

**THE MONTEREY COUNTY JAIL  
A REVIEW OF PAST AND CURRENT PROBLEMS**



Monterey County Jail about 1885. Courtesy of the Monterey County Historical Society.



## **THE MONTEREY COUNTY JAIL A REVIEW OF PAST AND CURRENT PROBLEMS**

### **SUMMARY**

The Monterey County Civil Grand Jury (MCCGJ) has undertaken an inquiry into the condition and management of the Monterey County Jail (Jail) and found numerous problems, many of them serious. These problems involve issues concerning health and safety of inmates, finances and budgeting, facilities maintenance, excessive overtime, safety of employees, and administration of the Jail. An additional area of concern is the contracting for medical services.<sup>1</sup>

The Jail has long experienced inmate health and safety problems, leading to a class action lawsuit filed in 2013 in Federal District Court by current and former inmates of the Jail. While the MCCGJ's investigation was proceeding, that lawsuit was not only granted class action status by the Court, but the Judge ordered that specific medical and facilities changes be made immediately at the Jail due to the inadequate health and living conditions of inmates. As this report was being finalized, a tentative settlement was reached between the parties to the case in which the Sheriff agreed to make certain changes which will improve facilities, as well as correct safety and medical problems alleged at the Jail.

However, the issues that the MCCGJ investigated for this report were different from the class action case and were found, for the most part, to have existed quietly over a number of Sheriffs' administrations. It is possible that the problems identified in this report are as critical to the overall health and welfare of inmates and the security of staff as are the problems alleged in the class action lawsuit.

The Grand Jury found that these problems can be attributed to deficiencies in specific areas: funding and proper allocation of funding, medical contracting, leadership, and staffing of the Jail.

California's jail population is likely to continue to increase as prisoners with longer sentences accumulate in county jails due to realignment. Thus, for the Monterey County Jail, the problems identified in this report may increase unless the recommended corrective actions are promptly taken.

### **BACKGROUND**

California Penal Code § 919 (b) requires that "The [civil] grand jury shall inquire into the condition and management of the public prisons within the county."

The Monterey County Sheriff is the chief law enforcement officer in the County and is also responsible for maintaining the Jail. The Sheriff is elected by Monterey County voters every four years. The Sheriff proposes a budget annually, but the actual budget is that sum which is ap-

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<sup>1</sup> Some of the conditions identified in this report may have been corrected by the time this report is released.

proved by the Monterey County Board of Supervisors. The Detention Division of the Sheriff's Office hires and supervises guards, manages the Jail, and receives the largest part of the Sheriff Office's budget.

The Jail is a Type II (holding persons pending an arraignment, participating in a trial, or awaiting sentence) and Type III (holding persons convicted and sentenced) detention facility. The existing facility (built in 1972) is rated to house approximately 825 inmates, but the average daily population has gone as high as 1150 inmates. As this is written, there are 884 inmates in the Jail, 107 of which are women.

The Sheriff's Detention Division receives prisoners and inmates from state and Monterey County agencies, including the California Department of Corrections for parole violations, the County Probation Department for probation violations, and the Superior Court of California (County of Monterey) once the individual is sentenced.

The Jail is subject to a biennial inspection by the California Board of State and Community Corrections (BSCC), and must comply with California Code of Regulations, Title 15 (Crime Prevention and Corrections—"Minimum Standards for Local Detention Facilities"). The Jail must also comply with Title 24 (Building Standards Code—"Minimum Standards for Local Detention Facilities"). The Jail is also subject to an annual inspection conducted by Monterey County Health Department.

Within the Jail there is an on-site infirmary staffed with medical, psychiatric, and dental staff. The Jail also provides a laundry, kitchen, library, commissary services and a chapel.

Inmates are housed in 31 separate housing units that range from single cells to open dormitory settings. Sentenced inmates reside in open dormitories and some provide labor for work crews for the facility. Work crews inside the facility are used for tasks such as kitchen work, cleaning, and general maintenance. Work crews can also be sent outside the facility for basic grounds keeping around the Sheriff's Office and for litter pick-up along highways and roads throughout Monterey County.

Unsentenced inmates are held in secured housing units and do not participate in work crews. Most sentenced inmates have access to a limited number of programs that include GED classes, religious services, library services, and drug and alcohol treatment programs.

State prisons were designed and built to house inmates serving lengthy sentences, while county jails were originally designed and built for inmates with terms of one year or less. With the passage of Assembly Bill 109 (AB 109, or realignment) in 2011, California's detention facilities were "realigned." Realignment transfers the responsibility of supervision for some felony offenders from state prison facilities to county jails, and inmates serving sentences longer than one year may now be housed in county jails.

## **INVESTIGATIVE METHODS**

In examining the conditions and management of the Monterey County Jail, the MCCGJ interviewed numerous officials and employees in the Sheriff's Office, Probation Department, and Auditor-Controller's Office, as well as other sources. Some individuals were contacted several times

to confirm facts or to provide additional information. MCCGJ members visited the Jail on three separate occasions.

During the course of these interviews and visits, the MCCGJ requested, and was provided, a large number of documents pertaining to the Jail and its operation, including details on the spending of funds related to AB 109 and the Inmate Welfare Fund (IWF).

## **DISCUSSION**

### **CLASS ACTION LAWSUIT**

A class action lawsuit filed in 2013 by inmates of the Monterey County Jail has brought to the forefront many of the substandard medical and safety issues that have persisted at the Jail over the years. The action was filed in United States District Court, Northern Division, and is entitled *Hernandez, et. al v. County of Monterey, et. al*, case No. 5:13-cv-2354-PSG.

The *Hernandez* case was brought by 21 current and former inmates of the Monterey County Jail against not only Monterey County and the Sheriff's Office, but the for-profit medical provider at the Jail, California Forensics Medical Group, Inc. (CFMG).<sup>2</sup>

The case alleges numerous practices and policies that violate state and federal law, as well as provisions of the California and U.S. Constitutions. The 135-page Complaint alleges deficiencies at the Jail that involve inadequate safety and medical care. Concerning safety, the plaintiffs allege: (1) insufficient custody staffing; (2) inadequate inmate classification system; (3) dangerous and inadequate jail facilities that make it difficult to monitor inmates; (4) overcrowding; and (5) inadequate training of staff.

Concerning inadequate medical care, the allegations focus on: (1) the failure to provide adequate health screening and medical care; (2) the failure to provide adequate mental health assessments and care; and (3) the failure to provide disabled inmates proper accommodations so that they can receive basic care and recreation. The action seeks mainly injunctive relief to order the defendants to improve the allegedly substandard jail conditions that threaten the safety and welfare of the inmates.

Although there has not yet been a trial on the merits of the plaintiffs' claims in Federal court, recently, the Judge has made two significant rulings in favor of the plaintiffs and against the County of Monterey and the other defendants: (1) On January 29, 2015, the Court granted class action status to the case, certifying as a class action case the numerous alleged health and safety violations at the Jail; and (2) on April 14, 2015, the Court granted plaintiffs' motion for a preliminary injunction, after the Sheriff's Office allegedly failed to implement many of the numerous changes that had been recommended by four experts who were mutually retained by the parties.

The Court held that plaintiffs have made a preliminary showing that they will likely succeed on the merits and in its April 14, 2015 ruling, it ordered that the defendants make the following changes, pending a trial on the merits: tuberculosis screening; medical assessment at intake for intoxicated inmates, including follow-up treatment and monitoring; develop treatment protocols

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<sup>2</sup> CFMG has been the sole provider of medical care at the Jail for 26 consecutive years. They were awarded their current three-year contract in 2012, with the option for two one-year extensions, after responding to a Request for Proposal issued by then-Sheriff Scott Miller.

and medication for detoxifying inmates; timely providing newly booked inmates with current prescriptions, or if medications are unknown, administer bridge medications; removal of all hanging points in the administrative segregation units to reduce suicides by hanging; conduct welfare checks every 30 minutes of all inmates housed in the segregation units at irregular and unpredictable intervals; provide an on-going system to identify all inmates who have a disability, such as hearing, speaking or ambulation and provide such inmates with accommodations that permit them to participate in all activities and programs offered to non-disabled inmates; eliminate the current requirement to use stairs for physically impaired inmates to access the yard or treatment programs; and furnish sign language interpreters for all hearing impaired inmates for all areas of jail life, including communicating with guards and all programs and activities offered to non-impaired inmates.

The Court required all of the foregoing changes at the Jail to be implemented within 60 days of the April 14, 2015 Order. In May 2015, the parties to the action reached a tentative settlement of the entire case pending the Court's approval. The settlement will include additional County funding to correct most of the substandard medical, facilities, and security conditions alleged in the action.

As stated above, the specific problems that were observed or reported to the MCCGJ, set forth in this report, go beyond the conditions alleged and settled in the class action case. These problems may be divided into the following general areas: health and safety issues; financial and contracting issues; and administrative issues.

## **HEALTH AND SAFETY ISSUES**

The MCCGJ has learned of a number of problem areas within the overall topic of health and safety at the Jail. These include inmate deaths in custody, missed or skipped health and welfare checks, missed or skipped exercise yard time, the mailroom, and the overall condition of the facility itself.

A number of these same issues were pointed out in the Biennial Inspection Report of the California Board of State and Community Corrections (BSCC) issued in August, 2014. (This inspection report is included as Attachment 1.)

### **Deaths in Custody**

There were three inmate deaths at the Jail during 2014. The MCCGJ was told by Jail officials that two of these deaths were attributed to drug overdoses.

As of mid-May, there have already been three deaths in custody during 2015. Two are reported to have been suicides.

### **Inmate Welfare/Safety Checks**

The investigation revealed that there is a chronic problem with deputies at the Jail failing to conduct required visual checks on inmates, referred to as "health and welfare checks" or "safety checks." The MCCGJ found strong evidence that inmate welfare checks throughout the Jail are

not routinely being done once per hour, nor are they being done on an irregular schedule as required under California law.

