

Management Audit of the Office of the Sheriff's Operations (Excluding Adult Custody Operations)

Prepared for the Board of Supervisors of the
County of Santa Clara

September 20, 2019



Prepared by the
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September 20, 2019

Supervisor Dave Cortese, Chair
Supervisor Cindy Chavez, Vice Chair
Board of Supervisors' Finance and Government Operations Committee
70 West Hedding Street
San Jose, CA 95110

Dear Supervisors Cortese and Chavez:

We have completed the Management Audit of Sheriff's Office Operations (excluding Adult Custody Operations). This audit was part of the Management Audit Division's Fiscal Year 2017-18 work plan by the Board of Supervisors of the County of Santa Clara, pursuant to the Board's power of inquiry specified in Article III, Section 302(c) of the Santa Clara County Charter.

This audit was conducted in conformity with generally accepted government auditing standards as set forth in the 2011 revision of the "Yellow Book" of the U.S. Government Accountability Office.

The purpose of this audit was to examine the operations and management practices of the Sheriff's Office and to identify opportunities to increase its efficiency, effectiveness and economy. This report on the Management Audit of the Office of the Sheriff's Operations (excluding Adult Custody Operations) details 10 findings and 59 recommendations. In its response, the Sheriff's Office did not specify which recommendations it agrees with and which recommendations it disagrees with.

In addition, we received responses from the Employee Services Agency, the Facilities and Fleet Department, the Controller-Treasurer, and the Stanford University Department of Public Safety (of these agencies, recommendations were only directed to the Employee Services Agency; the remainder responded to findings that were related to their areas of responsibility). The Facilities and Fleet Department provided a response to the audit, which stated that the Department agrees with the finding that is related to their area of responsibility (see page 146 and 147, including Figure 10.3). The Controller-Treasurer noted efforts it has undertaken to address several findings related to asset management. The Stanford University Department of Public Safety provided a response that was intended to provide additional context regarding certain findings.

Of the two recommendations directed to the Employee Services Agency, the Agency

has agreed with one recommendation and acknowledged that it has already taken steps to implement the second recommendation.

If implemented, the recommendations in this report would, among other improvements:

- Provide for a formal department-wide strategic plan with measureable goals, expand quarterly performance management reporting to the Administrative Services Division, and provide more effective internal quarterly reporting to senior management.
- Improve the Sheriff's Office approach to staffing by developing and implementing a departmental staffing plan with annual updates, enhance existing retention strategies, and clearly distinguish current vacancy levels from predicted future vacancy levels in internal and external reporting. In addition, the County would benefit from decreased staffing costs by requiring the Sheriff's Office to use civilian job classifications for assignments where badged staff is not required.
- Enhance the Sheriff's Office approach to patrolling and patrol staffing by developing a patrol staffing plan using a workload-based approach, establishing and measuring response time goals. In addition, the County would benefit from the deletion of unnecessary 6.0 FTE vacant deputy sheriff positions and save an estimated \$357,842 by reducing the physical response by sworn staff to certain types of non-emergency calls for service.
- Require that staff assigned to the Investigations Division is properly trained and otherwise enhance investigations by establishing a crime analysis program, improving property-crime clearance rates, enable the Division to continuously identify work flow improvements, and strengthen procedures.
- Improve the provision of security to the Courts by complying with requirements under the agreement with the Superior Court, including conducting formal staffing needs assessments, reviewing and reporting on requisite performance measures, and determining if all appropriate steps have been taken following the 2017 escape of two inmates.
- Fix the Department's broken electronic system for capturing and tracking critical incidents, including requiring basic reporting, addressing barriers to system capability for setting Early Warning thresholds, reducing the backlog of un-reviewed reports, and strengthening policies and procedures.
- Improve oversight over third parties with law enforcement responsibilities.
- Improve the Department's training program through greater consistency, providing more opportunities to attend local training, better tracking of Basic Academy effectiveness, and better use of information systems.
- Enhance management of IT projects by adding a Senior IT Project Manager position in the Information Services Division and by assigning all technology projects a project manager and developing a governance structure for such projects.
- Ensure consistency with County requirements for vehicle acquisition and asset disposition and improve preventative maintenance of the Department's fleet.

We would like to thank Sheriff's Office management and staff for the assistance provided during this audit process. We also appreciate the time and input of various peer jurisdictions and staff of other departments and agencies, both County and non-County, who responded to our survey and interview requests.

If you have any questions regarding this report, please call me at (408) 299-6435.

Respectfully submitted,

A handwritten signature in blue ink that reads "Cheryl Solov". The signature is fluid and cursive, with the first name "Cheryl" and the last name "Solov" clearly distinguishable.

Cheryl Solov
Management Audit Manager

Cc:
Supervisor Susan Ellenberg
Supervisor S. Joseph Simitian
Supervisor Mike Wasserman

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Executive Summary

Finding 1: Performance Management

The Department currently has a performance measurement system for the Enforcement and Support Services bureaus, but lacks a strategic planning process, an ongoing review of performance goals, and an ongoing assessment of whether those goals are being met. The quarterly reports on division performance prepared by the Enforcement and Support Services divisions do not conform to best practices. The reports generally do not contain any measures of efficiency (output per staff), are not externally reported, and do not have a process to incorporate input from line staff. In addition, most of the reports were not provided to the assistant sheriffs within one month of the close of the quarter, rendering the information untimely. Further, only half of the reports contained division-specific goals and measured progress against those goals. None of the divisions within the Administrative Services Bureau prepare quarterly reports. Finally, the Department lacks a strategic plan, which would allow the Department to align its resources with its long-term plans, inform the public of its vision and goals, and inform its performance goals.

The Department should: (a) institute an annual strategic planning process that is tied to its budget requests; (b) institute performance measurement for the Administrative Services Bureau; (c) conduct an ongoing review of each division's performance; and, (d) conduct one-time training for captains and Department management on the new performance management system.

Finding 2: Sheriff's Office Staffing and Retention

The Sheriff's Office is a large County department with 850.5 full time equivalent (FTE) authorized positions as of December 2017, the majority of which are funded by the General Fund. Staffing levels in many divisions were established decades ago and are not systematically re-evaluated. Changes to staffing levels generally only result from contractual changes in the level of service or service area or from projects requested by the Board of Supervisors, and not due to staffing analyses. Although civilianization is a best practice among law enforcement agencies, the Department does not have a civilianization policy, and the Department has the lowest rate of civilian staff among peer counties. In addition, the Department has had consistently high vacancy rates, which are underreported by Department staff both internally and to the Board of Supervisors' Public Safety and Justice Committee. Further, the Department's projections of future vacancy rates are unrealistic and the Department has not prioritized retention strategies in its efforts to reduce vacancies.

The Sheriff's Office should: (1) develop a departmental staffing plan; (2) enhance retention strategies; and, (3) improve the accuracy of vacancy reporting and projection. The Board of Supervisors should adopt a policy requiring the Sheriff's Office to civilianize positions relating to administrative, support, and other functions where sworn staff is not required. Bringing the Sheriff's Office use of civilian staff in line with peer agencies could generate approximately \$6.0 million in annual salary and benefits savings. Regular staffing analyses could lead to a more efficient allocation of staff resources and improve the effectiveness of the Department. Enhanced retention efforts can reduce hiring costs over time and lead to higher levels of staff job satisfaction.

Finding 3: Sheriff's Patrol Staffing

The Sheriff's Office is responsible for patrol services for unincorporated areas in Santa Clara County and also provides patrol services on a contract basis for other agencies and jurisdictions. The Department's patrol services are divided among four divisions: (1) Headquarters Patrol; (2) West Valley Patrol; (3) Transit Patrol; and, (4) Parks Patrol. There were 252.5 full-time equivalent (FTE) authorized positions in the four patrol divisions as of December 2017. Although a workload-based staffing approach is a best practice for patrol services, the Department uses a minimum staffing approach in the Headquarters and West Valley Patrol Divisions whereby supervisors and command staff estimate the minimum number of patrol deputies that must be deployed at any one time to provide adequate protection to the public and maintain officer safety based on perceived need rather than actual workload demand. Staffing levels were established decades ago, are not systematically re-evaluated, and do not reflect differences in calls for service volume by time of day and day of week. In addition, the Department does not have response time goals for calls for service in all patrol areas and also does not have a defined expectation of how much time patrol deputies will spend responding to calls for service compared to other patrol duties.

The Sheriff's Office should: (1) develop a staffing plan using a workload-based approach; (2) establish response time goals for calls for service in all patrol divisions; (3) eliminate six unneeded positions from the non-custody budget; and, (4) reduce sworn staff response to minor crimes that are not in progress. Implementation of these recommendations could lead to a more efficient allocation of staff resources, improve the effectiveness of the patrol divisions within existing resource constraints, and reduce overtime costs. Deletion of unneeded positions would result in on-going savings to the General Fund of approximately \$1,183,290 per year. Further, the effectiveness of existing patrol staff could be improved and General Fund net value in the Sheriff's Office increased by an estimated \$357,842 per year by offering online and telephone crime reporting rather than using sworn staff in the field to take reports.

Finding 4: Investigations Services and Staffing

The Investigations Division, organized into specialized units, is responsible for investigating potentially criminal incidents reported to the Sheriff's Office. Investigators log their reports and activities in the Incident Admin system. As of October 2017, most investigators had not received formal training in conducting investigations. The Division does not conduct regular analysis of investigation processes and had not updated its procedures in 16 years. The absence of a crime analyst means that the Division lacks the analytical resources usually available in modern law enforcement agencies, and that the Sheriff's Office hasn't fully integrated analysis into its investigative and law-enforcement strategies. The Investigations Division lacks documentation of its staffing levels or how resources and workload are allocated among investigators. The Division also has poorly maintained case data and an antiquated record management system. Investigative processes may be outdated and ineffective, and staff resources may be used inefficiently, because the Division does not regularly evaluate its processes and staffing. As a result, investigations, including of violent crimes, may take longer than necessary. In addition, investigators are carrying out analytical and research tasks typically performed by crime analysts in some other jurisdictions.

The Sheriff should ensure that all new investigators complete formal training in crime investigation prior to assignment of cases, and that all existing investigators complete formal training within six months. The Employee Services Agency should develop and fill a crime analyst classification if the Sheriff's Office develops, and the Board of Supervisors approves, a plan to integrate crime analysis in its policing and investigations. The Investigations Division should: (1) develop a staffing plan that justifies staffing levels based on workload and performance goals; (2) update/develop policies and procedures for investigating crimes and case management; and, (3) annually audit a selection of open and closed cases to identify work flow improvements.

Finding 5: Improving Court Security

The Sheriff's Court Security Division serves as the security arm of the Superior Court of Santa Clara County. The Division is responsible for providing bailiffs and security to all Superior Courts in Santa Clara County and is the largest division in the Sheriff's Office with 204 authorized full-time-equivalent positions as of December 2017. The Sheriff's Office has not fulfilled its responsibilities under its agreement with the Superior Court to provide staffing needs assessments and information related to its performance. Rather than providing a formal needs assessment, the contract is simply extended annually based on the same level of staffing. Further, the Sheriff's Office does not review or report on performance measures as required in its agreement with the Superior Court, including providing data on actual staffing and service levels, incidents at the courts, and the number of clients entering the courts. In addition, the Division has not conducted a formal review or made any major changes to security following two high-profile escapes from the Palo Alto courthouse.

The Court Security Division should conduct formal staffing needs assessments and report on performance measures as required under its agreement with the Superior Court. At the same time, the Division should work with the Court Executive Officer to determine the necessity of each of the performance measures in the agreement to focus on the measures that are most pertinent to the efficient and effective provision of court security services. In addition, the Division should conduct a formal review of security procedures at the Palo Alto courthouse. These steps would reduce staffing costs and improve court security.

Finding 6: Internal Oversight

The Internal Affairs Unit is responsible for receiving, documenting, and investigating critical incidents, such as officer-involved shootings and allegations of employee misconduct, including citizen complaints and administrative complaints. The Internal Affairs Unit is also responsible for managing the Department's Early Warning System, which is intended to identify deputies and other sworn staff who have been involved in a high number of critical incidents within a specified timeframe to allow supervisors and managers to make appropriate interventions. There is no high-level reporting or data review in the Internal Affairs Unit. Further, the Department implemented "Blue Team," an electronic system that captures and tracks critical incidents, in the spring of 2016 without adequate testing, adoption of procedures, or training to ensure effectiveness. As a result, Blue Team reports submitted by staff often contain errors and require extensive review by division supervisors and the Internal Affairs Unit. As of January 2018, there was a backlog of 2,900 Blue Team reports awaiting review. Additionally, the Department lacks written criteria or guidelines for determining appropriate discipline for misconduct, though the Department has plans to implement a discipline matrix, pending approval by County Counsel.

The Board of Supervisors should request that the Sheriff report on use of force incidents and investigations on an annual basis. The Internal Affairs Unit should: (1) report internally on a quarterly basis on trends in critical incidents; (2) develop a 12-month plan to address the Blue Team backlog of reports requiring review; and, (3) develop policies and procedures for completing and reviewing Blue Team Reports. Implementing these recommendations will allow the Department to identify and address potential employee or management issues and protect the County from potential civil liability resulting from critical incidents that could be prevented through proactive interventions.

Finding 7: Third Party Oversight

The Sheriff's Office is responsible for overseeing the law enforcement functions of two organizations outside of the Department: (1) the Stanford University Department of Public Safety (DPS) and (2) the Santa Clara County Valley Medical Center's (VMC) Protective Services Department. Although required by the MOU, the Sheriff's Office is not reviewing and approving Stanford DPS' internal affairs procedures or General Orders. In addition, the Sheriff's Office and Stanford University disagree about how to classify and report sexual crimes. VMC's Protective Services Department has longstanding attendance problems. Sick leave use by staff appears to be excessive, particularly compared to the per-person use of sick leave of deputy sheriffs assigned to law enforcement. In addition, the Sheriff's Office does not systematically track the training received by VMC Protective Service Officers. Lack of consistent sexual crime reporting on Stanford's campus may result in fines of \$55,907 for Stanford University for each inaccurately reported incident and may erode public confidence in publicly reported crime statistics. At VMC, attendance problems resulted in approximately 39 disciplinary actions among the 58 security staff in calendar year 2017.

