



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

STEVE BERNAL
Sheriff-Coroner

August 24, 2017

Honorable Mark E. Hood
Presiding Judge of Superior Court
240 Church Street
Salinas, CA 93901

Re: Civil Grand Jury Response - "Jail Insufficient Number of Deputies: Car 54 Where Are You"

Dear Judge Hood,

I would like to thank the 2016-17 Monterey County Civil Grand Jury and the efforts put forth on the Report related to staffing levels for the Sheriff's Office. I remain committed to employing the most highly trained, competent, professional peace officers and civilian personnel that provides the best public safety services in Monterey County. I appreciate the Grand Jury's interest to ensure the Sheriff's Office has adequate personnel to carry out public safety operations.

Finding 1a - The Hernandez Settlement requires an "adequate" number of sworn deputies to supervise the jail. Current staffing in the jail is barely adequate to comply. **1b** - Both the jail and patrol are understaffed. **1c** - The number of deputies reassigned from patrol to the jail has left patrol in a state of crisis.

1a - The Sheriff's Office agrees with this finding. Recruiting and hiring the most qualified peace officers has been a top priority over the past year. It is a difficult and timely process to hire and train new deputies. Through the hard work of the Sheriff's Professional Standards Unit and our County Human Resource Partners, nearly every vacant position is now filled. There are more than 30 candidates in various states of training. Currently, the jail is staffed sufficiently to meet the requirements of the Hernandez Settlement; but is still struggling to fill a "relief" factor for accumulated leave times, mandatory training and medical issues. As the new candidates join the work force, the surge of over two dozen deputies will bring the jail above "minimums" and will account for relief to ensure the jail has adequate staffing to maximize safety and security in the facility. This will still require the use of some allocated deputies for patrol. Therefore, the Sheriff's office still has a need to increase the number of allocated positions in patrol to begin restoring patrol to adequate levels.

1b - The jail and patrol are understaffed. The Sheriff's Office agrees with this finding. In fiscal year 2006/2007, the sheriff's office was allocated 350 safety (sworn) positions. In fiscal year 2001/2002, there were 360 safety positions.

This fiscal year, 2017/2018, 323 safety positions have been allocated to the sheriff's office budget. This is a rough average of 30 less deputies than in our better years. Because of the lawsuit settlement and prison realignment, the jail's staffing needs are greater than they were in prior years. A recent in-house overtime study showed there was a need to use over 47,000 hours of overtime just to fill vacancies on jail and patrol shifts. Those hours represent 23 full time equivalent employees. 23 additional employees will minimize the need for shift coverage overtime. Although those new employees will reduce overtime, they will only raise the total numbers enough to reach adequate staffing in the jail; but will have very little positive impact on patrol coverage. Patrol will still be drastically short in comparison to historic staffing levels.

1c - The number of deputies reassigned from patrol to the jail has left patrol in a state of crisis. The Sheriff's Office disagrees partially with this finding. County budget cuts from the 2009 year forward began cutting patrol numbers. In 2014, the Sheriff was forced to transfer personnel from patrol to the jail to comply with the Hernandez Settlement. Current patrol deputy staffing levels are approximately 65% of levels from just 7 years ago. The major cuts have decimated our patrol numbers and capabilities.

Although staffing levels in patrol are at an all-time low and response times in certain areas are longer than desirable, I would not consider it a state of crisis right now. The only reason patrol is not in a "state of crisis" as stated by the grand jury is due to the commitment and hard work of our deputies assigned to patrol operations. Through all the staff reductions, the deputies have risen to the occasion to provide the best service possible considering the low number of peace officers doing the work every day.

In previous budget development, I pledged to the board of supervisors to fill every vacant peace officer position before requesting additional allocations. Now that the vacancies are filled, I will ask the Monterey County Board of Supervisors for additional positions to begin bringing patrol coverage up to previous levels. My top priority is to restore Coastal and South County Patrols so they can originate from those stations instead of from the Central Station in Salinas. Bringing station patrols back online will improve the disbursement of deputies in the field and bring response times back up to a more desirable level.

I appreciate the Board of Supervisors' support during the recent budget development. The board restored all proposed deleted positions from the Sheriff's Budgets. I will continue to work in partnership with the board and will ask for their continued support to address staffing.

Finding 2 - The Sheriff's Office does not have an adequate number of authorized positions to meet absences for vacations, sickness, disability, family leave, or personal matters. The Sheriff's Office agrees with this finding.

Finding 3 - A reduction in MCSO's budget would result in fewer deputies which could cause: Potential compliance issues with the Hernandez Settlement and result in further litigation, continued lack of patrol coverage, and major overtime expenses. The Sheriff's Office agrees with this finding.