As defined in California Code of Regulations, Title 15, Division 1, Chapter 1, Subchapter 4, *Minimum Standards for Local Detention Facilities* (Title 15):

“Safety checks” means direct, visual observation performed at random intervals within timeframes prescribed in these regulations to provide for the health and welfare of inmates. ...

A sufficient number of personnel shall be employed in each local detention facility to conduct at least hourly safety checks of inmates through direct visual observation of all inmates and to ensure the implementation and operation of the programs and activities required by these regulations. There shall be a written plan that includes the documentation of routine safety checks

Concerning the frequency and the documentation of safety checks, Title 15 sets forth the following minimum standards:

- a. Safety checks shall be conducted at least once every 60 minutes and more frequently if necessary.
- b. Safety checks shall be conducted on an irregular schedule (staggered) so that inmates cannot predict when the checks will occur.
- c. Safety checks shall be done by personal observation of the deputy and shall be sufficient to determine whether the inmate is experiencing any stress or trauma.
- d. Cameras and monitors may supplement the required visual observation safety checks but they shall not replace the need for direct visual observation.
- e. Safety checks will be clearly documented on permanent logs in accordance with the office Daily Activity Logs and Shift Reports Policy.
- f. Actual times of the checks and notations should be recorded on the daily activity logs.
- g. Log entries shall never be made in advance of the actual check. Log entries made in this manner do not represent factual information and are prohibited.
- h. Special Management Inmates shall be checked more frequently as detailed in the Special Management Inmates Policy. [The “Special Management Inmates” are inmates in sobering cells and safety cells. Those checks are conducted twice within a 30 minute period.]

At the Jail, an administrator collects the various logs filled out by deputies from throughout the facility and compiles a Daily 24-Hour File Audit to identify compliance issues.

Daily 24-Hour File Audits of Jail compliance from the first quarter of 2015 which were reviewed by the MCCGJ show that inmate health and welfare (safety checks) are frequently missed or skipped, or not adequately documented. These audits show that during January of 2015, full compliance was achieved on only eight days.

As an example, the Daily 24-Hour File Audit for January 14, 2015 notes:

- Missed or skipped health & welfare check: Infirmary 0700, K-5 2300
- Missed or skipped health & welfare check: Dorm-D 0700
- Missed or skipped health & welfare check: Isolation 1400

The daily compliance figures for February 2015 show that full compliance was achieved on only four days that month.

For example, the Daily 24-Hour File Audit for February 1, 2015 notes:

- Missed or skipped health & Welfare checks: T-Pod 0900, 1300 U-Pod 0900, 1300 “No entry one deputy” written on the bottom of the roster, indicating a proper health & Welfare check was not conducted.
- Missed or skipped health & Welfare checks: H-Pod 1900 Time listed, no initials. J-Pod 1700 skipped.
- Missed or skipped health & Welfare checks: Isolation cells 2200, 2300

The Daily 24-Hour File Audits for March 2015 show only nine days of full compliance. Three typical days in March with missed or skipped health and welfare checks, March 4, March 9 and March 18, 2015, were logged in the Daily 24-Hour File Audits as follows:

- Missed or skipped health and welfare checks: D-Wing 0700, F-Wing, 0700, F/S Wing 0700
- Skipped or missed Health and welfare checks: 0700 A-Pod, 0500 E-Pod, 1900 J-Pod, 0600-0700 Infirmary, 1200 B-Wing, 1200-1300 C-Wing
- Missed or skipped health & welfare checks: 2300 Q-Pod, 1700 B-Pod, 1700 C-Pod, 1700 E-Pod

Based on these Daily 24-Hour File Audits, full compliance for inmate welfare/safety checks during the period from January 1 to March 31, 2015 totaled to only 21 out of 90 days.<sup>3</sup>

It is also unclear whether or not inmate welfare/safety checks are being done on a random basis as required by Title 15. Another problem the MCCGJ discovered was that some logs are incorrectly or falsely filled out, with checks being claimed when they were not actually done.

Illegible signatures or initials on the logs create a serious problem in identifying the deputy who is responsible for missed or skipped inmate welfare checks and other problems noted in the Daily 24-Hour File Audits. For example, the File Audits for the first ten days in January showed that an average of nearly 40% of the initials on various rosters and logs were illegible. During the last ten days of March the Daily 24-Hour File Audits did not include percentages, but noted “illegible initials” on three days, “illegible initials increasing” on two days, “several illegible times and initials” on three days, “illegible times” on one day, and “the vast majority of the initials were illegible” on another day.

Illegible initials or signatures make accountability more difficult and appear to be associated with a general resistance to change. Other factors that have been suggested to the MCCGJ include lack of knowledge of Title 15 minimum requirements and lack of familiarity with Jail procedures. All of these may be attributed, in part, to lack of, or ineffective use of, a formal, mandatory progressive discipline system by supervisory staff: the MCCGJ has been told that in the past there have been few to no consequences for a deputy’s failure to comply with jail policies.

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<sup>3</sup> Examples of other problems identified in the Daily 24-Hour File Audits include incorrect counts on the Inmate Daily Count Sheets, Housing and Control Rosters not matching, exercise yard time being cancelled because of staffing shortages, missing Control Key Accountability Logs, missing Health and Welfare Check Logs, “visual check from outside of pod” instead of proper checks, etc.

## **Exercise Yard**

Title 15 requires that each inmate be allowed three hours per week in the exercise yard. A sample of audits reviewed suggests that this minimum requirement is routinely missed. For example, entries on the Daily 24-Hour File Audits for the last week in March read as follows:

- 3/25/15 Men's yard was canceled due to staffing shortages. The following housing units missed yard today: K-16, G-Pod, K-17 & I-Pod. Women's yard was not documented as being conducted today nor was a reason provided for canceling it. Housing units that missed yard today were: W-120, W-121, W-123
- 3/26/15 Men's yard was canceled due to staffing shortages. The following housing units missed yard today: C-Pod, F-Pod, B-Pod, E-Pod, H-Pod J-Pod. Women's yard was also canceled, housing units that missed yard today were: Q-Pod, U-Pod, R-Pod. Rehab yard was conducted today according to the 24-Hour log yet no documentation of who attended was submitted.
- 3/27/15 According to the 24-Hour log of events, Rehab yard was conducted today yet no documentation has been submitted indicating who actually attended yard.
- 3/30/15 Main Jail yard was canceled today by the D-Team supervisor. Housing units that were not afforded yard today were: K-16, G-pod, C-Pod, K-17, I-Pod & E-Pod
- 3/31/15 H-Pod yard was canceled today by the team Supervisor. Women's Yard was canceled today due to staffing shortages. The following housing units were not afforded yard today: S-Pod, T-Pod & W118

The BSCC Biennial Inspection report of August 2014 (Attachment 1) recommended that "the compliance officer position be prioritized to conduct on-going internal audits of high risk operations in the jails." It is clear from a reading of samples of the Daily 24-Hour File Audits that compliance problems are being identified in these internal audits. What is uncertain are the actions, if any, that are being taken to correct these compliance problems.

## **Mailroom**

The investigation by the MCCGJ identified weaknesses in the operation of the mailroom. That facility handles up to 500 pieces of mail per day, but is staffed by a single Mailroom Clerk working five days a week. Finding contraband and screening mail is an overwhelming job for a single employee. While some facilities use mail screening machines and inspect mail with dogs trained to detect drugs, these are not used in the Jail. All mail screening is currently done by hand and visually. The MCCGJ was also told that there is no on-going training for mailroom staff in new methods for detecting contraband.

When the Mailroom Clerk is on vacation or takes sick leave, it is unclear if other Jail staff members fill in or whether the mail just stops until the clerk returns to duty. The MCCGJ was told that some individuals were currently being trained to staff the mailroom during the Mailroom Clerk's vacations and sick leave days, but we were also told of delays and mail stoppages when the clerk is absent.

Another potential security problem is that inmate-to-inmate mail is permitted. The MCCGJ was told that communications between inmates from different sections of the Jail can create safety problems for inmates and staff.

## **Contraband**

In addition to the mailroom, there are other methods for introducing contraband, such as drugs, into the Jail. One method is throwing items over the fence into an exercise yard for later retrieval. Another is that some incoming inmates smuggle contraband into the Jail in a body cavity.

Whatever method or combination of methods are used, contraband has been described to the MCCGJ as an ongoing serious problem in the Jail, with two deaths during 2014 being attributed to drug overdoses.

## **Programs**

There are very few rehabilitation and educational programs for inmates in the Jail, although there are funding sources available. A number of programs were offered in past years, but with staff and funding cuts, the GED and Introspect drug, alcohol and related programs are among the few still in place. The GED program has recently been revised with accredited instructors, and Introspect, a private contractor, has been offering drug, anger management and alcohol recovery programs in the Jail since 1998. Recently there have been several new programs added on the women's side of the Jail, but the MCCGJ is not aware of any new programs on the men's side.

## **Facility**

Jail staff interviewed told the MCCGJ that the Jail is currently not in full compliance with Title 15 and Title 24 requirements.<sup>4</sup>

Some of the limitations of the current facility include little to no room for programs (discussed elsewhere in this report), lack of viewing windows in dormitory doors, limited staff in the observation tower, lack of cameras in some critical areas, and the overall poor maintenance condition of the Jail.<sup>5</sup>

The lack of viewing windows prohibits vision by a deputy entering a dormitory area. While the video system provides some visibility to the officer in the control tower, a deputy on the floor cannot personally assess a dangerous or crisis situation without manually opening a dormitory area door.

The interior of the Jail is monitored by use of video cameras. A sole officer is stationed in a control tower, and monitors multiple screens surrounding his/her desk. One person cannot see everything at one time and respond appropriately and rapidly as necessary. Any distraction is possible, and periodic breaks are necessary for that staff member. Also the video camera system has well-known blind spots: many critical areas of the facility do not have current camera coverage. On

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<sup>4</sup> California Code of Regulations, Title 15 (Crime Prevention and Corrections—"Minimum Standards for Local Detention Facilities") and Title 24 (Building Standards Code—"Minimum Standards for Local Detention Facilities").

