

## PUBLIC SAFETY AT WHAT COST?



### SUMMARY

During the 2021 - 2022 Monterey County Civil Grand Jury (MCCGJ) term, a complaint was received concerning three recent escape attempts from Monterey County Jail (Jail) and the lack of communication about them, raising safety concerns for the community. California Penal Code § 919(b) states, “The grand jury shall inquire into the condition and management of the public prisons within the county.”

Vulnerabilities in physical and technological security systems, as well as procedural violations were involved and identified in each escape attempt. The 911 Dispatch Center did not notify the Monterey County Sheriff’s Office (Sheriff’s Office) or the Jail. Mitigations have since been implemented but issues remain.

### GLOSSARY

AB109	California Assembly Bill 109
AB1185	California Assembly Bill 1185

BOS	Monterey County Board of Supervisors
CAO	Monterey County Administrative Office
Jail	Monterey County Jail
MCCGJ	Monterey County Civil Grand Jury
Operations Manual	Monterey County Sheriff's Office Operations Manual
Sheriff's Office	Monterey County Sheriff's Office

## **BACKGROUND**

The California State Constitution, Article XI, Sec. 4(c), designates County Sheriffs as publicly elected officers. California law requires a board of supervisors for each county to supervise the official conduct of all county officers and ensure that they faithfully perform their duties. Review and approval by the Monterey County Board of Supervisors (BOS) of the Sheriff's Office budget, submitted through the County Administrative Office (CAO), is performed annually. The BOS has no other formally required or authorized control of the operations of the Sheriff's Office.

California State Assembly Bill 109 (AB109), also known as "Criminal Justice Realignment," was signed into law on April 4, 2011. AB109's intended goal was to reduce recidivism among qualifying inmates by being incarcerated closer to home and having access to county-based programs and oversight. Inmates convicted of less violent and less serious felonies, unless disqualified due to previous serious convictions and whose sentences were only up to four years, are redirected to county jails, instead of state prisons. The State Department of Corrections hoped to reduce state prison populations and reduce costs to the state. One result is an increased population of prisoners serving longer sentences in county jails. AB109's implementation has had a significant impact on the Jail's staffing, training, operations, security systems, housing needs, and costs.

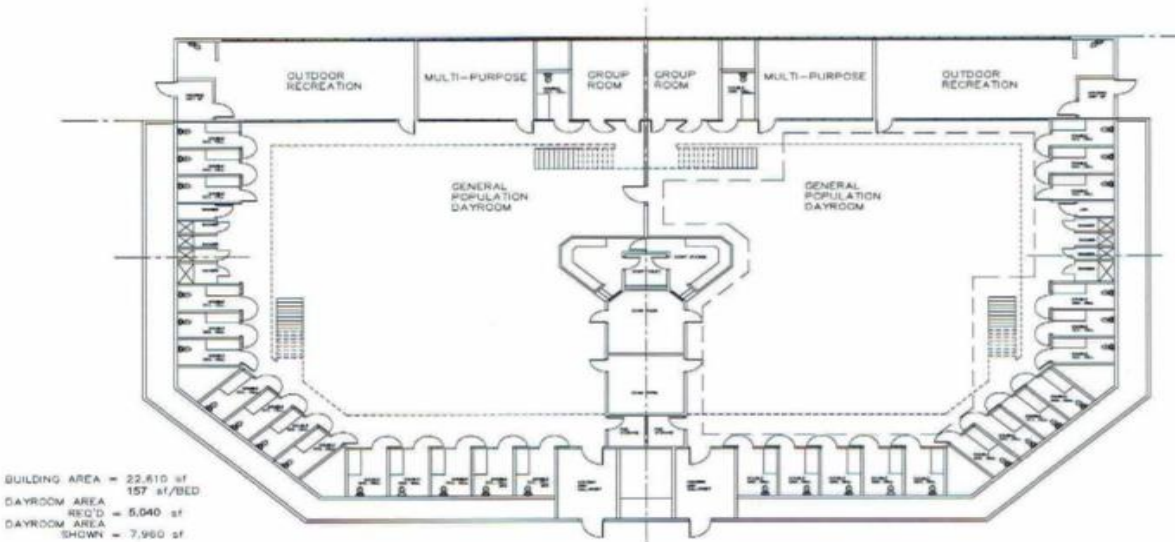
The expansion of the Jail, completed in March 2022, will leave available the old facility for uses such as the women’s facility and mental health programs. This will increase the stated physical capacity of the facility to 1,401 inmates.

