



## **Supervisors Slated to Take Up Alleged Sheriff's Office Misconduct**

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SALINAS >> The Board of Supervisors on Tuesday will look at alternative ways to deal with alleged misconduct within the Monterey County Sheriff's Office after having their hands tied by legislation that protects law enforcement.

The Board issued a statement late last month condemning published reports of sexual harassment and a coverup within the Sheriff's Office. The Salinas League of United Latin American Citizens (LULAC) Council also issued a statement highly critical of the lack of action by the county.

Supervisors have little authority over the department other than control over the sheriff's budget. As written, the law provides for disciplining law enforcement for violating county policies to be the sole domain of the sheriff, who is also an elected official. The issue surrounds allegations that retired Undersheriff John Mineau, while still on active duty, sent sexually charged emails to another Sheriff's employee, allegations that were reported to Chief Deputy John Thornburg but reportedly never acted on.

"We cannot comment on the specifics of the allegations that have been reported regarding former (now retired) Undersheriff John Mineau, and the Board of Supervisors had no authority to take any action against him in that regard," a statement issued last month reads. "We recognize the independent authority of the Sheriff, yet are deeply disappointed in the failure of Sheriff Steve Bernal to ensure that his county staff follow County policies."

At Tuesday's meeting supervisors will be presented with other options that can be sought should they believe the behavior is not sufficiently addressed. Chief Administrative Officer Charles McKee in a staff report laid out the alternative actions for supervisors, including referring an investigation to the state attorney general, the county district attorney or turn the matter over to a civil grand jury.

Civil grand juries are citizen investigators and have no power to bring indictments for criminal behavior, according to the California Constitution. Lastly, McKee said the fourth option is to do nothing until a new sheriff is elected, a move several supervisors supported but that brought sharp criticism from LULAC.

“To pass the buck and merely point to this election as the solution is insufficient and unacceptable,” an earlier LULAC statement read. “After all, many of those who either perpetrated these crimes or covered them up, are still part of the Sheriff’s Department staff. Further, notwithstanding these elections, we have seen a Sheriff’s Department run amok. If it can happen once, it can happen again. We cannot allow this to be a possibility.”

One supervisor, Wendy Root Askew, tried to assemble a citizens’ oversight commission that would provide transparency for Sheriff’s Office operations, but she found no support from the other four members of the board. She has vowed to bring the concept back in January when a new Sheriff takes the helm of the department. The ability to form such a Sheriff’s oversight commission was christened by state legislators in 2020 with the passage of Assembly Bill 1185.

But even with an oversight board, county officials are hamstrung to a large degree by the so-called Police Officers Bill of Rights which limits the ability of non-peace officers to discipline peace officers, McKee wrote.

A year ago, California Gov. Gavin Newsom signed Senate Bill 2 that eliminated several legal immunities that shield law enforcement from civil rights lawsuits, a move that will make it easier for victims of excessive force and police misconduct to sue the officers responsible. Easier but not easy.

Police enjoy what’s called qualified immunity from prosecution, a Supreme Court doctrine that protects police from lawsuits except for the most egregious cases. The Libertarian-leaning Cato Institute came out with a scathing report about the abuses suffered at the hands of police who are protected by the doctrine (<https://bit.ly/3SBFeF3>).

Police counter that it is just a few bad cops who are making jobs difficult for officers who are not using excessive force on suspects. Yet, a Gallup poll earlier this year shows public trust in police has eroded from 64% of respondents in 2005 to just 48% today. Much of the drop in public confidence, the Cato report said, is the increased exposure of police violating civil rights and then suffering no consequences.