<sup>5</sup> Plans are currently being finalized to build a Jail addition which will address some of the problems of the existing physical facility. The Jail addition will, for example, address some safety concerns, but the MCCGJ believes it may not provide adequate space for inmate programs. Based on the MCCGJ's investigation, there are existing health and safety concerns that may not be addressed by the new facility, which in any case will not be completed until at least 2018. Further, the current Jail facility, with all its deficiencies and inadequacies, is planned to remain in use even after the new addition is built.

June 10, 2014, then-Sheriff Scott Miller addressed the Monterey County Board of Supervisors and requested funding for additional cameras, but that funding was not included in the Sheriff's 2014-2015 budget.

Cleanliness of the facility is a problem. The MCCGJ noted during three separate visits numerous areas of the Jail that were very poorly cleaned and/or needed painting or other maintenance. These conditions may pose public health risks.

For example, this is particularly apparent in the holding cell, where newly arrived inmates are kept until there is a disposition regarding their status. This cell is frequently crowded and there does not seem to be a regular or adequate cleaning schedule. There is only one toilet and one drinking faucet for a large number of inmates.

Some inmates placed in the holding area may be withdrawing from alcohol or drugs. It is a very small area, with only benches around the edges for sitting or lying. This then becomes a medically risky area, especially when the room is crowded.

Overcrowding of this area was also noted in the BSCC inspection report of August, 2014 (Attachment 1).

## **FINANCE ISSUES AND CONTRACTS**

### **Inmate Welfare Fund**

At the Jail, the Sheriff's office collects approximately \$1 million dollars per year, mostly from inmate pay telephone fees and profits from the inmate commissary. This money is deposited in the Inmate Welfare Fund, over which the Sheriff has the sole spending discretion. Under California law, this money must be placed into an account and must be spent primarily for the benefit of the inmates, including benefits and salaries of personnel conducting education and drug and alcohol treatment programs. Any funds not needed for such programs or for other inmate welfare expenditures, may be used for the maintenance of jail facilities. California Penal Code § 4025 (e) governs the use of inmate welfare funds:

(e) The money and property deposited in the inmate welfare fund shall be expended by the sheriff primarily for the benefit, education, and welfare of the inmates confined within the jail. Any funds that are not needed for the welfare of the inmates may be expended for the maintenance of county jail facilities. Maintenance of county jail facilities may include, but is not limited to, the salary and benefits of personnel used in programs to benefit inmates, including but not limited to education, drug and alcohol treatment, welfare, library, accounting, and other programs deemed appropriate by the sheriff. Inmate welfare funds shall not be used to pay required county expenses of confining inmates in a local detention system, such as meals, clothing, housing, or medical services or expenses, except that inmate welfare funds may be used to augment those required county expenses as determined by the sheriff to be in the best interests of inmates. An itemized report of these expenditures shall be submitted annually to the board of supervisors.

During the course of the MCCGJ investigation into the conditions at the Jail, it was discovered through documents and interviews with Jail staff that approximately 50% of the Inmate Welfare

Fund in recent years has been spent on salaries and benefits for employees who should have been paid from the Sheriff's general fund. As of April 2015 there were a total of seven employees paid out of the Inmate Welfare Fund. These included six non-sworn employees (five Inmate Service Specialists and one Mailroom Clerk) and one sworn Programs Sergeant.

The investigation revealed that only the Programs Sergeant is involved in supervising the inmate Jail programs and volunteer programs, which tasks qualify as a paid position under the requirements of Penal Code § 4025 (e). The five Inmate Service Specialists (ISS) paid from the Inmate Welfare Fund do not appear to be providing the inmate benefits specified in Penal Code § 4025 (e).

The only inmate-benefit programs being offered at the Jail and paid for by the Inmate Welfare Fund are the Chaplain, Introspect (drug, alcohol and anger management programs), and a GED program. There have not been any trade or job skills programs for several years due to staffing cutbacks.

Currently, there are five Inmate Services Specialists employees, of which four are entry level and one is a Senior ISS. The job description for an ISS employee states in part that the employee is supposed to be involved in training inmates in skills related to laundry, janitorial, groundskeeper, general maintenance, and repairs of the jail. The ISS are supposed to give guidance and feedback to inmates on completed work and help develop job skills of inmates to prepare them for the outside. The Senior ISS employee's job description states in part that this person is supposed to develop and oversee inmate programs in laundry, groundskeeper, janitorial and general maintenance, and work with the Salinas Adult School and outside agencies for inmate placement. (See Attachment 2 for the ISS job description, and Attachment 3 for the Senior ISS job description.)

On paper the job descriptions for these ISS positions involve conducting trade and educational programs, but because of personnel shortages and the lack of programming space at the jail, these employees and the inmates they supervise are performing routine maintenance and kitchen duties that should otherwise be paid under the Sheriff's general budget. Although all of the ISS employees use inmate crews to perform the maintenance and kitchen work, it was admitted by a number of jail personnel that there is no time for actual training and no physical space at the jail to provide classroom time. The inmates are used as labor crews for the ISS employees and are necessary to complete the required jail maintenance, but there are no actual training sessions on the job or in a classroom. The MCCGJ was told that two inmates had been on the maintenance crew of an ISS employee continually for two or more years, showing clearly that the goal has been to provide for Jail maintenance rather than inmate training. It was also learned that the inmate labor is essential to completing the daily Jail maintenance, kitchen cleaning, and food service.

It was learned that the Mailroom Clerk has been for many years paid out of the Inmate Welfare fund.<sup>6</sup> This payment is improper under Title 15, §1063, which requires as a minimum standard for county detention facilities that inmates be provided with incoming and outgoing mail. That

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<sup>6</sup> As of July 1, 2015 the Mailroom Clerk will no longer be paid out of the Inmate Welfare Fund.

section provides that every inmate is permitted unlimited mail, and inmates without funds must be provided at least two postage paid letters per week.

Concerning the cost of the five ISS personnel and the Mailroom Clerk to the Inmate Welfare Fund: in fiscal year of 2013-2014, for example, the total funds collected were \$905,241, and the total amount expended was \$1,054,99 (there was a shortfall of \$149,755). The total cost of salaries, insurance, taxes and benefits to these employees was the sum of \$706,716. The salary and employee-related costs for the Programs Sergeant was the sum of \$195,653. Subtracting this from the total employee costs for 2013-2014 leaves the cost of \$511,063 for the five ISS employees and the Mailroom Clerk. This amounts to approximately **56%** of the monies collected in the Inmate Welfare fund, and approximately **48%** of the fund with the shortfall added.

The MCCGJ questions whether a number of other charges against the Inmate Welfare Fund are consistent with the “benefit” or “welfare” of the inmates pursuant to Penal Code § 4025 (e). (See Attachment 4 for a detailed breakdown of the expenditures from 2013-2014 Inmate Welfare Fund.) For example, in 2013-2014, there were the following charges: Buildings & Improvements Maintenance—\$2,135; Equipment Maintenance—\$24,212.65; Noncapital Equipment—\$7,783.36; Mail Handling Charges—\$3,021.78; Postage and Shipping—\$7,072.07; Legal Service-External—\$15,101.00; Other Department Expenses—\$6,861.14; Equipment—\$8,407.80.

The last audit that was done of the Inmate Welfare fund was for fiscal year 2009-2010. That audit was done by the Monterey County Auditor-Controller’s Office. However, the scope of the audit did not appear to cover whether the individual charges were made in compliance with Penal Code § 4025 (e).

One of the first things Sheriff Bernal did shortly after taking office in January 2015 was to discharge the members of the Inmate Welfare Fund Advisory Committee. This Committee was formed to advise the Sheriff in the use of the funds deposited in the Inmate Welfare Fund. The disbanding of the Committee was done reportedly because there were members of the Committee who were being paid from the Fund and that was viewed by the new Sheriff as a conflict of interest. To date, there have been no new members appointed outside of the Sheriff’s Office to sit on the Committee.

### **Jail Positions Funded by State Realignment Funds (AB 109)**

The passage into law of Assembly Bill 109, the Public Safety Realignment Act of 2011, created historic changes to California’s corrections system, especially in terms of supervision responsibility. This realignment shifted responsibility for the low-level offenders and parole supervision from the state to the counties. Under this legislation, the state continues to incarcerate offenders who commit serious, violent or sex crimes, but the counties are tasked with incarcerating, rehabilitating and supervising low-level offenders. AB 109 has evolved with subsequent legislation (SB 1020, AB 117 and AB 118) which grant funding to the counties to undertake their new role of incarceration and rehabilitation in what had been exclusively the state’s correctional responsibility. The Community Corrections Partnership (CCP), previously established by Penal Code § 1230, has been chartered to design and recommend a local plan for approval by the County Board of Supervisors for the implementation of AB 109, including the deposit and allocation of state funds to reimburse counties for increased local costs. The Monterey County CCP is re-

quired to have 14 members, including the Presiding Judge and the District Attorney, and is chaired by the Chief Probation Officer, currently Marsha Parsons. Pursuant to Penal Code § 2030, the Chief Probation Officer has the discretion to spend and is ultimately responsible for the AB 109 funds received from the state.

Since the passage of AB 109, there has been a yearly written Memorandum of Understanding (MOU) entered into between the Probation Department and the Sheriff's Department, wherein the Probation Department agrees to reimburse the Sheriff's Department for the payment of wages, facilities and training related to the housing of AB 109 inmates at the Jail.

The last MOU was entered into on August 25, 2014. (A copy of this agreement is attached to this report as "Attachment 5.")

On the first page of the MOU, under "DUTIES AND RESPONSIBILITIES Sheriff's Office" item 2 states that the Sheriff's Office will be provided funding for "two portable training and reentry classrooms with technology equipment and materials needed to complete GED requirements, vocational and college level course work." These portable classrooms were budgeted, but because of cost overruns due to Americans with Disabilities Act (ADA) compliance, were never installed. It is widely agreed that there is an absence of space at the Jail for any additional rehabilitation programs.