DESIGN OF NEW JAIL HOUSING POD



Elevation View  
Housing, Entry Lobby and Administrative Spaces

COUNTY OF MOH  
JAIL HOUSING ADDI  
CONCEPTUAL DE



144 BED UNIT  
TYPICAL FLOOR PLAN

COUR  
JAIL HOU  
CONCE

## **METHODOLOGY**

During its investigation, the MCCGJ:

- Conducted tours of the Jail and the 911 dispatch center
- Interviewed numerous officials and employees in the Sheriff's office and the CAO
- Interviewed members of the BOS
- Acquired and reviewed relevant documents
- Reviewed past Civil Grand Jury reports
- Performed internet searches for documents and news articles

It is noteworthy that all government agencies and interviewees involved are to be commended for their candor with the MCCGJ in its investigation.

## **DISCUSSION**

### Jail Escapes

Early in the morning on Sunday, Nov. 3, 2019, two murder suspects escaped from the Jail. Breaking their way through a section of their housing pod's bathroom ceiling, maneuvering through the ceiling and wall crawl space, they kicked open a utility access panel from inside the Jail giving access to the outside wall. They scaled the perimeter fence, walking to freedom undetected. They exploited a blind spot in the surveillance camera system and a temporary construction fence less secure than normal Jail perimeter fencing. They were apprehended on Tuesday, Nov. 5, at around 11:30 pm, attempting to cross back into the US from Mexico at the border near Tijuana.

Another murder suspect escaped about 3:00 pm on Monday, Jan. 18, 2021, from the rooftop exercise yard of the Jail during the supervised mid-day outdoor access time. He ducked around a partially obscured alcove as other inmates exited by an inside stairway. While the deputy was distracted, the inmate climbed a 15-foot-tall chain-link fence and dropped to the other side onto an open outer section of the rooftop. The inmate ran to the edge of the rooftop where, unimpeded by fencing or razor wire, he

jumped to the ground and escaped. The supervising deputies neglected to follow the required headcount procedures, leading to the escapee's absence being undetected for three hours. The escapee later turned himself in to the King City Police on Wednesday, Jan. 20, at around 2:00 am.

On Wednesday, Nov. 17, 2021, in an attempted escape, an inmate was able to climb a masonry column undetected. In just 13 seconds, the escapee exposed a long-standing weakness in the perimeter security.

#### Jail Inmate supervision procedures

The Monterey County Sheriff's Office Operations Manual has clear procedures for performing headcounts, both on a periodic basis when inmates are in their housing areas and when they are escorted from one location to another.

In the case of the January 2021 escape, the deputies failed to perform a headcount of the inmates when they were escorted from the rooftop yard to their housing area. This oversight was the single most critical lapse in security. Immediate identification of the inmate's absence would have certainly ended the event. The Sheriff's post-incident evaluation revealed these procedural violations, resulting in discipline of the deputies involved and subsequent reinforcement of training on custody procedures.

#### The Jail's video surveillance system

In the November 2019 escape, no video surveillance coverage of the escape has been located. In the January 2021 escape, there was inadequate monitoring of the video surveillance to catch the escapee in the act. When replaying video recordings during the Jail's post-incident investigation, the escapee could be seen making his way to the rooftop yard fence following the other inmates' and deputies' departure. Later, the escapee could be seen on video running away from the Jail on foot after jumping to the ground from an unsecured area of the roof.

In the complaint to the MCCGJ, the issue was raised that motion detection alerts, a standard feature in modern video surveillance systems, were not used to aid in

detection of the escapes. The Grand Jury's investigation confirmed that this was the case. The explanation given by jail employees was that it was impractical due to the frequent normal physical activity present on the premises. This is a legitimate concern. However, if there are situations where selectively enabling the motion detection alarming feature would enhance security with minimal nuisance alarms, then concern over the decision to not use this feature at all is equally legitimate.

The fact that there are about 200 cameras with only a few people monitoring them lends legitimacy to both arguments.

### Physical security at the Jail

In each escape (November 2019 and January 2021), physical security weaknesses in the Jail housing structure and fencing were revealed. In each case remedial measures were taken by the Jail to address the identified weaknesses. The new addition to the Jail, opened in March 2022, has engineered improvements in technological and physical infrastructure that will provide better security. However, since the old facility will still be part of the jail complex, security concerns remain.