We recommend that the Sheriff's Office revise its MOU with Stanford University to incorporate final crime reporting criteria and enhancement of staffing during large events as well as review and approve the University's General Orders and internal affairs procedures. We also recommend that the Sheriff's Office work to establish a sick leave policy for the VMC Protective Services Division and begin electronically tracking compliance with that Department's training requirements.

Finding 8: Training

Peace Officers in participating departments, including the Sheriff's Office, are required to adhere to ongoing annual training requirements, mandated by the Commission on Peace Officer Standards and Training (POST). In addition, there are internal topic-specific trainings, and certain divisions or positions entail specialized training. The Sheriff's training program does not strategically provide the largest number of staff the highest level or quality of training, and it does not systematically record and track all training. A recent Training and Compliance Division survey shows that a sample of approximately 55 staff do not feel sufficiently trained in fundamental skills. The Department does not have controls in place to enforce internally mandated training and the Training Management System (TMS) has limited functionality and reporting capabilities. As a result, there is no way to verify that deputies completed position-specific internally mandated trainings or whether training is limited by the need to meet minimum staffing levels. Additionally, the Basic Academy may have lowered standards in 2017 to meet recruitment goals. Finally, staff has been informally discouraged from attending trainings through the local South Bay Regional Training Consortium; in some cases this requires staff to incur costs traveling out of County for training.

The Sheriff's Office should emphasize core skills, update its training plan, require captains to keep records of all training request denials, allow deputies to attend trainings offered through the South Bay Regional Training Consortium when appropriate, and consider restoring the Academy's previous standards.

Finding 9: IT Project Management

The Sheriff's Office's Information Services Division sits within its Administrative Services Bureau and is responsible for the maintenance of the Sheriff's information technology systems that are not provided by the County's Technology Services and Solutions Department. The Sheriff's Information Services Division does not have a project management function. As a result, with the exception of the Records Management System (Incident Admin) replacement project, which is being managed by the County's Technology Services and Solutions Department, six of the seven non-custody technology projects do not have project managers assigned to them. Responsibilities and details for project outcomes and milestones are vague and unassigned. In addition, the Division does not have a project management information system that tracks project costs, outcomes, timelines, or accountability. Without a dedicated project manager and an accompanying project management process, there is insufficient accountability for technology projects that are late, over budget, or are not meeting business needs. Without a comprehensive project management information system, ascertaining the current status of technology projects is a labor-intensive process for Information Systems staff or other project stakeholders.

We recommend the creation of one Senior Information Technology Project Manager position to be responsible for all information technology project management duties within the Sheriff's Office. In addition, we recommend that the Department develop policies and procedures to establish information technology project governance and responsibilities. The Sheriff's Office should consider utilizing off-the-shelf project management tracking software at minimal cost.

Finding 10: Security and Safety of Facilities and Assets

The Sheriff's Office uses 356 vehicles and is responsible for ensuring vehicle maintenance is completed timely. The Sheriff is responsible for maintaining a fixed asset inventory in SAP, the County's financial system, which should accurately reflect the status of its fixed assets (all equipment over \$5,000 in value). The Controller-Treasurer Department requires an annual physical inventory certification to verify the existence of the fixed assets recorded in SAP. Maintenance records show some Sheriff vehicles are not maintained timely. In addition, the Sheriff's Office does not have explicitly stated written protocols or guidelines for high-cost and high liability assets, namely vehicle acquisition and firing range operations.

The Sheriff's Office should develop formal procedures with controls for vehicle selection criteria to guide future vehicle acquisition. The Sheriff's Office should provide training for division leaders regarding interdepartmental transfers and proper disposition of assets. The Facilities and Fleet Department should automatically decline (or limit) refueling at County fuel stations for any vehicles that are substantially overdue for maintenance to ensure that preventative maintenance requirements are met.

Note: The Management Audit Division additionally identified other issues related to Security and Safety of Facilities and Assets that were confidentially provided to County Counsel. Additional recommendations related to those findings were provided to County Counsel confidentially.

Introduction

This *Management Audit of the Office of the Sheriff's Operations (excluding Adult Custody Operations)* was authorized by the Board of Supervisors of the County of Santa Clara as part of the County's Fiscal Year 2017-18 Management Audit Program, pursuant to the Board's power of inquiry specified in Article III, Section 302(c) of the Charter of the County of Santa Clara.

Purpose and Scope

The purpose of the management audit was to: (1) examine the polices, practices, and number, level and type of staff in each of the Sheriff's divisions (excluding Custody) to ensure adherence to evidence-based and industry best practices, compliance with laws, regulations, and other requirements as well as limit associated risks; (2) examine and identify whether there are opportunities to improve the County's recovery of costs for services; and, (3) examine and identify whether there are opportunities to increase the safety, economy, efficiency, or effectiveness of operations.

Work on this audit began with an entrance conference on October 16, 2017, and a draft report was issued to the Department on December 21, 2018.

Audit Methodology

This management audit was conducted under the requirements of Board of Supervisors Policy 3.35, adopted in 2001, and amended in both 2005 and 2010. That policy states that management audits are to be conducted under generally accepted government auditing standards issued by the United States Government Accountability Office. In accordance with these requirements, we performed the following management audit procedures:

Audit Planning: This management audit was selected by the Board of Supervisors using a risk assessment tool and estimate of audit work hours developed at the Board's direction by the Management Audit Division. After audit selection by the Board, a detailed management audit work plan was developed.

Entrance Conference: An entrance conference was held on October 16, 2017 with Department managers to introduce the management audit team, describe the management audit program and scope of review, and respond to questions. A letter of introduction from the Board and a request for background information were provided at the entrance conference. The Sheriff did not attend the entrance conference and did not request to reschedule the meeting.

Interviews: As part of this management audit, Management Audit staff conducted more than 30 interviews with managers, supervisors, and line staff across various units of the Sheriff's Office.

Field Work: Field work activities were conducted after the entrance conference, and included: (a) interviews with management and line staff of the Department, including observations of staff on the job; (b) a further review of documentation and other materials provided by the Department and available from other sources; (c) analyses of data conducted manually and electronically from systems maintained by the Department or elsewhere in the County; and, (d) surveys of other jurisdictions to measure performance and to determine organizational and operational alternatives that might warrant consideration by the County of Santa Clara.

Draft Report: On December 21, 2018, a draft report was prepared and provided to the Sheriff, Sheriff's Office management, and other relevant parties, including County Counsel, to provide our tentative findings, conclusions, and recommendations.

Exit Conference: Exit conferences were held with the Sheriff's Office on February 11, 2019 as well as with Stanford University's Department of Public Safety on January 4, 2019, the County of Santa Clara Health System (Valley Medical Center) on April 10, 2019, and the Facilities and Fleet Department on January 10, 2019 (three other agencies and departments to which findings and/or recommendations were directed) to collect any additional information relevant to our report, to correct any errors, and to obtain their views on the report findings, conclusions, and recommendations. In addition, we received feedback from the Controller's Office on January 9, 2019 via email and a conference call was held on May 24, 2019 with County Counsel to discuss feedback based on a legal review of the draft report.

We provided relevant sections of the draft report to County 9-1-1 Communications and to the Court Executive on December 21, 2018, but did not receive a response from either of those agencies. Feedback from County agencies was received through May 24, 2019.

The Sheriff and her staff refused to provide any comment on the draft report, and did not refute, verify, or discuss any of its content. Instead, among other unusual comments made during the exit conference, the Sheriff and the Undersheriff stated that they intended to:

- Investigate the Management Audit Division by having the County's Technology Services and Solutions (TSS) extract information regarding our computer use and email activity, which they said would prove that the Management Audit Manager "leaked" to a local publication an inconsequential and strange email sent to the auditor by the Sheriff.¹

¹ Senior Sheriff's staff were copied on the email. Upon receipt by the auditor, the email was forwarded to County Counsel because it contained a request for County records (related to a separate audit of the Sheriff's custody operations). Prior to the exit conference, multiple high-ranking individuals throughout the County government but outside the Sheriff's Office – and a reporter for the local publication – told the Management Audit Manager that they had seen the email, been provided with a copy of it, or been told about its contents. We assumed the Sheriff's Office had distributed it, since only personnel at the Sheriff's Office, County Counsel, and the auditor were known to have received it. At the exit conference, the Undersheriff held out his cell phone, read the reporter's inquiry of him regarding this email, and asserted that he was angry about this "leak" which was apparently disclosed to him by the reporter. The published article made no mention of the reporter contacting the Sheriff's Office for comment. Reporters normally seek comment from all parties referenced in an article. The typical exception to this is when the subject of the article is also its source. When pressed, the Sheriff told the auditors during the exit conference that there had been an investigation within the Sheriff's Office that determined that no one at the Sheriff's Office conveyed the email. We do not know how the email came to be widely distributed, only that the Sheriff and the Undersheriff used the time we provided to obtain their views on a draft of this report to first accuse and then threaten us regarding the email.

- Hire a person or firm to investigate our compliance with audit standards; and,
- Obtain confidential notes and other supporting audit material, with the information to be turned over to the hired report-writer/investigator. The Sheriff stated that she could not provide any comment on the draft report until she had every record related to the audit. Records supporting drafts are not public records and none were provided to the Sheriff.²

Final Report: A final report was prepared after receiving input from the other affected parties, which was received through May 24, 2019. The two agencies for which there are recommendations in this report, the Sheriff's Office and the Employee Services Agency, have provided responses which are attached to this report. In addition, the Facilities and Fleet Department, the Controller-Treasurer, and the Stanford University Department of Public Safety provided responses to findings that relate to their operations.

We conducted this audit in accordance with generally accepted government auditing standards set forth in the 2011 revision of Government Auditing Standards promulgated by the U.S. Government Accountability Office (the "Yellow Book"). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Overview of the Sheriff's Office

The Sheriff's Office is responsible for public safety enforcement for all unincorporated areas of Santa Clara County. The Sheriff's Office is also responsible for the safety and security of the County Government Center, the County Superior Court system and all Court staff, as well as the Santa Clara County jail system and all inmates in custody. Additionally, the Sheriff's Office maintains contracts to provide full-time law enforcement services for the communities of Cupertino, Los Altos Hills, and Saratoga, as well as the Santa Clara Valley Transportation Authority and the Santa Clara County Parks Department.

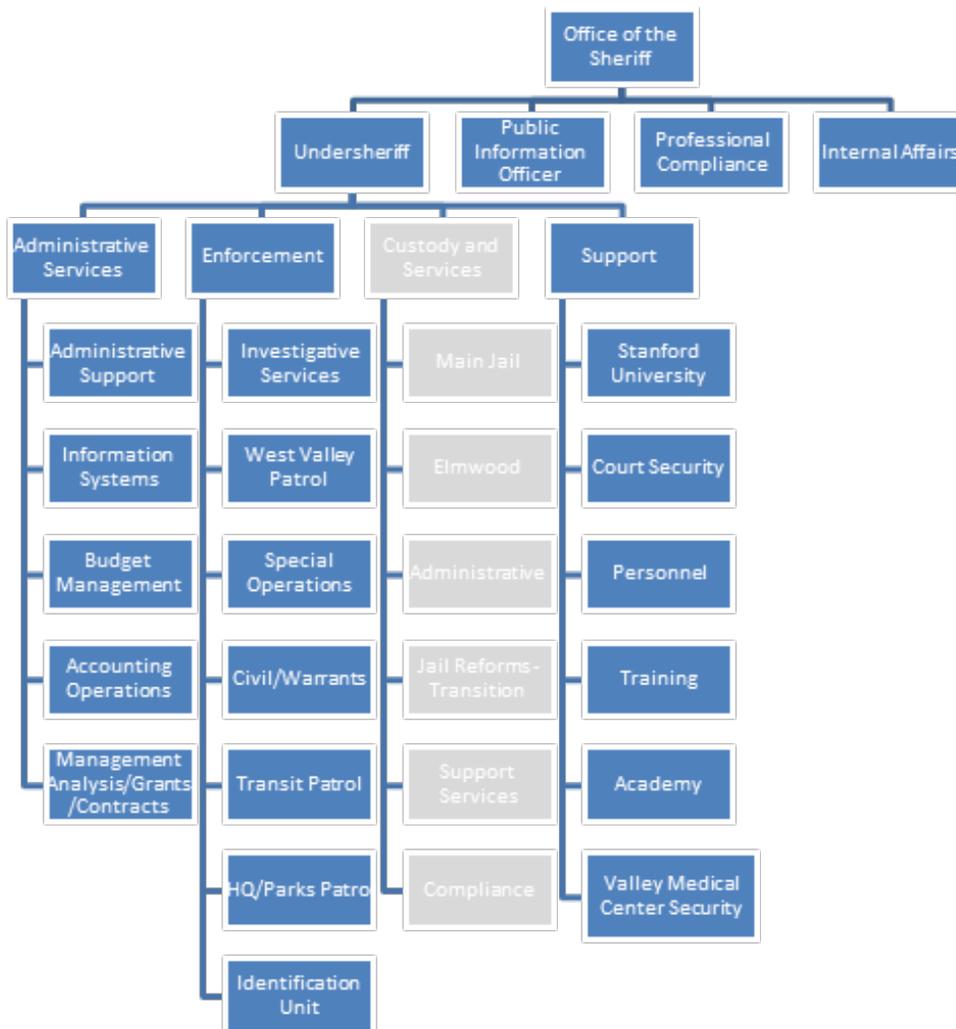
Budget and Organizational Structure

The Department's non-custody budget totaled \$179.6 million in Fiscal Year 2017-18, including approximately \$150.0 million for salary and benefit costs, and the remaining \$29.6 million for other expenses including insurance, equipment, and vehicle maintenance. The Sheriff's Office relied on three sources for its funding in FY 2017-18: (1) \$97.6 million from the General Fund; (2) \$37.9 million from grants and income generated by services including fees, permits, and fines; and (3) \$44.1 million in transfers and expense reimbursements from other County departments.