Item 3 under the same section of the MOU states: "Provide one full-time (1.00 FTE) Deputy Sheriff who will provide classification services to ensure proper programmatic and housing of inmates." The job description for this position, in part, includes screening inmates for pre-trial services, including programs. It was found by the MCCGJ that, although this position is filled with a full-time Deputy, he is working as a standard classification deputy or as custody staff, and does not perform duties related to "programming" of inmates. Programming duties are reportedly not being performed because of understaffing of both classification officers and custody deputies.

Item 5 under this same section of the MOU states: "Provide one full time (1.00 FTE) Criminal Intelligence Specialist who will assist the Classification Unit and Probation Officers placing sentenced inmates on Involuntary Electronic Home Monitoring, measure recidivism rate and prepare statistics for various agencies and Sheriff's command." Like the "Classification Deputy" above, the position of "Criminal Intelligence Specialist" is filled but the employee is not performing the duties enumerated.<sup>7</sup>

### **Medical Contract**

As stated above, the contract for medical services has been held by CFMG, a for-profit provider, for approximately 26 consecutive years. The current contract will end June 30, 2015, but the Sheriff's Office has reportedly exercised an option to extend it for one additional year. The existing contract has an option for one additional one-year extension. If that second extension is exercised, the contract will expire on June 30, 2017.

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<sup>7</sup> At the time of this writing the MCCGJ has been told by several officials at the Sheriff's Office that this position will shortly be filled by a person fulfilling the duties of a Criminal Intelligence Specialist

The MCCGJ is not aware of any study that shows whether or not it would be feasible and perhaps even more beneficial, to have medical care provided by County staff instead of an outsider provider. This could be in partnership with Natividad Medical Center under the administration of the Sheriff, a clinical manager, and a physician medical director.

## **ADMINISTRATIVE**

Based on the evidence that the MCCGJ has gathered, the problems within the Monterey County Jail have stemmed from deficiencies in three specific areas: proper allocation of funding, leadership and staffing.

The Core Values within the Monterey County Sheriff's Office Mission Statement are described as:

Model Leadership Excellence with Honor and Integrity

Compassionately Embrace Diversity

Serve with Dedication, Loyalty and Respect

Objectively Perform Our Responsibility with Sacrifice and Courage

The Detention Division, which includes the Monterey County Jail, is one of the divisions overseen by the Sheriff. Even though the Sheriff is responsible for the Jail, the daily operation for the facility is currently managed by a Deputy Chief who assumed that position in late January of 2015. Under the Deputy Chief, there are four Commanders who oversee subordinates who have day to day contact with individuals incarcerated in the facility.

The position of the Deputy Chief often changes with the election of a new Sheriff. With a new Sheriff, Undersheriff, and Deputy Chiefs, leadership styles also change. Although it may be easy to rely on current employees to maintain or improve the quality of service for the department, it is the leadership of the incumbent Sheriff and his staff that must maintain the core values stated in the Mission Statement.

## **Leadership**

During our interviews, numerous individuals pointed out problems that they observed in the Jail, and many of those problems they attributed to deficient leadership. The MCCGJ was told by a number of people that there is a culture of resistance to change, and a feeling of "it's always been done this way, so why change it?"

The culture of resistance exists, in part, because the top leadership in the Sheriff's Office may change every four years, while the subordinates continue to work in an environment that they have become accustomed to. This resistance to change makes the task of compliance with Title 15 requirements and Jail policy that much more difficult.

In the past, the county jails, Monterey County included, were primarily operated to house inmates incarcerated for one year or less. Today county jails have become facilities which house inmates who previously would have been sent to state prisons. This has created additional demands on Jail leadership and staff.

Compounding the culture of resistance at the Jail is a lack of or ineffective use of a formal, mandatory progressive discipline system. Traditionally there have been few or no penalties for a deputy's failure to comply with Jail policies and procedures.

The MCCGJ has been told that, until recently, roll calls with deputy or staff briefings at the beginning of a shift were not conducted. Such briefings are important for the continuity of inmate and staff security. These briefings are reportedly still only occasionally conducted in the Jail.

### **Staffing Issues**

The 2012 MCCGJ reviewed overtime issues in Monterey County, and found that nearly half (**46%**) of the overtime attributed to the Sheriff's Office was associated with the Jail. The Sheriff at that time, Scott Miller, submitted a response to address the MCCGJ's Findings and Recommendations acknowledging that overtime levels were excessive. He noted that the Sheriff's Office had lost over 70 deputy sheriff positions in the previous ten years, and that a number of employees were on leave due to long term medical issues. Sheriff Miller further noted that it was an arduous process to hire new deputies, taking a year or more, and he added, "[I]f the County exercised more initiative in managing Worker's Compensation claims, overtime use in the Sheriff's Office would not be a major issue."

Many of the staffing problems noted by the 2012 MCCGJ, and acknowledged by the Sheriff at that time, still exist. During the fiscal year of 2013-2014, the overtime expense for all of the Sheriff's departments (excluding the independent contractor CFMG) was \$6,579,429. The overtime for the custody operations at the Jail during this period amounted to **46%** or \$2,997,267 of the total expense; in the current fiscal year of 2014-2015, up to April 17, 2015, the overtime for the same departments totaled to \$5,766,280. The overtime for the custody operations at the Jail during this period amounted to **44%** or \$2,561,560 of the total expense.

A significant reason for the continuous overtime at the Jail is that as many as 10% of the Jail's sworn staff is currently or has recently been on modified duty or on leave due to medical problems or Worker's Compensation claims. The MCCGJ was told by several officials that this is one of the leading causes of short-staffing. Short staffing, in turn, leads to increased overtime.

Also, as documented by the Daily 24-Hour File Audits, short-staffing is one of the main causes of missed exercise yard time by inmates, and may contribute to skipped or missed inmate welfare checks.

Another cause of the overtime is that typically there is no relief security staff. Vacations, sick leave, and other absences result in the Jail being under-staffed. In order to deal with this problem, some deputies have recently been temporarily reassigned to the Jail instead of patrol, and there are currently a number of deputies undergoing or just finishing academy training who will be assigned to Jail duty. These efforts should alleviate at least some of the overtime costs.

### **FINDINGS**

- F1.** The Monterey County Sheriff is responsible for proposing, and the Monterey County Board of Supervisors is responsible for approving, a budget for the Sheriff's Office each fiscal year.

- F2.** On-duty staffing levels at the Jail are inadequate.
- F3.** Excess overtime continues to be a problem.
- F4.** Numerous conditions at the Monterey County Jail are substandard, and fail to comply with the requirements of Title 15 or Title 24 of the California Code of Regulations.
- F5.** There is inadequate inmate programming space in the Jail.
- F6.** The plans for the upcoming Jail addition may not include adequate space for inmate programs and training.
- F7.** The inmate training and other inmate programs at the Jail are currently, and have been in recent years, inadequate.
- F8.** The mailroom is insufficiently staffed, and there is a lack of mail screening equipment.
- F9.** Inmate-to-inmate mail across units is permitted and poses a safety risk.
- F10.** Inmate health and welfare checks are not being consistently performed.
- F11.** Inmate health and welfare check logs are not being properly completed.
- F12.** Contraband, primarily in the form of drugs, is a serious problem at the Jail.
- F13.** The paint and cleanliness of many parts of the Jail are substandard.
- F14.** There are no windows in the doors entering into the inmate dormitory areas which poses a safety risk.
- F15.** The Jail is viewed through video cameras by one officer in a control tower with limited relief staff.
- F16.** There are too few cameras placed around the institution to give total coverage of the facility.
- F17.** Roll call briefings at the beginning of a shift are inconsistently conducted, and such briefings are necessary for continuity.
- F18.** The Chief Probation Officer has the discretion to spend and is ultimately responsible for the AB 109 funds received from the State.
- F19.** At least one position in the Sheriff's Office funded by AB 109 funds is not staffed as required by the MOU with the Probation Department.
- F20.** The Jail administration has identified and documented chronic problems in the Daily 24-Hour File Audits.
- F21.** The ISS staff, using nearly half of the Inmate Welfare Fund, supervises inmates in performing routine Jail cleaning and maintenance rather than providing inmate training and programs.
- F22.** There are financial expenditures from the Inmate Welfare Fund that do not appear to be consistent with statutory requirements.
- F23.** CFMG has been the sole provider of medical care at the Jail for 26 consecutive years.

- F24.** Approximately 10% of the sworn deputies are on modified duty or other leave that reduces the workforce at the Jail, contributing to staff shortages and overtime.
- F25.** There is minimal use of a formal progressive disciplinary system for staff infractions.

## **RECOMMENDATIONS**

- R1.** The Sheriff should request, and the Board of Supervisors should approve, adequate funding for additional staff positions and inmate programs for the Jail.
- R2.** The plans for the Jail addition should include sufficient inmate program and training rooms.
- R3.** Install prison-strength view windows onto each door leading into an inmate area.
- R4.** Purchase and install additional cameras to adequately cover blind spots in the current camera system.
- R5.** Assign adequate relief staff to the security camera control tower.
- R6.** Prohibit inmate-to-inmate mail except between immediate family members.
- R7.** Immediate efforts should be made to correct chronic problems identified in the Daily 24-Hour File Audits
- R8.** The Jail administration should enforce a formal, mandatory progressive discipline system to be consistently applied for all employee disciplinary matters including not properly making or documenting inmate welfare/safety checks.
- R9.** Roll call briefings should be regularly conducted.
- R10.** The Chief Probation Officer should annually audit the Sheriff Office's use of AB 109 funds to insure that the expenditures are fulfilling the mandates of State law.
- R11.** Immediately provide additional adequate programming space for the current Jail facility.
- R12.** Undertake an outside audit of the use of the Inmate Welfare Funds to determine whether the funds are being spent in accordance with State law.
- R13.** Reestablish the Inmate Welfare Fund Advisory Committee and appoint at least three civilians to serve on the Committee.
- R14.** The ISS positions that are currently funded from the Inmate Welfare Fund should be funded from the Jail budget.
- R15.** Funds should be sought for an additional full-time Mailroom Clerk.
- R16.** Funds should be sought to purchase electronic mail scanning equipment for the mail room.
- R17.** When the Jail Medical Services contract next comes up for bid, it should be widely advertised and proposals should be actively solicited from as many different contractors as possible.
- R18.** Analyze the possibility of providing medical services run by the Sheriff's Office, in partnership with Natividad Medical Center.

