

Grand Jury

County of Monterey



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

Dear Judge Scott:

This letter forwards the Final Report of the 2007 Monterey County Civil Grand Jury. On January 5, 2007, members of the jury were sworn in and charged to safeguard the public's interests by investigating selected county and municipal entity operations and looking into the management and condition of all public prisons in the County. The Grand Jury has received and evaluated complaints made by members of the public. In many cases, these complaints were determined to be outside the jurisdiction of the Civil Grand Jury and were forwarded to the District Attorney as alleging criminal activity. Some complaints were received too late in the year to be adequately investigated by the 2007 Civil Grand Jury, and these are being held by court staff to be forwarded to the 2008 Civil Grand Jury for consideration.

In all of our work the Grand Jury took exceptional care to assure that members with perceived or potential conflicts of interest or bias, with respect to the issue in question, abstained from participation.

Early in the year, the Grand Jury formed committees to expedite and facilitate our investigations. However, all sections contained in this report are the product of the entire Grand Jury working as a collegial body. Each section stands on its own, although due to the relationship of individual topics or due to similarity in the nature of governmental functions, a number of recommendations are repeated in more than one report.

The Grand Jury reviewed official responses to the 2006 Civil Grand Jury Report for completeness and for failures to respond to the findings and recommendations. In one instance, the 2007 Civil Grand Jury chose to continue an investigation of a topic which was the subject of a 2006 Grand Jury Report and for which responses from a governmental entity were received.

The Grand Jury wishes to acknowledge the assistance of Ms. Liz Fuentez of the Jury Commissioner's Office and to thank the Office of the District Attorney and County Counsel, as well as you and Judge Adrienne Grover for continued guidance throughout the year.

Respectfully,

Ray Millard
Presiding Juror Pro Tem

**2007 Monterey County Civil Grand Jury
Final Report**

Table of Contents

Presiding Juror Pro Tem’s Letter to Presiding Judge	i
Table of Contents	ii
2007 Grand Jury Members	iii
Grand Jury Mission and Response Requirements	iv
<u>INFORMATION TECHNOLOGY</u>	
1. CORE/Enterprise Resource Planning	1
2. Law Enforcement Information Technology	3
<u>EMERGENCY SERVICES</u>	
3. Office of Emergency Services (OES)	6
4. Emergency Services/911 Center	11
5. Emergency Preparedness of Monterey County Cities	13
<u>ELECTIONS</u>	
6. Residency Requirements of Elected Officials in Monterey County	16
7. Voter Registration	18
8. Electronic Voting in Monterey County	20
<u>YOUTH SERVICES</u>	
9. Mission Trails Regional Occupation Program	25
10. Family and Children’s Services: Transitional Programs for Foster Youth	28
<u>LAW ENFORCEMENT</u>	
11. Monterey County Gangs: Suppression, Intervention and Prevention	34
12. Probation Department/Adult Division	41
13. Probation Department/Juvenile Division	45
14. Greenfield PD: An Innovative Approach to Law Enforcement	49
15. Monterey County Coroner’s Office and the County Morgue	52
<u>PRISONS</u>	
16. Monterey County Jail	56
17. Correctional Training Facility (CTF)	60
18. Salinas Valley State Prison (SVSP)	64

2007 Monterey County Civil Grand Jury

Members

Judy Kay Dawson	Marina
Suzanne du Verrier	Salinas
Debra Sue Langlois	Salinas
John M. Mahoney	Salinas
John P. Martella	Salinas
John Meeks	Salinas
Ray Millard	Monterey
Diana Y. Paul	Carmel
James P. Ryan	Royal Oaks
David K. Thornberry	Salinas
Margretta Verteletsky	Monterey

Civil Grand Jury Mission and Response Requirements

Empowered as part of the judicial branch of local government, the Civil Grand Jury operates under the aegis of the Superior Court. Each year, the judges of the Superior Court nominate 30 citizens who have volunteered from throughout the County to be selected in a public drawing of 19 Jurors and 11 Alternates held during a court proceeding convened during the first week in January.

The primary mission of a Civil Grand Jury in the State of California is (1) to examine county and city governments as well as districts and other offices in order to ensure that the responsibilities of these entities are conducted lawfully and efficiently, and (2) to recommend measures for improving the functioning and accountability of these organizations which are intended to serve the public interest.

California Penal Code Section 925 states, "The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in ex officio capacity as officers of the districts." Additionally, Section 919 prescribes that, "The grand jury shall inquire into the condition and management of the public prisons within the county," and that, "The grand jury shall inquire into willful or corrupt misconduct in office of public officers of every description within the county."

All who appear as witnesses or communicate in writing with the Grand Jury are protected by strict rules of confidentiality, for which violators are subject to legal sanction. The minutes and records of Grand Jury meetings are protected by law and cannot be subpoenaed or inspected by anyone.

Section 933(a) declares: "Each grand jury shall submit...a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year." Every elected county officer and governing body to whom a Finding or Recommendation has been addressed must respond in writing to the Presiding Judge within 60 and 90 days, respectively.

Section 933(b) declares: "One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity."

According to its statutory authority, the Grand Jury investigates activities (1) by responding to written complaints from County residents about alleged irregularities in local government, and (2) by initiating inquiries about "offenses and matters of civil concern" (Section 915). Grand Jury initiatives may involve investigations commenced by previous juries (Section 924.4),

including evaluation of governmental responses to Findings and Recommendations given to prior Final Reports.

Residents of Monterey County may request complaint forms or correspond with the Grand Jury by contacting the Office of the Monterey County Civil Grand Jury at (831) 775-5400, ext. 3014. Residents may also view the Final Report or obtain complaint forms through the Grand Jury's web site address at <http://www.monterey.courts.ca.gov>.

Sections 933 and 933.05 of the California Penal Code describe who must respond to Findings and Recommendations published in the Final Report of a Civil Grand Jury, when the response must be submitted, and the format of the response.

Pursuant to Penal Code Section 933(b), responses to the Final Report of the 2007 Monterey County Civil Grand Jury are due as follows:

ELECTED COUNTY OFFICERS: (60-Day Response Period)
Due on or before March 4, 2008.

GOVERNING BODIES OF PUBLIC AGENCIES: (90-Day Response Period)
Due on or before April 3, 2008.

ADDRESS FOR DELIVERY OF RESPONSES:

The Honorable Russell D. Scott
2007-2008 Presiding Judge of the Superior Court
240 Church Street
Salinas, CA 93901

Section 1 -- CORE/Enterprise Resource Planning

Summary: The 2007 Civil Grand Jury reviewed County agency responses to the 2006 Grand Jury Report for those parts of the Component Organization and Registration Environment (CORE/Enterprise Resource Planning), a financial system with an accounting base, which had been halted in 2006.

CORE resides on CollabNet and uses the SourceCast tool to, according to the site, "Integrate applications for software development, knowledge management and project communication. Control access through a Web-based project workspace with a centralized, role-based permissions model. Enables secure and cost-effective development across multiple agencies."

Background: The 2006 Monterey County Civil Grand Jury reviewed several previous Grand Jury Reports and Responses, especially the 2004 Report which provided an in-depth investigation of the auditing and budgeting practices of the County. The 2006 Grand Jury reviewed those 2004 Responses which indicated that compliance would be reached within the fiscal year 2005-2006. Many of those required a new financial planning system—the CORE/Enterprise Resource Planning system—whose implementation had been placed on hold.

Investigative Methodology: The 2007 Grand Jury reviewed prior Grand Jury Reports and County Responses, documents and conducted interviews with various Monterey County officials.

Facts Relevant to the Investigation:

1. The County still continues to use an antiquated computer financial system (the Advantage Financial System).
2. Instead of implementing the CORE/Enterprise System as had been previously planned, the County has decided to implement an upgrade to the American Management Systems (AMS) with the current vendor Common Gateway Interface (CGI), which is government specific.
3. Payroll will be integrated into the new system.
4. Budget, Human Resources and Accounting are the only areas which are included in the system without “bridging” (patching); for example, Natividad Medical Center and Public Works systems will have to be “bridged” in.
5. The Board of Supervisors has funded the implementation of a new system (AMS) and authorized the new positions the change-over will require.

Findings:

F 1.1 Some of the new positions have already been filled.

F 1.2 A Enterprise Resource Planning (ERP) project manager has already been hired out of the Auditor's Office and is in place and reports to the County Administrative Officer (CAO).

F 1.3 The Budget Office will take over the primary lead and the whole system will be under the County Administrative Officer, rather than the County Auditor-Controller.

F 1.4 The new general ledger system is now planned to go into effect 1 July 2009 (fiscal year 2009-2010) with the new payroll system 6 months later (calendar year 2010).

F 1.5 A new Human Resources software component is being organized and will support the integration of payroll into the new system.

F 1.6. Competitive bidding for a system could have added up to one year to the time frame.

F 1.7. Monterey County is still not ready to implement a new system. Much preparatory work needs to be finished.

Recommendations:

R 1.1 The Board of Supervisors should fund and continue to fully support the implementation of the new financial planning system.

R 1.2 The County Administrative Officer and the Auditor/Controller should do all they can to insure that the implementation of the new system proceeds on schedule.

Response Required to all Findings and Recommendations:

Board of Supervisors

Monterey County Auditor-Controller

Section 2 -- Law Enforcement Information Technology

Summary: The Monterey County Civil Grand Jury investigated various components of Information Technology (IT) within the Monterey County law enforcement community. Software, networks, and hardware systems were reviewed along with the various organizational structures that were created to develop, implement and support these computing components. The Jury was interested in knowing how various law enforcement elements working throughout Monterey County were using information technology to manage and conduct operations.

Background: Law enforcement entities throughout the County rely on computers to manage daily and long-term operations. At the County level, various information technology departments are responsible for the selection, implementation and support of computers and software. Each of the 12 municipalities in the County is responsible for their city's information technology installations. Since the County government operates the principal jail, the largest law enforcement department (the County Sheriff's Department), and the only Probation Department within County boundaries, it necessarily carries the heaviest responsibility with regard to information technology used to support related law enforcement functions. Moreover, the Court although not a part of the County government, is closely and directly tied to county-wide law enforcement activities. For many years all of these entities, be they municipal, county or state level, have used computers, software, networks and other information technology tools to improve the efficiency and effectiveness of their law enforcement functions.

Systems and Definitions:

CJIS -- Criminal Justice Information System
JMS -- Jail Management System
RMS -- Records Management System
RFP -- Request for Proposals
SJE -- Sustain Justice Edition
WAN -- Wide Area Network
GIS -- Geographic Information System

Investigative Methodology: The Grand Jury interviewed representatives of the management of various law enforcement information technology teams. Survey questionnaires were prepared and distributed to selected IT representatives, returned and analyzed. Follow-up interviews were conducted to remove ambiguities and to resolve further questions.

Facts Relevant to the Investigation:

1. The majority of the software components that operate within Monterey County government are developed by consulting companies and are maintained and supported by county employees.

2. The Jail Management System or JMS currently in place at the County level was developed in conjunction with three other California Counties: Marin, Kern and San Joaquin. As originally envisioned by the County, the system was intended to support the jail, courts, probation, and district attorney functions.
3. The Records Management System or RMS module was installed as a component of the JMS in 1991.
4. JMS was implemented in November 1992 along with the Court, District Attorney and Probation modules.
5. Subsequent to the County's purchase of JMS, the system developer was bought out and went out of business, leaving no vendor support for JMS.
6. The Court and Probation modules have been upgraded; however, they no longer interface with the JMS.
7. The JMS system operates on an antiquated IBM Z890 mainframe. This is the same platform which operates other non-law enforcement applications in the County.
8. IBM support for the operating system was withdrawn on March 31, 2007.
9. Network support is through the County's Wide Area Network (WAN) which runs under Ethernet.
10. As an outgrowth of the County's 2003 Information Technology Strategic Plan, in 2006 the Board of Supervisors implemented a Capital Improvement Program (CIP) to plan for financing IT investment projects in excess of \$100,000.
11. According to the County's IT Department, one element of the CIP includes possible future implementation of an Integrated Justice Information System within the County.
12. Eighteen other initiatives are identified in the CIP which directly support county-wide law enforcement efforts including creation of an on-line centralized documents repository and expansion of the use of geographic information systems (GIS) for County law enforcement entities.
13. Other IT initiatives include the ongoing study of possible upgrades or replacement of law enforcement components of the current system running on the County's mainframe. This study is being conducted for the County by a consulting firm. Study recommendations will likely address not only the JMS but other modules as well as the County's interface with state-wide law enforcement IT systems. All upgrade plans are contingent on the findings and recommendations of the study and the County's decisions regarding those recommendations.
14. The JMS is supported by the County Information Technology Department.

15. In December 2004, the Superior Court implemented Sustain Justice Edition (SJE) as the current information system.

16. SJE operates on another platform and does not interface with CJIS. The former CJIS which consists of several databases and one subsystem offers a wide range of information nationwide. The court CJIS module contains historical data only.

17. The Probation Department uses internal independent data files and does not actively utilize the County CJIS Probation module.

18. The level of support by the County's IT Department for CJIS is as follows: Systems Programmer Analysts, four primary with one backup and two Software Analysts.

Findings:

F 2.1 The County's law enforcement information technology (IT) systems no longer interface with the court's IT systems. The two systems are no longer compatible and do not integrate with each other or with other law enforcement systems.

F 2.2 There are no plans to upgrade the JMS legacy system.

F 2.3 The feasibility study of the JMS is underway.

F 2.4 The consultant is working with all Justice Partners in the study.

Recommendations:

R 2.1 The Board of Supervisors should insure the priority and timeliness of the ongoing system upgrade feasibility study.

R 2.2 The Board of Supervisors should include the County Probation Department in the scope of the feasibility study.

R 2.3 The Board of Supervisors and the Superior Court should begin a process which will ultimately result in a seamless flow of law enforcement data of interest to all elements operating within the County irrespective of jurisdiction, geography, or IT methods or means.

R 2.4 The County IT Department should develop evolving contingency plans for all critical County law enforcement IT functions.

Response Required to Findings and Recommendations:

Board of Supervisors
Monterey County Sheriff
District Attorney

Section 3 -- Office of Emergency Services

Summary: Emergency preparedness is a work in progress nationally and locally. A commendable start has been made with the formation and function of the Office of Emergency Services (OES). The Grand Jury acknowledges the progress to date. The Grand Jury investigated the emergency services of the OES, the 911 center and all cities.

Background: In 1991 after the disastrous Oakland-East Bay Hills Fire, California passed Government Code Section 8607 which established the Standardized Emergency Management System (SEMS) to improve the coordination of state and local agencies during a disaster or emergency response. Since the events of September 11, 2001, emergency preparedness has become a national priority. Nationally, on February 28, 2003, President Bush issued Homeland Security Presidential Directive-5 (HSPD) which mandated the development and administration of a National Incident Management System (NIMS). Despite these governmental efforts, experts urge citizens to be their own first responders and make advance preparations for emergencies.