² To ensure the accuracy of the final report, we typically furnish supporting records related to the content of drafts to auditee as needed to enable the auditee to validate or refute the accuracy and relevance of the source material. None of the Sheriff's Office personnel who attended the exit conference had questions or comments about any content contained in the draft report.

The Sheriff's Office is organized into four primary bureaus: Administrative Services, Enforcement, Custody, and Support, overseeing 24 divisions (select divisions can be further subdivided into units), as illustrated in Figure I.1 below. The Undersheriff oversees all branches and reports directly to the Executive Office of the Sheriff. The Executive Office directly oversees small, sensitive divisions such as Internal Affairs and Public Information. As this audit excludes custody operations, the Custody and Services branch is shaded in gray in Figure I.1 below. The remaining 18 divisions as well as the Executive Office's Internal Affairs were within the scope of this audit.

Figure I.1: Organizational Overview



Source: Administrative Services. Chart as of 10/18/2017.

Recommendation Priorities

The priority rankings shown for each recommendation in the audit report are consistent with the audit recommendation priority structure adopted by the Finance and Government Operations Committee of the Board of Supervisors, as follows:

Priority 1: Recommendations that address issues of non-compliance with federal, State and local laws, regulations, ordinances, and the County Charter; would result in increases or decreases in expenditures or revenues of \$250,000 or more; or, suggest significant changes in federal, State, or local policy through amendments to existing laws, regulations, and policies.

Priority 2: Recommendations that would result in increases or decreases in expenditures or revenues of less than \$250,000; advocate changes in local policy through amendments to existing County ordinances and policies and procedures; or, would revise existing departmental or program policies and procedures for improved service delivery, increased operational efficiency, or greater program effectiveness.

Priority 3: Recommendations that address program-related policies and procedures that would not have a significant impact on revenues and expenditures, but would result in modest improvements in service delivery and operating efficiency.

Acknowledgements

We would like to thank the management and staff of the Sheriff's Office for their assistance and cooperation during the fieldwork phase of this audit. In addition, we are grateful to staff at the Santa Clara County Employee Services Agency, Communications Department, Office of Emergency Services, Controller-Treasurer Department, Technology Services and Solutions Department, Procurement Department, the Santa Clara County Superior Court Office of the Chief Executive Officer, and other customer departments and agencies that provided information for this audit.

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Section 1: Performance Management

Background

The Sheriff's Office has three non-custodial bureaus: Enforcement, Support Services, and Administrative Services. The Department's primary performance management tool is the quarterly reports prepared by captains that oversee divisions within the Enforcement and Support Services bureaus. These reports are reviewed by the Assistant Sheriffs that oversee those two bureaus. Divisions within the Administrative Service Bureau do not participate in quarterly reporting.

Problem, Cause, and Adverse Effect

The Department currently has a performance measurement system for the Enforcement and Support Services bureaus, but lacks a strategic planning process, an ongoing review of performance goals, and an ongoing assessment of whether those goals are being met. The quarterly reports on division performance prepared by the Enforcement and Support Services divisions do not conform to best practices. The reports generally do not contain any measures of efficiency (output per staff), are not externally reported, and do not have a process to incorporate input from line staff. In addition, most of the reports were not provided to the assistant sheriffs within one month of the close of the quarter, rendering the information untimely. Further, only half of the reports contained division-specific goals and measured progress against those goals. As noted above, none of the divisions within the Administrative Services Bureau prepare quarterly reports. Finally, the Department lacks a strategic plan. A strategic plan would allow the Department to align its resources with its long-term plans, inform the public of its vision and goals, and inform its performance goals. A lack of an effective performance management system could impair the efficiency and effectiveness of law enforcement services by inefficiently allocating resources within the organization; increasing the chance of budget requests that vary from long-term plans, program needs, and performance; and, a loss of public confidence.

Recommendations

The Department should: (a) institute an annual strategic planning process that is tied to its budget requests; (b) institute performance measurement for the Administrative Services Bureau; (c) conduct an ongoing review of each division's performance; and, (d) conduct one-time training for captains and Department management on the new performance management system.

Savings, Benefits, and Costs

We believe our recommendations can be accomplished within existing staff resources and without fiscal impact. Implementing these recommendations will focus the Department on results that are important for stakeholders.

BACKGROUND

The Sheriff's Office is responsible for law enforcement services for unincorporated areas, County parks, court facilities, the County Government Center, Valley Transportation Authority, and certain cities that contract with the Department for those services. The Department also manages the County's jail facilities. In FY 2017-18, the Department had a budget of \$179.6 million and 853.5 Full Time Equivalent positions (FTEs), which is primarily funded by the County's General Fund. The Department has a responsibility to strategically plan its investment of those resources and to effectively measure the performance of its services. The Sheriff's Office primary performance management tool is quarterly reports prepared by captains that oversee divisions within the Enforcement and Support Services bureaus. These reports are reviewed by the Assistant Sheriffs that oversee those two bureaus.

FINDING

The Sheriff's Office does not have a strategic plan

According to interviews with Sheriff management, the Department does not have a strategic plan. Management stated that time constraints have prevented the Department from developing a strategic plan and that it was difficult to plan in government, given its division of powers and variety of stakeholders. However, the absence of a strategic plan is inconsistent with best practice and leaves the Department without a singular document articulating its overall vision, measurable objectives, and long term goals.

Strategic planning is a common and best practice for government organizations. In our benchmarking survey of other jurisdictions, we found other California law enforcement agencies currently have strategic plans, including the Sheriff's Offices of San Mateo, Contra Costa, Sacramento, and Orange Counties as well as the Police Departments of Sunnyvale and Los Angeles. Similarly, the U.S. Office of Management and Budget (OMB) requires all federal agencies to undergo an annual strategic planning process as part of the budget process. In its guidance, OMB states:

Strategic planning is a valuable tool for communicating to agency managers, employees, delivery partners, suppliers, Congress, and the public a vision for the future. An agency's strategic goals and objectives should be used to align resources and guide decision-making to accomplish priorities to improve outcomes. It should inform agency decision-making about the need for major new acquisitions, information technology, strategic human capital planning, evaluations, and other evidence-building and evidence-capacity building investments. Strategic Plans can also help agencies invite ideas and stimulate innovation to advance agency goals.³

3 OMB Circular A-11 Section 230.

OMB recommends that strategic plans contain the following elements:

- Define the agency's mission
- Describe long-term goals
- Describe strategies and planned approaches to monitor progress in addressing challenges and needs related to agency's mission
- Explain the importance of the agency's goals
- Appraise the agency's capabilities
- Explain why goals were chosen
- Provide the context for decisions about performance goals, priorities, human capital planning, and budget planning
- Provide the framework for the agency's annual performance plans
- Consider risks to the agency's mission

Having a strategic plan would allow the Department to align its budgeted resources with its long-term plans, inform the public of its vision and goals, and, as described below, inform its performance goals.

The Department's performance management system needs improvement

The Department relies on quarterly reports from divisions within the Enforcement and Support bureaus to monitor and compare division outcomes over time. However, the information contained in the reports need improvements to in order to be more meaningful for Department management.

We reviewed quarterly reports prepared by captains of every division in the Enforcement and Support Services bureaus between July 2014 and June 2017 based on the criteria contained in the Government Finance Officers Association's (GFOA) Best Practices for Performance Management and Decision Making Best Practice guide. The GFOA recommends that performance measures track outcomes and efficiency over time, be externally reported, motivate staff to provide input, and provide a basis for ongoing process improvement.

Figure 1.1 on page 16 summarizes our review of Enforcement and Support Bureaus quarterly reports. There are seven divisions in the Enforcement Bureau and five divisions in the Support Bureau, all of which provide quarterly reports to their respective assistant sheriff. The counts in Figure 1.1 on page 16 refer to the number of Enforcement and Support Service divisions.

**Figure 1.1: Enforcement and Support Bureaus Quarterly Report Elements
FY 2014-15 to FY 2016-17**

GFOA Recommended Elements of Performance Management Reporting	Divisions Without Element	Total Divisions	Percent of Divisions Without Element in Quarterly Reports
Efficiency measures	11	12	92%
Publicly reported	11	12	92%
Contain input from staff	11	12	92%
Provided timely (within one month of end of quarter)	9	12	75%
Correct fiscal information	8	12	67%
Measure performance against prior year's goals	6	12	50%
Show high vacancies or actual spending exceeding budget	5	12	42%
Mission statement	2	12	17%
Elements reported consistently over time	2	12	17%
Compare resources over time	1	12	8%
Measurable outcomes	0	12	0%

Source: Auditor review of Sheriff's Office quarterly reports for Enforcement and Support Services Bureaus, FYs 2014-15 through 2016-17

As shown in Figure 1.1 above, most quarterly reports contain each division's mission statement, measure outcomes (such as number of arrests), and allow readers to measure staffing, budget, and results over time. However, the quarterly reports generally do not contain any measures of efficiency (output per staff), are not externally reported, and do not have a process to incorporate input from line staff. In addition, most of the reports were not provided to the assistant sheriffs within one month of the close of the quarter. Further, only half of the reports contained division-specific goals and measured progress against those goals.

Another deficiency in the quarterly reports is that the fiscal data presented was inconsistent with fiscal data provided by the Sheriff's Office's Fiscal Division. Approximately 67% of quarterly reports contained budget information that did not correspond to the budget information provided by the fiscal division. In addition, the expenditure figures in the reports often included encumbered funds and then often included those in the total expenditure data, giving a potentially misleading statistic of year-to-date actual spending.⁴

⁴ Encumbered funds are monies which are set aside to spend but not yet actually spent.

The Government Finance Officers Association recommends that performance measures be linked to long-term strategic planning. However, because the Department does not have a strategic plan in place, its performance measures have no documented link to the Department's overall service goals. At the division level, only half of the divisions reported their progress on achieving the prior year's goals.

The Administrative Services Bureau does not produce quarterly reports

There are no quarterly reports or other performance management reporting for the divisions within the Administrative Services Bureau.

Although the Fiscal Division produces quarterly financial reports detailing department-wide expenditures, no divisions within the Administrative Services Bureau produce division-specific quarterly performance reports. Therefore, the Administrative Services Director does not have any regular reports on the performance of the Sheriff's Administrative Support, Information Systems, Budget Management & Cost Accounting, Accounting, or Grants & Contracts divisions. All of these internal services are essential for the efficient operation of the entire Sheriff's Office. Without ongoing performance measurement and reporting, there are likely missed opportunities to improve these divisions' efficiency and effectiveness.

The Sheriff Department does not have a process in place for continuous performance improvement

The Department's primary performance measurement tool is the quarterly reports produced by the divisions within the Enforcement and Support bureaus. Captains are responsible for preparing these reports each quarter for their respective assistant sheriff. According to the GFOA best practice recommendations, managing organizational performance should include an ongoing review of performance measures and accountabilities. However, according to interviews, the assistant sheriffs provide minimal input into the content of the reports, which has changed little in the three years reviewed. In addition, there is no process in place for continuous improvement of division results based on the content of the quarterly reports. When "red flags" such as high vacancies, over spending, or unusual crime trends are presented in the quarterly reports, Sheriff management has not taken action. According to interviews with Sheriff management, the primary benefit of the quarterly reports is as an accountability exercise for the captains (who manage the Department's divisions). However, if Sheriff management does not follow up or change policy in response to the reports when appropriate, the accountability function of the reports is undermined.

Budget requests do not contain any specific performance goals

We reviewed the Sheriff's Office's sections of the County Executive's Recommended Budget Document for FYs 2015-16, 2016-17, and 2017-18. These requested budgets for the Sheriff's Office contain high-level staffing figures for the Department and a short description of each of the major divisions and their missions. In addition, in FY 2015-16 and FY 2016-17, the division-level sections contained "Emerging Issues" sections, describing the Department's upcoming challenges such as hiring; however that section was removed in the Budget Document from FY 2017-18. None of the years we reviewed contained performance measures for the Sheriff's Office (or any other County department) or any other measure of the Department's operating results. This information is critical for the Board of Supervisors to consider when making funding decisions for the County.

According to the GFOA, it is best practice for local governments to specify performance measures as part of their budget processes and have those both link to strategic plans. Similarly, in our May 2017 special study of the County's Recommended Budget document, we recommended that each County department develop performance measures to be included in the Recommended Budget document. In response, the Office of Budget and Analysis (OBA), the County department responsible for formulating the County's Executive's Recommended Budget each year for review by the Board of Supervisors, agreed with this recommendation. In their response to the study, OBA stated that County departments were currently developing "Measures of Success" and that future of Recommended Budget Documents would include such performance measures.

CONCLUSION

The Sheriff's Office has not prioritized strategic planning or performance management as part of its organizational development. Neither the Sheriff nor her command staff has developed processes for continuous performance improvement of the Administrative, Enforcement, or Support Service bureaus. This lack of an effective performance management system could impair the efficiency and effectiveness of law enforcement services by inefficiently allocating resources within the organization; increasing the chance of budget requests that vary from long-term plans, program needs, and performance; and, a loss of public confidence.

RECOMMENDATIONS

The Sheriff should:

- 1.1** Develop and implement a departmental strategic plan for FY 2020-21 and update it annually. The strategic plan should set goals for each division and measure performance against those goals during the plan's annual update. The strategic plan should align with the Department's budget requests. (Priority 3)
- 1.2** Direct the Director of Administrative Services to initiate quarterly performance management reporting. (Priority 3)
- 1.3** Direct the Captain of the Training Division and the Fiscal Officer to develop training for division captains to standardize the presentation of budget and spending data in quarterly reports. (Priority 3)
- 1.4** Develop procedures for quarterly reporting that include:
 - a. Due dates;
 - b. Efficiency measures;
 - c. Measure outcomes against previously stated goals;
 - d. External reporting; and,
 - e. Input from line staff.(Priority 3)

SAVINGS, BENEFITS, AND COSTS

The Department currently has a performance measurement system for the Enforcement and Support Services bureaus but lacks a strategic planning process, an ongoing review of performance goals, and an ongoing assessment of whether those goals are being met. We believe that implementing Recommendations 1.1 to 1.4 can be accomplished within existing staff resources and without fiscal impact. Implementing these recommendations will focus the Department on results that are important for stakeholders, improve results within existing resource constraints, and enhance public confidence in the Sheriff's Office.

