

November 8, 2018

The Honorable J. Allen Miller, Foreperson
2018-19 Civil Grand Jury
County of Monterey
P.O. Box 414
Salinas, CA 93902

Re: 2017-2018 Monterey County Civil Grand Jury Final Report – “City of Monterey Police Department”

Dear Foreperson Miller,

We are in receipt of your November 6, 2018 letter requesting the City of Monterey's response to the Findings and Recommendations of the Civil Grand Jury's 2017-2018 Final Report. I have attached a duplicate of the original response letter dated August 8, 2018.

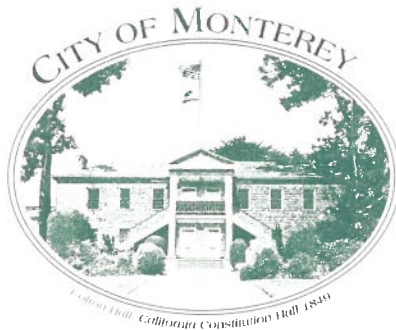
I must apologize that you did not receive our response, which was approved by our City Council on August 7, 2018. Unfortunately, our records do not indicate whether the original letter was processed through our office.

Again, I apologize and please contact me if you have any questions or require additional information.

Respectfully,

Hans Uslar
City Manager

HU:blg



August 8, 2018

The Honorable Stephanie E. Hulsey
Judge of the Superior Court
County of Monterey
240 Church Street
Salinas, CA 93901

Re: 2017-2018 Monterey County Civil Grand Jury Final Report – “City of Monterey Police Department”

Dear Judge Hulsey,

This letter is written in response to the Monterey Civil Grand Jury Final Report - “City of Monterey Police Department.” As per the letter dated May 21, 2018 sent to Monterey Interim City Manager Hans Uslar regarding the report, this letter shall serve as the invited, but not required, response to that report pursuant to Penal Code section 933. The responses contained in this correspondence were approved by the City of Monterey City Council at their regular meeting of August 7, 2018.

Our comments follow in the order that they were presented in the report. The actual report language is displayed in **bold** type for readability.

FINDINGS

Finding 1 – The Monterey Police Department is consistently at 10-20% below its authorized staffing level of “street-ready” officers due to injury, illness, vacation, hiring, training and retirements.

The City Council agrees with the finding.

Finding 2 – The absence of a secured perimeter and poor lighting around the building and the parking area result in an unsafe environment for officers and may also result in the risk of tampering with police department and personal vehicles.

While the City Council agrees that a secured perimeter and more lighting would improve the safety of the environment and deter tampering with police department and personal vehicles, the Council does not believe that the current parking lot is an unsafe environment.

Finding 3 – The absence of a secure sally port does not meet current security practices. Arrestees are taken from the police vehicle through a side door directly into the booking area.

The City Council agrees that the absence of a fenced area around the jail entry, where patrol cars drive through a gate, is not a contemporary security practice. The Council does want to point out that the MPD jail facilities are inspected biennially (last inspection 11/9/2017) by the Board of State and Community Corrections (BSCC). As part of the report regarding the last inspection the following was written, "The Monterey City Jail was opened in 1959, and is evaluated under 1963 Title 24 standards ... Based on the applicable standards, there were no issues of non-compliance noted."

Finding 4 – The booking area is not secure due to the fact that only a single door prevents the arrestee from escaping.

The City Council clarifies:

The MPD jail has two steel doors at each entry / exit point. For example, if a police officer arrives at the jail, he/she parks the police vehicle with a prisoner near the rear door of the jail. The officer and prisoner are allowed entry into the jail sally port through a steel door. Once the sally port door is secured, the officer is allowed through a second door that enters the jail booking area. This set up is the same to enter the MPD building from the jail, with two steel doors. There are also two steel doors in the holding area on both wings of the jail.

If this finding is referring to the absence of a fenced area around the rear door of the jail, the response to Finding 3 applies.

The Council does want to point out that the MPD jail facilities are inspected biennially (last inspection 11/9/2017) by the Board of State and Community Corrections (BSCC). As part of the report regarding the last inspection the following was written, "The Monterey City Jail was opened in 1959, and is evaluated under 1963 Title 24 standards ... Based on the applicable standards, there were no issues of non-compliance noted."

Finding 5 – There is little that can be done about the lack of a secure sally port and other inadequacies in the existing police station.