The Mission Statement of the OES is to develop and maintain a state of readiness in preparation for the occurrence of any natural, technological, or human conflict emergency that could impact Monterey County. Furthermore, it is to advise and assist in the response, recovery, and mitigation of any such emergency.

In April 2006, the Center for Collaborative Policy, which is affiliated with California State University-Sacramento, met and analyzed the strengths and weaknesses of emergency management in California. One key finding was the need for more training of public officials. The focus was on the importance of those officials being fully trained in preparing for emergencies, understanding their roles and responsibilities, and having the right information and decision making tools to understand the implication of their decisions.

The OES has 14 standing program objectives including developing and maintaining a countywide emergency preparedness awareness program and supporting educational program activities.

The OES is responsible for assembling key people from multiple disciplines to respond to an emergency. These personnel work out of the Emergency Operation Center (EOC).

The Grand Jury members observed a “table top” exercise at the EOC. This was an exercise on responding to a tsunami. Key personnel from 31 agencies attended. Among those attending were:

Logistics (Contracts/Purchasing)
Administration/Finance (Budget & Analysis)
Public Information (Administration/Auditor-Controller)
Coastal Region, Governor's Office of Emergency Services
Monterey County Fire Chiefs Association

Monterey County Emergency Medical Services Agency
Monterey County Sheriff's Office
California Highway Patrol (CHP)
Pacific Grove Fire and Police Departments
Carmel Fire and Police Departments
Seaside Fire and Police Departments
Marina Public Safety Department
Monterey Fire and Police Departments
Sand City Police Department
North County Fire Protection District
Cal Fire (Carmel Highlands, Cypress, Pebble Beach)
Pebble Beach Company
Naval Postgraduate School
U.S. Coast Guard Station, Monterey
National Weather Service
Moss Landing and Monterey Harbor Masters
California State Department of Parks and Recreation
Monterey Dunes Colony

Investigative Methodology:

The Grand Jury toured the Emergency Command Center, conducted interviews, searched the internet, reviewed documents, observed a table top training session in the Center and attended a presentation of a new proposed mobile command vehicle.

Facts Relevant to the Investigation:

1. In California there are three specific emergency response programs that, by law, Monterey County must adhere to: the Incident Command System (ICS), Standardized Emergency Management System (SEMS) and National Incident Management System (NIMS). State law requires all state, county, cities, and special district agency employees complete a basic course in SEMS and NIMS.
2. The Emergency Operations Center (EOC), a 14,900 square foot facility, was completed in April 2004. Because of budget constraints this facility does not have all the features initially planned. The EOC provides a location for key personnel from multiple agencies to gather and coordinate emergency responses. It provides a training center for emergency personnel to practice responding emergency responses.
3. The OES has a small back-up bus, the Monterey County Communications Emergency Vehicle. It was funded by grant in 1991. It has only eight hours of tactical capability. It has no space for 911 and ham radio functions.
4. Among the OES's standing program goals is the goal to increase emergency public preparedness and awareness.

5. An example of good public education is the pamphlet published by the city of Pacific Grove telling its residents how to respond to a tsunami with specific detailed evacuation instructions.
6. There is no system in Monterey County to rapidly announce an emergency to a specific area. An emergency telephonic warning system is available at low cost. It has been instituted by two cities. It allows an emergency message to be simultaneously called to all land line telephones and registered cell phones in a designated map area.
7. Persons with cell phones will need to individually register them with the 911 center to be included in the system.
8. Voice over Internet Protocol (VoIP) programs vary. Many of these programs cannot call or be called by 911 and would not be included in such an emergency system.
9. The OES has 6 goals 4 of which are:
 - a. Develop, 'all hazards' emergency and operational postures and supporting doctrines.
 - b. Lead the operational area's effort in support of counter-terrorism/WMD deterrence by building consensus and fostering inter-agency cooperation.
 - c. Develop an integrated emergency response capability for the operational area.
 - d. Administer the County's emergency management program in an effective and responsive manner.
10. The OES has 14 objectives 4 of which are:
 - a. Develop and maintain comprehensive, interacting, operational area emergency preparedness, response, support and complimentary plans.
 - b. Develop appropriate interagency coordination that involves all elements of the operational area, and private enterprise organizations. To the extent involvement of governmental agencies, this objective is directly associated with maintenance of the SEMS program.
 - c. Develop and maintain a comprehensive homeland security program that supports federal, state, and operational area goals and objectives.
 - d. Ensure that all efforts are directed towards benefiting all elements of the operational area.
11. Not all key personnel have been certified with SEMS and NIMS.
12. The OES stores records critically necessary for FEMA payments in a single location.
13. The OES has no county-wide alert system to rapidly inform the general public of an emergency situation.
14. Warning systems have not been installed in all coastal areas subject to tsunami damage. Pacific Grove has installed sirens.

Findings:

F 3.1 The OES goals and objectives are redundant and not systematically organized possibly resulting in a loss of focus. Most of the objectives are not measurable and appear to be goals.

F 3.2 Table top exercises are generally held quarterly and last usually two hours. The Grand Jury attended an exercise and observed: The background noise and room size was not conducive to adequate vocal communication. The needed coordinated response of 31 agencies to a major emergency was too complicated to be covered in the allotted two hours.

F 3.3 The Emergency Operation Center (EOC) needs enhanced physical protection. The Center lacks physical barriers outside the building which would prevent a vehicle from colliding with the building. It lacks a physical glass barrier within the building which would allow the media to enter the building and observe the action without causing interference.

F 3.4 The OES has focused well on reacting to emergencies, however, minimal education has been done by the county to educate the public on the areas to be evacuated in event of a tsunami and how such evacuation should be accomplished. Also, citizens need to be educated how to make personal emergency preparations.

F 3.5 The city of Pacific Grove has offered good education to its citizens regarding how to react to a tsunami.

F 3.6 Currently, should the OES become incapacitated, it has no adequate back up mobile command vehicle. This means if OES and 911 needed to vacate the building there would be no back-up. The OES wants a Mobile Command Vehicle that would be a substitute for and functional addition to the Command Center. As an addition, it would be deployed, as needed, for various critical situations. It would contain 8 to 14 work stations and can shelter personnel in place for any emergency. It would be a communication center for law enforcement agencies and fire districts.

Recommendations:

R 3.1 The OES should store digital copies of critical records in more than one site.

R 3.2 The Board of Supervisors should fund interior and exterior protective barriers for the Emergency Command Center.

R 3.3 The Board of Supervisors should fund the purchase of a modern mobile command vehicle.

R 3.4 The OES should become more pro-active in public education concerning emergency preparedness.

R 3.5 The OES should consider sirens in their plans to alert the public in urban areas and areas subject to tsunami damage.

R 3.6 The Board of Supervisors should fund a county wide emergency telephonic warning system.

R 3.7 In compliance with federal and California law, the Board of Supervisors should ensure that all Monterey County employees are trained in emergency response as describe by NIMS and SEMS.

R 3.8 The OES should enhance “table top” exercises in the command center by developing an adequate sound system.

R. 3.9 The OES should provide more time for “table top” exercises to adequately cover the issues involved and prepare the agencies to respond in a coordinated manner.

R 3.10 The OES should rewrite its goals and objectives so that they are more effective.

Response Required to All Findings and Recommendations:
Board of Supervisors

Section 4 – Emergency Services / 911 Center

Summary: The 911 Center is critically important for emergency communications throughout the County.

Background: The 911 Center, located in Salinas, consolidates all County emergency dispatch systems and serves the public safety, sheriff, fire, and police departments.

Investigation Methodology: The Grand Jury obtained information by facility tour, interviews and research including the Internet.

Facts Relevant to the Investigation:

1. The 911 Center serves 31 agencies. South County is more difficult to serve in terms of efficiency and personal communications because of its distance from the physical 911 dispatch center.
2. The 911 Center handles an average of 1700 calls per day. Peak times are between the hours of 2:00 pm and 3:00 pm.
3. The current director has 39 years experience in this field and has been in Salinas as a director for eight years.
4. 911 calls made from cell phones are received by the California Highway Patrol and then directed to a local 911 dispatch center if appropriate.
5. Not all calls made from Voice over Internet Protocol (VoIP) can be connected to a 911 center.
6. A Telephonic Communications Warning System is a system where critical emergency messages can be delivered from the 911 Center to all landline phone connections (and registered cell phone numbers) in a selected map area. It uses a database maintained by AT&T called Massive Street Address Guild (MSAG).
7. The center functions well even though it has difficulty recruiting and retaining a staff at full authorization levels. Training of a new entry-level employee takes two years. Normally 13 employees are on duty during the day. Several recruitment methods are used but the supply of personnel is not adequate to keep up with normal attrition.
8. The mobile character of the Mobile Command Vehicle will enable it to function throughout several counties and thereby qualify for federal funding. It can also be taken to various disaster sites in the County.
9. The State's expected funding for the first of three phases of the Mobile Command Vehicle is pending and it will be for the purchase of the vehicle itself.

10. The second phase will need County funding which will fund development of 911 capabilities.

11. The third phase will be federal funding sought for the development of radio and satellite communications capability.

Findings:

F 4.1 The 911 Center is a modern facility with state-of-the-art computer equipment. However, should the 911 Center become incapacitated, there is no current adequate backup.

F 4.2 There are two ambulance dispatchers located within the 911Center as required by the current contract. The current contract requires these ambulance dispatchers to have training identical to 911 personnel. This is an improvement over the past arrangements where the ambulance dispatch was located in a separate facility.

F 4.3 A proposed Mobile Command Vehicle would hold 8 to 14 dispatch workstations and function as a 911 Center on wheels.

Recommendations:

R 4.1 The Board of Supervisors should include in all future contracts with ambulance services, a requirement that ambulance dispatchers be located in the 911 Center.

R 4.2 The Board of Supervisors should fund the purchase of a modern Mobile Command Vehicle to serve the needs of the 911 Center as well as the needs of the Office of Emergency Services.

Response Required to All Findings and Recommendations:

Board of Supervisors

Section 5 -- Emergency Preparedness of Monterey County Cities

Summary: Due to the potential occurrence of a natural, man-made, or health disaster in Monterey County, the Grand Jury investigated the emergency preparedness of the cities in Monterey County.

Background: Monterey County contains 211 known earthquake fault lines both on-shore and off-shore to include the San Andres (on-shore) and the San Gregorio (off-shore). An off-shore earthquake on the San Gregorio fault causing an underwater landslide in the canyon could potentially result in a near shore tsunami striking the Monterey County coastline. Because of its dense chaparral (undergrowth), open grassland and heavily forested areas Monterey County is subject to wild fires due to arson or lightning strikes. Dead birds infected with West Nile Virus have been found in the County. (It should be noted that any outbreak of West Nile Virus would most likely not result in mass casualties). It is because of these reasons, plus the fact that an influenza pandemic could occur, the County has the potential of experiencing a mass casualty disaster.

Investigative Methodology: The Civil Grand Jury investigated each of the cities within Monterey County and their city disaster preparedness. The Grand Jury conducted interviews with at least one city Emergency Operations Center manager, researched documents and conducted research including the Internet. Additionally, emergency operations preparedness plans for each city within the County were reviewed. A letter was sent to each city manager asking three questions:

- a. Does the city have an Emergency Operations Preparedness (EOP) plan? (If so, a copy was requested).
- b. Does the city have an Emergency Operations Center? (If so, its location).
- c. Detail by individual the National Incident Management System (NIMS) and State Emergency Management System (SEMS) courses completed to include the Mayor, City Administrator, Police Chief, Fire Chief and City Council members.

Facts Relevant to the Investigation:

1. Every city in Monterey County, with the exception of Marina, responded to the Grand Jury's request.
2. Every city has its own Emergency Operations Preparedness (EOP) plan. Most cities provided a copy of their plan as requested by the Grand Jury.
3. The EOP for each city in Monterey County provides the basis of regular emergency exercises within the city.
4. Federal and State law mandate that all state, county and city government key employees receive NIMS and SEMS training appropriate to their job positions and responsibilities.
5. NIMS and SEMS training are required of other personnel such as first responders.

6. Each city within Monterey County has an Emergency Operation Center (EOC) managed in time of emergency by a coordinator.
7. Most city managers serve as the EOC coordinator.
8. Most EOC's are located in the city hall; many having a room dedicated to emergency operations.
9. One city converts a room in the city hall as necessary during times of emergency. King City uses its Fire Department as its EOC.
10. Both the cities of Greenfield and Pacific Grove use their Police Departments as Emergency Operations Centers. The new Greenfield Police Station, when built, will have a room dedicated solely to emergency operations.
11. The City of Greenfield also has a Mobile Command Operations Center.

Findings:

F 5.1 The cities of Pacific Grove and Greenfield have comprehensive EOP's that cover in detail the procedures to be followed during an emergency, to include detailed evacuation routes.

F 5.2 The City of Pacific Grove has published a detailed pamphlet to inform local citizens what to do in an emergency. This pamphlet identifies by area (golf course, beachfront, etc.) routes to take in the event of an evacuation.

F 5.3 The Greenfield Chief of Police has prepared extensive Emergency Operations Plans to cover most emergency situations.

F 5.4 NIMS and SEMS training of key personnel is vital to the preparation of each city in the event of any disaster. When disaster strikes the residents of all cities and unincorporated areas of Monterey County will look to government for guidance and assistance.

F 5.5 Not all required key personnel in Monterey County have been fully trained in NIMS and SEMS. Although most key personnel have received some of the required NIMS and SEMS training, a majority of them have not been fully trained.

F 5.6 Within Monterey County Greenfield is ahead in NIMS and SEMS training for all key personnel. All Greenfield police officers are currently fully trained and most other key personnel are nearly fully trained.

F 5.7 The Civil Grand Jury commends the Greenfield Chief of Police on his extensive NIMS and SEMS training and training programs for key city personnel.

F 5.8 The Civil Grand Jury commends both the city of Pacific Grove and Greenfield for their extensive Emergency Operations Preparedness plans.

F 5.9 Each city within Monterey County would do well to review the City of Greenfield and the City of Pacific Grove Emergency Operations Plans and perhaps use them as a model when revising their EOP's.

Recommendations:

R 5.1 Each city Emergency Operations Coordinator (or person responsible) should prepare a NIMS and SEMS training schedule for all key personnel.

R 5.2 Each city Emergency Operations Coordinator (or responsible person) should strive to have all key city personnel trained in NIMS and SEMS as soon as possible.

R 5.3 Each city within Monterey County should review the Emergency Operations Plans of Greenfield and Pacific Grove.

