

County of Santa Clara

Board of Supervisors
Management Audit Division

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To: Board of Supervisors

From: Management Audit Manager *RM*

Subject: FY 2010-11 Proposed Combining of Selected Duplicative Functions in the Sheriff's Office and the Department of Correction; and, Proposed Staffing Reductions in Other Department of Correction Functions.

As part of the FY 2010-11 County of Santa Clara Recommended Budget, the County Executive and the Sheriff's Department proposed combining certain duplicative functions between the Sheriff's Department and the Department of Correction related to County jail operations, as well as other staff reductions related to the restructuring. The proposed staffing reductions would eliminate 35 positions, including 31 positions in Budget Units 235 and 240 that report to the Chief of Correction, and four positions in Budget Unit 230 that report to the Sheriff. Estimated net savings from these reductions in FY 2010-11 total \$5,200,671, with ongoing savings estimated at \$5,435,594 annually. The proposal requests one-time bridge funding of \$239,254 to continue two positions, the Assistant Chief of Correction position, and a Captain's position in the Sheriff's Department. This bridge funding would permit the incumbents in these positions to remain in them, pending the retirement of incumbents in two other Captain positions to which the Assistant Chief and bridge-funded Captain would ultimately transfer. Further, additional Object Two savings related to the elimination of approximately nine assigned vehicles would amount to approximately \$101,097, bringing the projected net savings to \$5,301,768.

At the request of the Board of Supervisors, the Management Audit Division staff reviewed the proposed changes. The Board asked that two primary questions be assessed in our review:

- 1) Are the savings asserted by the Sheriff's Department and the County Executive in fact achievable, both immediately and in future years?
- 2) Is the proposed restructuring plausible operationally?

To answer these questions, we met separately with the Chief of Correction and the Sheriff, joined by selected members of their staffs, to review in greater detail the proposed changes, the basis for them, and any issues or information either Department wanted to disclose related to the proposal. Similarly, we met with the leaders of the two affected collective bargaining organizations, the Correctional Peace Officers' Association, and the Deputy Sheriff's Association, for their views on the proposal. We also met with the Deputy County Executive for Employee Services Agency Administration, to discuss labor relations issues related to the proposal, and with the County Counsel, to discuss legal issues.

In addition to these interviews, we sought and received workload information from both the Sheriff's Department and the Department of Correction, to assess the workload that would fall on those parallel functions that the Sheriff's Department would absorb from DOC, to determine if such an absorption could realistically be accomplished by the remaining staff.

Finally, we contacted the counties of Alameda, Riverside, Sacramento, San Bernardino and San Diego, and administered a 12-question telephone survey regarding selected aspects of jail operations in these counties, and staffing in the same areas covered by the proposed restructuring. Since these counties do not have a separate Department of Correction, but have continued to operate their jails under authority of the Sheriff's Department, we believed looking at staffing of the functions covered by the proposed restructuring in these counties could indicate whether the proposed restructuring was reasonable.

The remainder of this report discusses the proposed restructuring, and our assessment of it based on the material we were able to collect. It also

provides information on policy, labor and legal issues raised by the various parties who provided information for this report, including other areas of potential savings that they identified, or that occurred to Management Audit staff in the course of this review.

As the Board is aware, this review was requested late in the afternoon of May 24, for completion and distribution to the Board on June 2, prior to the June 3 Public Safety and Justice Committee meeting. With only nine days to prepare the report, including the Memorial Day holiday weekend, collection of information for this report occurred rapidly, and may perhaps not be as nuanced as one would like, given greater time to conduct the analysis. We nonetheless take full responsibility for our conclusions in this report. We also wish to thank those that assisted with the review, in particular the staffs of the Sheriff's Department and the Department of Correction, who provided us with various types of information on very short notice, and responded very promptly to questions we raised as the review proceeded.

Description of Proposed Restructuring of Sheriff's Department and Department of Correction Functions, Staffing and Budgets

As stated earlier in this report, the restructuring of jail-related functions between and within the Sheriff's Department and the Department of Correction is estimated to result in elimination of 35 full-time-equivalent positions, with estimated savings of \$5,435,594 annually. The proposed changes are of three types:

- 1) Where there are parallel or duplicative functions being provided in both the Sheriff's Department and the Department of Correction, such as Internal Affairs, Training and Personnel, as well as some high-level administration, it is proposed that the Sheriff's Department assume the functions, while eliminating staff responsible for them in the Department of Correction. These reductions account for 11 positions proposed to be eliminated in the Department of Correction.
- 2) Other functions, under the restructuring, are proposed to be redistributed from the staff now assigned to them to other existing staff, or it is asserted that the functions can simply be adequately performed at reduced staffing levels. These functions include jail

classification, the watch command structure on day shifts within both the Main Jail and the Elmwood Correctional Facility, and the Professional Compliance and Audit function. These reductions account for 20 positions proposed to be eliminated in the Department of Correction.