### The new Guardian RFID system

In 2020, the Jail implemented a new Guardian RFID system, designed for supervising inmates in detention facilities. It utilizes correctional officers' handheld devices for supervisory duties over the inmates, providing electronic functions. Existing required procedural practices, such as headcounts and scheduled health and safety checks on inmates, are now done using these devices. Since the devices automatically document and time stamp task performance, the need for manual documentation and the possibility of human error or falsification will be reduced. This increases accuracy, efficiency, and accountability in following procedures, which were found to be points of failure in the past for health and safety checks.

### The 911 call

Within minutes of the January 2021 escape, a motorist driving on Laurel Avenue spotted the escapee running across the road and into an open field near to the Jail. The caller to the 911 Dispatch Center described a man wearing only shorts, barefoot, and

having a shaved head and tattoos. The caller also mentioned to the 911 dispatcher that it might be an escaped prisoner. When the dispatcher forwarded the information to Salinas Police Department, there was no mention of the caller's speculation that it might be a Jail escapee. The dispatcher did not notify the Jail to alert them of this possibility. After a short delay, the Salinas Police closed the matter, having found no one. This oversight on the part of the 911 Dispatch Center clearly contributed to the three-hour delay in the Jail's awareness of the escape.

Upon inquiry by the MCCGJ to the 911 Dispatch Center, it was found that due to this incident, their procedures were updated on March 31, 2021 (Operations Manual Policy No. 4930), to mitigate the chances of similar lapses in notifications during future events. (See Appendix A)

#### Notification by the Jail of escapes

The Sheriff's Operations Manual contains procedures for notifications when an escape occurs. Most of those notifications are within the Jail's own organization and other local and state law enforcement agencies. Three other notifications are specified:

- Call the agency or authority where the escapee resided if it was in Monterey County.
- Call Natividad Medical Center, ask for the Administrative Nurse on duty, and advise them of the escape from the jail.
- Call the Shelter for Battered and Homeless Women.

The BOS raised the concern that no requirements or procedural steps exist in the Operations Manual for notification to the BOS or the local community residents of escapes. During the MCCGJ's investigation, Jail employees pointed out that they use Facebook as a primary means of notification to the public, including the media. The Jail asserted the media regularly checks the Sheriff's office Facebook page for such notifications. Media reports of the escapes examined in this report were timely and indicative of this understanding. The decision to alert the media and public of escapes is itself a matter of public safety. Such information release, if premature, could interfere

with apprehension efforts and cause undue fear or panic among the public. Thus what, when, and to whom notification should occur is a fluctuating issue. In a time when evolving multifaceted methods of communication result in a fragmented landscape of how and to whom information flows, what methods of communication are appropriate to use under varying circumstances is also an issue.

### AB1185

The relationship between the BOS and Sheriff's office remains a concern. The BOS is responsible for overseeing the Jail, but aside from annual budget approval, little other authority lies with the BOS to fulfill its oversight responsibility.

On September 30, 2020, California State Assembly Bill 1185 (AB1185) was passed, designed to augment communication, transparency, and accountability in this issue. It authorizes county boards of supervisors to appoint either an inspector general or an oversight board with subpoena powers which is designed to strengthen the BOS relationship with the Sheriff's Office and the Jail. The advantages presented by the implementation of AB1185 will include:

- Greater transparency for the BOS and the public, which elects the Sheriff.
- A constituency better informed about the operations of the Sheriff's office and Jail would be beneficial for all.
- A mediator and conduit of information between the BOS, which is responsible for oversight, and the Sheriff's Office and Jail, which depend on the BOS understanding for budget and operations.
- Continuity year after year, as the required oversight board would have powers that the BOS lacks.
- Mitigating personnel and working condition issues.

Note that AB1185 provides that the new oversight board or inspector general would not obstruct the independent prosecutorial functions of the Sheriff. It also provides that the existing authority of the BOS over the Sheriff's Office budget would be unchanged.