Response Required to All Findings and Recommendations:

All City Councils in Monterey County

Section 6 -- Residency Requirements of Elected Officials in Monterey County

Summary: The Grand Jury received at least one citizen complaint alleging certain elected officials might not be legal residents of the cities or districts in which they hold office. The 2007 Grand Jury decided to follow up on the 2006 Grand Jury investigation into residency requirements of various elected officials within Monterey County. The 2007 Grand Jury decided to investigate this complaint, not to determine which candidate(s) have legal residency, but rather to determine who has the responsibility to verify the validity of residency information listed by any candidate.

Background: Each city council and the Board of Supervisors establishes the residency requirements for candidates filing to run for elected office within its jurisdiction. All cities in Monterey County require candidates to be a resident of the city in which they are running for elected office. Additionally, as with the Board of Supervisors, some cities require that the candidates be residents of the district or jurisdiction in which they are seeking elected office.

Monterey County Elections Department regulations require each person seeking elected public office to either file a form entitled, “Monterey County Petition In Lieu of Filing Fee” and also be a registered voter in Monterey County (Elections Code Sections 100, 104, 8061, 10704, Code of Civil Procedure Section 2015.5) or pay the filing fees and be a registered voter in Monterey County.

Both the “Monterey County Petition In Lieu of Filing Fee“ and the “State of California, County of Monterey Voter Registration” forms require the candidate to list the address of his or her residence. Additionally, these two documents state that one’s business address may not be used, unless it is also the candidate’s residence. Furthermore, both of these documents are considered sworn testimony. Thus, a false statement constitutes perjury and is punishable by fine, imprisonment or both.

Investigative Methodology: The Grand Jury investigation into residency requirements of candidates consisted of interviews with at least two county elections office officials and members of the District Attorney’s office. The Grand Jury also reviewed documents and conducted research including the Internet.

Facts Relevant to the Investigation:

1. Each person who desires to vote in Monterey County must fill out and file a “State of California, County of Monterey Voter Registration” form. This form must then be filed with either the Department of Motor Vehicles or the Monterey County Elections Department.
2. Each candidate for office in Monterey County, its cities, and special districts, etc., must, in addition to filing the “State of California, County of Monterey Voter Registration” form, pay the filing fee, or file a “Monterey County Petition in Lieu of Filing Fee” form.

3. Any person who provides false information on either of these forms has committed perjury and may be fined, imprisoned or both.

Findings:

F 6.1 The Monterey County Elections Department depends upon the Board of Supervisors, the County Counsel, each city council member, and each city attorney to “police themselves” concerning the verification of residency.

F 6.2 The Monterey County Elections Department verifies candidate residency through a state database.

F 6.3 The State of California has the responsibility of verifying information listed on the “Monterey County Petition In Lieu of Filing Fee “and the “State of California, County of Monterey Voter Registration” forms for candidates running for office.

F 6.4 The final authority in the determination of legal residency rests with the State of California Attorney General.

Recommendations:

R 6.1 Any citizen of Monterey County, or any incorporated city therein, who doubts the residency of any elected official should file a complaint with the Monterey County Elections Department.

Response Required to All Findings and Recommendations:

Board of Supervisors

Section 7 - Voter Registration

Summary: While investigating the security of the voting machines used in Monterey County, the 2007 Civil Grand Jury also looked at the voting registration system.

Background: Approximately 40 years ago all Monterey County voters (except military personnel assigned out of the County) had to vote in person at their local precinct. Now voting precincts are much larger than they were. Combined with the increased mobility of the United States population, precinct workers may very well not know any of the voters who come to vote. Almost half of voters in Monterey County vote by mail using an absentee ballot.

Investigative Methodology: The Grand Jury toured the Monterey County Elections Department facility, reviewed pertinent documents and interviewed County elections officials.

Facts Relevant to the Investigation:

1. To register to vote in Monterey County one must submit a “State of California, County of Monterey Voter Registration” card -- a brief form, giving one’s name; one’s residence; state, county and date of birth; social security number; signing under penalty of perjury that the information is correct.
2. The Monterey County Elections Department derives its voter registration list from a State of California data base.
3. To register to vote in California no documentation of citizenship (such as birth certificate or naturalization papers) is required to be submitted along with the “State of California, County of Monterey Voter Registration” card.
4. To vote in California for the first time, one must show some sort of “identification,” this could be as simple as a bill or letter showing one’s name and address.
5. It is not the Registrar of Voters’ responsibility to check the veracity of the information on the form.
6. It is the District Attorney’s responsibility to investigate allegations and prosecute violations.

Findings:

F 7.1. Voter registration information is on the “honor system.”

F 7.2. Although many have the capability to ensure that all who are registered to vote actually have a legal right to vote, no one does so unless requested.

Recommendations:
None

Response Required:
None

Section 8 -- Electronic Voting in Monterey County

Summary: Due to numerous concerns voiced by the public prior to the June 6, 2007 elections, the Grand Jury investigated the use of electronic voting machines in Monterey County. Specifically, the Grand Jury looked into potential security issues implied by the California Secretary of State concerning the use of electronic voting.

Background: The administration of all Monterey County public elections is the main role of the Monterey County Elections Department. Its primary function is to maintain the integrity of the election process. The Monterey County Elections Department provides the voter a choice between two methods to cast their vote. At the polling place (precinct) the primary method of voting is through the use of a touch screen Direct Recording Electronic machine (DRE). Monterey County uses the Sequoia ACV Edge 2 DRE.

The second method available to the voter, either at the precinct or by absentee vote, is the traditional paper ballot. The review of votes cast by these two methods requires two separate groups of elections personnel at the Monterey County Elections Department to perform this duty. DRE's have been in use for "early" voting in Monterey County since 1998 and for full precinct voting since 2005.

The California Secretary of State ordered a full "top to bottom" review of each type of electronic voting machine used in California counties. On August 3, 2007, the Secretary of State announced the withdrawal of certification and conditional re-certification of Sequoia DRE's. On August 9, 2007, the Monterey County Registrar of Voters submitted her reply to the Secretary of State's report which was presented to the Monterey County Board of Supervisors.

Investigative Methodology: The Grand Jury investigation of electronic voting machines consisted of interviews with at least four Monterey County Elections Department officials. A thorough review of documentation used in the training of election officers, to include precinct inspectors and clerks. A complete tour of the Monterey County Elections Department facility.

Facts Relevant to the Investigation:

1. In 2004 Monterey County had one precinct voting system – the paper ballot.
2. In 2005 Monterey County had two voting systems- the paper ballot and the Direct Recording Electronics machine (DRE).
3. As of June 6, 2007 there were 143,553 people registered to vote in Monterey County. Of these there are approximately 65,000 registered permanent absentee and 78,500 precinct voters.

4. During the June 6, 2007 elections 41,637 residents voted absentee, 21,019 voted at the precinct and 188 took advantage of the early voting offered at the Monterey County Elections Department.
5. The total turnout of voters for the June 6, 2007 election was 62,844, or 43.78% of all Monterey County registered voters.
6. The Monterey County Elections Department currently has 7 full-time positions to handle the annual workload/requirement of the election office. Two additional positions will be added and filled in 2008.
7. Monterey County has 430 Sequoia Edge 2 DRE's and 1169 printers.
8. On August 3, 2007 the California Secretary of State decertified the use of Sequoia DRE's.
9. There are 124 voting precincts in Monterey County, located in approximately 94 locations. Some locations consist of two precincts, or three in one instance.
10. All elections in the State of California are held on the first Tuesday following the first Monday of the month in which the election is to be held. The Monday before election day three to five DRE's are delivered to each precinct. The rest are held in reserve to be delivered, if required.
11. The security of the DRE's and printers is maintained in several ways to include both a continual physical and visual security from the election office to the precinct and while returning to the election office after the polls are closed.
12. The Monterey County Elections Department is located in a leased facility. The building does not meet the design requirements needed to be fully functional and efficient.
13. The Monterey County Elections Department uses closed circuit cameras throughout the entire building to constantly monitor the election office premises including the storage areas of the DRE's and printers.
14. All election office exterior doors and windows and numerous interior doors are protected by alarms.
15. Every DRE used for the vote is secured by the use of three tamper-proof blue seals. These seals are tamper-proof in that when removed, the word "void" becomes visible on the seal.
16. Two blue seals are located on the outside -- sealing the DRE case and one inside -- sealing the "results" cartridge.

17. Monterey County Elections Department policy and procedures require that on Election Day, prior to setting up the DRE's and printers, the security of each DRE is maintained through a two-person custody procedure.

18. Prior to DRE setup the inspector and at least one precinct clerk must verify the serial number of the DRE and its corresponding seal from a list provided by the Monterey County Elections Department. Both individuals must verify the numbers and list them on a "Reconciliation Form," initial the verification form and attach the blue seal to the form.

19. Should the number on the seal and DRE serial number not conform to that listed or if a seal has been tampered with, the DRE is immediately removed and replaced with another delivered by the election office.

20. The blue seal on the "results" cartridge is not removed until after the polls are closed. The same procedure applied to the blue seal on the outside of the DRE case is followed in the removal of this seal.

21. The serial number of each printer, its corresponding red seal number and the serial number of its DRE must be confirmed by at least two precinct workers and listed on the reconciliation form. The red seals on the DRE printers are never removed at the precinct.

22. All seals are to be examined, by two election officials, three times during the day while the polls are open to make sure none have been tampered with.

23. DRE's are never connected to a phone or computer line, nor do they even have that capability, as a security "anti-hacking" measure.

24. DRE and paper ballot security are maintained visually by the precinct workers. No less than four workers, consisting of one inspector and three clerks are assigned to each precinct. Additional clerks are assigned to co-located precincts.

25. Monterey County Elections Department policy states that no less than three workers must be present at the precinct at any given time while the polls are open. However, the inspector and all clerks must be present from 5 pm until after the polls are closed.

26. No voter is allowed access to the back of the DRE, and no one is allowed to step behind or touch anything on the back of the DRE.

27. Each Sequoia voting machine has a "yellow button" on the back of the DRE. This button is used by the precinct inspector for two functions.

a. First, to eject any activator card which may become jammed in the DRE.

b. Second, to change the voting mode from visual to voice for voters who are visually impaired.

28. In order to activate the DRE the precinct inspector removes the green security seal, switches the DRE to "polls open" and immediately re-seals it with a new green seal.

29. In order to vote using the DRE the voter must receive a card which is activated by a precinct clerk.

30. No voter is given an activator card until a DRE is available. This card must be returned before the voter is allowed to leave the polling place.

31. Once used, the activator card is deactivated by the DRE. An activator card must be reactivated by a precinct clerk before it can be used by the next voter.

32. After the polls are “closed” the security focus shifts to the “results” cartridges, printers and all paper ballots, both used and unused. Once the results cartridges have been removed from the DRE the DRE no longer functions, until it is reprogrammed for the next election at the Monterey County Elections Department.

33. A minimum of two poll workers must be involved in each step of the process from the removal of the “results” cartridges to their return to the election office, along with all printers and used and unused paper ballots. Monterey County Elections Department policy requires the signature of the precinct inspector to verify their return.

34. The Secretary of State’s original “conditional” re-certification limited the use of DRE’s to one per precinct.

35. By order of the Secretary of State, each vote cast on a DRE must be 100 % verified. The Monterey County Elections Department has stated this decision will significantly increase the cost of any election and delay the announcement of election results.

36. All voters will be given the option of voting via DRE or paper ballot. The Monterey County Elections Department stated that long waiting lines will occur when numerous people choose to vote using the DRE.

Findings:

F 8.1 Sequoia DRE’s used in Monterey County are not and cannot be connected to a computer either by phone line or wireless. Therefore they cannot be “hacked.”

F 8.2 When allowed “unlimited and uncontrolled access” (the California Secretary of State’s method) a DRE could be tampered with. No one is ever given “unlimited or uncontrolled” access to the DRE’s in Monterey County.

F 8.3 If an unauthorized person were to push the “yellow button” nothing will happen. Only Monterey County Elections Department officials – with a source code – can put the DRE in any mode other than “visually impaired voter.”

F 8.4 Without an additional security code, the “yellow button” can only be used by the precinct inspector or a precinct clerk to eject a jammed activator card or to change the DRE mode to “visually impaired voter.”

F 8.5 The Monterey County Elections Department has done an outstanding job of protecting the security of its electronic voting equipment.

F 8.6 The Secretary of State's methods used in investigating DRE security bears no resemblance to Monterey County Elections Department DRE policy or procedures.

F 8.7 There should be unlimited use of DRE's in Monterey County.

F 8.8 The Sequoia ACV Edge voting DRE used by Monterey County is a secure and cost effective method of voting.

F 8.9 The 2007 Monterey County Civil Grand Jury has confidence in the Monterey County Elections Department and its employees in their ability to administer elections.

Recommendations:

R 8.1 The Board of Supervisors and the Monterey County Registrar of Voters should work diligently and as quickly as possible to reinstate the use of Sequoia ACV Edge voting DRE's at all County precincts without conditions.

R 8.2 The Board of Supervisors should provide the funds to the Monterey County Elections Department for a more suitable facility, perhaps the rehabilitation of an existing County building.

Response Required to All Findings and Recommendations:

Board of Supervisors

Section 9 -- Mission Trails Regional Occupation Program

Summary: Education rightfully focuses on reading, writing and mathematics, fundamentals that enable students to manage and enjoy the results of their labors and the world around them as they go through life. While the emphasis in recent years has been on the importance of college education, vocational education is a valuable alternative for students not college-bound.

The Grand Jury examined the Mission Trails Regional Occupational Program (ROP), part of a state program that operates under the Salinas Union High School District. The purpose of ROP is to provide a variety of vocational programs to students 16 years of age and older.

Background: The vocational education at public high schools in Monterey County revolves around the Mission Trails Regional Occupation Program (ROP). The Salinas Union High School District is the umbrella agency for this organization. Classes are held throughout the County at various sites and with the cooperation of eight school districts. Carmel Unified, Gonzales Unified, King City Joint Union High, Salinas Union High, Monterey Peninsula Unified, North Monterey County Unified, Pacific Grove Unified and Soledad Unified offer training opportunities for juniors and seniors. The program provides year-round day and evening, full and part-time technical courses at a variety of locations and times. The program also offers counseling, vocational aptitude testing and placement services.

Investigative Methodology: The Grand Jury took site tours, interviewed administrators, program officials, teachers and students. The Grand Jury also observed classes, reviewed documents and did research including the Internet.

Facts Relevant to the Investigation:

1. With eight school districts joining together in the Mission Trails ROP, there is widespread participation in vocational education throughout Monterey County. Nearly 16% of students in Monterey County were enrolled in one or more ROP classes in the 2006-07 year, the fourth highest participation rate for any county in the State.
2. More than 70 vocational education courses are offered through the program. There are course offerings covering such fields as technology, equipment and machinery repair, agriculture, health, retail and construction.
3. The overall program operates on an annual budget of over \$8 million and is dependent on the State for funding. While State support for vocational education is strong now, there is always the concern that funding levels may not be adequate in the future.
4. An advisory committee, made up of students, teachers and industry representatives from the County, meets twice a year to provide input for course curriculum and support for the program.