- 3) The proposal would also eliminate a Sheriff's Captain and Sheriff's Lieutenant. These two positions supervise 16 Sheriff's Sergeants, who are in turn responsible for supervising Correctional Officers. This supervising function is required because the County's Correctional Officers are considered "custodial officers" without peace officer status, as defined by Penal Code Section 831(a). However, Section 831(d) requires a peace officer to be on duty whenever 20 or more such custodial officers are working. The sergeant positions, and the two positions overseeing them, are also required under the terms of the existing agreement between the Board and the Sheriff to have the Sheriff's Department provide peace officer participation in jail operations. Because the proposed restructuring would bring all Correction Officers under the supervision and authority of the Sheriff's Department, rather than the Department of Correction, the Sheriff's Department believes the Captain and Lieutenant positions, that represent her authority over the 16 sergeants and in turn her dual authority over Correction Officers, with the Chief of Correction, would no longer be necessary. The proposal also would eliminate, through operational efficiencies, two of the Sheriff's Department Correctional Officers responsible for transportation functions.

The remainder of this section discusses each area of proposed restructuring, and our assessment of its feasibility and likely savings, based on the information we have obtained.

Facility Administration

The proposed restructuring would eliminate four lieutenants, two each at the Main Jail and Elmwood, a Correctional Sergeant and Correctional Officer at each facility, and a Supervising Custody Support Assistant at the Main Jail.

The lieutenant positions serve as watch commanders, with one lieutenant position on duty at each facility on all shifts, eight lieutenants in all. They oversee the sergeants who are the field supervisors of staff working in the jail units. According to the Sheriff's Department, the duties of watch commanders on day shifts at each facility would be assumed by the lieutenant who serves as the Assistant Division Commander for each facility, and reports to the Captain who is the commander of each facility. In addition, the Sheriff's Department is proposing that rather than having a watch commander for each facility on nights and weekends, one lieutenant would serve both facilities, which the Sheriff's Department believes is feasible, given its assumption of reduced inmate movement and other activity on nights and weekends, and its estimated seven-minute response time from the Main Jail to Elmwood, or vice-versa.

As part of our survey, we asked the other counties about their use of watch commanders. All five counties stated that they used a watch commander for each facility on each shift. To the extent that this policy is a function of distance between jail locations in these counties, it may not impact the proposed restructuring.

Whether this aspect of the proposed restructuring is appropriate also may depend on other duties the lieutenants that would assume watch commander functions also carry out. For example, giving the Assistant Division Commander the watch commander function, or requiring the Facility Commander to serve that role when the Assistant is on vacation, sick or at training, would mean that this upper-level command staff would not be available to attend Board or other committee meetings, or carry out other management projects, given their responsibility for day-to-day facility oversight. The restructuring proposal also assumes the elimination of the Professional Compliance and Audit Unit, whose responsibilities for developing jail policies and overseeing inspections would also be transferred to management staff within the restructured department. It is not clear from the proposal if and how these positions would have sufficient time in their normal work day to be responsible for those analytical functions, at the same time as they are overseeing day-to-day operations.

Also, having one watch commander serving both facilities on nights and weekends could be problematic, if incidents occur at both facilities at the

same time. If that would occur, the response of the on-duty watch commander to an incident at one facility would have to be buttressed by assistance from elsewhere in the department, either by the patrol watch commander on duty at the same time, or by other jail management staff responding on an on-call basis. If the response is by a patrol manager, it would be a response by a manager who may not have any custody experience. If it is by an on-call jail manager, the response may not be as rapid as needed. We believe this reduction may be problematic and could result in some additional call-back or other costs not identified.

The facility administration proposal also would eliminate one of the two Supervising Custody Support Assistants, leaving one position in charge of overseeing inmates performing facility maintenance functions at both jail facilities. The two current positions are both 10 percent funded from the Inmate Welfare Fund. The Department of Correction believes that eliminating one of the two positions would make it more difficult to coordinate projects carried out in cooperation with Facilities and Fleet Department in the jails, potentially delaying preventive maintenance work on the jail facilities. Based on the information provided we cannot assess whether this position reduction is feasible.

The facility administration proposal also would eliminate a sergeant and a Correctional Officer position in both the Main Jail and Elmwood. While the Sheriff's Department indicated that the two Correctional Officers were part of four Correctional Officers who are responsible for facility safety and compliance, the Chief of Correction disputed that, and we were unable to determine more specifically the duties of the two Correctional Officers proposed for elimination.

The sergeant to be eliminated in the Main Jail, according to the Chief of Correction, primarily is responsible for supervising a six-member court movement staff and for overseeing Main Jail maintenance and cleaning, including submitting work orders and scheduling inmate work crew cleaning assignments, and coordinating with the Custody Support Assistants who oversee facility maintenance. These duties would presumably be redistributed to other administrative staff within the jail. Based on the information provided, we cannot tell if the duties of these other staff are so

great that this could not occur, and therefore cannot assess the feasibility of this proposed reduction.

The sergeant identified for elimination at Elmwood is assigned to the Correctional Center for Women, and was identified as being responsible for women's programs. The Chief of Correction indicated that this position also assists with general administration of that facility, such as scheduling unit staffing. It should be noted that the CCW, as a women's jail, has programs that the men's facilities do not, particularly given that some of the inmates may be pregnant or have children. The Sheriff's Department indicated that the duties of this position would be reassigned to the lieutenant that serves as the chief administrator of the women's facility. Because we do not have detailed workload information of the lieutenant or sergeant positions, we are not able to assess the feasibility of this proposed staff reduction.