## Staffing of Sheriff's Office and Jail

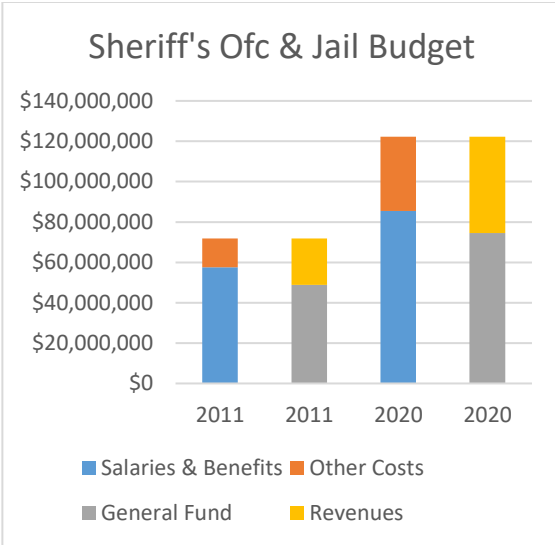
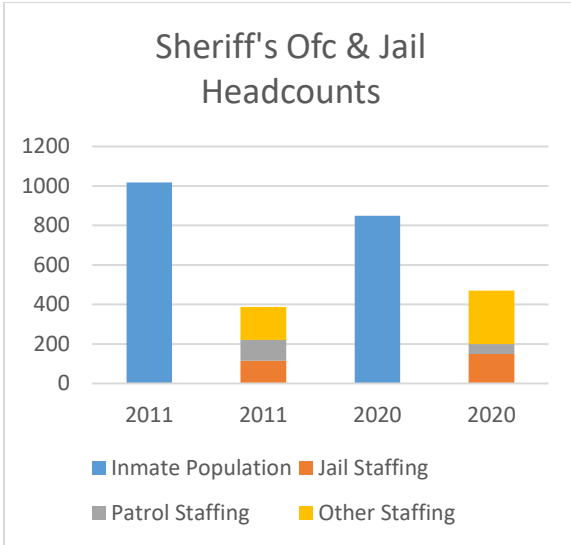
In its investigation, including reviewing past Grand Jury reports, the MCCGJ found that staffing of the Sheriff's Office and Jail has long been an issue and remains so today.

In 2012, with the implementation of AB109, the Sheriff's Office budget was decreased by nearly one million dollars. This resulted in the elimination of approximately 90 staff throughout the Sheriff's Office and highlighted the disconnect between the BOS and the Sheriff's Office. It is notable that sheriff's department staffing was cut from 473.5 to 388.5 from 2009 to 2011.

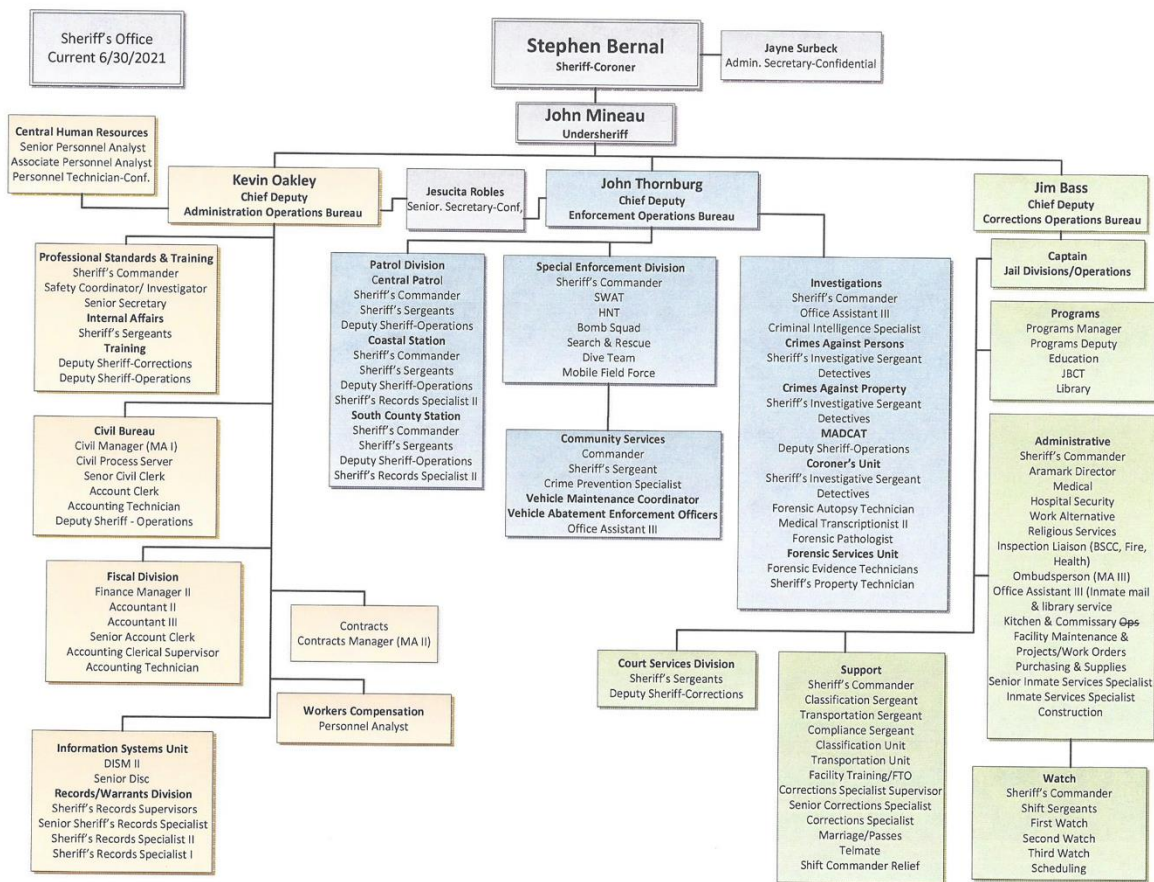
The case of *Jesse Hernandez, et al v. Monterey County, Monterey County Sheriff's Office (MCSO) and California Forensic Medical Group (CFMG)*, settled in 2015, identified shortcomings in the Jail's compliance with the law. To comply with the mandates in the settlement, some of the Sheriff's Office county-wide field patrol staffing was transferred to the Jail. This reduction in patrol staffing left the citizens of Monterey County underserved in comparison to previous years.