5. Through its guidance services, ROP provides counseling, vocational aptitude testing and placement services. Counselors make presentations to students in the spring of each year to publicize the program. Students can measure their interests and abilities in various programs by taking either the “Choices” or “Career Cruising” aptitude tests. Job Placement is facilitated through interview workshops and contacts in the local business community.
6. Course instructors are either certificated teachers or certificated vocational teachers. There are state certified course outlines for each class taught. The outlines contain information about the content area skills and the expected student outcomes.
7. The program is publicized to interested students through a designated staff member on each campus. Information about the program is provided through newspaper advertisements, course guides, catalogs and the ROP website (<http://www.missiontrailstop.org>).
8. During class observations at the ROP Center in Salinas and at Gonzales High School, students were attentive and engaged in hands-on learning activities under the close supervision of their instructors.
9. There are classes designed for adult learning and they include services such as résumé writing, interview skills and local job opportunities. In conjunction with the Salinas Adult School, General Education Development (GED) classes are offered on the ROP campus.
10. There are continuing challenges to give all interested students an opportunity to enroll in the program. Coordinating the logistics of bus routing and class schedules is complex and problematic. It can affect the number of students being bused from their high school to ROP.
11. Because many schools have only six periods in a day, some students may be unable to participate in the program because they don't have sufficient time in their schedule to take a two-period ROP class.
12. School districts now require many students to take remediation classes in academic core subjects. This is necessitated by the students' requirement to pass the California High School Exit Exam for graduation and by the pressure on the school districts for their students to achieve higher scores on the State proficiency tests required by the State of California. These remedial classes reduce the opportunity for some students to take ROP classes.

Findings:

F 9.1 The ROP program requires continual strong funding from the State to maintain its programs and services.

F 9.2 The advisory committees play a vital role in the program. The involvement of

industry representatives, who have partnerships with the program, provide insight and innovation for course curriculums.

F 9.3 ROP motivates students to learn and achieve. In the classes, students are focused on learning activities.

F 9.4 Some courses, such as Forklift Operation and Physical Therapy are in high demand by students and the local business community.

F 9.5 The ROP promotes its program with presentations, brochures, catalogues and newspaper advertisements.

F 9.6 A relatively high percentage of the County's students are enrolled in one or more ROP classes.

F 9.7 The present success of the ROP program emphasizes the importance of future funding and staffing.

Recommendations:

R 9.1 ROP and school district representatives should continue working together to ensure that all interested students are provided the opportunity to take vocational education classes.

R 9.2 ROP should expand its outreach, using television, radio, public information booths at popular local events, such as the Salinas Valley and Monterey County Fairs, the California Rodeo and the Salinas Air Show and distribution of ROP brochures to local libraries, recreation facilities and community programs geared toward young people.

R 9.3 The participating school districts should be creative in scheduling to allow more students to take electives, such as ROP courses.

Response Required to All Findings and Recommendations:

Salinas Union High School District

Response Required to Recommendations:

Carmel Unified School District

Gonzales Unified School District

King City Joint Union High School District

Monterey Peninsula Unified School District

North Monterey County Unified School District

Pacific Grove Unified School District and Soledad Unified School District

Section 10 -- Family and Children's Services: Transitional Programs for Foster Youth

Summary: The Grand Jury investigated “aging out,” i.e., transitional post-emancipation programs for foster youth ages 18-21, who exit the Monterey County’s Family and Children’s Services (FCS) system for foster care and other dependency services. These programs are often called “emancipation of youth” programs in the County.

The Grand Jury determined that the implementation of programs for these transitional youth need to be strengthened and expanded, including Rancho Cielo, Young Adult Resource Collaboration (YARC), One-Stop Career Center of Monterey County, Independent Living Program (ILP), Transition Age Youth Wellness Center (TAY) and Transitional Housing Programs (THP and THP-Plus).

Background: Each year thousands of children nationwide leave or are aged out of foster care at age 18 or 19 without a formal connection to families, and with minimal independent living skills. Teens in group and foster homes are often recovering from drug addictions, and many come from homes where they have experienced physical, sexual, and substance abuse. Without family, financial or emotional support, lack of basic education, few marketable skills, and little or no experience living on their own, many of these youth often become homeless.

Among Americans surveyed in a 2003 study by the National Opinion Research Center, most stated they did not consider a person an adult until age 26 or until he/she had finished school and had acquired a full-time job. Increasingly, youth in their late teens and early twenties are entering “emerging adulthood” but are far from ready to assume adult roles completely on their own. Many individuals 18 years of age throughout the U.S. depend on family for ongoing support while they complete postsecondary education or develop career opportunities. In sharp contrast, emancipated foster youth without ongoing support from adult role models, often struggle to complete their education. Many have significant physical and mental health problems, and most are either unemployed or underemployed. Consequently, they face poverty, homelessness, and are more apt to commit crimes.

Lack of various funding has delayed the building of housing for transitional youth who still need the support and guidance of adult mentors and supervisors as well as opportunities to develop occupational, educational, and daily living skills. Congress enacted the Foster Care Independence Act of 1999 to increase funds to states in order to assist youth in making the transition from foster care to independent living. The Act doubled funding from \$70 million to \$140 million. National funding is still severely inadequate and affects Monterey County adversely. Funds earmarked for this program are used to help youth make the transition from foster care to self-sufficiency by offering them (besides transitional housing) the education, vocational and employment training necessary to obtain employment and/or prepare for post-secondary education. ILP also provides training in daily living skills, substance abuse prevention, pregnancy prevention and preventive health activities, and connections to adults. Additional services provided through ILP include the

following: money management, decision-making, building self-esteem, financial assistance with college or vocational schools and other educational resources.

In California, each county has the flexibility to design and provide services to meet a wide range of individual needs and circumstances for present and former foster youth. Each county can coordinate services with other federal and state agencies engaged in similar activities. States must contribute a 20% match for ILP funds and must use federal training funds to support foster parents, adoptive parents, group-home workers and case managers in order to address issues confronting adolescents preparing for independent living.

States must use some portion of their funds for assistance and services for older youth who have left foster care but have not reached age 21. States may use up to 30% of their ILP funds for room and board for youth ages 18 to 21 who have left foster care. States may also extend Medicaid to 18, 19 and 20-year-olds who have been emancipated from foster care.

In 2001 the California State Legislature passed Assembly Bill 427 to create the Transitional Housing Placement Program for Emancipated Youth/Probation Youth or THP-Plus. The program was later expanded by Assembly Bill 1119 to allow counties the opportunity to provide housing for emancipated foster probation youth. In 2004, Assembly Bill 824 expanded the age of eligibility to age 24.

In Monterey County approximately 27-30 youth emancipate from foster care each year. Although some are active participants in the County's ILP, there remains a notable gap in services provided for youth at the critical and vulnerable ages 18-24. Nationally the total number of children in foster care has been decreasing. However, the number of youth who leave foster care because of their age, often referred to as "transitional youth," has been increasing. In 2005 more than 24,000 youth across the country left foster care at the age of 18 without family support, a 41% increase since 1998. When this situation happens, the safety net for foster youth fails to provide a critical responsibility to them. Monterey County is planning an improved system to help young people transition to adulthood so that they are not abandoned. Some of the planned programs include the following:

- Rancho Cielo, a private nonprofit organization, occupies a one hundred-acre facility east of Salinas. It has plans for transitional housing onsite for some "aged-out" youth. The program consists of a comprehensive set of services to improve the health and well-being of youth by reducing risk factors and providing an environment for developing academic, health, recreational, and job skills.
- The Young Adult Resource Collaboration (YARC) team serves as Monterey County's local California Permanency for Youth Program steering committee. The peer evaluation group provides feedback to County and community professionals who meet on a quarterly basis to discuss issues and services specific to older youth. From this main group, subcommittees may be formed to address a specific topic or issue, including issues regarding housing.

- Transitional Age Youth (TAY) provides supportive services for young people ages 16–25, including the search for affordable housing, pre-employment training, job development and placement.
- The goal of the THP and THP-Plus Transitional Housing Programs is to reduce homelessness among former foster youth by expanding access to THP-Plus, the State’s only housing program for this segment of the population.

Investigative Methodology: The Grand Jury conducted interviews, reviewed documents and undertook tours in several counties. They also conducted additional research, including on the Internet.

Facts Relevant to the Investigation:

1. In Monterey County approximately 27-30 youth emancipate from foster care each year.
2. Due to financial constraints, Monterey County’s Department of Social and Employment Services (DSES) is seeking proposals from qualified vendors to provide post-emancipation transitional housing services and related support services for 18 emancipated foster and probation youth. These services will be part of the County’s THP-Plus program. Funding has not yet been approved.
3. If funding is awarded for transitional housing, strong emphasis will be placed on meeting the special needs of pregnant/single-parent teens and other youth at greatest risk of homelessness.
4. Interim Inc., a private nonprofit organization, will provide a TAY Wellness Center in Salinas. Site identification is still in progress, with input provided by foster youth and their families.
5. The One-Stop Career Center of Monterey County is part of the Office of Employment Training and works with community colleges, youth employment, vocational programs and the Independent Living Program (ILP) as well as Silver Star, a Probation Department program for youth at risk. There is an ongoing decrease in funding for the One-Stop Career Center.
6. A tracking program for “aging out” or ”emancipating youth” is not easy to implement. There is no responsibility or legislative requirement for these youth to let FCS know their status and contact information.
7. FCS is developing a database to track “aging out” youth, including the college bound, through the THP- Plus program and YARC.
8. FCS is inviting “aged out” youth to be guest speakers for those preparing to exit the foster care system. These speakers receive an honorarium and assist in contacting other peers in order to provide information for the proposed database.

9. THP has contracted with Unity Care Group, Inc., a private nonprofit organization that offers affordable and stable housing to young adults ages 18-21.

10. Unity Care also provides a host of independent living services that foster self-sufficiency in Santa Clara and Monterey Counties.

11. THP provides the following job readiness services: vocational assessment, assistance with acquiring employment, developing interview skills, nurturing marketable skills and learning professionalism.

12. THP offers individual academic assessments. They also offer assistance with General Education Development (GED) preparations, assistance in college admissions including completion of college applications, tutorial assistance, assistance with accessing scholarships and financial aid, and instruction of youth in good study habits.

13. THP assists with living skills including budgeting, timely bill payment, opening bank accounts, housekeeping, shopping, meal preparation and time-management skills.

14. THP also offers one-on-one and group support and counseling on an as-needed basis.

15. A THP-Plus focus group of “emancipated youth” convened on March 28, 2007. Of great concern to these youth is having a permanent family connection. This group states that the following programs were beneficial: mentors; providing health care; staff support- especially from those “not giving up on them”; savings accounts; driver’s education; emergency funds for assistance with graduation expenses; rent; transportation (including bus pass or purchase of a used car); group interaction; having an adult involved in their extra-curricular activities; being mentors to younger teens; and an employment training program.

Below is a summary of the results of the survey given to emancipated youth by THP-Plus:

- Transitional youth do not want to live alone in studio apartments. They prefer two-bedroom or group housing, or private bedrooms in multiple-tenant settings
- Transitional youth need “emergency funds” for car repairs, rental assistance, and medical emergencies.
- Transitional youth need mentors and other adult role models.
- Emancipated youth would like to be mentors to younger ILP youth.

16. This focus group found the following unsatisfactory: constant changes in staff; being “kicked out” of group homes at the age of 18; not disclosing how difficult it really is to live independently; conflict resolution; continued involvement with a birth parent who disappointed them; social workers assuming bill payment instead of instructing on how to pay bills and other tasks; Medi-Cal; lack of transportation; lack of housing based upon age separation (18-21 from 21-24, instead of housed together); need more “hands on” ILP classes, especially financial.

17. The Grand Jury visited transitional housing, located in Santa Clara County, which subcontracts with a nonprofit organization. The two-bedroom apartments were impressive. The young residents showed considerable enthusiasm having their first private, independent housing situation. This apartment complex is managed by an adult who came through the foster-care system himself. The adult actively mentors the residents in the building.

18. The apartment complex, which houses 22 young people, was purchased by the nonprofit agency for \$2 Million. It includes kitchens, individual lockable bedrooms and furniture.

19. The young residents pay 30% of their take-home paycheck to THP-Plus for rent. At the end of their stay, the total rent is returned to each resident as a type of savings to take with them as they leave the THP-Plus program.

Findings:

F 10.1 Services provided by Monterey County for “emancipated youth” are not meeting the needs of youth.

F 10.2 The Department of Social and Employment Services (DSES) for Monterey County is aware there is insufficient funding for “emancipated youth”.

F 10.3 Lacking sufficient funding, adequate housing, counseling and other support services, youth between the ages of 18-24 may become involved in crime.

F 10.4 The County is not meeting the needs of foster pregnant teenagers and foster single teenage parents. This lack of housing will jeopardize both parent and child and place them at risk.

F 10.5 There is no sufficient housing in Monterey County to place the 27-30 emancipated foster youth living in this community.

F 10.6 Tracking emancipated youth from foster care at the age of 18 is essential if the County is going to provide services that will assist them toward self-sufficiency.

F 10.7 Although THP currently provides essential programs for independent living and one-on-one counseling, these programs face annual budget cuts.

F 10.8 THP-Plus is exerting tremendous efforts to increase transitional housing so these young people do not have to resort to homeless shelters.

F 10.9 Lack of transitional housing has become not only a national crisis but also a Monterey County crisis that will affect future generations.

Recommendations:

R 10.1 The Board of Supervisors should fund DSES in order to maximize the opportunities for these 18-24-year-olds to have healthy, safe, and secure surroundings as

they confront the challenges of becoming productive, self-sufficient and socially mature young adults.

R 10.2 The Board of Supervisors should immediately fund housing for pregnant foster youth and single parents.

R 10.3 The Board of Supervisors should increase funding for the One-Stop Career Center of Monterey County program.

R 10.4 The Board of Supervisors should not merely continue but rather increase budgetary allocations for the services provided by the THP-Plus program.

R 10.5 The Board of Supervisors should fund transitional housing for emancipated foster youth in Monterey County.

R 10.6 The Board of Supervisors should fund a dedicated staff position in DSES focused exclusively on transitional housing, who would seek private donations from corporations, nonprofit foundations as well as philanthropists both locally and nationally.

R 10.7 DSES should increase publicity and media attention to the current needs of our emancipated foster youth. DSES cannot overcome these obstacles on their own, without funding and increased public awareness and support.

Response Required to All Findings and Recommendations:

Board of Supervisors

Section 11-- Monterey County Gangs: Suppression, Intervention and Prevention

Summary: Gang violence continues to be a significant problem in Monterey County. Violence not only affects gang members, it also affects the entire community. Currently the understanding is that it takes three components working in conjunction to stop the succession of gangs and gang violence in Monterey County. These components are suppression, intervention and prevention.