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Section 2: Sheriff's Office Staffing and Retention

Background

The Sheriff's Office is a large County Department with 850.5 full time equivalent (FTE) authorized positions as of December 2017, the majority of which are funded by the General Fund. In FY 2017-18, the Department had a budget of \$179.6 million, including \$150.0 million—or 83.5 percent—for salaries and associated benefits. The Department began presenting quarterly reports on recruitment and staffing levels for deputy sheriff positions to the Board of Supervisors' Public Safety and Justice Committee in January 2017.

Problem, Cause, and Adverse Effect

Staffing levels in many divisions were established decades ago and are not systematically re-evaluated. Changes to staffing levels generally only result from contractual changes in the level of service or service area or from projects requested by the Board of Supervisors, and not due to staffing analyses. Although civilianization is a best practice among law enforcement agencies, the Department does not have a civilianization policy, and the Department has the lowest rate of civilian staff among peer counties. In addition, the Department has had consistently high vacancy rates, which are underreported by Department staff both internally and to the Board of Supervisors' Public Safety and Justice Committee. Further, the Department's projections of future vacancy rates are unrealistic and the Department has not prioritized retention strategies in its efforts to reduce vacancies. Sworn and civilian staff may be allocated inefficiently within the Department and division performance may be impaired. Inaccurate vacancy tracking and projection of future vacancy levels can lead to poor long-term planning for hiring and recruitment. Further, inadequate retention strategies may result in increased staff resignations as well as increased costs for recruitment, hiring, and training.

Recommendations

The Sheriff's Office should: (1) develop a departmental staffing plan; (2) enhance retention strategies; and, (3) improve the accuracy of vacancy reporting and projection. The Board of Supervisors should adopt a policy requiring the Sheriff's Office to civilianize positions relating to administrative, support, and other functions where sworn staff is not required. Bringing the Sheriff's Office use of civilian staff in line with peer agencies could generate approximately \$6.0 million in annual salary and benefits savings.

Savings, Benefits, and Costs

Regular staffing analyses could lead to a more efficient allocation of staff resources and improve the effectiveness of the Department. Enhanced retention efforts can reduce hiring costs over time and lead to higher levels of staff job satisfaction.

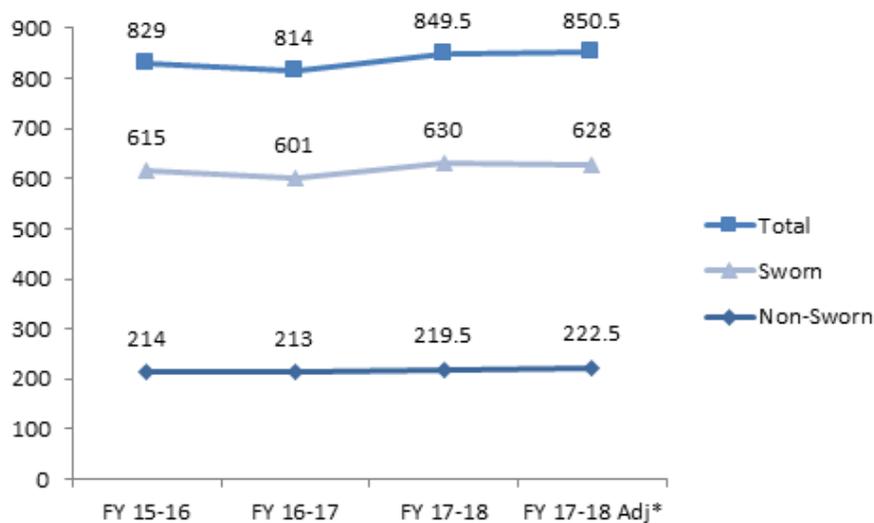
BACKGROUND

The Sheriff's Office is a large County Department with 850.5 full time equivalent (FTE) authorized positions as of December 2017, the majority of which are funded by the General Fund. In FY 2017-18, the Department had a budget of \$179.6 million, including \$150.0 million—or 83.5 percent—for salaries and associated benefits. The Sheriff's Office has a responsibility to allocate sworn and non-sworn staff efficiently within the Department, but is bound by funding that is appropriated by the Board of Supervisors. The Department began presenting quarterly reports on recruitment and staffing levels for deputy sheriff positions to the Board of Supervisors' Public Safety and Justice Committee in January 2017.

Current Staffing Levels

As of December 31, 2017, there were 850.5 FTE authorized positions in the Sheriff's Office, including 628 sworn positions and 222.5 non-sworn positions, as shown in Figure 2.1 below. There was a slight decrease in sworn positions in FY 2016-17 due to the elimination of chronically vacant positions, including 22 positions in the Sheriff's Office Auxiliary Unit,⁵ which were previously funded by the State.

Figure 2.1: Authorized Positions, FY 2015-16 to FY 2017-18 (as of December 31, 2017)



Source: Authorized Positions Reports provided by the Personnel Division

*FY 2017-18 Adjusted budget as of December 31, 2017

5 The Sheriff's Office Auxiliary Unit was created in the early 2000s in response to a request by the State court system. The positions were created so that the Department could assign a large number of additional deputies to maintain the security of the court in the event that there was a sudden need for additional security due to increased court activity. However, the need never materialized, and the County deleted the positions.

As of December 2017, more than half of all non-custody staff in the Sheriff's Office were assigned to either the Court Services cost center or one of the four patrol cost centers including: Headquarters Patrol, West Valley Patrol, Transit Patrol, and Parks Patrol. The Sheriff's Office is responsible for patrol services for unincorporated areas in Santa Clara County and certain cities that contract with the Department for patrol services. Court Services had 204 positions, which represents 24 percent of all non-custody staff, and is the largest cost center in the Sheriff's Office. The four patrol cost centers combined had a total of 252.5 positions, which represents 29.7 percent of all non-custody staff, as shown in Figure 2.2 on page 24.

Figure 2.2: Sheriff Personnel (Non-Custody) by Cost Center (as of December 2017)

Cost Center	Total Personnel	Percent of Total
Patrol Cost Centers (4)	252.5	29.7%
Headquarters	93	10.9%
West Valley	90	10.6%
Transit	54.5	6.4%
Parks	15	1.8%
Court Services	204	24.0%
Recruitment	74	8.7%
<i>Investigations Cost Centers (3)</i>	65	7.6%
Headquarters	58	6.8%
West Valley	4	0.5%
South County	3	0.4%
Records	56	6.6%
Transportation	42	4.9%
Civil / Warrants	26	3.1%
Identification Unit	17	2.0%
Information Systems	16	1.9%
Administration	15	1.8%
Accounting	15	1.8%
Personnel	13	1.5%
Special Operations	13	1.5%
Training	10	1.2%
Internal Affairs	9	1.1%
County Government Center	7	0.8%
VMC Protective Services	5	0.6%
Range	3	0.4%
Custodial Alternative Supervision Unit	3	0.4%
Watch Commanders	2	0.2%
Regional Auto Theft Task Force	2	0.2%
Stanford	1	0.1%
Total	850.5	100.0%

Source: Auditors summary of Authorized Positions Report provided by the Personnel Division

FINDING**Staffing levels in many divisions were established decades ago and are not systematically re-evaluated**

The Sheriff and her command staff do not regularly evaluate staffing levels based on Department needs. The Department does not have a staffing plan and could not provide any data or reports that show how staffing levels reflect Department needs. As a result, staffing levels may be allocated inefficiently within the Department and division performance may be impaired. According to interviews with Personnel and Sheriff Management, staffing levels in many divisions were established decades ago and changes to staffing levels generally only result from contractual changes in the level of service or service area or projects requested by the Board of Supervisors. The Support Bureau Assistant Sheriff and Personnel Captain should develop and implement a departmental staffing plan for FY 2020-21 and update it annually. The staffing plan should evaluate staffing levels in each division based on Department needs and align with the Department's budget requests.

Total authorized positions increased by 21.5 FTEs, or 2.6 percent, over three recent fiscal years—from 829 in May 2015 to 850.5 in December 2017. Three cost centers have experienced staffing changes of 10 positions or more since May 2015, including: Investigative Services, Transit Patrol, and the Sheriff's Office Auxiliary Unit. Details of these changes are shown in Figure 2.3 on page 26 and described below:

1. Investigative Services staffing levels increased by 10 positions over the period. These additions were largely due to the addition of the Human Trafficking and Notario Units based on requests by the Board of Supervisors.
2. Transit Patrol staffing levels increased by 33.5 positions over the period. These additions were due to changes in the contract with the Valley Transportation Authority, including 14 new deputy sheriff positions related to the new Milpitas and Berryessa BART stations, which were scheduled to open by the end of 2018, but are now likely to open in 2019.
3. Sheriff's Office Auxiliary staffing levels decreased by 22 positions (all vacant) in FY 2017-18 due to the loss of State funding as mentioned above.

**Figure 2.3: Authorized Positions for Cost Centers with Largest Changes in Staff
(FY 2015-16 through FY 2017-18)**

Cost Center	FY 2015-16	FY 2016-17	FY 2017-18	FY 2017-18 Adjusted (as of 12/31/17)	Total Change ⁶	Percent Change
Top Three Cost Centers With Staff Changes						
Investigative Services	48.0	53.0	55.0	58.0	10.0	20.8%
Transit Patrol	21.0	26.0	55.5	54.5	33.5	159.5%
Sheriff's Office Auxiliary	22.0	0.0	0.0	0.0	-22.0	-100.0%
<i>Subtotal (3 Cost Centers)</i>	<i>91.0</i>	<i>79.0</i>	<i>110.5</i>	<i>112.5</i>	<i>21.5</i>	<i>23.6%</i>
All Other Cost Centers	738.0	735.0	739.0	738.0	0.0*	0.0%
Total	829.0	814.0	849.5	850.5	21.5	2.6%

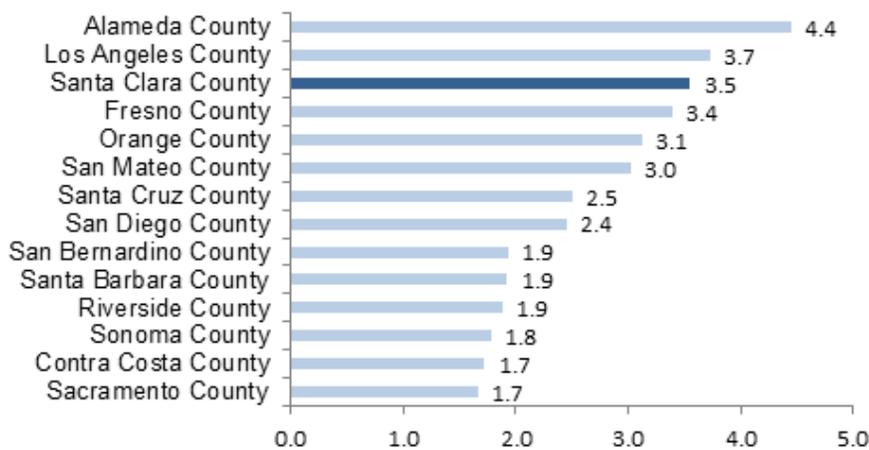
Source: Auditors review of Authorized Positions Reports provided by the Personnel Division

*Although there were changes in staffing levels in other cost centers, net changes in all other cost centers for the period sum to zero.

The Department's staffing levels per population served is high relative to peers

At 3.5 law enforcement positions⁷ per 1,000 people served, Santa Clara County has the third-highest staffing level per 1,000 people served compared to peer jurisdictions according to data from the California Department of Justice. This is above the median of 2.5 law enforcement personnel per 1,000 people served and the average of 2.6 law enforcement personnel per 1,000 people served, as shown in Figure 2.4 below and Figure 2.5 on page 27.

Figure 2.4: Law Enforcement Non-Custody Positions per 1,000 Residents Served, 2016



Source: Auditors analysis based on California Department of Justice, "Law Enforcement Personnel" data

6 Change from FY 2015-16 to FY 2017-18 adjusted as of 12/31/17.

7 This figure includes all funded positions, including positions that are vacant.

Figure 2.5: Law Enforcement Funded Non-Custody Positions per Population Served in Peer Counties, 2016

Peer Jurisdiction	Land Area (sq. mi.)	Jurisdiction Population	Population Served (2014)	Funded Non-Custody Positions	Law Enforcement (Total) per 1,000 Served
Alameda County	739	1,647,704	198,904	884	4.4
Los Angeles County	4,058	10,137,915	2,928,158	10,897	3.7
Santa Clara County*	1,290	1,919,402	185,951	659	3.5
Fresno County	5,958	979,915	173,233	587	3.4
Orange County	791	3,172,532	753,265	2,353	3.1
San Mateo County	448	764,797	127,798	386	3.0
Santa Cruz County	445	274,673	132,784	190	2.5
San Diego County	4,207	3,317,749	919,268	2,248	2.4
Riverside County	7,206	2,387,741	1,319,740	2,482	1.9
San Bernardino County	20,057	2,140,096	1,055,713	2,038	1.9
Santa Barbara County	2,735	446,170	186,994	359	1.9
Sonoma County	1,576	503,070	186,397	331	1.8
Contra Costa County	716	1,135,127	290,723	501	1.7
Sacramento County	965	1,514,460	636,787	1,060	1.7
Median	1,433	1,581,082	244,814	771.5	2.5
Average	3,656	2,167,239	649,694	1,783.9	2.6

Source: Land area from U.S. Census 2010; jurisdiction population from American Community Survey, 2014; population served from California Department of Justice, "Agency and County Profile"; funded non-custody positions from California Department of Justice, "Law Enforcement Personnel"

*According to California Open Justice data, the number of funded non-custody positions for the Santa Clara County Sheriff's Office is 659. This is 92.5 positions less than the number of authorized positions in the Sheriff's Office non-custody budget (excluding correctional deputies)—850.5 positions minus 60 unfunded positions minus 39 correctional deputy positions. If the total number of funded non-custody positions were reviewed (751.5), it would equate to 4.0 non-custody law enforcement personnel per 1,000 residents served. This difference appears to be due to the Sheriff's Office categorizing additional positions in the non-custody budget as custody positions when staff report personnel data to the DOJ as the total number of custody and non-custody positions reported to the DOJ is approximately the same as the total number of positions in the custody and non-custody budgets.