Internal Affairs

The internal affairs proposed restructuring would eliminate a Correctional Lieutenant and a Correctional Officer in the Department of Correction Internal Affairs Unit. That unit currently has three investigative staff, including the lieutenant, who carries a caseload, according to the Chief of Correction. The Correctional Officer is a court liaison officer, and is primarily responsible, along with a clerical staff person, for responding to subpoenas, search warrants and other information requests for jail-related information from the courts and other law enforcement agencies. The parallel unit in the Sheriff's Department, the Office of Professional Standards, is headed by a Sheriff's Lieutenant, and has two investigators responsible for investigating allegations against Sheriff's staff. Other staff in this unit investigate claims against the County, and Elder Abuse cases, and work in conjunction with County Counsel. The unit also has a risk management analyst.

According to statistics provided by each Department, the Sheriff's Department Office of Professional Standards carried out formal investigations on 23 complaints in Calendar Year 2009, and average of 11.5 complaints each for the two investigative sergeants. The Department of Correction Internal Affairs Unit investigated 29 complaints, an average of 9.7 complaints for each staff person, assuming the lieutenant in charge of the

unit carried a full caseload. In addition, 20 complaints in the Sheriff's Department and 15 complaints in DOC were investigated at the division level, where the complaint occurred, apparently without involving the central investigative staff.

The DOC reports that Internal Affairs had to conduct limited initial reviews of 786 complaints overall in 2009 to determine whether the initial validity of those complaints merited additional investigation. In addition to the complaints that proceeded to a formal investigation, 70 of the complaints were resolved at a preliminary stage, and 672 were closed at intake, based on their lack of validity or minor nature. While the Sheriff's Department did not apparently have this large volume of initial complaints to administer, its workload also included reviewing 299 pursuits, accidents, injuries and uses of force involving Sheriff's patrol staff. Vehicle-related incidents are obviously not part of the DOC Internal Affairs workload, since DOC does not include a vehicle-based patrol function.

Our conclusion, after reviewing this data, is that the investigative workload of these two organizations is approximately the same overall. Therefore, the feasibility of the proposed restructuring basically hinges on whether the caseload of the existing DOC lieutenant can be redistributed, either to the Sheriff's lieutenant who would take over managing the unit, or to the four investigators who would remain in the combined unit. We suspect that such a distribution could occur, perhaps only resulting in some delay in the speed with which investigations are completed.

In addition to the DOC lieutenant position, the restructuring also proposed eliminating the Correctional Officer responsible for court liaison, and primarily for responding to document and information requests from legal proceedings and other law enforcement agencies. This custodian of records function amounted to 1,518 requests in Calendar Year 2009, according to the Department of Correction. The Sheriff's Department proposes to integrate this workload into its existing Records Unit, which has 62 positions, including a lieutenant and a civilian manager, with 13 of those positions currently vacant.

It appears that the new workload would be substantially different from the Records Unit's existing workload. For example, the DOC reports that the

1,518 records requests it responded to included 468 subpoenas, 227 of them for physical court appearances by jail staff or inmates, and 241 subpoenas for records. By contrast, the entire Sheriff's Department Records Unit received only 37 subpoenas in Calendar Year 2009. We believe that it is probably feasible for this new workload to be carried out by a 62-position staff, although some additional training may be required to assume it.

Based on this limited assessment, we believe that the proposed restructuring in this area is probably feasible, and that therefore the proposed savings of eliminating two positions, for a savings of \$349,176.

Professional Compliance and Audit Unit

The proposed restructuring of the Professional Compliance and Audit Unit eliminates a Correctional Sergeant and a Correctional Officer who make up this unit. According to the Department of Correction, the unit is responsible for managing and maintaining the Department's policy manual, conducting internal inspections and audits related to custody operations, and participating in and responding to external inspections and audits by other governmental agencies.

As detention facilities, the County's jails are subject to specific standards established by State law and regulation, in particular Title 15 of the California Administrative Code, which establishes operating standards for local detention facilities, and Title 24 of the Code, otherwise known as the Building Standards Code, which establishes standard for the physical plant of jail facilities. Portions of the Penal Code, the Health and Safety Code and the Government Code also regulate aspects of jail operations.

Furthermore, the jails are also subject to operational mandates resulting from court decisions and legal settlements, or have adopted specific operational standards in order to reduce potential liability. As the Board may be aware, the County's jails for most of the 1980s operated under close State court supervision, as a result of litigation initiated on behalf of inmates, and the County also over the years has paid out significant sums of money in settlements related to inmate injuries and deaths.

Examples of current policies under development, according to the DOC, are a policy addressing heat-related illnesses, a policy to help prevent transmission of disease due to aerosolized bodily fluids, and a proposal to address inmates' right to wear Hijab head coverings for religious reasons.