The suppression component includes the use of authority to arrest and detain those who are actively involved in gang activity. The intervention component includes non-profit organizations and public institutions to intervene with gang members and gang activity to either modify that activity or to change its course. The prevention component is the effectual hindrance of gang lifestyles and the placement of obstacles that will prevent youth from joining gangs.

The Monterey County Joint Gang Task Force (GTF) was created to suppress gang activity in Monterey County. This alliance is made up of peace officers from a variety of law enforcement agencies. One commander, one sergeant and three peace officers are from the Salinas Police Department, two peace officers are from County Probation, one sergeant and three deputies are from the Sheriff's Department and two California Highway Patrol officers. A deputy district attorney is assigned to the Gang Task Force. Although they provide suppression of gangs throughout the entire County, no other law enforcement agency in the county provides officers or equipment to the GTF.

The GTF officers have diverse backgrounds and collectively bring a wide range of skills and in-depth knowledge about gangs to the force. The goal of the GTF is to remove drugs, weapons and gang members from the streets of Monterey County. Suppression offered by the GTF is a giant step in the direction of stopping gangs in the community.

One method of suppression by the GTF is to have a countywide presence. Each day they collect data on the current gang activity. This determines where they will focus their attention that day. In a methodical approach they drive through a particular neighborhood, stopping anyone who is wearing gang clothing or displaying gang signs. The GTF talks with people, gets information on planned gang activity in the area and make arrests when appropriate. When the task force enters an area, word travels quickly from one gang member to another. When the GTF is in the area, their presence alone helps to suppress gang activity. Through these coordinated efforts the GTF is able to remove weapons, drugs and gang members from the streets.

Use of the "task force" concept insures a well-coordinated, countywide enforcement program that increases the flow of information among various law enforcement agencies within Monterey County. The GTF goals and objectives include suppression, intervention and prevention by:

- Reducing the occurrence of gang related crimes.

- Identifying and apprehending gang members responsible for criminal conduct.
- Assisting other Monterey County law enforcement agencies with specific gang problems within their jurisdiction.
- Coordinating with law enforcement counterparts outside the county, focusing on gang related information.
- Gathering and disseminating gang information to affected agencies in a timely manner.
- Providing training to Monterey County law enforcement agencies upon their request, in the areas of gang related activity/enforcement.
- Conducting /coordinating public gang awareness presentations.
- Meeting with community members to discuss the impact of criminal gang activity and collectively work toward a realistic solution.

There are many gangs in Monterey County. However the Norteños (Spanish for northerners) and Sureños (Spanish for southerners) remain the most active.

Norteño street gang members often identify with the symbols XIV, X4, 14 and 4-dots. Fourteen refers to the 14th letter of the alphabet "N" which stands for Norteño or the Nuestra Familia. The gang also associates with the color red and the words Norteño, Norte and Northerner. Other symbols include a 5-pointed star, symbolizing the "North" star and the Huelga (a stylized eagle meaning "strike"). Combined, these two tattoos of a star & bird must be earned through committing an assault or murdering an enemy.

Southern California street gangs banded together in prison, to combat the unified Northern California gangs. Gang members began calling themselves Sureños, Sur or Southerner. When joining the gang, they are told that when they are arrested they may one day join the Mexican Mafia. Sureño gang members identify with the symbols XIII, X3, 13, and 3-dots. These symbols refer to the 13th letter of the alphabet "M" which stands for Mexican Mafia. The gang identifies with the color blue.

Background: The California Penal Code defines a criminal street gang as: "Any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities, the commission of one or more of the criminal acts enumerated in section 186.22(E) (1-25) of the California Penal Code, having a common name or identifying sign or symbol and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity."

California Penal Code 186.20, also known as the "California Street Terrorism Enforcement and Prevention Act" or STEP Act, passed in 1988. It has been amended to include codes that define participating in a listed crime as a gang member, participating in a crime that benefits or furthers a criminal street gang, gang enhancement, murder, robbery and shooting into an inhabited dwelling.

GTF Mission Statement --"The continuing gang problem in Monterey County and in the City of Salinas necessitates a coordinated and concentrated effort on the part of all agencies to effectively combat gang violence and gang associated problems. City and County have

agreed to work in conjunction with each other to effectively combat gang issues and to investigate gang related criminal activity pursuant to California law. These enforcement efforts shall be accomplished through the utilization of a gang task force concept to supplement individual agency enforcement efforts.”

GTF deals closely with dangerous criminal gangs. Daily, these officers come face-to-face with the most violent people in our community. In addition to the GTF and the suppression of gangs, the GTF is also helping to educate the community on what gangs are and what citizens can do to overcome gang violence and stop the cycle.

Gangs build reputations through fear and intimidation. Illegal activity comes in all forms from the simple crimes of graffiti, vandalism and theft, to armed robbery, drug/weapons trafficking, prostitution and murder. Children raised in this environment learn early on how to use intimidation and violence. Some children are exposed to little outside of the gang lifestyle. Families, which include three and four generations of gang members, can be found throughout Monterey County.

Vandalism has a significant negative effect on neighborhoods. Graffiti is not innocuous. Graffiti is a way gangs mark their territory and declare their allegiance. It communicates messages to other gang members using codes and common meanings.

Graffiti not only decreases property value it also drives out consumers, business and industry. Graffiti is a challenge to rival gangs who come into the area to vie for territory. These ongoing turf wars make all members of the community vulnerable, as they are now a part of that targeted territory and potential victims of drive-by shootings.

Often graffiti is spray painted over with an “X” and a new message by a rival gang. This overlay of graffiti shows the struggle for dominance and power in that neighborhood. Where there is gang graffiti, there is gang activity and where there is gang activity there is the increased potential of violence.

Another symptom of the gang lifestyle is extremely high levels of domestic violence. The intimidation and brutalization of women is inherent in gang culture.

Non-cooperation with law enforcement is very common in some neighborhoods. Gangs routinely intimidate the community and make it difficult for residents to cooperate with law enforcement. Frequently people know someone, including a friend or relative, who is part of a gang. The “don’t snitch” culture that prevails allows gangs and gang violence to flourish.

Investigative Methodology: The 2007 Grand Jury interviewed law enforcement from municipal and county agencies in several counties, went on “ride-alongs” with the GTF, reviewed documents, went to workshops, interviewed gang members and conducted research including the Internet.

Facts Relevant to the Investigation:

1. There are over 420,000 known gang members in California. Approximately 5,000 known gang members are in Monterey County, of which 3,000 are in the City of Salinas alone.
2. The Monterey County Joint Gang Task Force became operational in March 2005.
3. Although the GTF offers a high level of suppression through arresting individual gang members, arrests are just one method of dealing with gangs.
4. Most of the funding for the GTF comes from grants and is not guaranteed from year to year.
5. The GTF support staff consists of one person for the entire unit.
6. Even though every city and unincorporated area in the County benefits by the presence of the GTF, only one city contributes law enforcement officers, staff or necessary funding.
7. The GTF officers drive cars from all respective agencies. Each car is equipped with its home department's equipment, which varies from one department to another.
8. A local ex-gang member born in Salinas and now an ordained minister has used his first hand knowledge of gang life to minister to young men and women who have fallen prey to gangs and drugs. He was awarded the 2004 California Peace Prize by the California Wellness Foundation and has become a nationally recognized expert in the field of gang intervention and prevention services. He has been honored for his work by the California Legislature, the California Youth Authority, and the City of San Jose. To learn more about the California Youth Outreach visit their website: <http://www.cyoutreach.org>
9. Using funding from Measure V, Salinas is developing a "City at Peace Initiative." The Community Safety Director will oversee a \$1 million budget for this initiative. This is a significant financial commitment given the City's overall budget and will be used to strengthen youth programs and partnerships in support of children and families.
10. The action plan for the "City at Peace Initiative" is the "Community Safety Coalition" which will include members of non-profit organizations, community leaders, faith based organizations and law enforcement. This model is based on a highly successful BEST practices (Bringing Everyone's Strengths Together) model used in San Jose, California.
11. In partnership with state and local law enforcement agencies, the FBI maintains 134 Safe Streets task forces to address the violent gang problem throughout the United States by aggressively investigating, disrupting and dismantling street criminal motorcycle and prison gangs.
12. In June 2007 investigation and arrests of Nuestra Familia/Nuestra Raza/Northern Structure/Norteño gang members and associates were made in San Francisco, Castroville,

Salinas, Greenfield, Petaluma, and Fremont by the North Central Coast Gang Task Force with assistance from the Monterey County Joint Gang Task Force, Monterey County Sheriff's Office, Santa Cruz County Sheriff's Office, Salinas, Watsonville, San Francisco, Fremont, Petaluma Capitola and Marina Police Departments and the FBI.

13. Governor Arnold Schwarzenegger and both United States Senators from California, Dianne Feinstein and Barbara Boxer, are promoting new anti-gang legislation at the state and federal levels.

Findings:

F 11.1 Suppression of gang activity in Monterey County is a vital tool in getting gang members off the streets.

F 11.2 Even though many intervention programs exist in Monterey County, they are not always made easily available to children or families at risk.

F 11.3 Prevention is the key to long-term control of gang activity.

F 11.4 Competition for both intervention and suppression program dollars is keen.

F 11.5 Gangs can be countered with citizen action groups such as Neighborhood Watch program.

F 11.6 A community or neighborhood that is united to neutralize gangs and dedicated to working against violence will greatly hamper a gang's ability to flourish.

F 11.7 Every member of the community has a responsibility to overcome gang intimidation and not give into the apathy that tacitly supports a gang's activities. To bring peace to the streets of the County, the cooperation of the citizens of the County is necessary.

F 11.8 Each member of the different law enforcement departments represented in the GTF uses equipment and techniques from their home department. Each member brings different expertise, and the task force continues to blend these skills together.

F 11.9 Because of this diversity in methods, techniques and equipment, the GTF has had to learn on-the-job how to coordinate their own methods and techniques. The equipment is still dependent on their home officers' department.

F 11.10 Not all the cars used by the GTF are equipped with Global Positioning Systems (GPS), making it difficult when they are driving through remote areas.

F 11.11 Each car used by the GTF is equipped with the computer and interface from its jurisdiction. Different jurisdictions do not have the capability of computer interface with each other. Even though they are now the same unit they must communicate by cell phone. This effect is magnified because Monterey County covers 131,708 square miles.

F 11.12 Monterey County has some prevention and intervention programs. However, the County has failed to put effective programs in place. Until there are better programs, the GTF will be necessary.

F 11.13 Placing youth into gang activity treatment programs is challenging and may have unintended consequences if not done correctly. Differentiation of a hard-core gang member from a sympathizer is of utmost importance. Keeping these populations separated in treatment programs is of utmost importance.

F 11.14 Gang cultures exhibit a predatory nature. Many youth are sympathizers; people who are not officially a part of a gang but may wear gang colors, flash signs or imitate gang behavior. Hard-core gang members will relentlessly attempt to recruit gang sympathizers.

F 11.15 Many gangs have membership going back three or four generations. Youth may know no other lifestyle than that of the gang.

F 11.16 Violence in gangs is systemic and a way of life. Prevention and intervention are paramount to the suppression of gangs.

F 11.17 Graffiti markings serve as a warning to others that the gang rules this part of a neighborhood. If not removed quickly, graffiti draws rivals into the area.

F 11.18 Community leaders must stop competing among themselves for programs and funding and instead work together for resources to help both prevention and intervention.

F 11.19 Part of the California “Gang Prevention Network” uses their city teams to participate in roundtable discussions with representatives from the offices of the Governor and both United States Senators from California.

F 11.20 Girls raised within a violent gang atmosphere may suffer greatly from low self-esteem. They grow up to believe that domestic violence is a normal way of life, or that they deserve to be abused. Passing this mentality from one generation to the next, violence becomes routine and accepted.

F 11.21 The long-term solution to overcoming gangs is through a coordinated community effort that includes prevention and intervention as well as suppression. The County and Monterey County city governments with their associated law enforcement agencies cannot merely arrest their way out of increasing gang violence.

Recommendations:

R 11.1 The Board of Supervisors should bring together a network of municipal leaders, law enforcement officials, school administrators, community partners and representatives of faith based communities to create achievable solutions and alternatives to the gang lifestyle.

R 11.2 The Board of Supervisors in conjunction with the Monterey County Office of Education, each school district within the County and non-profit organizations should include alternatives to violence in school curriculums.

R 11.3 Each school district within the County should encourage after-school activities that are made available in all communities for all children including kids at risk.

R 11.4 The Board of Supervisors should fund parental and family counseling programs and programs that teach youth alternatives to gang life. These programs should be made available at schools and through non-profit agencies.

R 11.5 The Board of Supervisors and the city council of each city countywide should fund and promote park activities and youth groups as an alternative to gang activities.

R 11.6 The Board of Supervisors should fund updated Internet Technology and interface for GTF use in both their office and cars.

R 11.7 The Board of Supervisors should fund a Global Positioning System device (GPS) for every car used by the Monterey County Joint Gang Task Force.

Response Required to All Findings and Recommendations:

Board of Supervisors

Monterey County Sheriff

All City Councils

Monterey County Office of Education

All School Districts within the County

Section 12 -- Probation Department /Adult Division

Summary: The Grand Jury investigated the management and facilities of the Monterey County Probation Department/Adult Division.

“The mission of the Monterey County Probation Department is to provide protection to the citizens of Monterey County by preventing and reducing the frequency, severity, and impact of criminal and delinquent behavior among adults and juveniles who come within the jurisdiction of the Probation Department. This is accomplished through prevention activities, preparation of appropriate reports, recommendations to the court, enforcement of court orders, providing victim assistance and by seeking and developing new methodologies in probation services.”

The Probation Department supervises approximately 1,500 juvenile offenders and 7,500 adults granted probation by the courts.

Background: The Adult Division supervises all adult offenders referred by the courts to the Probation Department. It consists of four major work units: Court Services, Field Services, Family Violence Services and Special Services.

Court Services prepares a Pre-Sentence Investigation and Report for every felony and some misdemeanor convictions when referred by the courts. These reports are used by the courts when determining sentences. The California Department of Corrections and Rehabilitation (CDCR) also use the reports if the offender is sentenced to prison.

Field Services assesses and supervises persons placed on formal probation by the courts. In addition to monitoring the probationers' compliance with court orders, officers in this unit also work closely together with other county agencies, community treatment organizations and other local, state and federal law enforcement agencies to deliver a variety of services in an effort to reduce recidivism.

Family Violence Services works with probationers whose offense involved domestic violence. Officers conduct annual recertification reviews of local domestic violence programs. Also included in Family Violence Services are the Child Advocate Program and the probation officers currently assigned to the Monterey County Joint Gang Task Force.

Adult Special Services consists of units, including Supervised Home Confinement, Proposition 36 (Drug Court Program), Creating New Choices (Mental Health Court Program) and the Narcotics Enforcement Unit County of Monterey (NEUCOM).