- R19.** The Sheriff should conduct a thorough analysis of all the causes of overtime, with the purpose of providing solutions.
- R20.** Allocate appropriate funds for the ongoing maintenance of the current Jail facility.
- R21.** In addition to the regular annual inspection, the Monterey County Health Department should conduct at least one unannounced inspection of the Jail facility each year.

## **RESPONSES REQUIRED**

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

Monterey County Board of Supervisors:

All Findings and Recommendations

Monterey County Sheriff:

All Findings except F18; all Recommendations except R10 and R21

Monterey County Chief Probation Officer:

Findings F18 and F19 and Recommendation R10

## **BIBLIOGRAPHY**

- California Board of State and Community Corrections, 2014. 2012-2014 Biennial Inspection Report, August 20, 2014.
- California Code of Regulations, 2012. Title 15: Crime Prevention and Corrections. <http://s3.documentcloud.org/documents/452170/title-15.pdf>
- California Code of Regulations, 2013, Title 24, Part 2, Section 2131, Minimum Standards for Adult Correction Facilities. [http://www.bscc.ca.gov/downloads/ADULT\\_Title\\_24\\_Part\\_2.pdf](http://www.bscc.ca.gov/downloads/ADULT_Title_24_Part_2.pdf)
- Monterey County Sheriff's Office Overtime Hits \$5.58 Million. *Monterey Herald*, August 2, 2014. <http://www.montereyherald.com/general-news/20140802/monterey-county-sheriffs-office-overtime-hits-558-million>

## **Attachments**

- 1—BSCC report
- 2—ISS job description
- 3—Senior ISS job description
- 4—Expenditures for 2013-2014 from the Inmate Welfare Fund
- 5—MOU between Sheriff's Office & Probation Department



LINDA M. PENNER  
*Chair*

KATHLEEN T. HOWARD  
*Executive Director*

## Attachment 1

STATE OF CALIFORNIA

### BOARD OF STATE AND COMMUNITY CORRECTIONS

600 BERGUT DRIVE • SACRAMENTO CA 95811 • 916.445.5073 • BSCC.CA.GOV



EDMUND G. BROWN, JR.  
*Governor*

August 20, 2014

Scott Miller, Sheriff  
County of Monterey Office of the Sheriff  
1414 Natividad Road  
Salinas, California 93906

#### 2012-2014 BIENNIAL INSPECTION – PENAL CODE SECTION 6031

Board of State and Community Corrections (BSCC) staff conducted the 2012-2014 biennial inspection of the Monterey County Jail, Rehabilitation Center, Salinas Superior Court Holding and Marina Traffic Court Holding pursuant to Penal Code Section 6031.1 that included an assessment of compliance with Titles 15 and 24, California Code of Regulations, Minimum Standards for Local Detention Facilities. In addition, BSCC staff conducted compliance monitoring pursuant to Welfare and Institutions Code (WIC) Section 209(f) for the federal Juvenile Justice and Delinquency Prevention Act (JJDP) for the separation requirements of juveniles from incarcerated adults.

The complete BSCC inspection report is enclosed and consists of:

- This transmittal letter;
- Inspection Cycle Information sheets identifying the facilities and listing any areas of non-compliance;
- Procedures Checklists for the facilities outlining applicable Title 15 sections;
- Physical Plant Evaluations outlining Title 24 requirements for design; and,
- Living Area Space Evaluations summarizing each facility's physical plant configurations.

We encourage continuing the practice of maintaining a permanent file for historical copies of all inspections and related corrective action responses. This file should be the first point of reference when preparing for all future inspections.

The Monterey County Jail and Rehabilitation Center inspections occurred on May 21, 2014 while the Salinas Superior Court and Marina Court Holdings were inspected on May 22, 2014.

Inspections of this nature create significant demands on resources already burdened by the day-to-day operations of the facilities. We appreciate the focus, assistance, patience and availability of your staff during the entire process. We especially want to thank Commander James Bass and Captain John Mihi for devoting the extra time and effort needed to prepare and complete a successful inspection.

The inspections were preceded by a desk audit of applicable sections of the Monterey County Sheriff Custody Bureau Operations Manual that govern the operation of the facilities.<sup>1</sup> Policy content was

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<sup>1</sup> BSCC does not review all of your policies and procedures. We only review those policies related specifically to the applicable regulations included in Title 15, Minimum Standards for Local Detention Facilities, for issues of non-compliance. We do not "approve" your policies nor do we review them for constitutional or legal issues. We recommend agencies seek policy review through their legal advisor, risk manager, and other persons deemed appropriate.

reconciled against relevant Title 15 regulations to ensure that each subject required by regulation was addressed in policy.

A well-attended pre-inspection briefing was conducted on April 2, 2014 focusing on operational issues of the facilities, prior inspections and the upcoming inspection and expectations.

### **Local Inspections**

In addition to a biennial inspection by the BSCC, inspections are also required annually by the County Health Officer and biennially by the State Fire Marshal or an authorized representative (Health and Safety Code Sections 101045 and 13146.1). Please consider our report in conjunction with the reports from the County Health Officer and the respective fire authorities for a comprehensive perspective of your facilities as listed in Attachment A.

### **BSCC Inspection – Monterey County and Rehabilitation Center**

#### **Policy, Procedure and Practices System Wide:**

Our review of applicable sections of the policy manual found some areas where we recommended revision to remain compliant with Title 15. We understand your agency has contracted with Lexipol to provide the basis for a new manual which should be available soon to your staff. It is our understanding that the revisions will be included in the new manual. Refer to the Procedures Checklist for further discussion.

The inspections began with an evaluation of documentation on inmate safety checks, use of sobering cells, use of safety cells, restraint placements, exercise records, grievances, disciplinary and incident reports, along with a review of fire/life safety inspection records where applicable.

The inspections continued with a walk-through of the facility and accompanying physical plant evaluation including interviews with staff and inmates and concluded with an exit briefing with Commanders Bass and Lisa Nash and Sergeant Jasper DeFranco.

#### **Sobering Cell, Safety Cell and Restraint Placements**

Among the highest risk areas in detention, sobering cell, safety restraint and safety cell placement require careful attention to detail to provide maximum protection to the inmate involved while reducing the agency's exposure to litigation. Our review of placement documentation included an examination of incident reports prompting those placements, corresponding documentation of safety checks, staff observations of inmates with notation of condition, continued retention schedules, placement and removal times, nutrition/fluid offers, and finally, extremity exercise where applicable.

Protective placements of this type occur only at the jail. Inmates housed at the Rehabilitation Center requiring protective housing would be immediately transferred next door to the jail. Our review of documentation of protective placements at the Monterey County Jail found the sobering cell and the limited number of safety restraint placements meeting the requirements of Title 15. Of some concern was the documentation related to the use of the safety cell. Very little documentation justifying placement was found on the incidents reviewed. Also missing on a number of the incidents was verification of the watch commander's approval for placement. During the exit briefing we concluded that staff would be re-informed of the importance of more detailed incident reporting and the importance of notating watch commander approval. We requested incident reports and logs be provided to verify improvement in this area. Prior to

the submission of this report we reviewed documentation where the reason for placement was clearly indicated on the Lockdown/Inmate Movement Form and the watch commander approval was notated on the accompanying logs.

As discussed during our exit briefing, we recommend that the compliance officer position be prioritized to conduct on-going internal audits of high risk operations in the jails. This would include not only sobering cell, safety cell and restraint placements but also general inmate safety checks and other processes where appropriate. To that end we have provided contact information for other agencies with successful compliance monitoring processes in place.

### **System-Wide Discussion**

Throughout the course of our inspection our interviews with staff found them knowledgeable on Title 15 and related issues. Interviews with inmates disclosed that they felt safe and that mandated activities such as recreation, visits, clothing exchange, etc., were being met. Inmates assured us that medical staff was responsive to their requests and expressed no substantive complaints about the grievance or disciplinary processes.

### **Inmate Programs – Evidence-Based Practices**

A wide variety of programming is available in the jails. Programs include, but are not limited to, GED preparation and testing, Alcoholics and Narcotics Anonymous, and Criminon Way to Happiness course centering on following a code of conduct to lead to better life. Vocational courses are offered in Forklift Training, Janitorial Instruction, Kitchen Basics and Microsoft Office Training.

We encourage every effort to further pursue evidence-based practices and programs where an emphasis is placed on achieving measurable outcomes to ensure that the services provided and the resources used are effective.

### **BSCC Inspection – Salinas Superior Court Holding and Marina Traffic Court Holding**

Monterey County has two court holding facilities that remain under the purview of BSCC, the Salinas Superior Court Holding and Marina Traffic Court. The King City Court holding closed during this inspection cycle.

The court holding inspections were conducted with Captain John Mihi who provided transportation to the sites. In addition we toured the rarely used Monterey Substation court holding and temporary holding facility built prior to 1978 and, therefore, does not fall under the purview of BSCC,

No issues of non-compliance with Title 15 regulations were identified at the inspected facilities.

### **Physical Plant Inspections**

#### ***Monterey County Jail***

Completed in 1976, the Monterey County Jail is evaluated as a Type II facility using the 1976, 1980, and 1981 physical plant standards that were in effect at the time of original construction and when various areas were remodeled or added to the facility. The facility has a rated capacity of 575 with 845 actual beds. On the day of the inspection there were 514 males and 143 female inmates totaling 657 in custody. Efforts to

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Scott Miller, Sheriff  
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mitigate crowding have resulted in a contract to house inmates in the Alameda County Jail where 58 were housed on the day of the inspection. In spite of its age, the facility was clean and appeared well maintained. Due to chronic crowding the facility will remain out of compliance with the following Title 24 Physical Plant Standards:

Title 24, Section 1231.2.6: Single Occupancy Cells. Extra bunks have added to single cells in Housing Units D, G, H, I and J and are, therefore, noncompliant with regulation.