According to the DOC, inspections of the jails are currently conducted annually by the grand jury, by the County Department of Public Health, by the State or County Fire Marshal, by the Occupational Safety and Health Administration, and by the State Corrections Standards Authority, which oversees local jails on behalf of the State. Federal authorities also regularly inspect the jails, in conjunction with the County's contract with the U.S. Marshal to temporarily house federal prisoners in our jails.

The proposed restructuring would redistribute the function of this unit to other unspecified management staff within the restructured departments. Sheriff's Department staff indicated that within the Sheriff's Department, policy development occurs jointly among various members of the command staff, on an as-needed basis.

Assuming that the existing Sheriff's Department command staff does not include anyone with recent corrections experience, the policy development and inspection/audit response function would thus be shifted to existing command staff within the Department of Correction. However, other aspects of the proposed restructuring anticipate reduction of DOC command staff, including eliminating the Assistant Chief of Correction position, and eliminating four of the eight lieutenants assigned to watch commander functions, and instead assigning day-to-day day shift management of the facilities to the Captain who is the overall facility commander and an lieutenant who serves as the Assistant Division Commander for each facility.

Whether the remaining command staff can both maintain its day-to-day oversight responsibilities, at a reduced staffing level, and also assume the policy and audit/inspection functions discussed here is uncertain. However, we note that the Chief of Correction, in his presentation on the proposed restructuring, quoted a recent consultant's study of the Department as noting the "flatness and compression of its administrative structure." Assuming that conclusion is correct, assigning the duties of the Policy Compliance and Audit Unit to management staff may result in less prompt updating of

policies and response to audit/inspection findings, which could increase the County's exposure to jail-related litigation. Whether that additional risk is justified by the savings of \$427,812 on these two positions is a policy decision of the Board.

Training

The proposed restructuring of training functions eliminates a Senior Correctional Training Specialist and two Correctional Officers that constitute the Department of Correction Training Unit staff. This function would be assumed the Sheriff's Department Training Unit, which includes four positions, not including the two positions assigned to the Sheriff's Department shooting range. The following table provides comparable workload information for the Training Units in the respective departments:

**Training Unit Workload and Staffing in the
Department of Correction and Sheriff's Department**

	<u>Training Staff</u>	<u>Badge Staff</u>	<u>Badge Staff to Training Staff</u>	<u>Training Hours</u>	<u>Training Hours Per Training Staff</u>
Sheriff	4	589	147	65,707	16,427
DOC	3	796	265	26,480	8,827

Our survey of other counties indicates that Santa Clara County's dedicated training staff, including both the Department of Correction and the Sheriff's Department, is fairly lean. Among the other counties, San Diego County reported 16 training staff, six of them specific to detention, while Alameda County reported 78 training staff, including 20 specifically assigned to its jails, and Sacramento County reported having a 14-person training staff, although it indicated that additional reductions were expected.

As the table shows, the Sheriff's Department has more training staff, relative to the size of its badge staff (Sheriff's deputies, sergeants, etc.) than does the Department of Correction, but its training staff also was responsible for overseeing about twice as many training hours per training staff member as was the DOC staff. Course information provided by DOC indicates that its training staff does not itself provide a lot of the actual training, which is instead provided by other staff in the DOC, and in the Sheriff's Department

that have the relevant expertise. In fact, the course information shows that some of the DOC training is provided by Sheriff's Department staff, while the Chief of Correction noted that training for Sheriff's deputies overseeing court holding cells, which are technically considered detention facilities, has been provided by DOC staff.

We also asked the other counties we surveyed about their training practices. Four of the five counties, Alameda County, Riverside County, San Bernardino County and San Diego County, stated that the two training functions are separate, with dedicated training staff specializing in training custody personnel. The number of such staff varied widely, from one staff position in San Bernardino County, to a 20-person jail training staff in Alameda County, which suggests that in San Bernardino County, the actual training is probably provided by staff within the jail on a peer basis, based on subject-matter expertise and experience.

To the extent that the Training Unit in the DOC is primarily responsible for planning and tracking training, rather than actually providing the courses, it is conceivable that the two units could be combined in some manner, providing a reduction of up to three staff positions, reducing the overall number of staff. However, given the comments of other counties about having separate dedicated training functions related to custody operations, we believe, rather than simply eliminating all the DOC Training Unit staff, some of that staff should be retained, and other staff eliminated, while also eliminating some of the existing Sheriff's Department Training unit staff, and/or possibly replacing sworn training positions, three in currently in the DOC, and three currently in the Sheriff's Department, with civilian staff for the purpose of tracking training. The goal would be to achieve the proposed savings of \$427,812 annually in a new combined training unit, by some combination of Sheriff's Department position cuts, DOC position cuts, and replacement of sworn staff by civilian staff. The Sheriff's Department and the DOC should be directed to jointly develop a proposal that achieves this goal.

Personnel

The proposed restructuring of the personnel function would eliminate the Correctional Lieutenant that oversees the Department of Correction

Personnel Unit, providing oversight of the DOC personnel staff using the Captain who is in charge of the Sheriff's Department personnel staff. Overall the Sheriff's Department has a nine-person personnel staff, including the captain, but excluding a rangemaster position that helps oversee the Department's shooting range, and a sergeant's position that primarily oversees reserve deputies, since the County's jail operations do not include a reserve function. The Department of Correction personnel staff includes the lieutenant, and four other positions.