Investigative Methodology: The Grand Jury took tours, interviewed staff, reviewed documents and conducted research including the Internet. Because of the complex nature of the Department, the Grand Jury investigated the Juvenile and Adult Divisions separately and elected to write separate reports.

Facts Relevant to the Investigation:

1. The major function of the Adult Probation Division is to work with the courts.
2. The Pre-Sentence Investigation (PSI) gives the probation field officer an accurate profile of the offender. It is a fundamental court tool used in determining sentencing.
3. In Monterey County the vast majority of probationers are males.
4. In Monterey County 70% of the probation officers are female.
5. For safety reasons when searches of male probationers are performed, one male officer must accompany two female officers or four female officers must be present.
6. Bachelor's degrees are required for probation officers. In addition, they receive five weeks academy training at the Sacramento Regional Public Safety Training Center and State certification.
7. There is currently no requirement or capability for the Probation Department to gather statistical information to determine the success or failure of any rehabilitation programs within Monterey County.
8. All probation officers (with the exception of those currently assigned to the Monterey County Joint Gang Task Force) are required to use the same type of weapons and equipment.
9. The Probation Department uses internal independent data files and does not actively utilize the County Criminal Justice Information Services (CJIS) Probation module. CJIS, which consists of several databases and one subsystem, offers a wide range of information nationwide.
10. The information technology (IT) no longer interfaces with the court's IT. The systems are no longer compatible for integration with other law enforcement systems.
11. The Probation Department expended \$85,768 in overtime in 2005-2006. The department budgeted \$88,561 for 2006-2007.
12. Office space for Adult Probation is non-centralized, inadequate and cramped.
13. The Grand Jury was informed that there is not enough time or money in the budget to train all probation officers in use of the department's 30 Taser[®] devices.
14. Funding for the department is tenuous. Although Monterey County Probation Department receives approximately 60% of its funding from the County it must rely on Federal, State and grant funding for the remaining 40% of its budget. Much of the funding for the Probation Department comes from Prop 63 (Mental Health Services Act),

JJCPA (Juvenile Justice Crime Prevention Act), Title IV-E (the Social Security Act, 42 U.S.C. §670 et seq.) and Prop 172 Funds (Public Safety Funds). Those funds vary from year to year.

Findings:

F 12.1 Although the education requirements for probation officers are higher than those of other law enforcement officers, probation officers are paid less. This pay discrepancy, combined with the high cost of living in Monterey County, makes it difficult to recruit and retain officers.

F 12.2 Monterey County took CJIS off-line in December 2004.

F 12.3 There is no longer any computer interface between the courts and probation. Because of the lack of IT interface between courts and probation, there is approximately a 30 day delay in relaying necessary information from the courts to the Monterey County Probation Department.

F 12.4 The number of people placed on probation continues to rise along with the regular population statistics, about 3% per year.

F 12.5 Case loads average over 240 cases per officer and are at an all-time high.

F 12.6 The Restoration Unit, which helps resolve victim compensation claims, currently ranks 11th out of the 58 counties within the State for case resolution.

F 12.7 Currently only 31 of the 40 authorized armed officer positions are filled – a 22.5% vacancy rate.

F 12.8 All probation officers are required to use the same type of weapons and equipment with the exception of those currently assigned to the Monterey County Joint Gang Task Force.

F 12.9 The Monterey County Adult Probation Department has 30 Taser[®] devices. Due to lack of training, these Taser[®] devices are not being used.

F 12.10 Due to lack of equipment, some of the Sheriff's deputies working in the County Jail have purchased their own Taser[®] devices.

Recommendations:

R 12.1 The Board of Supervisors should fund Taser[®] training for the Monterey County Probation Department Adult Division officers. If this funding is not feasible, these Taser[®] devices should be reissued to the Sheriff's Department.

R 12.2 The Board of Supervisors should fund the centralization of the Monterey County Probation Department's facilities and allow enough office space to accommodate full staffing requirements.

R 12.3 The Board of Supervisors should include the Probation Department in the ongoing IT feasibility study.

R 12.4 The Board of Supervisors should upgrade the IT systems to allow for interface with the courts and other law enforcement agencies.

R 12.5 The Board of Supervisors should fund pay increases so that parity between the Sheriff's Department and the Probation Department will be achieved.

R 12.6 The Board of Supervisors should address the condition of chronic underfunding and should fully fund the resources needed to resolve the inefficiencies created by overcrowded office space, exceptionally high caseloads and officer recruitment/retention problems.

Response Required to All Findings and Recommendations:

Board of Supervisors

Monterey County Sheriff

Section 13 -- Probation Department/Juvenile Division

Summary: The Grand Jury investigated the management and facilities of the Monterey County Probation Department/Juvenile Division.

“The mission of the Monterey County Probation Department is to provide protection to the citizens of Monterey County by preventing and reducing the frequency, severity, and impact of criminal and delinquent behavior among adults and juveniles who come within the jurisdiction of the Probation Department. This is accomplished through prevention activities, preparation of appropriate reports, recommendations to the court, enforcement of court orders, providing victim assistance and by seeking and developing new methodologies in probation services.”

The Probation Department supervises approximately 1,500 juvenile offenders and 7,500 adults currently on probation within Monterey County.

Background: Juvenile Division has 90 trained officers, including 35 who are armed with Taser[®] devices and pepper spray; two probation officers are currently assigned to the Monterey County Joint Gang Task Force.

Facilities include the Wellington M. Smith Jr. Juvenile Hall and the Youth Center. Programs offered to youth offenders include the Santa Lucia Treatment Center, Gavilan Bay and Pinnacles Bay, Silver Star Gang Prevention and Intervention, and Repeat Offender Prevention Programs.

The Probation Department’s Youth Center facility is a low security residential treatment facility for boys and girls (age 13-18). Its programs include educational and rehabilitation opportunities offered through partnerships with Children’s Behavioral Health, the Monterey County Office of Education, Mental Health, the Juvenile Justice Crime Prevention Act and a number of private community programs. The Youth Center offers youth offenders educational opportunities through Monterey Peninsula College, Hartnell Community College and the Mission Trails Regional Occupational Program.

Rancho Cielo is a non-profit agency contracting with the Probation Department and offers at-risk youth a comprehensive set of services. The primary goal is improving the health and well-being of youth by reducing risk factors and providing an environment rich in academic, health, recreational and job preparation opportunities. The programs and services include individual and family support systems that provide alternatives to juvenile crime.

Investigative Methodology: The Grand Jury toured facilities, interviewed staff, youth offenders and their families, reviewed documents and conducted research including the Internet. Because of the complex nature of the Department, the Grand Jury investigated the Juvenile and Adult Divisions separately and elected to write separate reports.

Facts Relevant to the Investigation:

1. The Grand Jury was told that the number one need of the Monterey County Probation Department is to build a new detention facility to replace an antiquated, dilapidated Juvenile Hall that is expensive to operate.
2. The Wellington M. Smith Jr. Juvenile Hall is deteriorated. Due to years of earthquake damage, ceilings continue to crumble. As is, the facility does not meet building codes in numerous areas.
3. Approximately 100 youth offenders are processed in and out of Juvenile Hall each month.
4. Youth offenders, when they become wards of the court, are assessed and placed in programs that fill their needs. They may be placed in several programs simultaneously.
5. Parenting and Family Educational programs are offered at the Youth Center with the goal of returning youth offenders to healthy family environments.
6. The Grand Jury toured the Youth Center facility, which was in acceptable physical condition with the exception of the academic classrooms. There are current plans to build new classrooms.
7. Strict codes of conduct at the Youth Center provide a safe environment for both youth and probation staff. Youth offenders are not segregated by gang affiliation.
8. The Juvenile Division has difficulty in recruitment and retention of staff and officers.
9. The information technology (IT) system used by the Probation Department is woefully inadequate. The database is not searchable and there is no computer interface among the courts, police departments, sheriff and probation departments.
10. Daily reports from the Juvenile Hall are prepared on fanfold paper with dot matrix printers or -- in cases such as the In and Out Register -- by hand with pencil and paper.
11. The Probation Department Strategic Plan 2006-2007 includes a technology survey that addresses electronic communications, Internet, intranet, security and confidentiality. In addition it calls for the creation of a new facility to house an Information and Technology Unit.
12. Funding for the department is tenuous. Although the Monterey County Probation Department receives approximately 60% of its funding from the County, it must rely on Federal, State and grant funding for the remaining 40% of its budget. Much of the funding for the Probation Department comes from Prop 63 (Mental Health Services Act), JJCPA (Juvenile Justice Crime Prevention Act), Title IV-E (The Social Security Act, 42 U.S.C. §670 et seq.) and Prop 172 Funds (Public Safety Funds). Those funds vary from year to year.

Findings:

F 13.1 Grant monies are not guaranteed. Consequently, inconsistencies and variables in money received are inevitable. This situation makes the continuation of certain programs and the funding of new programs problematic.

F 13.2 Although not segregated by gang affiliation, youth offenders function well in their day-to-day environment.

F 13.3 Between 20-30% of the youth have mental health problems and are prescribed psychotropic drugs.

F 13.4 Of those in custody, 45% of youth offenders are incarcerated for probation violations. The remaining 55% are confined for a variety of crimes ranging from drug offenses to murder.

F 13.5 Although the education requirements for probation officers are higher than that of other law enforcement officers, probation officers are paid less. This pay discrepancy combined with the high cost of living in Monterey County makes it difficult to recruit and retain officers.

F 13.6 Due to the high turnover rate, the average length of service of probation officers at Juvenile Hall is 2 years or less.

F 13.7 Anecdotal evidence suggests that transitional programs appear to aid rehabilitation more than immediately returning juvenile offenders to their home environments after program completion.

F 13.8 Currently there is no system to measure success, or analysis to identify which programs are successful and identify those that would slow the rate of recidivism.

F 13.9 The Wellington M. Smith Jr. Juvenile Hall remains in use despite major problems with the wiring and maintenance of the fire alarm and suppression system.

F 13.10 A new juvenile hall must be built.

F 13.11 Each delay in the completion of building a new Juvenile Hall adds additional cost to the project and to the County.

F 13.12 Fire alarm system ports at Juvenile Hall, which are normally not sealed, have been sealed to prevent rainwater from entering the system. The Grand Jury was informed that those seals must be broken in order to perform system checks or routine maintenance.

F 13.13 Due to an antiquated boiler system, winter temperatures inside the Juvenile Hall can drop to 40° degrees, causing a deplorable environment for both youth offenders and staff.

F 13.14 The Grand Jury was impressed with and would like to acknowledge the many programs offered to youth offenders through the Monterey County Juvenile Probation Division.

Recommendations:

R 13.1. The Monterey County Board of Supervisors should condemn the Wellington M. Smith Jr. Juvenile Hall.

R 13.2. A new juvenile hall must be built. The Monterey County Board of Supervisors and the County Administrative Officer should work in conjunction with the Chief Probation Officer to immediately fund and begin the construction of a new juvenile hall.

R 13.3 The Monterey County Board of Supervisors should fund and modernize the information technology (IT) systems used by the Probation Department.

R 13.4 The Monterey County Board of Supervisors should fund pay increases so parity between the Sheriff's Department and the Probation Department will be achieved.

R 13.5 The Monterey County Board of Supervisors should address the risks that could be incurred to the County should building of a new juvenile hall be further delayed.

Response Required to All Findings and Recommendations:

Board of Supervisors

Section 14 – Greenfield PD: An Innovative Approach to Law Enforcement

Summary: The Grand Jury investigated the many less than lethal weapons the City of Greenfield Police Department currently uses. The Grand Jury obtained information on the variety and use of less-than-lethal technology currently available to law enforcement.

Background: The City of Greenfield Police Department has an array of less-than-lethal technology at its disposal. This technology helps to subdue a perpetrator with the least amount of force necessary offering both the perpetrator and peace officer the safest possible conditions.

Investigative Methodology: The 2007 Grand Jury toured the Greenfield Police Department, interviewed staff, peace officers and the Chief. The Jury reviewed documents and conducted research including the Internet.

Facts Relevant to the Investigation:

1. The current Chief of Police in Greenfield uses discretionary grants to keep the department's computer technology state-of-the-art and the department's equipment and weapons on the leading edge.
2. The "Net Gun" allows for a non-lethal response to a potentially lethal situation. It is a state-of-the-art approach to detain suspects who resist arrest. Officers can restrain perpetrators of any size without resorting to hand-to-hand combat. The "Net Gun" allows them to subdue uncontrollable persons who might be resistant to other less-than-lethal methods due to the use of drugs or alcohol.
3. The "Net Gun" spreads an unbreakable net over the perpetrator. The more a subject struggles, the more entangled he/she becomes. The high tensile nylon mesh of the net, acts as a spider web so the perpetrator is easily subdued and can be taken into custody.
4. The "Net Gun" spreads its 16 foot net at a rate of over 15 feet per second and is effective from as far as 40 feet.
5. The "Net Gun" is powered by compressed gas. Both the guns and the nets are reusable.
6. All Greenfield peace officers are trained, certified and recertified yearly in the use of close-range, mid-range and long-range weapons and equipment. Each officer is trained to select the appropriate weapon as needed.
7. Taser[®] devices, riot gear, tear gas, rubber bullets, paintball guns, net gun, K-9 unit and a remote control robot camera are just a few of the high tech and less-than-lethal equipment used by the Greenfield Police.
8. The Greenfield Police Chief applies the "Broken Windows Theory" to the community. This theory states that problems, if not dealt with as soon as they occur, become much

worse than they would otherwise be. An example is the broken window in an abandoned building. If the window goes unrepaired, criminals will surmise that no one cares. Conversely, if it is repaired immediately, they know that people are aware and active in that neighborhood, making it harder for crime to take root.

Findings:

F 14.1 The Greenfield Police Department uses an assortment of less-than-lethal equipment and weapons. All officers are well trained and knowledgeable in the selection and use of weaponry. Each officer is trained to choose the most appropriate equipment for given situations.

F 14.2 The Police Chief of Greenfield personally designed a Mobile Emergency Command Center (MECC). All department employees are cross-trained in the use operation and deployment of the MECC.

F 14.3 The Department's equipment includes an assortment of additional tools used to assist officers in searches such as the use of a robotic remote control camera, which may be deployed to "clear" an area prior to entrance.

F 14.4 All Greenfield police officers are issued Level B Haz-Mat suits which are primarily used when there is a severe respiratory hazard present or moderate skin exposure present. Level B offers protection with a chemical resistant coverall, one or two piece splash unit. Pressure demand Self Contained Breathing Apparatus (SCBA) or supplied air respirator with escape SCBA gloves and boots.

F 14.5 The Greenfield Police Department sets the standard in emergency preparedness in the County. They have practiced their procedures and are prepared for any civil emergency.