The City Council agrees that the current facility is dated, however the Council reiterates that the MPD Jail is inspected biennially (last inspection 11/9/2017) by the Board of State and Community Corrections (BSCC).

Finding 6 – The facilities for police officers, including the locker rooms, showers and toilets are inadequate to meet the needs of a force of over 50 sworn officers and 19 administrative staff.

The City Council agrees that staff at the Monterey Police department are working in a facility that is dated and was designed to accommodate fewer personnel.

Finding 7 – Access to the officers' lockers is a narrow passageway between rows of lockers. This passageway is barely wide enough for an officer to pass through and impossible for two officers to pass in each direction at the same time.

The City Council agrees that the passageways in the locker rooms are cramped.

Finding 8 – The current staffing of the Monterey Police Department does not meet the California standard of 2.32 sworn officers per 1,000 residents.

The City Council agrees that more police officers would be positive for the City of Monterey. However, there is no specified or mandated “standard” for sworn officers per 1,000 residents. In reviewing Federal Bureau of Investigation (FBI) Uniform Crime Reports (UCR) “Police Employee Data” for 2014, the number of police officers per 1,000 residents in California, the state average was 2.32 sworn officers per 1,000 residents. With 53 sworn officers, Monterey currently has a ratio of 1.87 officers per 1,000 residents. Police staffing ratios vary widely throughout the State and the optimal number of sworn officers has many variables. One of the driving factors is the costs for each officer that is added.

Finding 9 – During the tour the Jury noticed some ceiling tiles appear to be original to the building and if so, there is a high potential that they contain asbestos. Additionally, given the age of the building some of the paint on the walls may be lead based.

There has not been a comprehensive survey to confirm the existence of asbestos in the ceiling tiles or lead paint on the walls. This type of testing is only generally required if the building is going to be disturbed by any construction, such as a remodel project or demolition, or if the building is in a deteriorative condition that would cause exposure to asbestos or lead. Testing is therefore done prior to abatement of the asbestos or lead to ensure safety of affected employees. Due to the concerns of the Grand Jury, however, the City will take the precautionary steps and use our contracted qualified industrial hygienist to perform a more comprehensive sampling of the ceiling tiles. One additional point that is important to also mention is that “intact” ceiling tiles are not considered to be what is known as friable.

“ Friable ACM is any material that contains more than one percent asbestos by weight or area, depending on whether it is a bulk or sheet material and can be crumbled, pulverized, or reduced to powder by the pressure of an ordinary human hand”. (Environmental Protection Agency’s Website)

The walls within the building will also be sampled for lead based paint. This sampling will be conducted in conjunction with the ceiling tiles sampling mentioned above. This sampling of suspect material will be accomplished by mid-August 2018.

In light of this information it is helpful to provide to the Jury with past and current identification process for the handling of suspect material and the planned future process for handling suspect material going forward.

Past and Current Identification and Handling of Suspect Materials Process:

Sampling of suspect materials prior to disturbing. The City is aware that asbestos materials in the past have been detected within the Police Department. An example of this was a past project to replace some old carpet in the records section of the police department. The process for this project carried out by the General Services Division was to “first” sample for asbestos using our contracted Industrial Hygienist. Sampling revealed the mastic (glue) on the back of the old carpet and the 9” x 9” composite floor tiles beneath the old carpet contained asbestos.

Although covering or encapsulating intact asbestos containing materials (ACM) was and is an accepted practice as it prevents any disturbance that could lead to ACM becoming friable. The City in this case chose to have the ACM abated by a licensed abatement contractor allowing the replacement carpet to be installed over a clean asbestos free surface.

Another project where asbestos containing material was discovered was a complete roof replacement of the building conducted by the Engineering Division. Again, the material was “first” sampled by our contracted Industrial Hygienist and then abated by a licensed abatement contractor.

These two examples are shared to highlight how the General Services Division maintenance projects (carpet in the records section) and the Engineering project of the complete re-roofing, both reflect the standard operating procedure. In both cases the projects implemented “sampling first”, and if suspect material discovered, that material appropriately abated.

Future Process for Identifying and Handling Suspect Material:

City Council has directed staff to use a our contracted Industrial Hygienist to conduct a comprehensive, attic to basement, building survey to help identify and catalog any areas that may contain asbestos or lead based paint. This survey will be conducted by the City’s existing contracted Industrial Hygienist and will be performed before the end of July/August 2018 timeframe.