The Sheriff's Office Patrol Division operates out of three stations. The Central Station (Salinas) patrols all North County, the Salinas Valley south to Gonzales and west, halfway to Monterey. The Coastal Station (Monterey) covers unincorporated areas of the Monterey Peninsula, Carmel Valley, and the coastal areas to the San Luis Obispo County line. The South County Station (King City) provides coverage of southern Monterey County from Gonzales south to the San Luis Obispo County line, and west to the ridgeline of the Santa Lucia Mountain Range.

Below are charts for a ten-year comparison between staffing and budgets for the Sheriff's Office and Jail for the years 2010 and 2020. "Other Staffing" in the first chart includes administrative support, investigative, training, coroner's unit, and court services.



BELOW IS AN ORGANIZATION CHART FOR THE SHERIFF'S OFFICE



BELOW IS AN AERIAL VIEW OF MONTEREY COUNTY JAIL



## FINDINGS

- F1** The advent of the Guardian RFID system provides a better process of tracking. It significantly reduces the likelihood of human error, negligence, and falsification of documentation of custody security and safety check procedures.
- F2** Weaknesses in the utilization of the video security camera system were involved in the lack of detection of all the escapes. The failure to utilize the video camera system to capture in progress escapes remains to this day.
- F3** In both the November 2019 and January 2021 escapes, weaknesses in the physical security structures were involved. Some remedial changes were implemented to alleviate or at least greatly lessen the known weaknesses.
- F4** The long-awaited new structure's addition to the Jail property holds promise of better security and safety for employees, inmates, and the public.
- F5** The new facility creates efficiency, relief from overcrowding, and reduces the need to escort inmates to ancillary and centralized services.
- F6** The 911 Dispatch Center has updated their notification procedures to mitigate lapses in communication of escapes from the Jail.
- F7** The Jail's Operations Manual does not provide communication algorithms for varying levels of risk with escapes dependent upon each situation.

- F8** The BOS does not have statutory powers to oversee the Sheriff's Office. AB1185 provides an opportunity to address this issue since historically, the communication between the BOS and Sheriff's Office has been trying at best.
- F9** The Sheriff's Office and Jail continue to have less than optimal staffing to meet the needs of both mandated Jail conditions and adequate field patrol staffing functions.
- F10** The Sheriff Office and Jail appear to be more reactive than proactive when addressing security weaknesses.

## **RECOMMENDATIONS**

- R1** The Sheriff's Office hire an outside consultant to study the Jail's video surveillance motion detection alerting system capabilities activation to maximize desired alarms and minimize unwanted ones. Implementation by July 1, 2023.
- R2** The Sheriff's Office immediately hire an outside consultant to perform an audit of physical security systems of the entire facility and implement remediations by July 1, 2023.
- R3** The Sheriff's Office and BOS agree on appropriate practices for notifications when Jail escapes occur, based upon levels of risk to the community. Complete by June 30, 2022.
- R4** The BOS and the Sheriff's Office collaborate on the implementation of AB1185. Complete by Dec. 31, 2022
- R5** The BOS approve funding for mandatory staffing in the jail each fiscal year, starting July 1, 2023.
- R6** The BOS approve funding for optimal patrol coverage in the County each fiscal year, starting July 1, 2023.