This combined staffing of 14 personnel positions compares with total badge staffing of 1,385 positions between the two departments, or about one personnel position for every 99 positions. This ratio is higher than in Riverside County, which has one personnel position for every 76 sworn staff, but much lower than in either Alameda County, which has one personnel position for every 128 sworn staff, or San Diego County, at one position for every 143 sworn staff. San Bernardino and Sacramento counties reported having one and zero staff, respectively, assigned specifically to personnel and recruitment functions, Sacramento County reporting that all such staff had been eliminated in a 2009 budget reduction.

Essentially, eliminating the lieutenant position would expand the span-of-control of the Sheriff's Captain from overseeing eight positions, not counting the rangemaster and the reserve unit sergeant, to overseeing 12 positions. We believe that this expansion of span-of-control is probably feasible, given that the actual personnel staff probably perform about the same functions in the two departments, and no line-staff eliminations in the DOC personnel function are proposed. Eliminating the lieutenant position would save \$204,600 annually.

However, a separate part of the Sheriff's Department proposal would eliminate a Program Manager I position in DOC Administration. According to the Chief of Correction, this position functions as the Department's Health Injury Prevention (HIP) Coordinator, and has a key responsibility, along with other Department staff in determining how staff injured on the job can be put back to work in positions that accommodate injuries or permanent disability due to work-related injury. This position in the Department of Correction is paralleled by an Associate Management Analyst B position in the Sheriff's Department Personnel Unit. Based on information

provided by the two departments, in 2009, there were 219 employee work-related injury claims in the Department of Correction, compared with 134 such claims in the Sheriff's Department. The DOC also reported that anywhere from 30 to 40 staff on any given day are not at work due to work-related injuries, while the Sheriff reported that in 2009, 184 staff received worker's compensation related leaves, nine staff had permanent restrictions on the type of work they could do because of injuries, and 63 staff had temporary work restrictions.

Based on these statistics, and the fact that the Department of Correction badge staff is about 35 percent larger than the Sheriff's Department's, we believe that the HIP workload under the proposed restructuring would essentially double, and that one position could not feasibly carry out this expanded responsibility. Therefore, we believe the proposed elimination of the Program Manager I position in the Department of Correction, saving \$138,660 annually, is probably not feasible.

Classification

The proposed restructuring of the classification function would eliminate a Correctional Sergeant, six Correctional Officers, and two clerical staff in the Classification Unit. The Classification Unit in the Department of Correction is primarily responsible for assigning inmates to housing units within the jail. New inmates are interviewed by intake staff from the unit, using a structured questionnaire. Classification staff then make initial housing unit assignments based on each inmate's alleged crime, previous criminal history, gang affiliations and other factors that determine with what other types of inmates the new inmate may be safely housed, or whether the inmate must be segregated in a one- or two-bed cell, for the inmates safety and/or the safety of other inmates. Following the initial housing assignment, inmates may be moved to new locations based primarily on their behavior within the jail.

In addition to the basic intake and housing assignment functions, the Classification Unit also has staff who are responsible for intelligence gathering within the jail, primarily related to gang activity. These staff members track the gang affiliations and leadership status of inmates in the

jail, assess gang communications and other activity within the jails, and how such activities may relate to gang activity in the community.

Classification is considered probably the most important function within the Department of Correction. It allows the Department to make the most efficient use of the various housing units available, while maintaining the safety of inmates, Department of Correction staff, health care providers and other County staff who work in the jails, and attorneys and other personnel who are present in the jails.

Current Classification Unit staffing, according to the Chief of Correction and the Correctional Peace Officers Association, is 26 positions. Eight positions were previously eliminated from the unit, because funding for these positions from the Inmate Welfare Fund and from grants related to collection of DNA from inmates is no longer available. In addition, the CPOA reported that because of a reluctance of Correctional Officers to pursue assignment to the unit, due to its workload, the Chief of Correction is implementing a policy to rotate new staff into the unit every three years, rather than the previous five-year rotations. The CPOA is concerned that this change temporarily will reduce the experience of classification unit staffing, which staff reductions may exacerbate.

According to the Sheriff's Department, the proposed staffing reductions were based on a comparison of classification unit staffing in Santa Clara County, relative to other counties. We also asked the survey counties for the size of their classification units, their average daily jail population, and also asked how many beds they had available in the form of one- or two-man cells. The availability of a large number of such cells generally makes the classification function easier, by providing more opportunities to segregate prisoners whose background is not well known, or who are clearly a danger to other inmates, or in danger from other inmates.

The Department of Correction Classification Unit, at 26 positions, provides one position for every 148 inmates, based on the June 2, 2010 jail population of 3,841 inmates. This is similar to the ratio in Alameda County of one classification staffer for every 155 inmates, somewhat less than San Diego County, which has one classification staffer for every 181 inmates, and far less than Sacramento County, which has only an eight-position classification

staff, versus an average daily jail population of 4,042 inmates, for a ratio of one classification position for every 505 inmates.

