



SACRAMENTO COUNTY SHERIFF'S OFFICE

Scott R. Jones
Sheriff

April 14, 2022

Hon. Michael Bowman
Presiding Judge
Sacramento County Superior Court
720 9th Street
Sacramento, CA 95814

Re: Sacramento County Grand Jury Report: Sacramento County Board of Supervisors
Abandons Responsibility for COVID-19 CARES Act Spending

Dear Judge Bowman:

Pursuant to Penal Code Sections 933 and 933.05, the following specific response is respectfully submitted to you regarding the 2021-2022 Grand Jury's Findings and Recommendations on the report titled: Sacramento County Board of Supervisors Abandons Responsibility for COVID-19 CARES Act Spending. Sheriff's Office personnel compiled the information contained in this document. Should you have any questions related to its content, please contact me and I will provide you with the most appropriate staff to answer your question.

INTRODUCTION

The 2021-2022 Sacramento County Grand Jury conducted an extensive examination into the use and distribution of Coronavirus Aid, Relief and Economic Security (CARES) Act funding received by Sacramento County and used between March 1 and December 30, 2020. The investigation revealed the County Executive Officer reported to the Sacramento County Board of Supervisors on August 11, 2020 that putting \$104 million of CARES Act funds into the Sheriff's Office budget for public safety employee salaries, benefits and other existing service costs and removing an equal amount of General Fund money from the Sheriff's Office budget, for other purposes, was allowed by the CARES Act.

The Grand Jury made three findings and one recommendation which specifically referenced actions by the Sacramento Sheriff's Office.

RESPONSE

Finding 5. The Sheriff's Office final FY 2019-2020 budget was not increased due to the use of CARES Act funding of \$104.2 million. At year-end closing, Sacramento

County provided the Sheriff's Office with \$104.2 million of CARES Act Funds, and removed an equivalent amount of General Funds from the Sheriff's Office. The Sheriff used these CARES Act Funds for standard non-COVID-19 operations. The Grand Jury was unable to determine if the switching of funds was in compliance with federal CARES Act requirements.

Response to Finding 5. Disagree partially with finding

The CARES Act funds were used by the Sheriff's Office to pay for previously budgeted and approved items that were originally funded through Sacramento County General Funds. However, the statement, "The Sheriff used these CARES Act Funds for standard non-COVID-19 operations" is not accurate. As essential workers during the pandemic, a tremendous amount of personnel resources were devoted to developing and implementing COVID-19 protocols and procedures throughout our agency. With that said, the Sheriff's Office budget did not increase due to the County's decision to use CARES Act Funds for the Sheriff's Office rather than General Funds.

Finding 8. While the Sheriff's Office conducted COVID-19 mitigation efforts within detention facilities, it expressly chose not to enforce the Governor's active emergency orders related to minimizing the spread of COVID-19 among the general public. The Grand Jury was unable to determine if the lack of enforcement of the Governor's emergency orders while using CARES Act funding was in compliance with federal CARES Act requirements.

Response to Finding 8. Partially agree with finding

The Sheriff's Office implemented numerous COVID-19 mitigation strategies within the detention facilities and continues to adhere to related State Public Health Orders and the Centers for Disease Control and Prevention's guidance to minimize the spread of COVID-19. All staff are/were required to adhere to various County and State orders, including patrol officers that were required to work throughout the pandemic as essential.

As for public enforcement, from the inception of the pandemic the Sheriff adopted a role of education rather than enforcement, confident that criminal enforcement from peace officers would neither be necessary nor appropriate in most instances. The Sheriff worked with all other law enforcement agencies in the County during the pandemic, however, to adopt consistent enforcement mechanisms should they be required, but the Sheriff never saw the need to activate any criminal enforcement within the unincorporated County for the various changing mandates that were promulgated by the Governor, appointed health officials, various bureaucrats and others.

Finding 10. The Board of Supervisors, the County Executive and the Sheriff's Office were not transparent in the use of CARES Act Funds. There was no written notice provided in the Board meeting agenda nor explanation within the Board Packet meeting materials

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regarding the replacement of allocated Sheriff's Office General Funds with CARES Act Funds.

Response to Finding 10. Disagree partially with finding

There was no lack of transparency on the part of the Sheriff's Office for the use of CARES Act Funds. As previously stated in the response to Finding 5, The CARES Act funds were used by the Sheriff's Office to pay for previously budgeted and approved items that were originally funded through Sacramento County General Funds.

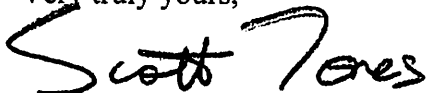
The Board of Supervisors elected to replace Sheriff's Office General Funds with CARES Act Funds, and furthermore all CARES Act funding went directly to Sacramento County for dissemination—NOT directly to the Sheriff's Office. Therefore, the Sheriff's Office must defer to the leadership of Sacramento County to determine the justification and propriety for the use of all CARES Act Funds.

Recommendation 2. The Board of Supervisors, the County Executive and the Sheriff's Office should each adopt a transparent and properly noticed budget allocation and approval process to be used upon receipt by the County for all funding sources, including surplus dollars. This process should include adequate notice, extensive engagement with county residents and utilize detailed public notices, media briefings, stakeholder workshops and appropriate social media outreach. This recommendation should be in place by December 2022.

Response to Recommendation 2.

The Board of Supervisors is responsible for making budget allocations for the Sheriff's Office including approval of expenditure categories and approval of all revenue. The Sheriff's Office budget is part of the overall Sacramento County Budget overseen by the Board of Supervisors. The Board is solely responsible for the budget process, budget publication, and budget timelines. Public budget meetings and distribution of the Sheriff's budget is done at the direction of the Board of Supervisors. Any changes to this process would need to be done at the Board of Supervisors level.

Very truly yours,



SCOTT R. JONES, SHERIFF

Copy: Sacramento County Clerk-Recorder's Office
Sacramento County Grand Jury