The Department is not accurately reporting on existing vacancies to the Board of Supervisors

The Department has had a consistently high vacancy rate among deputy sheriff positions over the last several years, but it is not accurately reporting on these vacancies to the Board of Supervisors' Public Safety and Justice Committee. The reports show adjusted vacancy totals but do not clearly show the adjustments that have been made and understate the number of vacancies that impact enforcement field operations.

The Department's vacancy report from February 2018 understated the number of vacancies that impact field operations by 45—or 225 percent of the number of vacancies reported. On February 21, 2018, the Department reported that there were 425 authorized positions, and of these 20, or 5 percent, were vacant as of November 2017, as shown in Figure 2.6 below. However, the actual number of vacancies that affect enforcement field operations is likely around 65, or 15 percent, as discussed below.

Figure 2.6: Authorized Deputy Sheriff Positions and Vacancies as Reported to PSJC on February 21, 2018

BUREAU	AUTHORIZED DEPUTY STAFFING	VACANCY*	AS OF DATE
Enforcement	425**	45	October 9, 2017
Enforcement	425	20	November 6, 2017
Enforcement	425	20	July 12, 2018
Enforcement	425	+10***	March 21, 2019

* The projected vacancy does not include anticipated retirements and assumes all recruits complete the academy.

** On July 1, 2017 twenty-one deputy positions were added for Valley Transportation Authority (VTA) services as well as one in Investigations for a total of twenty-two additional deputies.

*** The Sheriff's Office is anticipating at least as many retirements are projected to be over staffed, so at the time of these academies, recruits will only be filling vacancies.

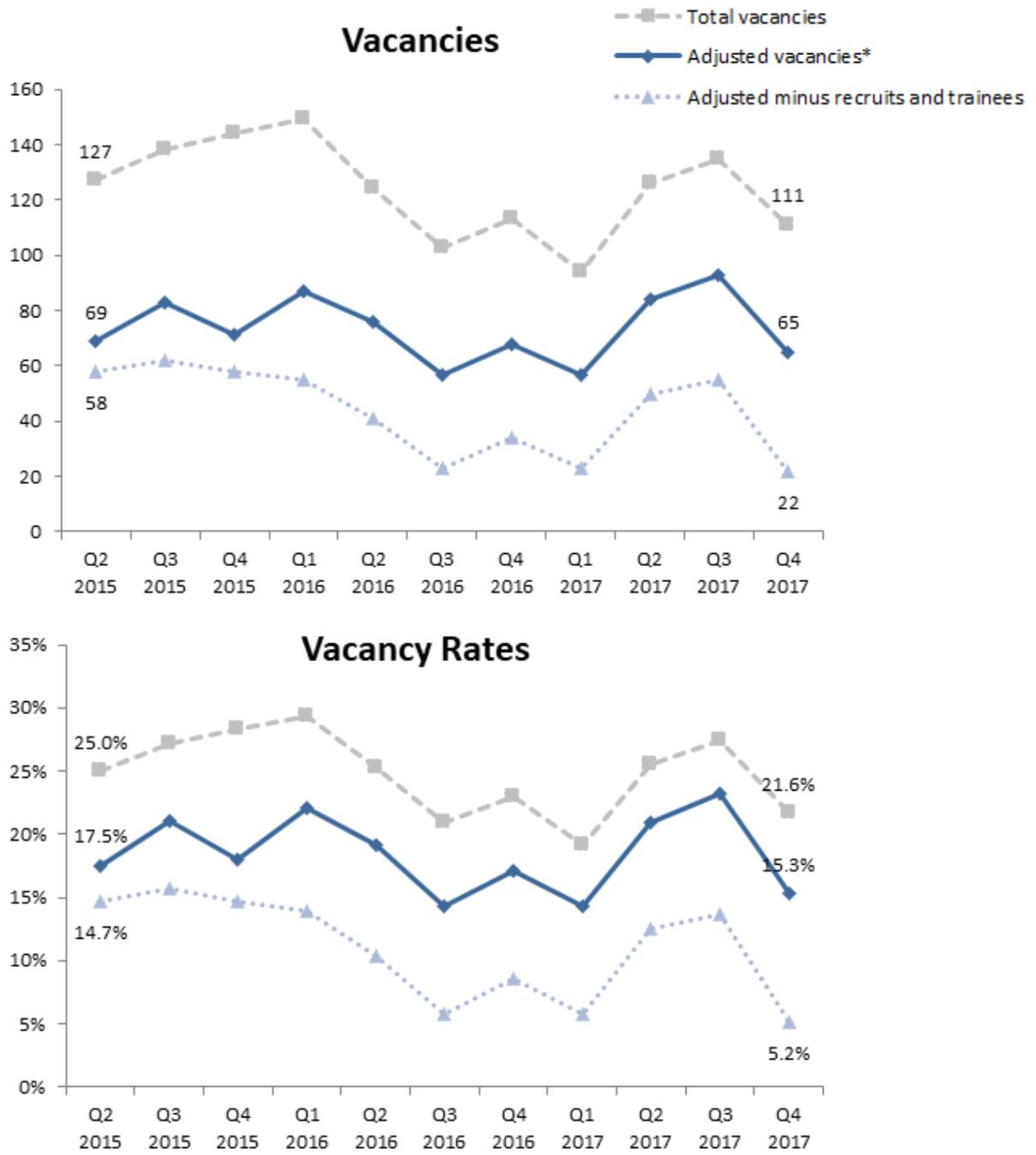
Source: "Quarterly Report Relating to the Academy, Recruitment, and Staffing Levels," from Sheriff Laurie Smith to the Public Safety and Justice Committee. February 21, 2018.

The Department's vacancy adjustments are described below. Some of the adjustments are reasonable. For example, the Department subtracts vacant positions that it does not need to fill to achieve full staffing levels, such as positions in the Academy that are reserved for trainees. Other adjustments are misleading. For example, the Department subtracts the number of deputy sheriff cadets (or recruits) in the Academy from vacancy totals even though they might not graduate for several months. Further, the Academy had an average failure rate of 12.9 percent⁸ in 2017, which is also not accounted for in the Department's adjustment. This adjustment may be appropriate in forecasting future vacancy levels, but it does not accurately reflect the number of vacancies that impact service levels in the field. The Department should clearly distinguish current vacancy levels from predicted future vacancy levels in both internal reporting and external reporting to the Board of Supervisors. In addition, the Department should clearly show and explain any adjustments that have been made to vacancy levels in reports to the Board of Supervisors.

Figure 2.7 on page 30 shows three different vacancy measures for deputy sheriff positions: (1) total authorized vacant positions; (2) "adjusted" vacant positions, which are defined as the number of authorized positions that are vacant and the Department expects to fill; and, (3) "adjusted" vacant positions minus recruits and trainees. "Adjusted" vacancy totals (Measure 2) best reflect existing vacancies that impact service levels in the field. However, the Department reports on "adjusted" vacancy totals minus recruits and trainees (Measure 3) both internally and to the Board of Supervisors.

⁸ The Academy class that graduated in March 2017 had a failure rate of 20.8%, and the class that graduated in November 2017 had a failure rate of 5%. While the failure rate has been volatile over the last several years as shown in Section 8 on page 113, it has never been 0%.

Figure 2.7: Total Authorized and Adjusted Deputy Sheriff Vacancies and Vacancy Rates, July 2015-December 2017



Source: Auditors analysis of Vacancy Reports provided by the Personnel Division

*Adjusted vacancies reflect the total number of vacant positions that the Department needs to fill with enforcement deputies to achieve full staffing levels. This best reflects existing vacancies that impact service levels in the field

The Department's Vacancy Levels and Adjustments

The Personnel Division produces biweekly internal vacancy reports and adjusts vacancy totals by subtracting positions that it does not need to fill to achieve full staffing levels. For example, the Department subtracts vacant positions in the Academy that are reserved for deputies in field training because these positions do not need to be filled to achieve full staffing levels. However, it is not clear why the Department needs some of these positions if management does not expect to fill them. Further, Department management was unable to explain why one position in the County Government cost center was subtracted from vacancy totals, and we determined that vacancies held for seasonal staffing in Parks Patrol can be deleted with no impact to services, as noted in Section 3 on page 43. As shown in Figure 2.8 on page 32, the Sheriff's Office subtracted 46 positions from 111 vacant authorized positions, for a total of 65 vacant positions that the Department would need to fill to achieve full staffing levels. This number likely best reflects existing vacancies that impact service levels in the field.

The Personnel Division also produces biweekly internal reports on the number of authorized positions, and staff makes similar adjustments to the totals in this report. The Department had 513 authorized deputy sheriff positions in December 2017, but after subtracting 89 positions that do not have to be filled by enforcement deputies, Personnel reported an adjusted total of 424 authorized deputy sheriff positions.

The Department reported 22 vacancies in December 2017 in the internal biweekly vacancy report even though the Department could not reasonably expect this level of vacancies until July 2018 at the earliest. After subtracting positions that the Department does not need to fill to achieve full staffing levels, the Department subtracts the number of trainees and the number of deputy sheriff cadets (or recruits). For example, 33 deputy sheriff cadets were subtracted from the vacancy total even though these cadets would not graduate from the Academy (and be able to fill vacant positions) until July 2018. Staff reports that they subtract these positions so they do not over hire. As shown in Figure 2.8 on page 32, the Department subtracted 43 positions from the 65 vacant positions that the Department needs to fill for a total of 22 vacancies in December 2017. The Department reported 20 vacancies in November 2017 in its February 2018 report to the Board of Supervisors after making similar adjustments.

Figure 2.8 on page 32 shows the adjustments the Department makes to vacancies and authorized positions reported internally and to the Board of Supervisors on a quarterly basis. The number of vacancies reported by the Department to the Board of Supervisors' Public Safety and Justice Committee are derived from these same adjustments.

**Figure 2.8: The Sheriff's Vacancy and Authorized Positions Adjustments
as of December 31, 2017**

	Vacant Positions	Authorized Positions	Vacancy Rate
Total Positions	111	513	21.6%
Supernumerary, Seasonal, and Correctional Positions			
Personnel (900 Codes) ⁹	2	2	
County Government Center ¹⁰	1	N/A	
Academy ¹¹	30	40	
Parks Patrol (Seasonal) ¹²	8	8	
Transportation ¹³	5	39	
<i>Subtotal Supernumerary, etc.</i>	46	89	
Adjusted Positions (Total Minus Supernumerary, etc.)	65	424	15.3%
Recruits and Trainees (Subtracted from Vacancies Only)			
Deputy Sheriffs in Field Training ¹⁴	10	N/A	
Deputy Sheriff Cadets Positions Filled ¹⁵	33	N/A	
<i>Subtotal Recruits and Trainees</i>	43	N/A	
Adjusted Minus Recruits and Trainees	22	424	5.2%

Source: Auditors review of Authorized Positions and Vacancy Reports provided by the Personnel Division.

- 9 Two positions are reserved for deputies that are eligible for medical retirement but have not yet retired. These are only needed when the Department is fully staffed, as it allows the Department to fill positions that were vacated by these deputies.
- 10 Staff could not explain why this position is subtracted from vacancy totals. Although there are 7 deputy sheriff positions in this cost center, staff could not identify any that are supernumerary or seasonal. In addition, staff does not subtract any authorized positions from this cost center when reporting total adjusted authorized positions.
- 11 40 deputy positions in the Academy are primarily used for deputies in Field Training, but they may also be used for a few cadets in the Academy if the class exceeds 35 (there are 35 non-sworn positions reserved for Cadets in the Academy). Of the 40 positions, 31 are not funded. As of December 31, 2017, there were 30 vacant deputy positions in the Academy because 10 positions were filled by deputies in Field Training and no positions were filled by cadets in the Academy.
- 12 Eight deputy sheriff positions are subtracted from Parks Patrol during the Parks' off-season (Oct-Mar), and eight are subtracted from Headquarters Patrol during the high-season (Apr-Sept). We determine that these positions can be deleted with no impact to services, as noted in Section 3 on page 43.
- 13 39 correctional deputies are included in the Transportation Cost Center but are subtracted in the vacancy and positions reports for enforcement deputies. The five vacancies in this cost center are counted in the vacancy report for correctional deputies.
- 14 The ten deputies in field training will fill vacant positions after completing field training. There are typically 10-15 deputies in field training at any one time.
- 15 The 33 deputy sheriff cadets that graduate from the Academy will fill vacant positions after graduation in July 2018.

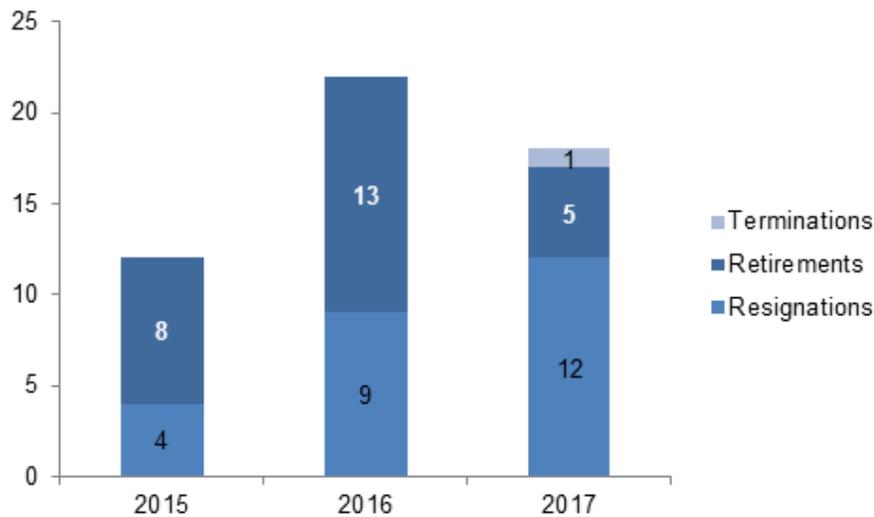
Projections of future vacancy levels do not account for attrition in the Department, the Academy, or Field Training

On February 21, 2018, Department management reported to the Board of Supervisors that they anticipate to be fully staffed by March 21, 2019. This forecast is based on two unrealistic assumptions: (1) that no sworn staff retires or resigns in the interim year and (2) that all recruits graduate from the Academy and successfully complete field training. Inaccurate vacancy tracking and projection can lead to poor long-term planning for hiring and recruitment. The Board of Supervisors should request that the Sheriff enhance the Department's quarterly report on vacancies to include attrition levels among sworn staff and recruits and assume non-zero levels of attrition among sworn staff, recruits, and trainees in projections of future vacancy levels.

