ontiveros
168 W. Alisal Street, 3rd Floor
Salinas, CA 93901

RE: Response by Sheriff-Coroner Tina M. Nieto to the 2022-2023 Civil Grand Jury Report Entitled, "Noise Ordinance: Sleepless in Monterey County"

Honorable Judge Hulsey,

As required by Penal Code Section 933.05, I offer the following response to the 2022-2023 Civil Grand Jury Report Entitled, "Noise Ordinance: Sleepless in Monterey County." This letter will serve as my response to the findings and recommendations of the Civil Grand Jury in my official capacity as the Sheriff-Coroner of Monterey County.

Finding 3: The Sheriff's Office staffing is insufficient to respond to the number of noise complaints.

Response: I partially disagree with this finding.

At the time of the writing of this response the Sheriff's Office had 22 vacant sworn positions across the ranks of deputy sheriff, sheriff's sergeant, and sheriff's commander with 16 of those positions located in the Enforcement Operations Bureau whose personnel respond to the noise complaints. In addition, since Fiscal Year 2015 the Sheriff's Office has seen a reduction of its budgeted staffing allocation by the Board of Supervisors eliminating or defunding a total of 13 sworn positions with the majority of those eliminated positions cut from the Enforcement Operations Bureau. During the Fiscal Year 24 budget process the Sheriff's Office was granted authorization by the Board of Supervisors to restore 7 of the sworn positions which were previously eliminated, but those 7 positions will be allocated to the Corrections Operations Bureau due to the Hernandez Federal Settlement. The Sheriff's Office has implemented a process to increase the number of deputy sheriffs assigned to the Enforcement Operations Bureau through the hiring of lateral peace officers who can be deployed to the Enforcement Operations Bureau immediately or the hiring and training of deputy sheriffs to backfill the transfer of deputy sheriffs from the Corrections Operations Bureau to the Enforcement Operations Bureau.

At this time, it is difficult to agree or wholly disagree with your finding so I must partially disagree as the 16 vacancies in the existing budgeted levels make it difficult to determine if the budgeted sworn staff allocation is sufficient to respond to the number of noise complaints.

Finding 4: Because the MCSO considers noise complaints a lower priority than life, safety, and property calls, they are often unable to respond in a timely manner to noise complaints.

Response: I agree with your finding.



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

Tina M. Nieto
Sheriff-Coroner

The Sheriff's Office contracts dispatch services with the Monterey County Emergency Communications Department. The Communications Department utilizes a computer aided dispatch system which prioritizes call for service based on the nature of the call. Response to noise complaints is prioritized after higher priority calls relating to crimes of violence and crimes of property leading to delays in response by staff.

Finding 6: Certain property owners are knowingly renting their land to others who host large, for profit, public events without proper permits, causing nuisance and safety issues to adjacent residents.

Response: I agree with this finding.

Finding 9: MCSO has an effective working relationship with CHP to patrol roads within unincorporated areas, providing an opportunity to acquire assistance with the road-related repercussions of large, unpermitted events.

Response: I agree with this finding.

Finding 10: Once a large, unpermitted event is underway in unincorporated Monterey County, it becomes virtually impossible for a code enforcement officer and/or Sheriff Deputy to intervene and shut down the event. This results in potential adverse health and safety issues for attendees and neighbors as well as the safety of the responding code enforcement officer and/or Sheriff's Deputy.

Response: I wholly disagree with this finding.

Due to the prioritization of calls for service noise complaints are considered lower priority calls for service which can lead to delayed response. Though, once a response occurs it is feasible, with well written and enforceable ordinances, to shut down an event. There are inherent hazards conducting any enforcement action law enforcement undertakes yet the hazards can be mitigated, though not eliminated, by assessing the support elements needed to shut down the event safely and effectively.

Recommendation 4: Monterey County Sheriff prioritize filling currently budgeted sworn peace officer positions available for patrol in the Monterey County Sheriff's Office by December 31, 2023.

Response: The recommendation will not be implemented because it is not reasonable.

The Sheriff's Office is currently operating within the terms and conditions of the Hernandez Federal Settlement pertaining to jail operations. A portion of the settlement agreement mandates staffing levels assigned to the jail thus prioritizing the staffing of the Jail Division ahead of the Enforcement Operations Bureau. I agree there is a need to fill the vacant budgeted positions available for patrol, but it is unreasonable to expect the filling of the 16 vacancies in the Enforcement Operations Bureau by December 31, 2023 as there is a limited capacity of personnel whom can be in the Patrol Division training program at one time; the time required to complete the Patrol Division training program per deputy is approximately 16-20 weeks; and the need to backfill deputy sheriffs to be transferred to the Patrol Division training program from the Corrections Operations Bureau with trained Corrections Operation Bureau deputy sheriffs.



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

Tina M. Nieto
Sheriff-Coroner

Recommendation 6: MCSO develop a protocol with CHP to share information about large, possibly unpermitted events, to increase safe driving conditions in the area of the event, to be completed by September 30, 2023.

Response: This recommendation requires further analysis.

The Sheriff's Office has a strong relationship with the California Highway Patrol and each routinely supports the efforts of the other. Analysis must be undertaken to identify what information should be shared based on the size and scope of the event in question to ensure fair and equitable treatment of all events when compared to each other to ensure disparate enforcement does not occur. The Sheriff's Office Fiscal Year 24 budget is fully allocated at the time of this response and completion of the analysis and review of accumulated data may require supplemental augmentation funding from the Board of Supervisors to conduct and complete. Analysis should be conducted and completed no later than November 15, 2023.

Respectfully submitted,

Tina M. Nieto
Sheriff-Coroner

Cc: Sonia De La Rosa, County Administrative Officer
Nick Chiulos, Assistant County Administrative Officer
County of Monterey Board of Supervisors