F 14.6 All Greenfield Police Department employees are certified in both Standardized Emergency Management System (SEMS) and National Incident Management System (NIMS), required by the Department of Homeland Security and the State of California. SEMS: (<http://www.oes.ca.gov/Operational/OESHome.nsf/PDF/SEMS-NIMS-2007-PDFs/file/DirectorLtr07.pdf>).

NIMS: (http://www.fema.gov/emergency/nims/nims_training.shtm)

F 14.7 Greenfield's Community Service Officer negotiated an agreement with a local towing service to remove abandoned vehicles from city streets at no charge to the municipality, thus reducing urban blight.

F 14.8 Greenfield is a rapidly growing community area. The Police Chief aids city planners to develop parks and recreational areas to avoid creating areas that might become opportunities for crime locations.

F 14.9 Educating the community is key to the prevention of crime and the Greenfield Police Department holds regular community awareness meetings.

F 14.10 The Greenfield Police Department created a comprehensive and informative Internet web page that includes salient data on current community issues. The page includes On-line Amber Alerts, School Violence Reports, the Violence Suppression Unit (VSU) Information, LiveScan Fingerprint notices, DUI Enforcement, Online Crime Reporting, Registered Sex Offender Information, real time flood information, press releases and more. The website may be viewed in both English and Spanish at (<http://ci.greenfield.ca.us/police.htm>).

F 14.11 Pre-arranged and parentally authorized, K-9 school drug searches are in the process of negotiations and, if approved, will be conducted on a random basis at Greenfield schools.

F 14.12 The Greenfield Police Department is awaiting approval of its plan to conduct random DUI and illegal drug and weapons traffic checkpoints on a periodic basis.

F 14.13 The Greenfield Police Department concentrates pro-actively on preventing crime including shopping cart control, weed abatement, the aforementioned abandoned vehicle removal program and graffiti control.

F 14.14 Terrorism within the Monterey County is a possibility, and Greenfield is well prepared for many scenarios including a dirty bomb, chemical, biological and even agro-terrorism attack.

Recommendations:

R 14.1 All city police departments in the County should be fully cross-trained so that any peace officer would be capable, if needed, of taking charge of any emergency situation. This way a city is not dependent on one or two people.

R 14.2 All city police departments in the County should have a range of less-than-lethal weapons.

R 14.3 All County and city personnel required to take NIMS and SEMS training should complete their training as soon as possible.

R 14.4 The Board of Supervisors should require completion of county-wide NIMS and SEMS training as soon as possible.

R 14.5 The Board of Supervisors, city councils, Sheriff and all city law enforcement agencies should publicly address the necessity of securing proper storage of agricultural equipment and industrial chemicals in the County. The agriculture industry and the public need to be educated on the hazards of chemicals.

Response Required to All Findings and Recommendations:

Board of Supervisors
Monterey County Sheriff
All City Councils

Section 15 -- Monterey County Coroner's Office and the County Morgue

Summary: The Coroner Division, under the jurisdiction of the Monterey County Sheriff, is directed by a Monterey County Sheriff's Commander. This Division has two functional areas, the Coroner Unit and Civil Unit.

The Grand Jury found the staff to be professional, the office to be clean and efficient. The custody rooms were secure and the tissue samples all labeled.

Background: The Coroner Unit's responsibility is to investigate all deaths reportable to the Coroner and determine the cause, manner, and circumstances surrounding reportable deaths. The Sheriff (Coroner) is a county-elected officer acting under the authority of provisions of the California Government Code and California Health and Safety Code.

Not all deaths are reportable to the Coroner. Reportable deaths fall into 24 categories. Government Code §27491 and Health and Safety Code §10250 directs the Coroner to inquire into and determine the circumstances, manner and cause of any death, which falls into one of these categories. Monterey County, like 42 other counties in California, is a Sheriff-Coroner County that gives the Sheriff dual powers as a coroner and peace officer. A unit supervisor within the Coroner Unit also chairs the County's Child Death Review Team.

In 2006, a total of 1,054 cases were reported to the Coroner Unit. Of this number, after investigation, 764 cases were closed as Physician Certified deaths. The Coroner Unit in 2006 performed a total of 225 autopsies; 16 of those were conducted for San Benito County under a contract for forensic pathology services.

In any death into which the Coroner is to inquire, the Coroner may take charge of any and all personal effects, valuables and property of the deceased at the scene of the death or related to the inquiry and hold or safeguard them until lawful disposition can be made. The Coroner's Unit will upon request make family death notifications for deaths occurring in Monterey County. When requested by other jurisdictions, personnel from the Coroner's office will also make death notifications in Monterey County for people who have died in other states or other California counties. The Coroner's Unit may also assist the people of the state, as appropriate, in the implementation of the Uniform Anatomical Gift Act (Health and Safety Code §7150-7156.5).

Indigent persons who die within Monterey County are cremated. The County will seek reimbursement from the deceased's estate. If no money can be acquired, the Coroner's office ensures this duty is carried out at County expense.

Investigative Methodology: The Grand Jury took a facility tour, interviewed staff, reviewed documents and conducted research, including the Internet.

Facts Relevant to the Investigation:

1. The University of California Los Angeles (UCLA) paid for the Coroner/Morgue building and continues to pay for use of an operating room for tissue donation.
2. The University of California San Francisco (UCSF), Musculoskeletal Transplant Foundation and Northern California Transplant Bank contract with the Monterey County Coroner's Office for tissue recovery and use of the facility. The Federal Bureau of Investigation and Department of Defense also pay for the use of the facility as needed.
3. The Department has four detective/coroners, a Forensic Autopsy Technician, a contract Pathologist, one full-time and one part-time Transcriptionist.
4. The office contracts with a central removal service to bring bodies to the facility.
5. Monterey County is the first county in the State with Electronic Death Response System (EDRS). EDRS electronically records deaths for the State and reduces costs by eliminating the need for travel to see doctors and obtain signatures for death certificates.
6. Embalming is not required in California in cases where the body will be cremated. In Monterey County the bodies of indigent persons are cremated and cremains held for 2 years before ashes are scattered.
7. Emergency planning is supported by The California Law Enforcement Mutual Aid System and Plan (which derives its authority from the California Emergency Services Act Government Code §8550, §8569, §8615-8619, §8632, §8668), The Master Mutual Aid Agreement and the Emergency Management Assistance Compact (EMAC) -- a Congressionally ratified organization that provides form and structure to interstate mutual aid.
8. During an emergency situation, personnel from the State Coroner System Region 2 will assist at the local level. Region 2 consists of the coastal counties from Del Norte to Monterey.
9. The Coroner's Division is currently working to update its Emergency Preparedness policies and procedures.
10. During a catastrophic emergency the national level Disaster Mortuary Operational Response Team (DMORT) will supply its own pathologist, teams and electricity.
11. Under normal conditions, the Monterey County Morgue holds only 16 bodies.
12. Numerous bodies in a mass casualty situation would likely be stored temporarily in refrigerated trucks and local coolers.

13. Many bodies require an x-ray before an autopsy is performed. For instance bodies with gun shots wounds and all children must be x-rayed. Unfortunately the x-ray machine at the Monterey County Morgue is non-functional.

14. The County now requires that two deputies take custody of property of the deceased.

Findings:

F 15.1 The Sheriff rotates the Coroner's command staff every 3 to 5 years.

F 15.2 The cost of the central removal services will undoubtedly increase at the end of the current contract.

F 15.3 There is a nationwide shortage of pathologists which impacts Monterey County's ability to retain qualified staff.

F 15.4 Policies and procedures for a mass casualty situation occurring in Monterey County and command structure for such an emergency is outdated and needs to be rewritten.

F 15.5 In the event of a mass casualty situation, Monterey County will incur the additional cost of international transportation to return the remains of non-citizens back to their home countries.

F 15.6 The donated x-ray machine in the Coroner's Office has not been functional for over a year, and replacement parts are no longer available.

F 15.7 When necessary, a body is transferred back and forth to Natividad Medical Center for x-ray. The cost incurred for time and travel would be eliminated by a functional x-ray machine.

F 15.8 The County lacks a sufficient number of body bags needed in the case of a mass casualty situation.

F 15.9. In the event of a mass casualty situation the Monterey County Morgue is undersized. This will affect Monterey County in the event of a pandemic or other mass casualty disaster where the County would have to acquire refrigerated trucks.

Recommendations:

R 15.1 The Board of Supervisors and the County Administrative Officer should provide all funding necessary for the Coroner's Office to purchase an x-ray machine.

R 15.2 The Sheriff should set and publish a timeline for the Coroner's Office to complete the new written policies and procedures for emergency preparedness. Tests should be conducted yearly to ensure feasibility and functionality.

R 15.3 The Board of Supervisors should fund the purchase of additional body bags to be on hand in case of a mass casualty situation.

R 15.4 The Board of Supervisors should address the potential increased cost of the repatriation of the bodies of non-citizens after a mass casualty situation.

Response Required to All Findings and Recommendations:

Board of Supervisors

Monterey County Sheriff

Section 16 -- Monterey County Jail

Summary: The 2007 Monterey County Civil Grand Jury toured the Monterey County Jail located in Salinas, California to inquire into both the management and condition of the prison pursuant to Penal Code §919(b), which states: “The Grand Jury shall inquire into the condition and management of the public prisons within the county.” Penal Code §921 states: “The Grand Jury is entitled to free access, at all reasonable times, to the public prisons, and to the examination, without charge, of all public records within the county.”

Background: The Sheriff’s Department has jurisdiction in all unincorporated areas of the County, concurrent jurisdiction with other law enforcement agencies within cities and the County Jail may receive prisoners and offenders from any law enforcement agency. The department uses iris scans, digital imaging and digital fingerprint for identification of offenders.

The Detention Division of the Sheriff’s Department consists of four functional units, the Correctional Emergency Response Team (CERT), Field Training Officer (FTO), Gang Classification and K-9 units. CERT consists of one commander, two sergeants and 16 deputies.

Detention is responsible for the intake, housing and release of all offenders both male and female. This division includes the main jail and rehabilitation facility. Offenders incarcerated are either currently sentenced to jail, awaiting trial or awaiting sentencing.

The jail contains an infirmary, laundry, kitchen, library, commissary services, building maintenance shop and chapel.

The Gang Classification Unit evaluates and places offenders according to criminal sophistication, seriousness of crime perpetrated, the presence or absence of assaultive behavior, age, and other criteria that might impact the safety/security of offenders or staff. The unit is also responsible for developing gang intelligence, follow-up investigations, and assisting outside agencies as needed.

The Correctional Emergency Response Team handles cell extractions, inmate uprisings and emergencies that may occur within the jail or rehabilitation facility. CERT also works with outside county agencies helping with crowd control.

The Facility Training Officer program offers additional training for all deputies assigned to the County Jail.

The K-9 unit consists of a trained dog and a handler and is used to conduct drug searches and other general services.

Investigative Methodology: The 2007 Civil Grand Jury took a facility tour, interviewed staff, reviewed documents and conducted research including the Internet. Because of the

complexity of the Sheriff's Department, the Grand Jury decided to investigate two divisions within the department (Coroner and County Jail) and issue separate reports.

Facts Revelent to the Investigation:

1. The Monterey County Jail was originally built to house 851 offenders. However, it currently houses an average population of 1,166 offenders -- 37% more than the original capacity. The Sheriff's department estimates show this facility will exceed capacity of over 200% by the year 2010.
2. Female offenders make up 13% of the jail population. They are housed in a separate wing which was originally designed to house 97 female offenders. It currently houses 139 - - 34% more than its original capacity.
3. Taser[®] devices are one of the less-than-lethal tools deputies carry on their person while guarding offenders. There are not enough Taser[®] devices on hand to properly equip deputies assigned to the County Jail. Some deputies have equipped themselves by purchasing their own Taser[®] devices.
4. The Monterey County Jail construction was under-funded in the 1990's. The facility has major design problems for the custody of the offender population.
5. Design problems include the arrangement of the 27 separate housing units. Nearly every addition to the County Jail over the last 36 years has been only partially funded. As a result, the more violent offenders that the County Jail houses today are quartered in older-designed facilities that make safety and security more difficult for deputies.
6. Because of the dormitory style housing originally designed to house low security inmates, plus the high level of overcrowding, which includes every level of inmate, the County Jail experiences a higher rate of inmate-on-inmate violence and must make use of measures like administrative segregation for control of the jail when necessary.
7. There are many areas in the jail that fall outside of a deputy's line-of-sight when guarding offenders. These unmonitored areas are prone to inmate-on-inmate criminal behavior.
8. The average incarceration is 28 days. However, at the time of the Jury's tour of the jail in April, 25 offenders had been jailed for two or more years while awaiting conviction or sentencing.
9. Over 2/3 of the County Jail inmates are charged with felony crimes. The majority of offenders (68%) are un-sentenced felons (awaiting trial or awaiting disposition); 11% are sentenced felons; 11% are un-sentenced misdemeanants and the remaining 10% are sentenced misdemeanants.
10. Repeat offenders constitute 85% of inmates in the Monterey County Jail (an 85% recidivism rate).

11. Contraband (including tobacco products, drugs and weapons) enters the jail many ways from outside the facility. Objects lobbed from outside the jail property are easily accessible to inmates taking their daily exercise.

12. The Sheriff's Department is authorized 144 deputies and 45 non-custodial staff for the jail.

13. Although deputies are not required to be bilingual, it is preferred. Incentive pay may be offered to some who speak two or more languages when funds are available.

14. Due to the high cost of living in Monterey County, the Sheriff's Department has difficulty recruiting and retaining local deputies and staff. A quarter of all County Jail employees commute from outside the County.

Findings:

F 16.1 Due to lack of equipment, some deputies have chosen to purchase their own Taser[®] devices for use in the County Jail.

F 16.2 One of the main duties for the Sheriff's Department is to provide deputies for court security.

F 16.3 The one K-9 unit in the jail is used to conduct drug searches and other general services.

F 16.4 Sheriff's Department statistics show that 30% of the incarcerated offenders are considered hard-core gang members while an additional 30% are gang sympathizers.

F 16.5 Due to design flaws and overcrowding, order among the inmates is difficult to maintain. Inmates watch each other and take full advantage of any situation made available to them to commit an assault. A new, contemporary designed facility should eliminate many of these issues.

F 16.6 According to the Sheriff's Department violence inside the County Jail is rising.

F 16.7 The Sheriff's Department considers an 85% recidivism rate as normal. There are no policies or procedures to evaluate the success/failure of any of the programs offered to inmates.

F 16.8 About 15% of the inmate population requires psychotropic drugs for psychiatric illnesses, a slightly higher percentage than the general County population.

F 16.9 Recruitment and retention are high priority issues for the department. At the time of the Grand Jury's tour in April, the jail was short 47 deputies. By October there were only 16 deputy positions and two non-custodial positions vacant.

F 16.10 The County Jail needs more Taser[®] devices for use by deputies. The Adult Division of the Probation Department has 30 Taser[®] devices they are not using.