Despite a steady stream of recruits and predicted decreases in vacancies by the Department, actual vacancy levels never dipped below 57—or 14.2 percent—between July 2015 and December 2017. In the third quarter of 2016, there were 25 recruits and nine trainees, and the Department predicted a future vacancy level of 23 FTEs—or 5.3 percent—once the recruits graduated from the Academy and the trainees completed field training. However, adjusted vacancy totals were not below 57—or 14.2 percent—in any of the four subsequent quarters as shown in Figure 2.7 on page 30.

The Department should adjust its assumptions based on analysis of attrition in the Department and the Academy. For example, if there are similar levels of attrition among sworn staff and recruits in 2018 as there were in 2017, the Department would have 29 additional vacancies in March 2019 compared to what was reported to the Board of Supervisors (assuming two classes of recruits graduate from the Academy). There were 18 separations among sworn staff in 2017, including retirements, resignations, and terminations. Additionally, two out of 27 recruits, or seven percent, did not graduate from the Academy in November 2017, and seven out of 25 trainees, or 28 percent, did not successfully complete field training.

Figure 2.9 on page 34 shows that resignations increased among sworn enforcement staff from four in 2015 to 12 in 2017. Retirements increased from eight in 2015 to 13 in 2016, but decreased to five in 2017.

Figure 2.9: Sworn Enforcement Staff Separations, 2015-2017

Source: Auditors summary of sworn enforcement staff separations provided by the Personnel Division

Retention strategies could be improved

Based on a review of the Department's retention efforts and an increase in sworn enforcement staff resignations, we determined that retention strategies could be improved. Inadequate employee retention strategies can lead to higher staff turnover and increased costs for hiring, recruitment, and training. The recommended departmental staffing plan should report on vacancy levels and attrition and clearly describe retention strategies to curb resignations.

The Department's retention efforts often occur in response to specific requests from employees or the Deputy Sheriff's Association rather than from a proactive strategic management approach. According to management staff, the Department's retention strategies for sworn staff include: (1) accommodating employee training requests to develop specialized skills based on interest; (2) providing equipment upgrades—as requested by the Deputy Sheriff's Association—that improve employee safety such as the installation of bullet panels in patrol cars; and, (3) offering a motivational speech on employee well-being.

To improve employee retention, best practice research recommends that law enforcement agencies conduct exit and "stay" interviews, or interviews with current employees to understand the reasons they stay with the organization, and integrate results into long-term planning.¹⁶ Additionally, agencies may conduct regular surveys to gauge employee job satisfaction and organizational commitment. Surveys should differentiate among groups, including women, minorities, generations, ranks, new employees, and near-retirees.

¹⁶ Wilson, Jeremy M., et al. Police Recruitment and Retention for the New Millennium: The State of Knowledge. RAND Corporation, 2010.

The Department could make better use of exit interviews to inform retention needs

The Department reports that personnel staff conducts exit interviews with employees that resign, but the Department does not appear to be using information collected from these interviews to inform retention strategies. We requested data on two key pieces of information on resignations that could inform retention strategies: (1) the organizations where employees that resigned were going; and (2) the reasons why employees resigned. Between 2015 and 2017, 25 sworn staff resigned, but the Department did not provide any data on the reasons why these employees resigned and only provided the organizations to which they were going for four out of 25 employees that resigned, or 16 percent. Some employees that resign may refuse to provide this information, but staff did not provide information on the number of employees that refused to provide information. A lack of readily available information on staff resignations indicates that the Department is not tracking or strategically using information collected from exit interviews. The Support Bureau Assistant Sheriff and Personnel Captain should enhance existing retention strategies based on exit interviews and consider allocating resources to implementing a survey of staff that are not resigning to inform retention strategies.

The Sheriff's Office has no strategic approach to evaluating need for sworn vs. civilian staff

Although civilianization is a best practice among law enforcement agencies, the Department does not have a civilianization policy, and Personnel staff does not regularly evaluate sworn enforcement positions to determine if any may be civilianized. Further, staff could not provide any examples of positions civilianized in the last three years or criteria used to assess the need for sworn versus civilian staff.

Civilianization refers to the practice of hiring civilian personnel to fill positions in law enforcement agencies that do not require the unique training, skills, and experience of sworn officers in order to maximize the number of sworn officers deployed for public safety duties. Generally, it is less expensive to hire civilians than it is to hire sworn staff due to lower training, salary, and benefit costs. For example, we estimate the difference in cost between hiring a Deputy and a Law Enforcement Clerk to be about \$94,910 in FY 2017-18 not including training costs, as shown in Figure 2.10 below.

Figure 2.10: Example of Estimated Difference Between Cost of Top-Step Sworn and Civilian FY 2017-18

	Salary	Fringe Benefits	Total
Deputy Sheriff	\$113,416	\$83,799	\$197,215
Law Enforcement Clerk	\$56,903	\$45,502	\$102,305
Difference	\$56,513	\$38,397	\$94,910

Source: Auditors analysis of Authorized Positions Report provided by the Personnel Division

While civilianization has become a widespread practice in law enforcement agencies across the country, there is no generally accepted guideline regarding the mix of sworn to civilian positions for maximizing operational effectiveness. Law enforcement agencies face unique considerations, such as budget constraints and community priorities, and services provided by agencies can vary. For example, some Sheriff's Departments may provide patrol or security services for other jurisdictions or agencies on a contract basis, while others may not.

To determine whether a position can be civilianized, law enforcement agencies commonly consider the following questions:¹⁷

1. Does the position require law enforcement powers (e.g. powers of arrests, use of force, carrying a firearm)?
2. Does the position require the skills, training, and experience of a sworn deputy to fulfill the job duties?
3. Can a trained civilian fulfill the requirements of the position?

A position is suitable for civilianization if the answer to the first two questions is "no," and the answer to the last question is "yes." In 2016, the Los Angeles City Controller identified the following functions and related positions in the Los Angeles Police Department and recommended that they be civilianized: (1) public front desks; (2) equipment rooms at police stations; (3) community/media relations; (4) crime analysis units at police stations; (5) regular and overtime timekeeping; (6) injured on duty and sick coordination; (7) training coordination; and, (8) Consent Decree auditing coordination.

The Board of Supervisors should adopt a policy requiring the Sheriff's Office to use civilian job classifications for assignments relating to administrative, support, and other functions where badged staff is not required, and request the Employee Services Agency to conduct a civilianization analysis of the Department.

¹⁷ Based on prior civilianization studies in Los Angeles and San Jose.

The Sheriff's Office had the lowest rate of civilian staff compared to peers in 2016

As of December 2017, approximately 26.2 percent of the Department's personnel are civilian and 73.8 percent are sworn as shown in Figure 2.11 below.

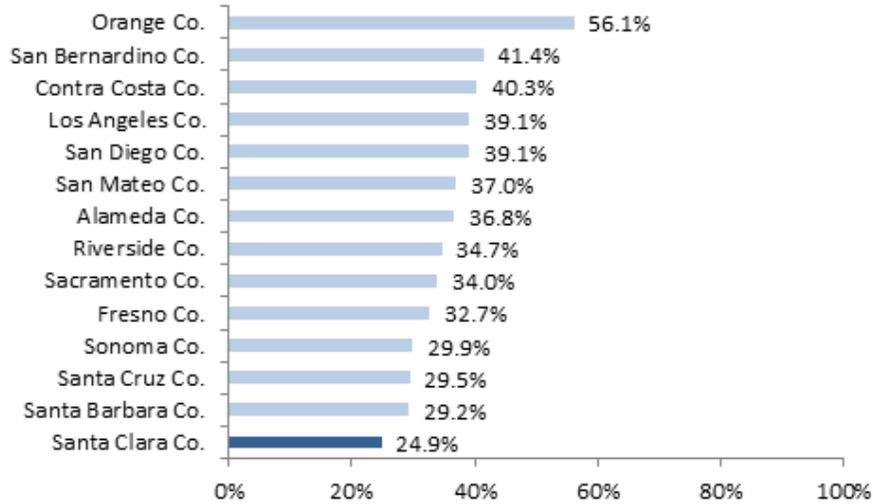
Figure 2.11: Sworn and Civilian Enforcement Personnel by Cost Center, December 2017

Cost Center	Sworn Personnel		Civilian Personnel		Total Personnel
	Number	Percent of Total Cost Center	Number	Percent of Total Cost Center	
<i>Patrol Cost Centers (4)</i>	238	94.3%	14.5	5.7%	252.5
Headquarters	90	96.8%	3	3.2%	93
West Valley	83	92.2%	7	7.8%	90
Transit	50	91.7%	4.5	8.3%	54.5
Parks	15	100.0%	0	0.0%	15
Court Services	178	87.3%	26	12.7%	204
Recruitment	42	56.8%	32	43.2%	74
<i>Investigations Cost Centers (3)</i>	54	83.1%	11	16.9%	65
Headquarters	47	81.0%	11	19.0%	58
West Valley	4	100.0%	0	0.0%	4
South County	3	100.0%	0	0.0%	3
Records	1	1.8%	55	98.2%	56
Transportation	42	100.0%	0	0.0%	42
Civil / Warrants	16	61.5%	10	38.5%	26
Identification Unit	0	0.0%	17	100.0%	17
Information Systems	0	0.0%	16	100.0%	16
Administration	5	33.3%	10	66.7%	15
Accounting	0	0.0%	15	100.0%	15
Personnel	5	38.5%	8	61.5%	13
Special Operations	13	100.0%	0	0.0%	13
Training	5	50.0%	5	50.0%	10
Internal Affairs	8	88.9%	1	11.1%	9
County Government Center	7	100.0%	0	0.0%	7
VMC Protective Services	5	100.0%	0	0.0%	5
Range	2	66.7%	1	33.3%	3
Custodial Alternative Supervision Unit	3	100.0%	0	0.0%	3
Watch Commanders	2	100.0%	0	0.0%	2
Regional Auto Theft Task Force	1	50.0%	1	50.0%	2
Stanford	1	100.0%	0	0.0%	1
Total	628	73.8%	222.5	26.2%	850.5

Source: Auditors review of Authorized Positions Report provided by the Personnel Division

In 2016, Santa Clara County had the lowest rate of civilian staff compared to peers. Peer counties had a median of 35.7 percent civilian staff and 64.3 percent sworn staff and an average of 36.1 percent civilian staff and 63.9 percent sworn as shown in Figure 2.12 below and Figure 2.13 on page 39. Bringing Santa Clara County up to the median rate of civilian staff (35.7 percent) would require civilianizing 81 sworn positions and would generate approximately \$6.0 million in annual salary and benefits savings.¹⁸

Figure 2.12: Percent Civilian Personnel in Peer Counties, 2016



Source: Auditors analysis based on California Department of Justice, "Law Enforcement Personnel" data

¹⁸ Calculated as the difference in average compensation between sworn and civilian personnel (\$201,821 minus \$128,254 equals \$73,567) times 81 civilianized positions, for an estimated \$5,958,899 in annual savings. Estimate assumes no change in total FTEs.

Figure 2.13: Sworn and Civilian Enforcement Personnel in Peer Counties, 2016

Jurisdiction	Sworn Personnel		Civilian Personnel		Total Personnel
	Number	Percent of Total	Number	Percent of Total	
Orange County	1,032	43.9%	1,321	56.1%	2,353
San Bernardino County	1,194	58.6%	844	41.4%	2,038
Contra Costa County	299	59.7%	202	40.3%	501
Los Angeles County	6,639	60.9%	4,258	39.1%	10,897
San Diego County	1,370	60.9%	878	39.1%	2,248
San Mateo County	243	63.0%	143	37.0%	386
Alameda County	559	63.2%	325	36.8%	884
Riverside County	1,620	65.3%	862	34.7%	2,482
Sacramento County	700	66.0%	360	34.0%	1,060
Fresno County	395	67.3%	192	32.7%	587
Sonoma County	232	70.1%	99	29.9%	331
Santa Cruz County	134	70.5%	56	29.5%	190
Santa Barbara County	254	70.8%	105	29.2%	359
Santa Clara County*	495	75.1%	164	24.9%	659
Median	527	64.3%	264	35.7%	772
Average	1,083	63.9%	701	36.1%	1,784

Source: Auditors analysis based on California Department of Justice, "Law Enforcement Personnel" data

*According to California Open Justice data, the number of funded non-custody positions for the Santa Clara County Sheriff's Office is 659, and of these 24.9% are civilian positions. This is 1.3 percentage points lower than our calculation of percent civilian positions (26.2%). Santa Clara County has the lowest rate of percent civilian positions among peers using either figure. See note in Figure 2.5 on page 27 for more detail on this discrepancy.

Attrition could be strategically used to civilianize positions

To address current and future staffing needs, the Sheriff's Office should civilianize positions that do not require the expertise of sworn enforcement deputies and reassign the affected staff to more appropriate enforcement assignments in the Department. Once suitable positions have been identified, attrition can be strategically used to civilianize over time by: (1) transferring sworn officers currently in non-enforcement (civilianize-able) positions to enforcement positions as sworn staff retire or leave the Department; and (2) hiring civilians to fill the positions vacated by sworn officers in non-enforcement positions.

CONCLUSION

The Sheriff and her command staff do not regularly evaluate staffing levels based on Department needs. As a result, sworn and civilian staff may be allocated inefficiently within the Department and division performance may be impaired. The Department has consistently had high vacancy rates, which are underreported by Department staff both internally and to the Board of Supervisors. Additionally, the Department has not prioritized retention strategies in its efforts to reduce vacancies, which may lead to increased staff resignations as well as increased costs for recruitment, hiring, and training. The Department should establish the foundation of regular staffing analyses and continued efforts to decrease vacancies through recruitment and retention strategies.