Finding 4 - MCSO's mission statement is: "to safeguard the lives and property of the people within our county, our county's residents have the right to protection under the law." The Sheriff's Office agrees with this finding.

Finding 5 - The proposed budget reductions will have a negative effect on MCSO's ability to provide protection to our county's residents. The Sheriff's Office agrees with this finding. Fortunately, this finding was rendered mute with the adoption of the 2018 budget.

Finding 6 – The Sheriff's Office spent over \$6 million in overtime which could have funded 40 additional deputies. The Sheriff's Office disagrees partially with this finding. Refer to response to finding 1b. Several million dollars are spent in overtime each year. Only some of those hours are for shift coverage. The recent overtime study showed, the Sheriff's Office could hire 23 deputy sheriffs in exchange for "shift coverage" overtime this year. Some overtime expenses, such as: court, late arrests, call back for emergencies, and training would not all be cut with additional staffing.

Finding 7 - The Sheriff's Office should recognize that the tasks performed by deputies in the jail are different from those performed by deputies on patrol. Although having interchangeable jail and patrol deputies has some advantages for flexibility of assignments but the policy has costs in terms of hiring and retaining deputies as well as on their morale.

The Sheriff's Office disagrees wholly with this finding. In 2011, the State of California enacted Public Safety Realignment Legislation which shifted the responsibility of confining and supervising many felons from the state to counties. This shift transformed local jails into regional prisons with many inmates serving felony terms in county jails. Deputy Sheriff recruits receive approximately 6 months of initial training in basic law enforcement academies.

Those academies cover multiple subject areas including but not limited to: professionalism, cultural diversity, dealing with mentally ill persons, de-escalation techniques, criminal law, search and seizure, report writing, laws of arrest, use of force, evidence collection, and court procedures. This training is invaluable to prepare recruits to deal with incarcerated persons. In comparison, Correctional Officers only receive 6 weeks of initial training. Reducing the entry level training by 80% percent will have a negative impact on the level of training and overall competency of deputies serving in the jail. Plus, starting a career in the jail allows new deputies to learn important skills, such as: de-escalation techniques, dealing with persons under the influence, communicating with mentally ill offenders, and how to interact with dangerous violent offenders and gang members in a custody setting before the deputy deals with many of these same people out in the community.

Finding 8 - Two separate job classifications for jail and patrol would have a positive impact on recruiting, retention, advancement, and morale. The sheriff's office disagrees wholly on this finding. Refer to finding 7 response.

Finding 9 - There are duties in the jail that could be performed by Corrections Specialist Supervisor (CSS) and Corrections Officers. The Sheriff's Office disagrees partially with this finding. Corrections Specialist Supervisors supervise our Corrections Specialists and do a great job. They are not trained nor are they intended to do any other type of job in the jail. Corrections Specialist Supervisors would work hand in hand with Correctional officers the same as they do currently with Deputy Sheriffs.

Corrections Officers however, have far less training when compared to Deputy Sheriffs. The “new” inmate population in the AB109 era, is much more institutionalized and sophisticated in comparison to the historic county jail inmates. Additionally, Monterey County has a high population of dangerous gang offenders. Placing lesser trained Correctional Officers into our local system would jeopardize the safety and security of the county jail, the inmates, Sheriff’s personnel, and the public.

Finding 10 - Our policy of assigning academy graduates directly to the jail, prior to patrol, is a deterrent to recruitment. The Sheriff’s Office disagrees wholly with this finding. Nearly every peace officer vacancy is filled. Our increased recruitment efforts are paying dividends. As the vacancies are filled, and the new recruits are trained, our patrol staffing will increase. We will be gaining experienced, tenured deputies with a great deal of local experience as our deputies transfer from the jail to patrol. Our recruitment efforts have had better success than other local law enforcement agencies.

Finding 11 – The Sheriff’s Office is working diligently to fill authorized positions. However, after these positions are filled, there still will remain an insufficient number of Sheriff’s Deputies to meet the needs of the jail and patrol. The Sheriff’s Office agrees with this finding.

Finding 12 - Reducing the number of authorizations for deputies is a self-defeating proposition. The Sheriff’s Office agrees with this finding.

Recommendation 1 - Defer to BOS

Recommendation 2 – The Board of Supervisors should fund an outside personnel consulting firm to conduct a job analysis for jail and patrol assignments. This recommendation will not be implemented as it is not warranted. As stated in many of the responses to findings; dual classifications present a complex issue. The hiring standards for different classifications of California Peace Officers (both deputy sheriffs and correctional officers) are identical as prescribed in California Government

Code Section 1031. The Sheriff would have to conduct the same entry level screening in the background investigation, medical, and psychological for either classification.