Two counties, Alameda County and San Diego County, provided a complete response to questions about classification staffing and the availability of single- and two-bed jail cells.. Alameda County reported classification unit staffing of 28 positions, while San Diego County reporting 26 positions in its classification unit. Alameda County also reported having 1,623 beds available for male prisoners in one- or two-bed cells. An additional 255 beds are available in double-bed cells for women. San Diego County reported that it had fewer than 100 beds in single-cell or double-bed cell housing types, and that most of its jail housing was of an open dormitory type. Sacramento County reported having an eight-person classification unit, but did not provide detailed information on the composition of its housing stock.

In Santa Clara County, the Department of Correction has access to 1,701 beds that are arranged in one- or two-bed cells, as opposed to open-floor barracks-style sleeping arrangements. Access to such cells makes the classification process somewhat easier. However, of these 1,701 beds, only 167 beds are maximum-security beds in one- or two-bed cells that have steel doors and other features to fully segregate the inhabitants from other inmates. The other one- or two-bed cells are similar to school dormitory rooms, having wooden doors and other features which allow them to be breached from the outside in ways the maximum security cells cannot be. Consequently, the DOC Classification Unit must make sure that inmates in housing units of these dormitory-type cells, which can range from 64 to 95 inmates per unit, must still be compatible with each other, to maintain safety. Although we did not ask detailed questions about cell design, we suspect a similar situation probably exists in the Alameda County jail facilities.

Based on this limited information, we cannot determine whether the proposed reduction of nine positions, saving \$1,245,520, is feasible, although the size of the similar unit in both Alameda County and San Diego County does raise a concern. The proposed classification restructuring should be put on hold pending submission of a more complete plan to determine what posts within the unit would be eliminated, and how the classification process would be changed based on the reductions.

Administration

The proposed administration restructuring would eliminate the Assistant Chief of Correction, a Program Manager I, a Management Analyst and two clerical staff. Half-year funding for the former Assistant Chief at a Sheriff's Captain level would be provided, with this position assisting with the restructuring. The Assistant Chief and another Captain's position in the Sheriff's Department that is receiving bridge funding would ultimately be shifted into other captain positions whose incumbents are retiring in FY 2010-11. The Program Manager I position has already been addressed during the discussion of personnel functions in this review.

The Assistant Chief's position and the associated two clerical positions would be eliminated. The restructuring proposed by the Sheriff's Department proposes that either the Chief of Correction would have dual reporting to the Board of Supervisors and the Sheriff, or that the Chief of Correction would continue to report solely to the Board of Supervisors, but that all badge staff, including Correctional Officers, sergeants, lieutenants and captains, would be appointed by and report to the Sheriff's Department, as would administrative positions that support badge staff. Only food services, administrative booking, laundry and warehouse functions would report to the Chief of Correction. However, the managerial approach and effectiveness of the Office of the Sheriff to oversee an additional 796 badge staff is not clear, absent a more explicit description of the proposed management structure. Nevertheless, given that 54 other county Sheriff Offices manage both custody and field operations responsibilities in their respective counties, including all of the 10 most populous counties, we believe that the same organizational responsibilities could be performed by the Sheriff in the County of Santa Clara if that is the policy of the Board of Supervisors.

The proposed restructuring of the Administrative Function would also eliminate a Management Analyst position in the Department of Correction, one of two such positions in the Department, who are responsible for analytical work in support of the Inmate Welfare Fund and Department administration. The Sheriff's Department assumes that the remaining Senior Management Analyst and Management Analyst positions, two in DOC and six in the Sheriff's Department, would absorb this workload. Although we

do not have very specific information on the duties of this position, since it amounts to only an 11 percent reduction in Management Analyst resources across the two departments, we believe this reduction is probably feasible, although it will result in delays in some projects assigned to the analytical staff.

Separately, the proposal also would eliminate a captain and a lieutenant in the Sheriff's Department. As previously described, these two positions oversee the 16 sergeants that work in the jails, who provide oversight to Correctional Officers in their status as "custodial officers." Presence of the sergeants is required by Penal Code Section 831(d). Because the proposed restructuring places all Correctional Officers squarely under the appointing authority of the Sheriff's Department, the Sheriff believes the separate chain of command for the 16 sergeants is no longer necessary. We believe this reduction is probably feasible.

In summary, the portions of the proposed restructuring that we believe are feasible amount to approximately \$1.8 million, probably feasible, but may entail implementation problems amount to approximately \$2.2 million, and whose feasibility is not known amount to approximately \$1.4 million.

Projected On-going Savings

The FY 2010-11 Recommended Budget estimates on-going annual savings from the proposed restructuring to amount to \$5,435,594, while FY 2010-11 savings would amount to \$5,200,671 as a result of delays in full implementation of the proposed consolidation and other reductions. The planned delay in implementation is designed to avoid staffing disruptions that would otherwise occur if two of the positions proposed for deletion (one Captain in BU 230 and one Assistant Chief in BU 240) were immediately deleted on July 1 rather than upon retirement of other Captains, which is anticipated to occur by December 31, 2010. The cost associated with the continuation of these positions is referred to in the budget as bridge funding and is estimated to amount to \$234,923.