## **REQUIRED RESPONSES**

Pursuant to Penal Code §933 and §933.05, the Civil Grand Jury requests responses:

From the following elected official within 60 days:

- The Monterey County Sheriff  
Findings: F1-F10  
Recommendations: R1-R6

From the following governing body within 90 days:

- Monterey County Board of Supervisors  
Findings: F1-F10  
Recommendations: R1-R6

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Civil Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

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## APPENDIX A

<b>Monterey County Emergency Communications Standard Operating Procedures Manual</b>		
SECTION 4000 LAW OPERATIONS		
<b>High Profile Buildings</b>		
Approved By:	Policy No. 4930	Adopted 03-31-2021
<i>Lee Ann Magoski</i>		Revised 00-00-0000
Lee Ann Magoski Director		

### Policy

Communications Dispatchers shall make notifications, without delay, to appropriate agencies upon receiving a report of suspicious persons or activity around high-profile buildings. Dispatch of the law enforcement agency having jurisdiction will be made without delay. Considering the circumstances reported, Dispatchers may make notifications to additional agencies based on the location of the incident. An email to the ECD Supervisor and Management staff may be appropriate.

### Definition

Suspicious activity can include, a person(s) loitering around the area with no apparent reason, or after hours/when the building is closed. Person(s) that appear to hide from passersby or someone taking pictures of high-profile buildings. Reported suspicious activity should not be dismissed or validity diminished by ECD staff and will be dispatched as described by the caller in a professional manner.

### Procedure

1. Without delay, dispatch appropriate law agency having jurisdiction. If there are no available units, broadcast the information and notify the Watch Commander. Make note of the broadcast or WC advisement in the Computer Aided Dispatch (CAD) detail.
2. Although the law enforcement agency with jurisdiction will be dispatched for reporting purposes, it may be necessary to notify surrounding agencies who can assist or may benefit from the information. For example, the Department of Motor Vehicles (DMV) is a State facility and CHP will respond, however the law enforcement agency in which the DMV facility is located should also be advised. Another example is an incident occurring at a County building that is located within a city limit. Both MCSO and the city law enforcement should be advised of the incident.
3. High Profile buildings include but are not limited to:
  - a. Monterey County Sheriff's office and Jail complex
    - i. Dispatch Salinas Police, notify MCSO Watch Commander and call the on duty Jail Sergeant via radio on the Jail 1 channel or landline. Other



considerations for notifications may be Probation, Juvenile Hall, and Natividad Medical Center (NMC) Security.

- b. Monterey, Marina, Salinas, and King City Courthouses
  - i. Notify appropriate law enforcement agency with jurisdiction and MCSO Bailiffs via radio on Bailiff channel 1 or telephone. Also consider making notifications to the District Attorney's Office (DA) for King City, Monterey, and Salinas Courthouse. Notify Probation staff at the Monterey Courthouse.
- c. Juvenile hall
  - i. Dispatch appropriate law enforcement agency and notify MCSO and Juvenile Hall personnel.
- d. DMV and other State facilities
  - i. Incidents occurring on State property will be handled by California Highway Patrol (see MCSO/CHP MOU). Notify surrounding law enforcement agency of CHP incident.
- e. Police and Fire Departments
  - i. Dispatch local police and consider notifying persons inside the building of the activity reported outside.
- f. ESC/OES
  - i. Dispatch Salinas Police Department. Consider notifying NMC Security, Probation and County Jail. Notify the ESC Duty Supervisor, if Salinas Police are not available consider notifying MCSO. Email ECD Supervisor and Management staff and consider sending a CAD page alerting incoming staff of suspicious activity that has yet to be resolved.
- g. Health Department – Salinas
  - i. Dispatch Salinas Police Department. Consider notifying NMC Security. Notify ESC Duty Supervisor.
- h. 1441 Schillings Place
  - i. Dispatch Salinas Police Department and notify ESC Duty Supervisor.
- i. Monterey County Government Center
  - i. Notify appropriate law enforcement agency with jurisdiction and MCSO Bailiffs via radio on Bailiff channel 1 or telephone. Also consider notifying the District Attorney's Office (DA)