Title 24, Section 1231.2.8: Dormitories. Extra bunks have been added to dormitories exceeding rated capacity.

Title 24, Section 1231.2.2: Temporary Holding Cell or Room. Although not observed at the time of the inspection, we were informed that the booking area and court holding cells regularly exceed capacity. When this occurs the holding cells are non-compliant with regulations.

Due to physical plant limitations, inmates that need to be re-classified to higher security levels are often housed for one or two days in intake holding cells pending appropriate cell availability. Holding cells are not designed for such purpose and the use of them for single inmates restricts the availability of intake holding cells when needed for their intended purpose.

The four safety cells located in the booking area lack variable intensity lighting as required by Title 24, Section 1231.2.5.

### ***Monterey County Rehabilitation Center***

Completed in 1971, the Rehabilitation Center is evaluated as a Type II facility using the 1963 physical plant standards that were effect at the time of construction. The facility has a RC of 250 with 492 actual beds. There were 292 inmates in custody on the day of the inspection. The facility was clean and appeared appropriately maintained for its advanced age. The Rehabilitation Center is physically connected to the Main Jail, making what appears to be seamless access between the facilities. The facility will remain out of compliance with the following Title 24 Physical Plant Standard:

Title 24, Section 470A.2.8: Dormitories. Extra bunks in dormitories exceed rated capacity.

### ***Salinas Court Holding***

Completed in 2002 and recently renovated without effect to current standards, this facility is evaluated using the 1999 physical plant standards in effect at the time of original construction. There were 25 male and 2 female inmates in custody at the time of the inspection. No issues related to physical plant standards were identified.

### ***Marina Traffic Court Holding***

Completed in 1996, this facility is evaluated using the 1994 physical plant standards that were in effect at the time of construction. No inmates were in custody at the time of the inspection. No issues related to physical plant standards were identified.

### **Juvenile Justice and Delinquency Prevention Act Compliance Monitoring:**

In accordance with the JJDP, BSCC monitors jail facilities for compliance with one of four core requirements of the Act - Separation of Juveniles from Incarcerated Adults. Minors are not held at the

## Attachment 1

Scott Miller, Sheriff  
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Monterey County Jail or Rehabilitation Center, minors are not placed in cells at the Marina Court Holding; however, minors may be placed in a cell adjacent to adults in in the Salinas Superior Court Holding. Staff is to remain constantly present at all times to ensure there is no communication between adults and minors. No violations of the JJDPa were identified.

### **Corrective Action Plan:**

Please notify this agency if any of the Title 24 issues related to crowding are corrected.

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This concludes our inspection report for the 2012-2014 inspection cycle. We would like to thank all staff involved in the inspection process for the hospitality and courtesy extended during the visits. If you have questions, concerns, or if we can be of any assistance to you, please contact me at (916) 445-1322, or email at [ron.bertrand@bscc.ca.gov](mailto:ron.bertrand@bscc.ca.gov).

Sincerely,

RONALD L. BERTRAND  
Field Representative  
Facilities Standards and Operations Division

Enclosures

cc: County Administrator, Monterey County\*  
Chair, Board of Supervisors, Monterey County\*  
Presiding Judge, Superior Court, Monterey County\*  
Grand Jury Foreman, Superior Court, Monterey County\*  
Chief Deputy Edward Laverone, Monterey County Sheriff's Office

\* Copies of the complete report are available on request.

## **INMATE SERVICES SPECIALIST**

### **DEFINITION**

Under general supervision, develops the job skills of sentenced inmates by training and working directly with inmates on a variety of duties in laundry operations, janitorial, groundskeeper and general maintenance repairs and projects in a jail facility; and performs other related work as required.

### **DISTINGUISHING CHARACTERISTICS**

This non-peace officer classification is the journey-level class in the Inmate Services Specialist series responsible for developing the job skills of sentenced inmates, coordinating the work of inmate crews and providing training, direction, guidance and feedback on work completed. Incumbents must be knowledgeable about training methods; laundry, janitorial, groundskeeper or general maintenance practices and procedures; department safety policies and procedures; and must utilize safe working practices and sound judgment while working with inmates and performing duties in a jail environment. The level of responsibility is such that errors may jeopardize the safety of self or others.

Inmate Services Specialist is distinguished from the next higher class of Senior Inmate Services Specialist in that the latter is responsible for developing the training criteria for inmate workers and for training and providing technical guidance to employees as well as inmate workers on complex specialized work.

Inmate Services Specialist is distinguished from the higher class of Building Maintenance Worker in that the latter is primarily responsible for performing a wide variety of skilled and semi-skilled work in the repair and maintenance of County buildings and equipment.

### **EXAMPLES OF DUTIES**

1. Performs laundry, cleaning, groundskeeping, and general maintenance and repair duties and trains, directs and monitors the work of inmate workers assigned to these areas.
2. Trains and monitors inmates in the operation of facility equipment such as lawnmowers, washers, dryers, spray-washer, etc.; ensures safety equipment is used and procedures are followed.
3. Locks and secures doors for sentenced inmates entrance and exit of jail and rehabilitation facilities during and after work details.
4. Inspects the Custody Operations facilities and grounds for cleanliness, electrical fixtures, plumbing and general damage to the property.
5. Develops and maintains laundry exchange schedules; ensures there is an adequate supply of clean clothing, work boots, coats, and bedding; and maintains control and

inventory of all laundry supplies and issued items, including shirts, pants, underwear, socks, mattresses, sheets and blankets.

6. Checks clean and dirty laundry for hidden contraband; inspects and disposes of worn out and badly stained items; handles, treats or disposes of contaminated items, and orders replacement items.
7. Places repair orders; coordinates repairs of laundry items with seamstress; and conducts monthly inspections of the laundry facility and boot room.
8. Completes special projects as directed by supervising Sergeant, Commander or Captain.
9. Writes and completes a variety of forms and reports such as memos of inmate incidents, maintenance requests and supply orders.
10. Inventories, orders and stores supplies.
11. Drives County vehicles with inmates to and from Sheriff's facilities to various locations to pick up or unload supplies, donations or trash.

### **QUALIFICATIONS**

A combination of experience, education, and/or training which substantially demonstrates the following knowledge, skills and abilities:

#### Working knowledge of:

1. Principles and practices of effective supervision and training
2. Cal OSHA safety practices for lifting, storing materials and use of equipment, tools, materials, and chemicals used in laundry, janitorial, groundskeeping and general maintenance functions
3. Methods and day-to-day operation of a laundry facility, including laundry equipment, cleaning chemicals, washing, drying, folding, and the preparation, issuance and exchange of laundry, clothing and bedding
4. Modern cleaning practices, chemicals and disinfectants used to clean floors, walls and fixtures, including sweeping, mopping, scrubbing, stripping wax, waxing and buffing
5. Inventory control methods
6. Routine landscaping and groundskeeping practices, including the use of common pesticides and mowing, edging, trimming, pruning and weeding of lawns, hedges and trees

7. General maintenance practices used for painting, mixing and pouring cement, building partitions or shelves, and refinishing and assembling furniture and equipment; and using and maintaining related equipment
8. Maintenance, use and basic repair of tools and equipment used in laundry, janitorial, groundskeeping and general maintenance functions
9. Monterey County Sheriff's Office operations, procedures and regulations

Skill and Ability to:

1. Supervise and train assigned inmates; and monitor, coordinate, direct and train inmates and others on the procedures and operations of the laundry, janitorial, groundskeeping and general maintenance functions
2. Follow safety precautions by checking inmate rosters and cell control panels prior to entering pods to perform general repairs or during laundry exchanges
3. Give direction and guidance on specific assignments and review and correct errors of others
4. Maintain accurate records and reports
5. Develop and implement long and short-range plans, coordinate resources and supervise the activities of inmates
6. Understand, interpret, and apply policies and procedures applicable to the laundry, janitorial, groundskeeping and general maintenance operation of the Custody Operations Bureau
7. Make decisions in procedural matters without immediate supervision
8. Operate, maintain and repair equipment and tools used in laundry, janitorial, groundskeeping and general maintenance functions
9. Adopt quick, effective and reasonable courses of action under emergency conditions
10. Understand written and oral instructions
11. Communicate clearly and effectively both verbally and in writing
12. Establish and maintain effective working relations with those contacted in the course of work, work cooperatively and exhibit customer service skills
13. Properly use radios

**REQUIRED CONDITIONS OF EMPLOYMENT**

As a condition of employment, the incumbent will be required to:

1. Work effectively in potentially stressful conditions in an enclosed and noisy jail environment with inmate crews and housed inmates
2. Interact with potentially violent and difficult individuals that includes exposure to potentially infectious diseases, profanity, offensive smells, lewd behavior and nudity
3. Work throughout Custody Operations Facilities that include inmate housing units, hallways, laundry room and employee break room in the presence of deputy escorted inmates and unescorted inmates
4. Successfully pass a complete background/suitability process, which includes a voice stress analysis, psychological examination and medical examination
5. Work flexible hours, shifts, weekends and holidays; and be subject to being available or called in during off-duty hours
6. Follow safety rules and procedures; and wear safety clothing and equipment
7. Possess a valid California Class C Driver's License
8. Wear a uniform
9. Provide a telephone number or means by which employee can be reached.

**EXAMPLES OF EXPERIENCE, EDUCATION AND TRAINING**

The knowledge, skills and abilities listed above may be acquired through various types of experience, education or training, typically:

**Experience:**

Two years of experience in a laundry, janitorial, groundskeeper or building maintenance position that includes inventory control and the use of related equipment or tools, including some responsibility for monitoring and coordinating the work of others.