The projected annual on-going savings of \$5,435,594 is based on the elimination of 28 sworn positions, including 26 positions with operational

responsibilities that are currently an integral part of the 24-hour operation of the custody facilities. It is possible that some of the proposed reductions could result in situations that necessitate the use of overtime to provide additional staffing that otherwise would not occur. However, while not anticipated to be a significant cost factor, the likelihood and extent of such additional costs cannot be predicted at this time.

Lump-Sum Vacation and Sick Leave Payments

In addition to the direct salary and benefit savings, the deletion of 35 permanent coded positions from the budget, including 28 sworn and seven civilian positions, would result in reduced one-time costs related to lump-sum payments made to all employees upon retirement for accumulated vacation and sick leave. The proposed position deletions include the Assistant Chief of Correction, one Captain, seven Lieutenants and four Sergeants, one Senior Corrections Training Specialist, 14 Correction Officers and seven civilian classifications. Based on lump-sum payments made in recent years, the average lump-sum payments made for some of these classifications amounted to:

<u>Classification</u>	<u>Amount</u>
Lieutenant	\$77,592
Sergeant	48,544
Correction Officer	24,230

Consequently, it is estimated that additional undetermined annual savings would be realized, based on the average number of retirements per year that would be avoided due to the elimination of 35 permanent coded positions. However, the implementation of this proposal in FY 2010-11 would also result in an undetermined amount of lump-sum payment costs related to any retirements triggered by the deletion of the 35 positions.

Object Two – Services and Supplies Costs

The FY 2010-11 Recommended Budget does not identify any potential Object Two savings that would result from the elimination of the 35 positions identified in the proposed consolidation/reduction of Sheriff and

Department of Correction functions. However, Object Two savings would occur for items such as safety equipment, including handcuffs, handcuff cases, batons, baton rings, Sam Browne belts, rain gear, flashlights, pepper spray, bullet-proof vests, etc. No estimate of the annual cost of these items was made. In addition, approximately nine vehicles assigned to seven Lieutenants, a Captain, and the Assistant Chief would be returned to FAF Fleet and no longer required. The approximate average annual cost per vehicle ranges from about \$9,630 to \$15,257, or an average of about \$11,233 per vehicle, for a total projected FY 2010-11 cost of up to \$101,097. This cost savings would therefore increase the total projected FY 2010-11 net cost savings to about \$5,301,768.

Legal Issues

The County Counsel advised that there are legal issues raised by the conceptual proposal included in the FY 2010-11 Recommended Budget, and that he sent the Board of Supervisors a separate memo on this subject.

Charter Section 509 as enacted by the voters on June 7, 1988 specifies that the Board of Supervisors shall establish a Department of Correction (DOC) and appoint a Chief Officer to operate the County jails for sentenced and unsentenced prisoners, and the Chief Officer shall report directly to the Board of Supervisors.

Consequently, it is important that the budget proposal be consistent with the requirements of Charter Section 509, while accomplishing the efficiencies sought by the voters when they approved the concept of staffing the County jail with specialized correction officers at a significant cost savings to the taxpayers.

Personnel Issues Associated With the Proposed Restructuring

As described earlier in this report, our review of the proposed restructuring included interviews with the Sheriff and members of her staff, the Chief of Correction, representatives of the Correctional Peace Officers Association and the Deputy Sheriffs Association, the Deputy County Executive for Employee Services Agency Administration and the County Counsel.

Beyond discussions about the specific details of the proposed restructuring, in terms of which positions would be eliminated and why, these interviews revealed a variety of other personnel-type issues related to the restructuring, which we are providing for the Board's information.

Peace Officer Status

Officers in the Santa Clara County Department of Correction currently function under requirements of Penal Code Section 831.5. As previously discussed, this section defines them as "custodial officers" without peace officer status, specifically for the operation of a detention facility. Section 831.5(d) requires a peace officer to be present any time 20 or more custodial officers are on duty. As previously discussed, this section, and terms of a 1997 agreement between the Sheriff and the Board of Supervisors result in staffing of 16 Sheriff's Sergeants within the jail in order to meet the Section 831.5(d) requirement.

During discussions of the proposed restructuring, Sheriff's Department staff indicated they viewed the restructuring as a first step toward changing the current status of County Correctional Officers. The proposed goal is ultimately to amend State law to include Santa Clara County under provisions of Penal Code Section 830.1(c). This section currently applies to 27 California counties, including Los Angeles County, Riverside County and San Diego County. This section states that:

"Any deputy sheriff . . . who is employed to perform duties exclusively or initially relating to custodial assignments with responsibilities for maintaining the operations of county custodial facilities, including the custody, care, supervision, security, movement, and transportation of inmates, is a peace officer whose authority extends to any place in the state only while engaged in the performance of the duties of his or her respective employment and for the purpose of carrying out the primary function of employment relating to his or her custodial assignments, or when performing other law enforcement duties directed by his or her employing agency during a local state of emergency."