The biggest difference in classifications relates to entry level training and to their final peace officer status once hired. The initial training for correctional officers is 6 weeks in duration and only scratches the surface of certain learning concepts. The initial training for deputy sheriffs is approximately 6 months and covers in detail, all the necessary baseline concepts. The work of a modern peace officer is extremely complicated. Peace Officers are expected to be: Guardians of the Constitution, peace keepers, crime fighters, interpreters of criminal statutes and case decisions, mental health clinicians, marriage and family counselors, child psychologists, and deal with every segment of the public in emergencies and times of crisis. Peace Officers need every hour of training to help prepare them for the challenging tasks they face every day. Even CDCR Correctional Officers receive 4 months of entry-level training. State Correctional Officer duties are far more simplistic when compared to the work of jail deputies.

Correctional Officers only deal with inmates that are fully adjudicated and convicted of felonies. Local Jail Deputies deal with fresh arrests, pre-trial detainees, and convicted felons and misdemeanants. Offering 6 weeks of training to local correctional officers compared to the 4 months for state correctional officers will create a gap in needed training to deal with all the complexities in local corrections. In addition to the lesser training standards, correctional officers are only limited duty peace officers in comparison to full deputy sheriffs. Currently, jail deputies can be used as a force augmentation and for other special assignments in patrol. Major events like Lightning in a Bottle, The AT&T Pro-Am and the United States Open (2019) require a significant “troop surge” to handle. Jail

Deputies can be assigned with patrol deputies to assist with these major events. Additionally, some of the current jail deputies have already been through patrol training in Monterey County or in other local jurisdictions. Those deputies hold collateral assignments in: Search and Rescue, SWAT, Hostage Negotiations, Recruiting Team, and Honor Guard. Correctional Officers can only be used outside the jail during a local declared state of emergency. Assigning Correctional Officers will be a detriment to all collateral assignments plus the Bailiff / Court Security Operation.

Recommendation 3 - Hire directly for patrol or jail and have distinct promotional paths. This recommendation will not be implemented as it is not warranted. Recently the sheriff’s office promoted sergeants from the patrol ranks and placed them in the Custody Bureau. This has proved beneficial in training the deputies in the jail to deal with the AB109 population, the more serious offenders. More search warrants have been generated from the jail and has prevented the flow of large amounts of narcotics from entering the jail. Additionally, the Sheriff’s Office has recently instituted a “one commander and one sergeant” model for promotions. This model is expanding the pool of eligible promotional candidates and is increasing the diversity and expertise of our work force. Considering a recent commander rotation under the “one commander” model; we now have a commander that has served in patrol, jail, and the courts. Allowing people to move between the major bureaus has stopped the old model that created silos wherein employees only had experience in corrections or patrol; not both. The result is a more well-rounded deputy throughout the sheriff’s office in both bureaus.

Recommendation 4 - The Board of Supervisors should investigate the use of corrections officers. This recommendation will not be implemented as it is not warranted. This topic has been explained in detail throughout the response. The Board of Supervisors are not experts in the field of Corrections.

Recommendation 5 - Second job description and pay scale for corrections officers. This recommendation will not be implemented as it is not warranted. As described in detail, there are many operational difficulties in starting a second job classification for correctional officer. Sheriff’s personnel have reviewed the pay scales for most of the counties that have Correctional Officers. On average, Correctional Officers earn about 85% in salary compared to a deputy sheriff.

Considering current pay scale in Monterey County and the necessary allocation of jail personnel, this lower pay could result in approximately \$2 million in annual savings. However, the Sheriff would lose all the flexibility to use deputies in both the jail and patrol operations as they are today.

As stated in recommendation 2, jail deputies currently fill assignments for court security, supplemental law enforcement for large-scale events like AT&T or Lightning in a Bottle; plus, collateral assignments, such as Search & Rescue, SWAT, Hostage Negotiations, Recruiting Team, and Honor Guard. If transitioned to Correctional Officers, these personnel would only be eligible for assignments outside the county jail during a declared state of emergency.

Additionally, the lower pay would create a parity with CDCR Correctional Officers. Lowering pay to match CDCR would create a new rival for retention of corrections personnel with a state agency that has attractive retirement benefits.

Recommendation 6 - Eliminate deputies in the jail and replace with correctional officers. This recommendation will not be implemented as it is not warranted. As stated throughout the document, the Sheriff's Office is opposed to replacing deputy sheriffs with correctional officers. The benefits of deputy sheriffs far outweigh the transition to correctional officers.

Respectfully Submitted,



Steve Bernal
Sheriff-Coroner