RECOMMENDATIONS

The Sheriff should:

- 2.1 Direct the Support Bureau Assistant Sheriff and Personnel Captain to develop and implement a departmental staffing plan for FY 2020-21 and update it annually. The staffing plan should evaluate staffing levels in each division based on Department needs. The plan should also report on vacancy levels and attrition and clearly describe retention strategies to curb resignations. The staffing plan should align with the Department's budget requests. (Priority 2)
- 2.2 Direct the Support Bureau Assistant Sheriff and Personnel Captain to enhance existing retention strategies based on exit interviews. Consider allocating resources to implement a survey of staff that are not resigning to inform retention strategies. (Priority 2)
- 2.3 Direct the Personnel Captain to clearly distinguish current vacancy levels from predicted future vacancy levels in both internal reporting and external reporting to the Board of Supervisors. (Priority 2)

The Board of Supervisors should:

- 2.4 Adopt a policy requiring the Sheriff's Office to use civilian job classifications for assignments relating to administrative, support, and other functions where badged staff is not required. (Priority 1)
- 2.5 Request that the Sheriff enhance the quarterly report to the Public Safety and Justice Committee on vacancies and recruitment to:
 - i. Distinguish current vacancy levels from predicted future vacancy levels;
 - ii. Clearly show and explain any adjustments that have been made by the Department to vacancy levels;
 - iii. Report on attrition levels among sworn staff and recruits; and,
 - iv. Assume that attrition levels will be greater than zero among sworn staff, recruits, and trainees in projections of future vacancy levels. (Priority 2)

The Employee Services Agency should:

- 2.6 Conduct a civilianization analysis of the Sheriff's Department. Bringing the Sheriff's Office use of civilian staff in line with peer agencies would require civilianizing 81 sworn positions. (Priority 1)

SAVINGS, BENEFITS, AND COSTS

Recommendation 2.4 and 2.5 would result in substantial salary and benefits savings. Bringing Santa Clara County up to the median rate of civilian staff (35.7 percent) among peer counties would require civilianizing 81 sworn positions and generate approximately \$6.0 million in annual salary and benefits savings. Recommendations 2.3, 2.4, and 2.5 are feasible within the County's existing budget allocations. Implementation of Recommendations 2.1 and 2.2 could require modest additional effort by staff in the Personnel Division although we do not believe this impact is substantial enough to warrant additional staffing. Regular staffing analyses could lead to a more efficient allocation of staff resources and improve the effectiveness of the Sheriff's Office. Enhanced retention efforts can reduce hiring costs over time and lead to higher levels of job satisfaction among staff.

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Section 3: Sheriff's Patrol Staffing

Background

The Sheriff's Office is responsible for patrol services for unincorporated areas in Santa Clara County and also provides patrol services on a contract basis for other agencies and jurisdictions, including the Parks and Recreation Department, the Santa Clara Valley Transportation Authority, the City of Cupertino, the Town of Los Altos Hills, and the City of Saratoga. The Department's patrol services are divided among four divisions: (1) Headquarters Patrol; (2) West Valley Patrol; (3) Transit Patrol; and, (4) Parks Patrol. There were 252.5 full-time equivalent (FTE) authorized positions in the four patrol divisions as of December 2017.

Problem, Cause, and Adverse Effect

Although a workload-based staffing approach is a best practice for patrol services, the Department uses a minimum staffing approach in the Headquarters and West Valley Patrol Divisions whereby supervisors and command staff estimate the minimum number of patrol deputies that must be deployed at any one time to provide adequate protection to the public and maintain officer safety based on perceived need rather than actual workload demand. Staffing levels were established decades ago, are not systematically re-evaluated, and do not reflect differences in calls for service volume by time of day and day of week. In addition, the Department does not have response time goals for calls for service in all patrol areas and also does not have a defined expectation of how much time patrol deputies will spend responding to calls for service compared to other patrol duties. Staff may be allocated inefficiently within the patrol divisions and division performance, including response times and crime deterrence, may be impaired. Further, minimum staffing levels that are set above what would be warranted based on workload can increase overtime costs as patrol divisions often backfill positions using overtime to maintain the minimum requirement.

Recommendations

The Sheriff's Office should: (1) develop a staffing plan using a workload-based approach; (2) establish response time goals for calls for service in all patrol divisions; (3) eliminate six unneeded positions from the non-custody budget; and, (4) reduce sworn staff response to minor crimes that are not in progress.

Savings, Benefits, and Costs

Implementation of these recommendations could lead to a more efficient allocation of staff resources, improve the effectiveness of the patrol divisions within existing resource constraints, and reduce overtime costs. Deletion of unneeded positions would result in on-going savings to the General Fund of approximately \$1,183,290 per year. Further, the effectiveness of existing patrol staff could be improved and General Fund net value in the Sheriff's Office increased by an estimated \$357,842 per year by offering online and telephone crime reporting rather than using sworn staff in the field to take reports.

BACKGROUND

The Sheriff's Office is responsible for patrol services for unincorporated areas in Santa Clara County and also provides patrol services on a contract basis for other agencies and jurisdictions, including the Parks and Recreation Department, the Santa Clara Valley Transportation Authority (VTA), the City of Cupertino, the Town of Los Altos Hills, and the City of Saratoga. The Department's patrol services are divided among four divisions:

1. Headquarters Patrol;
2. West Valley Patrol;
3. Transit Patrol; and
4. Parks Patrol.

Figure 3.1 below describes each division's jurisdiction.

Figure 3.1: Jurisdiction in Four Patrol Divisions

Headquarters	West Valley	Transit	Parks
<ul style="list-style-type: none"> • Unincorporated San Jose (East and Central) • Unincorporated South County and San Martin <p><u>Gavilan College Contract*</u></p>	<ul style="list-style-type: none"> • Unincorporated San Jose (West) <p><u>Contract Cities</u></p> <ul style="list-style-type: none"> • Cupertino • Los Altos Hills • Saratoga 	<p><u>VTA Contract</u></p> <ul style="list-style-type: none"> • VTA facilities and properties • Buses • Light rail vehicles • BART transit facilities and properties 	<p><u>Parks Dept Contract</u></p> <ul style="list-style-type: none"> • County Parks

Source: Auditors' review of patrol contracts

*The Gavilan College contract includes one full time deputy who works as a school resource officer.

There were 252.5 full-time equivalent (FTE) authorized positions in the four patrol divisions as of December 2017. In addition to Headquarters staff, the Headquarters' Captain and Lieutenants oversee the deputies and sergeant in the Parks Division. The 14 deputies in Parks include six regular deputies and eight seasonal deputies during the Parks' high season (April through September).¹⁹ Figure 3.2 on page 45 shows staffing levels in each division as of December 2017. The Department is compensated by the Parks Department and VTA based on the number of FTEs assigned to those contracts and is compensated by the contract cities based on staff hours worked in each of the contract cities. Deputies assigned to patrol work either four 10-hour shifts (i.e. "10 plan") or three 12.5 hour shifts (i.e. "12 plan") per week.

¹⁹ Parks Patrol staffing was reduced in Spring 2018 to reflect a negotiated reduction in patrol service levels with the Parks and Recreation Department, as described later in this section.

Figure 3.2: Patrol Positions by Patrol Division, December 2017

Positions	Headquarters	West Valley	Transit	Parks*	Total
Deputies	77.0	73.0	42.0	14.0	206.0
Sergeants	10.0	8.0	6.0	1.0	25.0
Lieutenants	2.0	1.0	1.0		4.0
Captains	1.0	1.0	1.0		3.0
Civilians	3.0	7.0	4.5		14.5
Total	93.0	90.0	54.5	15.0	252.5

Source: Auditors' review of authorized positions report provided by the Personnel Division

*Parks Patrol Staffing was reduced in Spring 2018 to reflect a negotiated reduction in patrol service levels with the Parks and Recreation Department, as described later in this section.

FINDING

Staffing levels were established decades ago and are not systematically re-evaluated

The Department reports that calls for service data, area of coverage, response times, and officer safety are considered in determining patrol staffing levels, but the Department could not provide any data or reports that show how these considerations are reflected in staffing levels. Further, staffing levels were established decades ago and are not systematically re-evaluated, although they may change in contract patrol areas, including West Valley contract cities, VTA, and Parks as part of the contract renewal process. These changes may reflect desired changes in service area or level of service. For example, additional deputies were added to the VTA contract in 2017 in anticipation of the new Milpitas and Berryessa BART stations, which were scheduled to open by the end of 2018, but will likely open in 2019 due to project delays.²⁰

²⁰ The Transit Patrol Division conducted a staffing evaluation in advance of the contract change and recommended the addition of 28.5 FTEs, including 21 deputies, due in part to a 33 percent increase in calls for service between 2014 and 2015, as well as the increase in service area. However, it is unclear how the exact number of deputies added was determined.

Although a workload-based staffing approach is a best practice for patrol services, the Department uses a minimum staffing approach in the Headquarters and West Valley Patrol Divisions whereby supervisors and command staff estimate the minimum number of patrol deputies that must be deployed at any one time to provide adequate protection to the public and maintain officer safety based on perceived need rather than actual workload demand.²¹ As a result, too few deputies may be deployed when workload is high and too many deputies may be deployed when workload is low and division performance, including response times for calls for service, may be impaired. Additionally, a minimum staffing approach can increase demands for overtime if minimum staffing levels are higher than what would be warranted based on workload. If staffing falls below minimum staffing requirements, patrol divisions typically use overtime to backfill staff in order to meet the minimum requirement. This practice is costly and may not reflect the needs of the Department.

In contrast, a workload-based approach—the preferred approach by experts in the field and professional organizations²²—incorporates actual workload demand, such as calls for service, based on historical data and reflects the agency's policy priorities, such as how much time patrol staff should spend responding to calls for service and how much time patrol staff should spend on crime deterrent efforts, or efforts to prevent crimes before they occur such as patrolling high-crime areas. The cities of Chicago, Dallas, and Portland all use the recommended workload-based approach to determine patrol staffing. Advantages of the workload-based approach include efficient allocation of staff resources that reflect an agency's policy priorities and may result in overtime savings compared to a minimum staffing approach. Disadvantages of the workload-based approach are that there are no universal standards for conducting the analysis and designing the model requires extensive data and complex calculations. Additionally, the use of consultants and software to facilitate this process can be expensive.

Staffing levels across patrol divisions do not reflect differences in calls for service volume

Call volume per deputy varied widely across patrol divisions in 2017, which indicates that workload varies across patrol divisions and that staffing levels may need to be reevaluated. The West Valley Division had the highest call volume in 2017, 20,046 calls for service,²³ and the highest call volume per deputy (FTE)—339.8 calls per deputy. Parks Patrol had the lowest call volume, 240 calls for service, and call volume per deputy, 17.1 calls per deputy. Call volume per deputy in each of the four patrol divisions in 2017 are shown in Figure 3.3 on page 48, and definitions of law enforcement event priorities are shown in Figure 3.4 on page 49.

Although we would expect Headquarters Patrol to have fewer calls per deputy compared to West Valley Patrol because Headquarters Patrol covers a much larger geographic area (including large rural areas) compared to West Valley and deputies assigned to Headquarters must travel a longer distance on average to each call compared to deputies assigned to West Valley, the degree of difference between the two patrol divisions suggests that workload differs in the two areas. West Valley Patrol received 55 percent more calls per deputy than Headquarters Patrol in 2017 (339.8 calls per deputy

21 Wilson, Jeremy M. and Alexander Weiss. *A Performance-Based Approach to Police Staffing and Allocation*. Office of Community Oriented Policing Services, U.S. Department of Justice and Michigan State University, 2012.

22 The Commission on Accreditation for Law Enforcement Agencies (CALEA) and the International City/County Management Association (ICMA) support the workload-based approach

23 Excludes officer initiated events and traffic incidents.

in West Valley compared to 218.8 calls per deputy in Headquarters). This does not necessarily mean that Headquarters is overstaffed or that West Valley is understaffed as we expect that deputies spend time on activities other than responding to calls for service, such as administrative tasks (e.g. report writing) and crime deterrent efforts. Deputies assigned to Headquarters may spend a smaller percentage of their time responding to calls for service compared to deputies assigned to West Valley and may therefore spend a larger percentage of their time on crime deterrent efforts compared to deputies assigned to West Valley.

Department management reports there is no set expectation on how much time patrol deputies will spend responding to calls for service compared to other patrol duties, which makes it difficult to assess staffing levels across divisions. A lack of clear policy priorities for patrol staff can result in suboptimal time spent on crime deterrent efforts and staffing levels that do not align with policy priorities.