Recommendations:

R 16.1 The Board of Supervisors should fund increases in pay where needed so that parity is achieved between the various County law enforcement departments.

R 16.2 The Board of Supervisors should fund the purchase of a Taser[®] device for every deputy assigned to the Monterey County Jail. The Adult Division of the Probation Department has 30 Taser[®] devices it is not using. If the funding of Taser[®] device training for Monterey County Probation Department Adult Division officers is not feasible, these Taser[®] devices should be reissued to the Sheriff's Department.

R 16.3 The Board of Supervisors and the Sheriff should consider all modern jail designs to include the proper housing for the most violent inmates. The new jail, when built, should include smaller general population blocks that will offer a higher level of control over ever-increasing violence.

R 16.4 The Sheriff should make sure all windows, doorways and exercise areas at the Monterey County Jail are secured and far enough away from the civilian population so that contraband cannot easily enter prison grounds or be easily accessed by inmates.

R. 16.5 The Sheriff should institute measurements or analyses that would determine what programs help to lower the rate of recidivism.

R 16.6 The Sheriff should address the reason an 85% recidivism rate is considered normal and accepted.

Response Required to All Findings and Recommendations:

Board of Supervisors

Monterey County Sheriff

Section 17-- Correctional Training Facility (CTF)

Summary: The 2007 Monterey County Civil Grand Jury toured the Correctional Training Facility (CTF) located in Soledad, California to inquire into both the management and condition of the prison pursuant to Penal Code §919(b), which states: “The Grand Jury shall inquire into the condition and management of the public prisons within the county.” Penal Code §921 states: “The Grand Jury is entitled to free access, at all reasonable times, to the public prisons, and to the examination, without charge, of all public records within the county.”

Even though the CTF continues to be extremely overcrowded, the Grand Jury found the facility well-managed and is fulfilling its primary mission.

Description of Security Levels in Correctional Facilities:

- I Open dormitories without a secure perimeter.
- II Open dormitories with secure perimeter fences and armed coverage.
- III Individual cells, fenced perimeters, and armed coverage.
- IV Cells, fenced or walled perimeters, electronic security, more staff and armed officers both inside and outside the installation.

“The primary mission of the Correctional Training Facility is to provide housing, programs and services for medium custody inmates.” A variety of work assignments, self-help, vocational and academic programs are available to inmates. Prison Industry Authority (PIA) operates several successful vocational/manufacturing programs at the facility.

CTF’s value/motto:

“Pride in a job well done. Excellence in attaining and preserving the skills necessary to ensure that the institution’s mission is met; training is the means by which we achieve our goals.”

The CTF is comprised of three separate facilities.

The South Facility houses Level I minimum custody inmates who perform outside duties. The facility offers academic, vocational, and industrial assignments.

The Central Facility is a training and work-oriented facility that provides comprehensive academic, vocational and industrial training. Central facility houses level II medium custody inmates and also includes the institution’s Administrative Segregation Unit.

The North Facility is a training and work-oriented facility that provides comprehensive academic, vocational and industrial training. North Facility houses level II medium and level III maximum custody inmates.

Background: CTF is a tri-facility prison complex on 680 acres and is one of 32 prisons under the California Department of Corrections and Rehabilitation (CDCR). Each of CTF's three facilities functions separately under the same warden. The South Facility dates back to 1946, the Central was opened in 1951, the North in 1958, a dormitory was added to Central in 1984, and three dormitories were added in 1996.
 (Source: <http://www.cdcr.ca.gov>)

According to information provided to the Grand Jury in July 2007, CTF was designed to hold 3,301 inmates/beds, but as of June 27, 2007, had 7,127. Inmates are all custody level I, II, or III, with no level IV's although there are some (3%) requiring Special Security measures. Levels are determined by a number of factors; level I requires the least amount of custodial supervision.

As of Fiscal Year 2006/2007, the following statistics apply:

Number of custody staff:	998
Number of support services staff:	524
Total number of staff:	1,522
Annual operating budget:	\$150 million

Investigative Methodology: In addition to the prison tour, the Grand Jury reviewed prior Grand Jury Reports, CTF's responses to those reports, the Western Association of Schools and Colleges (WASC) Visiting Committee Report on the Valley Adult School dated May 2007, additional documents and reports and conducted research to include the Internet.

Facts Relevant to the Investigation:

1. As of June 27, 2007, CTF housed 7,127 inmates in a facility built for 3,301 (216% of the designed capacity).
2. Grand Jury reports for the last 6 years have commented on the overcrowding at the facility.
3. Inmate Programs are many and varied, including:
 - a. Prison Industry Authority (PIA) offers vocational programs in Textiles, Warehouse, Wood Products, Silk Screen, Appliance Repair, Commercial Paint, Graphic Arts/Offset Printing, Landscaping and Gardening, Machine Shop, Mill and Cabinet, Plumbing, Small Engine Repair, Office and Related Technology, Welding and Vocational Computer Refurbishing/Electronics.
 - b. Academics include Adult Basic Education, High School/General Education Development (GED), English as a Second Language, Literacy Program, Computer Assisted Education and the Bridging Program (an independent study program offered to all inmates).
 - c. Other programs include Youth Diversion, Victim Awareness, Drug Treatment/Diversion, Substance Abuse, Recycling and religious programs.

4. The CTF educational department has chosen the Laubach Way to Literacy as its literacy training system. Laubach is a system that allows adult learners to progress rapidly through remediation. Educational staff has attended Laubach training and a variety of literacy-related workshops. CTF is a member of California Literacy Inc., an agency which provides up-to-date information on literacy issues. The institutional TV broadcast system will air the literacy curriculum.

5. According to the WASC report of May 2007, inmates are frequently on waiting lists for educational programs. (<http://www.wascweb.org/>).

Findings:

F 17.1 All gymnasiums and common-use areas have been converted into inmate dormitories, although they are not continuously used as such.

F 17.2 Almost all individual cells designed for one inmate are being used for two. (The exceptions are generally in administrative segregation).

F 17.3 Unlike other seriously over-crowded institutions, CTF had, at the time of the Grand Jury's tour, avoided the triple bunking configurations for inmate sleeping arrangements.

F 17.4 Approximately 20% of inmates are incarcerated for drug crimes.

F 17.5 The high cost of living in Monterey County continues to make it difficult to recruit and retain fully qualified staff.

F 17.6 CTF has increased efforts to recruit correctional officers within the county.

F 17.7 CTF and Salinas Valley State Prison (SVSP) are jointly working on developing a program in conjunction with PIA and local construction trade unions which would train inmates in construction trades. This project could build on-site housing used for correctional officers and their families.

F 17.8 Retention Pay is given to officers who live either in an area where there is a high cost of living or live in undesirable areas. The amount given for Monterey County is \$175 which is taxed and brings it down to a take home of \$112. With the current cost of living in Monterey County, this amount of Retention is inadequate.

F 17.9 CTF and SVSP are jointly working to establish a branch of the Correctional Officer's Training Academy on-site to aid local recruiting efforts.

F 17.10 Contraband (including tobacco products, drugs and weapons) continues to be smuggled into the prison and remains a very significant problem.

Recommendations:

R 17.1 CTF and CDCR should continue efforts to reduce overcrowding.

R 17.2 CTF and SVSP should coordinate their efforts to recruit correctional officers from the local area and to retain them.

R 17.3 CTF should make efforts to get inmates off waiting lists and into the educational/training programs as soon as possible.

R 17.4 CTF should charge a training fee to other prisons in the State for correctional officer training if the officer transfers to another facility before the 3rd anniversary of beginning employment at CTF.

R 17.5 CTF and the CDCR should consider the use of drug sniffing dogs for screening prison visitors to help curtail contraband from entering the prison.

Response Required to All Findings and Recommendations:

Correctional Training Facility Warden

Section 18 -- Salinas Valley State Prison (SVSP)

Summary: The 2007 Monterey County Civil Grand Jury toured Salinas Valley State Prison (SVSP) located in Soledad, California pursuant to Penal Code §919(b) which states: “The Grand Jury shall inquire into the condition and management of the public prisons within the county.” Penal Code §921, states: “The Grand Jury is entitled to free access, at all reasonable times, to the public prisons, and to the examination, without charge, of all public records within the county.”

SVSP suffers from severe inmate overcrowding which creates safety issues for both inmates and staff. This overcrowded condition is an unfortunate reality, which plagues most of California’s prison facilities. SVSP has also had difficulty in retaining trained correctional officers due to a combination of low pay and the high cost of living in Monterey County.

The 2007 Grand Jury observed interactions between management and staff as well as inmates and viewed the entire facility. Irrespective of the overcrowding, the Grand Jury found both management and personnel were professional, courteous to both grand jurors and inmates and able to maintain a high level of safety and security. Staff showed high morale and an obvious dedication to duty was apparent in all areas. The 2007 Grand Jury attributes this to the institution’s management and executive leadership.

Background: Salinas Valley State Prison - Mission Statement

“Salinas Valley State Prison provides long-term housing and services for minimum and maximum custody male inmates. Productivity and self-improvement opportunities are provided for inmates through academic classes, work programs, religious and self-help groups.”

SVSP was constructed to meet the access requirements of the Americans with Disabilities Act (ADA). SVSP has been designated to house Level I, II, III and IV inmates. The housing of these inmates is accomplished in a Minimum Support Facility. SVSP also houses inmates who meet the criteria of the California Department of Corrections and Rehabilitation’s (CDCR) Disability Placement Program (DPP) excluding Department of the Visually Handicapped (DVH), Department of Health (DPH) and Disabilities Programs and Services (DPS). SVSP has a 100-cell stand-alone Administrative Segregation Unit (ASU) and a Correctional Treatment Center (CTC). SVSP provides Correctional Clinical Case Management System (CCCMS) and Enhanced Outpatient Program (EOP) and Crisis Bed mental health services.

SVSP contains a division of the Department of Mental Health (DMH) on grounds in the secured perimeter: Salinas Valley Psychiatric Program (SVPP). The SVPP is an intermediate care inpatient psychiatric program servicing primarily Level IV high security inmates who have a major mental disorder that has diminished their ability to function within the prison environment. There is a stand-alone DMH housing unit and two retrofitted 180 housing units, one completed and operational and another under retrofitting at the institution.

During 2003, in compliance with the settlement of a federal lawsuit over the management of prison medical care, U.S. District Court Judge Thelton E. Henderson appointed a receiver for all 33 adult prison facilities in California effective February 2006. To learn more about the receivership see their website (<http://www.cprinc.org/index.html>).

Institution Statistics:

Salinas Valley State Prison opened a 300-acre facility in May 1996. As of Fiscal Year 2006/2007, the following statistics apply:

Number of custody staff:	879
Number non custody staff:	449
Number of DMH (custody non custody) staff:	224
Total number of staff:	1,552
Annual operating budget:	\$177 million

Description of Prison Security Levels for Correctional Facilities:

- Level I - Open dormitories without a secure perimeter.
- Level II - Open dormitories with secure perimeter fences and armed coverage.
- Level III - Individual cells, fenced perimeters, and armed coverage.
- Level IV - Cells, fenced or walled perimeters, electronic security, more staff and armed officers both inside and outside the installation.

Designed bed space & count		
Facility Level	Design Capacity	Count
I	200	364
II (Gym)	0 beds	214
III	500	1,226
IV	1,574	2,751
Total	2,274	4,555

Investigative Methodology: The Grand Jury reviewed letters written to the 2007 Civil Grand Jury, evaluated reports, researched documented statistics, conducted interviews with prison management, correctional and rehabilitation personnel and conducted a facility-wide tour.

Facts Relevant to the Investigation:

1. SVSP is one of 33 prisons controlled by the California Department of Corrections and Rehabilitation (CDCR).
2. SVSP houses inmates from all four distinct security levels.

3. SVSP currently houses 205% of the original design capacity.
4. From June 2006 / July 2007, SVSP were a number of open custody positions.
5. From June 2006 – July 2007, SVSP had nearly 400,000 overtime hours for custody positions and paid out \$19,175,070 in custody overtime pay.
6. SVSP offers several educational and behavioral programs for inmates including:
 - a. Academic: Adult Basic Education I, II, III General Education Development (GED), Adult High School, Re-Entry, English as a Second Language, and Computer Aided Literacy lab.
 - b. Self Help groups Alcoholics Anonymous, Narcotics Anonymous, veterans group, Breaking Barriers, Alternatives to Violence, Cage Your Rage.
 - c. Prison Industry Authority (PIA): Dairy.
 - d. Behavior Modification.
 - e. Religious Education.
7. Various sections of SVSP are often on a “lockdown” status due to safety concerns for both correctional officers as well as inmates following an act of violence or major infraction within a cellblock.
8. During “lockdown” status inmates are only permitted out of their cell for medical appointments, mandatory showers and limited recreation.
9. Median age of the prison population is rising along with the aging U.S. general population. This aging of the prison population results in increased requirements for age-related medical care, including geriatric care.
10. Each inmate is given three nutritionally balanced meals per day, which are prepared on-site.
11. Violence within the prison is usually the result of rivalry between gangs.

Findings:

F 18.1 Overcrowding creates safety issues for both inmates and correctional officers.

F 18.2 Gang violence within the prison system continues to be problematic.

F 18.3 “Lockdown” is often a necessary tool to keep control of prisoners and offers safety for other inmates as well as correctional officers.

F 18.4 When in “lockdown” inmates cannot take advantage of educational and behavioral training.

F 18.5 Presently there are no vocational programs other than the PIA dairy. Pending programs include Janitorial, Landscaping, Auto body and Office Services. Although none

of these programs had begun as of the Grand Jury's tour, the projected start dates are in 2007.

F 18.6 Overall costs of running facilities like SVSP have skyrocketed all across the country with especially high impact on California facilities. The State's prison budgets do not reflect the true cost of prison operation.

F 18.7 Some inmates work in the preparation of meals. All inmates are given a hot breakfast, a bag lunch and a hot dinner each day. Full nutritional value and special dietary requirements are met.

F 18.8 The high cost of housing in Monterey County negatively affects the ability to recruit and retain correctional officers.

F 18.9 Contraband (including tobacco products, drugs and weapons) continues to be smuggled into the prison and remains a very significant problem.

Recommendations:

R 18.1 SVSP and CDCR should continue efforts to reduce overcrowding.

R 18.2 SVSP and CDCR should continue to work with the inmate population on educational goals and behavioral alternatives to violence.

R 18.3 SVSP and CTF should coordinate a joint effort to recruit and retain correctional officers from the local area.

R 18.4 SVSP and the CDCR should consider the use of drug sniffing dogs for screening prison visitors to help curtail contraband from entering the prison.

Response Required to All Findings and Recommendations:

Salinas Valley State Prison Warden

[BACK COVER]

2007 FINAL REPORT

January 2, 2008

[FRONT COVER]

[INSERT MONTEREY CIVIL
GRAND JURY SEAL]

2007 FINAL REPORT

January 2, 2008