**PHYSICAL AND SENSORY REQUIREMENTS**

The physical and sensory abilities required for this classification include:

1. Ability to see sufficient to inspect the Custody Operations facility and to supervise the behavior and activities of sentenced inmates
2. Ability to hear and speak sufficient to instruct and supervise inmate work crews, distinguish sounds and voices in a noisy environment and verbally communicate over a two-way radio

3. Physical strength to lift, push, pull or carry boxes, equipment or laundry carts weighing up to 50 pounds without assistance
4. Manual and finger strength and dexterity sufficient to operate laundry, janitorial, groundskeeping and maintenance equipment and tools
5. Physical stamina and mobility to walk, kneel, reach, twist, stoop, squat, and bend on irregular surfaces that may involve climbing stairs or ladders, or crawling in confined areas to inspect and perform repairs in the Custody Operations facilities and grounds and to load and unload laundry
6. Ability to walk and stand for long periods of time; work indoors and outdoors, including extreme heat and cold; tolerate extreme noise and vibrations; work in confined working spaces and work with or around chemicals, and mechanical and electrical tools

**CLASS HISTORY**

Class Code: 70N10  
 Established Date: September 1988  
 Revised Date: N/A  
 Consolidated Date: May 2005  
 Former Title: Correctional Aide III (80I09)  
 Laundry Crew Leader (70L82)

**CLASS DATA**

Job Group: SM  
 EEO Category: 19  
 Work Comp. Code: 9420  
 Bargaining/Employee Unit: J  
 FLSA: C  
 MOCO OT: Y

Prepared by: Leanne Johnston, Associate Personnel Analyst

Approved by:

/s/ Dianne Dinsmore, Senior Personnel Analyst  
 County Administrative Office

5/16/05

Date

## **SENIOR INMATE SERVICES SPECIALIST**

### **DEFINITION**

Under direction, establishes criteria, develops and oversees formal inmate training programs in laundry, janitorial, groundskeeper and general maintenance and repair operations; and performs other related work as required.

### **DISTINGUISHING CHARACTERISTICS**

This non-peace officer classification is the advanced working and lead worker level in the Inmate Services Specialist series responsible for establishing criteria and developing formal training programs for sentenced inmates and serving as a resource to subordinate employees on the more complex projects associated with laundry, janitorial, groundskeeper and general maintenance functions. Incumbents train, direct, guide, coordinate, and provide feedback on work completed to employees and inmate workers. The level of responsibility is such that errors may jeopardize the safety of self or others.

This class is distinguished from the lower level class of Inmate Services Specialist in that the latter is primarily responsible for directly training, working with, developing the job skills of, and overseeing the work of sentenced inmates in the Custody Operations facilities.

This class is distinguished from the class of Building Maintenance Worker in that the latter is primarily responsible for performing a wide variety of skilled and semi-skilled work in the repair and maintenance of County buildings and equipment.

### **EXAMPLES OF DUTIES**

In addition to performing the duties of Inmate Services Specialist:

1. Plans, develops, reviews, monitors and evaluates inmate vocational training programs.
2. Recommends program policy and develops program protocols and procedures.
3. Oversees the implementation of program activities and submits training materials to the Program Sergeant for approval.
4. Coordinates inmate training program activities with outside agencies such as Salinas Adult School; and identifies and maintains community resources useful in implementing program activities.
5. Provides technical guidance to staff, other agencies and service providers as necessary to assure compliance with program policy and procedures.

**QUALIFICATIONS**

In addition to the knowledge, skills and abilities of an Inmate Services Specialist, a combination of experience, education, and/or training which substantially demonstrates the following knowledge, skills and abilities:

**Thorough knowledge of:**

1. Principles and practices of effective supervision, facility security and training methodology
2. Cal OSHA safety practices for lifting, storing materials and use of equipment, tools, materials, and chemicals used in laundry, janitorial, groundskeeping and general maintenance functions
3. Methods and day-to-day operation of a laundry facility, including laundry equipment, cleaning chemicals, washing, drying, folding, and the preparation, issuance and exchange of laundry, clothing and bedding
4. Modern cleaning practices, chemicals and disinfectants used to clean floors, walls and fixtures, including sweeping, mopping, scrubbing, stripping wax, waxing and buffing
5. Inventory control methods
6. Routine landscaping and groundskeeping practices, including the use of common pesticides and mowing, edging, trimming, pruning and weeding of lawns, hedges and trees
7. General maintenance practices used for painting, mixing and pouring cement, building partitions or shelves, and refinishing and assembling furniture and equipment; and using and maintaining related equipment
8. Maintenance, use and basic repair of tools and equipment used in laundry, janitorial, groundskeeping and general maintenance functions
9. Monterey County Sheriff's Office operations, procedures and regulations

**Skill and Ability to:**

1. Think creatively and develop new procedures, methods or approaches to achieve program goals
2. Exercise initiative, ingenuity and sound judgment in identifying and solving difficult problems or projects
3. Work independently with little or no supervision

**REQUIRED CONDITIONS OF EMPLOYMENT**

As a condition of employment, the incumbent will be required to:

1. Work effectively in potentially stressful conditions in an enclosed and noisy jail environment with inmate crews and housed inmates
2. Interact with potentially violent and difficult individuals that includes exposure to potentially infectious diseases, profanity, offensive smells, lewd behavior and nudity
3. Work throughout Custody Operations Facilities that include inmate housing units, hallways, laundry room and employee break room in the presence of deputy escorted inmates and unescorted inmates
4. Successfully pass a complete background/suitability process, which includes a voice stress analysis, psychological examination and medical examination
5. Work flexible hours, shifts, weekends and holidays; and be subject to being available or called in during off-duty hours
6. Follow safety rules and procedures; and wear safety clothing and equipment
7. Possess a valid California Class C Driver's License
8. Wear a uniform
9. Provide a telephone number or means by which employee can be reached.

**EXAMPLES OF EXPERIENCE, EDUCATION AND TRAINING**

The knowledge, skills and abilities listed above may be acquired through various types of experience, education or training, typically:

**Experience:**

Four years experience in a laundry, janitorial, groundskeeper or building maintenance position that includes inventory control and the use of related equipment and tools, including two years of responsibility for monitoring and coordinating the work of others and some training and/or experience in the development and implementation of training plans.

OR

Two years experience performing duties comparable to those of the classifications of Inmate Services Specialist or Building Maintenance Worker in Monterey County.

**PHYSICAL AND SENSORY REQUIREMENTS**

The physical and sensory abilities required for this classification include:

1. Ability to see sufficient to inspect the Custody Operations facility and to supervise the behavior and activities of sentenced inmates
2. Ability to hear and speak sufficient to instruct and supervise inmate work crews, distinguish sounds and voices in a noisy environment and verbally communicate over a two-way radio
3. Physical strength to lift, push, pull or carry boxes, equipment or laundry carts weighing up to 50 pounds without assistance
4. Manual and finger strength and dexterity sufficient to operate laundry, janitorial, groundskeeping and maintenance equipment and tools
5. Physical stamina and mobility to walk, kneel, reach, twist, stoop, squat, and bend on irregular surfaces that may involve climbing stairs or ladders, or crawling in confined areas to inspect and perform repairs in the Custody Operations facilities and grounds and to load and unload laundry
6. Ability to walk and stand for long periods of time; work indoors and outdoors, including extreme heat and cold; tolerate extreme noise and vibrations; work in confined working spaces and work with or around chemicals, and mechanical and electrical tools

**CLASS HISTORY**

Class Code: 72A40  
 Established Date: May 2005  
 Revised Date: (New)  
 Former Title: (New)

**CLASS DATA**

Job Group: SC  
 EEO Category: 16  
 Work Comp. Code: 9420  
 Bargaining/Employee Unit: J  
 FLSA: C  
 MOCO OT: Y

Prepared by: Leanne Johnston, Associate Personnel Analyst

Approved by:

/s/ Dianne Dinsmore  
 County Administrative Office

5/16/05  
 Date

**Monterey County Sheriff's Office  
Inmate Welfare Trust Fund  
For the Period From July 1, 2013 to June 30, 2014**

Attachment A

**INCOME**

Commissary Sales	\$ 365,776
Gov Pay Commission	436
Inmate Care Commission	72,083
Jail Signs Commission	30,690
Telephone Commission	<u>436,257</u>

**TOTAL INCOME****\$ 905,241****EXPENSES**

Bank Supplies & Fees	4,666
Building Maintenance	2,136
Chaplain / Religious Services	63,152
Education, Books	2,525
Education, GED	5,040
Employee Costs	706,716
Entertainment	2,940
Equipment (sml), Purchase	16,191
Equipment, Repair	25,738
Health, Drug, Alcohol Program	167,004
Hygiene Kits	30,251
Miscellaneous Expense	64
Office Supplies	7
Postage	10,094
Printing Services	66
Legal Services	15,101
Employee Conference Training	784
Utilities	<u>2,522</u>

**TOTAL EXPENSES****1,054,996**

Net Income (Loss)

(149,755)

Balance on June 30, 2013

183,272

Balance on June 30, 2014

**\$ 33,517**

MC-FIN-GA-0009\_PRG

Report ID :

County Of Monterey

08/19/2014

Run Date

YTD Expenditure Summ

Run Time 04:37 PM

For Fiscal Year 2014 Thru Accounting Period 1!