Subsequently, the City will also use our contracted Industrial Hygienist to conduct an “annual” inspection of identified ACM and LBP where warranted. Inspections will continue annually or until a proposed new building is built and occupied. If, during the above referenced annual inspection, any suspect material is discovered that demonstrates indications of losing “intact properties”, it will immediately be abated or mitigated by a licensed and certified abatement contractor.

This “managing intact asbestos and lead based paint” approach is consistent with Federal Requirements for K-12 schools and is beyond the normal standard of care for this type of building occupancy.

City Council agrees with the Jury in its Finding Number 10, last sentence, when it described the condition of the building, “The Jury found the facility to be in a near spotless condition”. We also believe that the police department is a well maintained building. The “identify and removal” intact suspect material is understandably well

intended but is not necessary.

Finding 10 – The MPD has worked diligently to rehab and maintain a 63-year-old facility through staff projects (performed on their own time) such as painting of walls and ceilings. The Jury found the facility to be in a near spotless condition.

While the City Council agrees that the City and MPD have done a stellar job at maintaining the facility, the upkeep for the building has been conducted by City staff or City sponsored contractors and not by staff on “their own time.” Some parts of the building may have been “decorated” by staff on their own time.

Finding 11 – The Monterey County Civil Grand Jury found the officers and staff contacted by the Jury to be dedicated to their city, police force and their duties. Those contacted showed great pride in their individual roles for the protection of the city.

The City Council agrees with the finding.

Finding 12 – The Jury publicly recognizes the Police Chief and his staff for the commendable job they do with the manpower and administrative support available.

The City Council agrees with the finding.

RECOMMENDATIONS

Recommendation 1 – The parking area should be secured by a chain-link fence with razor wire on the top. Entry to the parking area should be via an electronically controlled gate.

The City Council has directed City staff to look into the design and installation of a fence to surround the public safety campus. If it is determined that a fence will be installed, the final design of the fence will need to go through the appropriate process to ensure it meets with the needs of the City of Monterey. A timeline is not determined as funding is a controlling factor. It should be noted that in 2017, the City installed signage and red “barrier lines” that read “Authorized Personnel Only” as a stop-gap until a permanent barrier can be put into place around the MPD Campus.

Recommendation 2 – The Monterey Police Department facility should be replaced to meet the security needs of department personnel, the population of the city and the police force it serves. The Monterey County Civil Grand Jury recognizes that funding is a controlling factor.

The City Council has directed City staff to look into the design and installation of a new public safety campus as part of a broader Civic Center Master Plan to meet the needs as suggested. A timeline is not determined as funding is a controlling factor.

Recommendation 3 – The Monterey City Council should add additional authorizations each year to adjust the disproportionate number of sworn officers to residents until the California standard is met. This should include sworn officers and unsworn professional administrative staff.

The City Council agrees that more police officers would be positive for the City of Monterey. However, there is no specified or mandated “standard” for sworn officers per 1,000 residents. In reviewing Federal Bureau of Investigation (FBI) Uniform Crime Reports (UCR) “Police Employee Data” for 2014, the number of police officers per 1,000 residents in California, the state average was 2.32 sworn officers per 1,000 residents. With 53 sworn officers, Monterey currently has a ratio of 1.87 officers per 1,000 residents. Staffing ratios vary widely throughout the State and the optimal number of sworn officers has many variables. One of the driving factors is the costs for each officer that is added. The same is true for unsworn professional administrative staff.

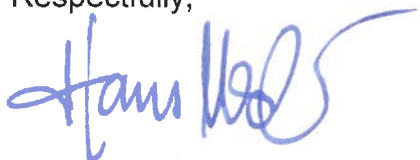
It should be noted that in July 2017 the City Council added two sworn police officer positions to the MPD and six part time Community Service Intern positions.

Recommendation 4 – The Monterey City Council should authorize a hazmat inspection (if it hasn’t already been completed) of the existing facility to determine and alleviate any hazmat problems.

The City Council agrees with the Jury that it is helpful to have an inspection and therefore it has authorized a comprehensive asbestos and lead based paint inspection to be completed before the end of the July/August 2018. The City will also perform annual inspections of known ACM in the Public Safety Complex similar to that required by AHERA for the management of intact asbestos and lead based paint within the well maintained building. Any suspect material discovered that shows early indications of losing its “intact properties” will be abated or mitigated by a licensed and certified contractor.

We hope that this information addresses the Grand Jury’s findings and recommendations. Please contact me if you have any questions or require additional information.

Respectfully,



Hans Uslar
Interim City Manager

HU:djh