Because a Correctional Officer's peace officer status would be limited to certain situations primarily related to his work in the jails, and therefore would be a lesser peace officer status than that maintained by a Sheriff's Department patrol deputy, the Sheriff's Department believes reduced pay for Correctional Officers would continue to be justified. Correctional Peace Officers Association representatives indicated that they would prefer to have the limited peace officer status conferred by Section 830.1(c), and indicated that they would not, should this change in status occur, seek pay parity with Sheriff's deputies. Whether in fact the CPOA would adhere to that position in future negotiations is uncertain. Whether to seek to include Santa Clara County in the provisions of Section 830.1(c) is a policy decision for the Board.

Pay Parity

When the Department of Correction was formed in Fiscal Year 1987-88, one of its explicit goals was providing a lower pay scale for Correctional Officers than for Sheriff's Deputies, based on differences in duties, responsibilities, asserted hazards, etc. Based on the pay scales in the County's 1987-88 Salary Ordinance, the pay difference between the two classifications at that time was approximately 15.8 percent. Negotiations overtime between the County and the Correctional Peace Officers Association, representing Correctional Officers and the Deputy Sheriff's Association, representing deputies, resulted in a narrowing of that gap. According to the FY 2009-10 salary scale, the pay difference between the two classifications is 10.3 percent to 10.4 percent.

Furthermore, because supervisory staff in the jail when the Department of Correction was formed were all former Sheriff's Department officers, and because it was feared that jail supervisors would transfer back to the Sheriff's Department as soon as they were able, without experienced replacements readily available, the pay scale for sergeants and lieutenants was maintained exactly the same in the Department of Correction as in the Sheriff's Department.

Deputy Sheriff's Association representatives indicated they would prefer that the initial pay differential between Correctional Officers and Sheriff's

Deputies be restored, and that a differential should be provided between sergeant and lieutenant pay in the Department of Correction versus the Sheriff's Department.

At the same time, Correctional Peace Officer Association representatives indicated that they might be willing to support such a supervisory pay differential, in return for maintenance of a career path for Correctional Officers. Essentially, the argument is that the existence of the Department of Correction for more than 20 years has resulted in development of a cadre of staff who come to the County explicitly interested in a career in corrections, including the ability to promote from line staff to supervisory to upper management positions. Maintaining such a career path might, for example, require converting the 16 Sheriff's sergeants now assigned in the jail to Correctional Sergeants receiving lower pay, and might also result in a determination that fewer than 16 of these positions are needed. These changes probably could only occur if the incumbents in those positions had the ability to transfer back to equivalent non-correctional positions in the Sheriff's Department. Such a career path also might lead to breaking the existing tie of sergeant and lieutenant pay in the Correctional Peace Officers Contract to the rates negotiated for sergeants and lieutenants in the Deputy Sheriff's Association contract. That could probably only occur once the incumbents in current DOC sergeant and lieutenant positions leave, and assumes that correctional sergeants and lieutenants would accept the differential and remain in CPOA. Any of these changes would be policy decisions for the Board of Supervisors, and would also be subject to collective bargaining with the CPOA, the DSA, or both.

Potential Consolidation of Other Administrative and Support Functions

The proposed functional consolidations of duplicative activities in the Office of the Sheriff (BU 230 and 235) and in the Department of Correction (BU 240) include portions of Administration, Internal Affairs, and Personnel and Training. However, other administrative functions that remain duplicative, and may represent an opportunity for future efficiency through evaluation of the potential consolidation of these functions, include Fiscal (accounting, payroll, and budget), and Information Services. Current staffing in these areas are as follows:

**Current Sheriff and DOC Staffing
of Fiscal and ISD Functions**

Authorized Positions	Department of Correction BU 240	Office of the Sheriff BU 230	Total
<i>Fiscal Staff</i>			
Accountant III	1	1	2
Account Clerk	9	11	20
Accountant Asst	4	1	5
Accountant/Auditor	1	0	1
Sr Accountant	1	1	2
Suprv Acct Clk II	2	1	3
Dept Fiscal Officer	1	1	2
Total	19	16	35
<i>Info Svcs Staff</i>			
Data Base Adm Mgr	0	1	1
Data Entry Operator	0	1	1
Info Sys Anal	3	2	5
Info Sys Mgr I	2	5	7
Info Sys Mgr II	0	2	2
Total	5	11	16
Combined Total	24	27	51

Prior to the creation of the Department of Correction in FY 1987-88, the Office of the Sheriff had 16 fiscal staff, as it does today, even though the custody function was the full responsibility of the Sheriff at that time. Information Services staffing totaled only five positions, versus the 11 positions currently in the Sheriff's Office. The growth in this area was in part due to the Sheriff assuming more of the information services responsibilities that formerly were performed by the Information Services Department (ISD). On a combined basis, the Fiscal and Information Services function were staffed with only 21 positions in FY 1987-88 and have increased by 30 positions as of FY 2009-10, 24 of which are in the Department of Correction.

In addition to these areas of duplicative functions that may be candidates for additional savings, several interviewees commented that there is still potential for savings from other changes in jail operations, such as reducing jail program staffing supported by the General Fund, or reducing staffing in

programs that are alternatives to incarceration, such as the Weekend Work Program. Making such changes is a policy decision for the Board, which has historically resisted these types of cuts in order to maintain a reasonable level of rehabilitative services in the County's jail operations and to maintain programs that help to constrain growth in the jail population.