Cover Page

## Parameters and Prompts

Fund	001
Department	2300
Unit	8239
Fiscal Year	2014
Accounting Period	15
Fund	001 - General
Department	2300 - Sheriff-Coroner

Object	Object Name	BFY	YTD Expenditure	
Appropriation	SHE003 - Sheriff - Custody Operations			
Major Program	- NOT ENTERED			
Program Code	- NOT ENTERED			
Unit	8239 - Inmate Programs			
6111	Regular Employees	2014	400,506.31	706,716.19
6113	Overtime	2014	16,531.11	
6121	PERS	2014	63,109.19	
6122	Other Post-Employment Benefits	2014	4,174.00	
6131	FICA	2014	17,951.61	
6132	Medicare	2014	5,981.23	
6141	Flex Co Paid Insurance-Pretax	2014	6,573.51	
6142	Life Insurance	2014	326.60	
6145	Dental Insurance	2014	2,854.39	
6147	Vision Insurance	2014	634.13	
6148	Unemployment Insurance	2014	1,198.00	
6161	Workers Compensation Insurance	2014	75,795.84	
6171	Employee Assistance Program	2014	111.14	
6173	Flex-Benefit Plan Contribution	2014	92,650.50	
6174	Special Benefits	2014	653.33	
6175	Wellness Plan	2014	487.00	
6221	Clothing and Personal Supplies	2014	30,250.83	
6232	Communication Charges - Internal	2014	2,521.77	
6251	Cleaning and Janitorial	2014	351.70	
6261	Insurance - General Liability (Non-recoverable)	2014	2,278.56	
6262	Insurance - General Liability (Recoverable)	2014	6,709.24	
6266	Insurance - Property	2014	875.00	
6268	Insurance - Other	2014	391.00	
6311	Buildings & Improvements Maintenance - External	2014	2,135.69	
6321	Equipment Maintenance	2014	24,212.65	
6361	Noncapital Equipment	2014	7,783.36	
6382	Audio-Visual Service & Supply	2014	1,525.81	
6384	Miscellaneous Supplies	2014	0.00	
6401	Books/Periodicals and Other Subscriptions	2014	2,525.06	
6406	Mail Handling Charges	2014	3,021.78	
6409	Minor Equipment and Furnishings	2014	456.82	
6410	Office Supplies	2014	7.07	

## Attachment 4

6411	Postage and Shipping	2014	7,072.07
6412	Printing, Graphics and Binding Charge - External	2014	65.97
6601	Employee Benefit Unit Allocation	2014	1,225.00
6603	Data Processing Services - Internal	2014	2,779.00
6606	Legal Service - External	2014	15,101.00
6612	Temporary Help Services	2014	2,920.50
6613	Other Professional & Special Services	2014	235,195.80
6835	Other Special Departmental Expenses	2014	6,861.14
6861	Conference/Lodging/Meals/Travel	2014	783.66
7531	Equipment	2014	8,407.80
<b>Total for Unit 8239 - Inmate Programs</b>			<b>1,054,996.17</b>
<b>Total for Program Code - NOT ENTERED</b>			<b>1,054,996.17</b>
<b>Total for Major Program - NOT ENTERED</b>			<b>1,054,996.17</b>
<b>Total for Appropriation SHE003 - Sheriff - Custody Operations</b>			<b>1,054,996.17</b>
<b>Total for Department 2300 - Sheriff-Coroner</b>			<b>1,054,996.17</b>
<b>Total for Fund 001 - General</b>			<b>1,054,996.17</b>
<b>Grand Total</b>			<b>1,054,996.17</b>

RECEIVED  
AUG 25 2014  
FINANCE OFFICE/PROBATION

**MEMORANDUM OF UNDERSTANDING**  
**between**  
**MONTEREY COUNTY**  
**PROBATION DEPARTMENT**  
**and the**  
**SHERIFF'S OFFICE**  
**for implementation of allocated monies from the**  
**Public Safety Realignment Act (AB 109)**

**PURPOSE**

This Memorandum of Understanding was developed and entered into by the Monterey County Probation Department, hereafter referred to as **Probation**, and the Sheriff's Office, hereafter referred to as **Sheriff**. The purpose of this Memorandum of Understanding is to specify the services to be provided by Sheriff's Office within the framework and mandates of AB 109.

**BASIC GUIDELINES**

Both parties agree to follow the guidelines of AB 109 as set forth in the legislation and in the guidelines and interpretations by the California Board of Corrections as indicated in **EXHIBIT A**. It is understood between the parties that AB 109 funding must be used prior to June 30, 2015, and that all expenditures of funds must adhere to the guidelines contained in the legislation. It also is understood that Probation bears oversight responsibility for administration of these grants and must monitor each participating agency's adherence to mandated guidelines.

The target population to be served through this MOU includes all inmates affected by AB 109 - treatment, overcrowding, parolees, and healthcare.

**DUTIES AND RESPONSIBILITIES**

**Sheriff's Office:**

1. Provide offender classification services in the Sheriff's Custody Bureau for all persons housed in Monterey County jail.
2. Provide two portable training and reentry classrooms with technology equipment and materials needed to complete GED requirements, vocational and college level coursework.
3. Provide one full-time (1.00 FTE) Deputy Sheriff who will provide classification services to ensure proper programmatic and housing of inmates.
4. Provide one full-time (1.00 FTE) Deputy Sheriff who will provide transportation to and from other county jails, Community Custody Program's or Fire Camps for placement of inmates to reduce overcrowding.
5. Provide one full-time (1.00 FTE) Criminal Intelligence Specialist who will assist the Classification Unit and Probation Officers placing sentenced inmates on Involuntary

Electronic Home Monitoring, measure recidivism rates and prepare statistics for various agencies and Sheriff's command.

6. Provide two full-time (2.0 FTE) Management Analysts III's to manage the research, development and implementation of evidence-based programs, and analysis of alternatives to detention; and to act as ombudsman for the provision of mandated or expanded medical and mental health services, and to coordinate any new processes.
7. The Deputy Sheriffs' Management Analyst's and the Criminal Intelligence Specialist are employees of the Sheriff's Office, which retains supervision and assignment of duties over its staff.
8. Collaborate with Probation to develop a protocol for the identification of sentenced persons who may be eligible and suitable for alternatives to detention programs.
9. Collaborate as necessary with other agencies involved in working with this population of individuals.
10. Maintain and provide on an on-going basis to Probation, or to Probation's contracted designee, whatever records are necessary to determine the effectiveness and outcomes of Sheriff's participation in this project.
11. Provide full access to the manner and specifics of the expenditures of all allocated funds from the grant.
12. Attend collaborative meetings, when necessary, to coordinate the overall implementation of the AB 109 funding.
13. Attend team meetings when necessary.
14. Communicate regularly with Probation regarding case management and program implementation.
15. Provide the Introspect Program, which encompasses assessment, testing and substance abuse intervention, and residential alcohol and drug treatment to inmates.
16. Upon mutual agreement, provide other services.

**Probation Agrees to:**

1. In FY 2014-15 provide a total of \$4,168,753 in allocated funds from AB 109, to be disbursed Intra-funds Transfer (**EXHIBIT B**) on a monthly basis upon presentation, and verification of receipts, time cards, or other proofs of expenditure. **SHERIFF's** Office estimates the following:
  - \$193,400 Training and Reentry classroom #1
  - \$160,000 Training and Reentry classroom #2

- **\$156,853** for one full-time (1.00 FTE) Deputy Sheriff providing custody supervision;
- **\$290,479** for two full-time (2.0 FTE) Management Analyst III's to manage research and analysis of alternatives to detention; and the other to act as an ombudsman, keeping current with mandated medical and mental health care services for clients, and to coordinate new processes to manage change;
- **\$270,361** for one full-time (1.00 FTE) Deputy Sheriff providing transportation supervision and one full-time (1.00 FTE) Criminal Intelligence Specialist providing data evaluation;
- **\$150,000** for catastrophic medical coverage for the jail;
- **\$128,068** for the Introspect program;
- **\$647,842** for incarceration fees; and
- **\$2,171,750** for out of County jail beds.

Reimbursement for a service area may be in an amount more than or less than estimated in this agreement. The aggregate reimbursement shall not exceed the total agreement amount of **\$4,168,753**.

2. Identify a Probation staff member(s) to be the primary contact to the Deputy Sheriff (Cmdr. Jose Mendoza).
3. Provide Sheriff with a list of the specific information needed for adequate record keeping and data gathering from all individuals who are referred.
4. Maintain a referral criterion that incorporates program eligibility and suitability requirements.
5. Implement any court-ordered conditions of probation that require participation and provide accountability.
6. Continue to integrate services including, but not limited to, community programs and alternatives to incarceration.
7. Participate in and work to increase opportunities to collaborate with other providers to improve or expand services.
8. Communicate regularly with Sheriff regarding program status via monthly meetings.

#### **FISCAL**

**PROBATION** will serve as the fiscal agent and manage the program and service delivery to the target populations for this MOU. **PROBATION** shall reimburse **SHERIFF** for services rendered as outlined in this MOU in accordance with the budget detailed in **(EXHIBIT C)**.

**SHERIFF** shall invoice **PROBATION** monthly. Sheriff shall submit a monthly claim for payment, with back-up documentation, no later than the 20th day following the month of service. Failure to submit reports will be deemed non-compliance with the grant terms and conditions and

may cause reimbursement to be delayed or denied. Expenses may only be incurred prior to June 30, 2015.

**INDEMNIFICATION**

The parties to this MOU are Departments of Monterey County; there are no indemnification or insurance requirements.

**CONFIDENTIALITY**

To the extent permitted by law, both Sheriff and Probation agree to share information regarding the court-involved individuals affected by this Memorandum of Understanding. Information from the individual's history shall be used only to gain an understanding of the needs of the client and to improve the planning, delivery and evaluation of services. The sharing of information related to specific case histories, as permitted by law, is deemed essential to interagency collaboration.

**EFFECTIVE DATE OF MOU**

This MOU shall become effective July 1, 2014 and will terminate on June 30, 2015. If funding is available for subsequent years, this agreement will be reviewed and may be updated or revised by mutual consent. This agreement may be terminated by either party upon (30) days advance written notice to the other party.

We, the undersigned, as authorized representatives of the **MONTEREY COUNTY SHERIFF'S OFFICE** and the **MONTEREY COUNTY PROBATION DEPARTMENT**, do hereby approve this document:

  
\_\_\_\_\_  
**Manuel Real**  
Chief Probation Officer  
Monterey County Probation Department

  
\_\_\_\_\_  
**Scott Miller**  
Sheriff-Coroner  
Monterey County Sheriff's Office

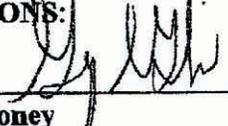
Date: 8/25/14

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
**Traci Kirkbride**  
Deputy County Counsel  
County of Monterey

**APPROVED AS TO FISCAL PROVISIONS:**

  
\_\_\_\_\_  
**Gary Giboney**  
Deputy Auditor-Controller  
County of Monterey

Date: 8/20/14

Date: 8-20-14