Figure 3.3: Calls for Service Volume per Deputy, 2017

Deputies	Total Authorized Deputies (FTEs)	Traffic or Special Assignment Deputies ²⁴	Total Authorized Minus Special Assignment
Headquarters	77	2	75
Parks	14	-	14
Transit	42	9	33
West Valley	73	14	59
Total	206	25	181

Call Volume	Priority 1*	Priority 2	Priority 3	Priority 4	Total** (Priority 1-4)
Headquarters	94	6,058	8,321	1,936	16,409
Parks	-	107	114	19	240
Transit	33	3,611	1,922	307	5,873
West Valley	104	9,425	9,034	1,483	20,046
Total	231	19,201	19,391	3,745	42,568

Calls per Deputy	Priority 1	Priority 2	Priority 3	Priority 4	Total (Priority 1-4)
West Valley	1.8	159.7	153.1	25.1	339.8
Headquarters	1.3	80.8	110.9	25.8	218.8
Transit	1.0	109.4	58.2	9.3	178.0
Parks	-	7.6	8.1	1.4	17.1
Total	1.3	106.1	107.1	20.7	233.9

Source: Auditors analysis of Computer Aided Dispatch (CAD) data provided by County Communications

*See explanation of law enforcement event priorities below and in Figure 3.4 on page 49

**Excludes 3,379 calls for service assigned to traffic or special assignment deputies

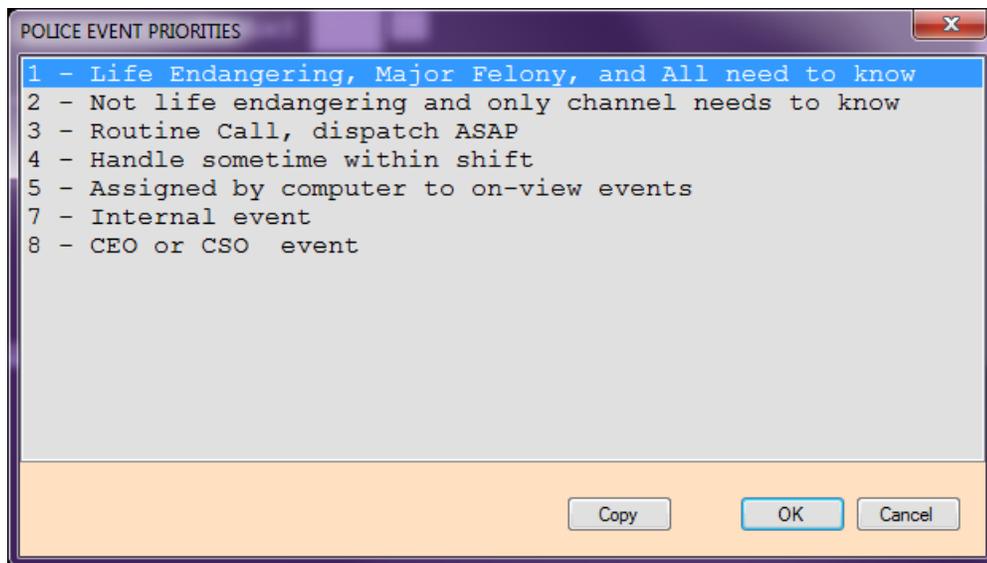
Law Enforcement Event Priorities and Methodology

The dispatcher assigns each call for service a priority number. Priority 1 calls are the most serious events and are defined as "life endangering" events or major felony in progress. Priority 5 events include vehicle stops and pedestrian stops, as well as other events that may be initiated by deputies when they are not responding to other calls for service. We excluded these events, of which there were 78,306 in 2017, from our analysis because they are correlated with staffing levels—higher staffing levels likely result in more Priority 5 events—and may not necessarily inform staffing needs. We also excluded 1,255 traffic incidents, such as car accidents, and 2,124 calls for service

²⁴ Traffic and special assignment deputies include: 1 deputy in Headquarters Patrol assigned to the Gavilan College Contract; 9 deputies in Traffic patrol (1 traffic deputy, 2 detectives, 3 deputies that respond to incidents on trains, and 3 deputies that patrol the Transit Mall in downtown San Jose); and 14 deputies in West Valley Patrol (10 traffic deputies and 4 school resource officers).

that were assigned to special assignment deputies, such as deputies that respond to incidents on trains in the Transit Patrol Division, to allow for better comparison across patrol divisions. Deputies assigned to West Valley Patrol respond to traffic incidents in the contract cities, but the California Highway Patrol responds to traffic incidents in the unincorporated County. In total, we excluded 3,379, or 7.4 percent, of Priority 1 through 4 calls for service. We assigned calls for service to patrol divisions based on the first unit originally assigned to the call by dispatch as recommended by the County Communications Department. Additionally, we assigned West Valley calls to one of the three contract cities or the unincorporated County based on the Sheriff's beat.

Figure 3.4: Law Enforcement Event Priorities



Source: County Communications

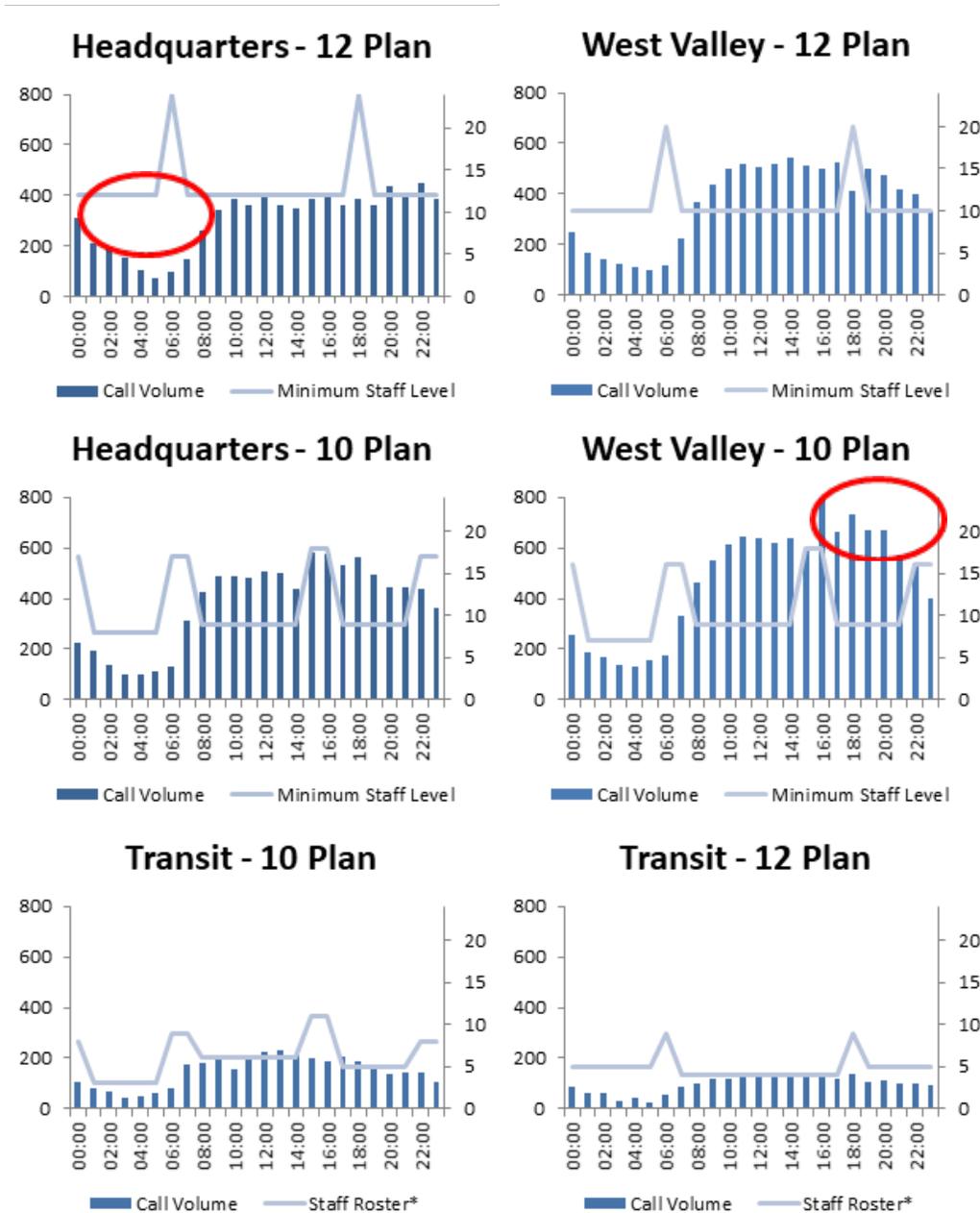
Minimum staffing levels in Headquarters and West Valley do not reflect differences in calls for service volume by time of day and day of week

Analysis of calls for service volume by time of day and day of week indicate that minimum staffing levels could be adjusted to better reflect variation in workload throughout the day. Minimum staffing levels that are above what may be warranted based on workload increase demands for overtime as patrol divisions typically use overtime to backfill when available staff resources fall below the minimum. The Transit Patrol Division does not have a minimum staffing requirement, but the contract with VTA requires that the Division backfill positions after a deputy is vacant for 30 days.

Despite fluctuations in call volume by time of day, Headquarters Patrol and West Valley Patrol have the same minimum staffing levels in each hour on 12 plan days—Saturdays, Sundays, and Mondays. Additionally, minimum staffing levels are relatively consistent in each hour on 10 plan days—Tuesdays, Wednesdays, Thursdays, and Fridays—in the Headquarters and West Valley Patrol Divisions despite large variation in call volume by time of day. This indicates that minimum staffing levels may need to be adjusted on 12 plan days and 10 plan days in the two divisions. Figure 3.5 on page 50 shows minimum staffing levels and call volume in Headquarters, West Valley, and Transit.

It should be noted that the Headquarters and West Valley Divisions have more than the minimum number of deputies assigned to each shift, but some shifts have more additional deputies above the minimum staffing requirement than others. For example, there were 12 deputies assigned to the West Valley 10 plan shift from 3:00 PM to 1:00 AM in October 2017, which is three more than the minimum staffing requirement for that shift. In contrast, there were eight deputies assigned to the West Valley 10 Plan shift from 10:00 PM to 8:00 AM, which is one more than the minimum staffing requirement for that shift.

Figure 3.5: Calls for Service Volume and Minimum Staffing Levels by Patrol Division, 2017



Source: Auditors analysis of CAD data provided by County Communications, Transit Org Chart Oct 2017

*Transit staff levels in charts reflect patrol and BART deputies, excluding vacation relief positions.

West Valley Patrol met their goals for response times in contract cities for 85 percent of Priority 1-3 calls in 2017, but other areas do not have defined goals

According to Sheriff management, the Department has response time targets for the three contract cities in the West Valley Patrol Division for Priority 1, 2, and 3 calls for service, but it does not have targets for the other three patrol divisions or for the unincorporated County in the West Valley Patrol Division. Management reports that they do not have targets in these areas because these areas are larger in terms of geographic area and realistic targets that reflect this geographic difference and existing staffing levels may be high. Without targets in these areas, Sheriff management cannot track division performance or determine if staffing changes are required to achieve adequate response times.

Despite having a larger geographic area than West Valley, Headquarters Patrol's average response times, or the time it takes for a deputy to arrive at the scene once they are dispatched by County Communications, were only slightly higher compared to those of West Valley Patrol. The average response time for Priority 1 calls, which are defined as "life endangering" events or major felony in progress, was 7.1 minutes for all patrol divisions in 2017. Response times by patrol division are shown in Figure 3.6 below.

Figure 3.6: Average Response Times for Calls for Service, 2017

Patrol Division	Priority 1	Priority 2	Priority 3	Priority 4	Total (Priority 1-4)
Headquarters	7.5	8.8	10.7	8.2	9.7
Parks	N/A	14.4	19.2	23.5	17.3
Transit	7.7	10.1	13.2	10.1	11.1
West Valley	6.6	8.2	10.3	7.5	9.2
Total	7.1	8.8	10.8	8.2	9.7

Source: Auditors analysis of CAD data provided by County Communications

West Valley Patrol met their goals for response times in contract cities for 85 percent of Priority 1, 2, and 3 calls in 2017, but performance varied by city. West Valley Patrol met their goals for 58.0 percent of calls in Los Altos Hills, 84.7 percent of calls in Cupertino, and 94.0 percent of calls in Saratoga, where response time targets are highest. Figure 3.7 on page 52 shows the average response times in the three contract cities in the West Valley Patrol Division, and Figure 3.8 on page 52 shows the percentage of calls that met the Department's goal for response time. We could not assess the performance in other patrol areas because they do not have defined goals.

Figure 3.7: West Valley Average Response Times (Minutes) in Contract Cities, 2017

		Cupertino	Los Altos Hills	Saratoga
Priority 1	Goal	5.0	6.0	9.0
	Actual	6.6	8.2	4.8
	Difference	1.6	2.2	(4.2)
Priority 2	Goal	9.0	10.0	14.0
	Actual	6.7	12.7	7.5
	Difference	(2.3)	2.7	(6.5)
Priority 3	Goal	20.0	20.0	25.0
	Actual	9.0	13.9	9.3
	Difference	(11.0)	(6.1)	(15.7)

Source: Auditors analysis of CAD data provided by County Communications

Figure 3.8: West Valley Response Times* Compared to Goal in Contract Cities, 2017

		Cupertino	Los Altos Hills	Saratoga	Total
Priority 1	Calls That Meet Target	26	3	22	51
	Calls Above Target	35	4	2	41
	Total Calls	61	7	24	92
	Percent That Meet Target	42.6%	42.9%	91.7%	55.4%
Priority 2	Calls That Meet Target	2,871	296	2,221	5,388
	Calls Above Target	922	466	193	1,581
	Total Calls	3,793	762	2,414	6,969
	Percent That Meet Target	75.7%	38.8%	92.0%	77.3%
Priority 3	Calls That Meet Target	4,035	483	1,873	6,391
	Calls Above Target	294	97	70	461
	Total Calls	4,329	580	1,943	6,852
	Percent That Meet Target	93.2%	83.3%	96.4%	93.3%
Priority 1-3	Calls That Meet Target	6,932	782	4,116	11,830
	Calls Above Target	1,251	567	265	2,083
	Total Calls	8,183	1,349	4,381	13,913
	Percent That Meet Target	84.7%	58.0%	94.0%	85.0%

Source: Auditors analysis of CAD data provided by County Communications

*Response times calculated for calls responded to by a West Valley Patrol unit only and do not include calls where no unit arrived or calls responded to by a unit from a different patrol division

There is no calculated relief factor to ensure coverage when staff is on leave; No basis provided for the number of vacation relief positions

Each patrol division has designated "vacation relief" positions to provide coverage when staff is on leave, but management could not provide a basis for the number of vacation relief positions. The U.S. Department of Justice recommends that law enforcement agencies calculate a shift-relief factor based on benefit time and training requirements to estimate the number of deputies that should be assigned to each shift to ensure that a sufficient number are working each day.²⁵ For example a shift-relief factor of 1.5 means that one-and-one-half deputies must be assigned to each shift to ensure that one deputy is working on a given day under certain leave assumptions. Calculating a shift-relief factor as part of a workload based staffing approach is critical to ensure appropriate staffing and minimize overtime costs. The Department's vacation relief positions may not be used to calculate the shift-relief factor because some shifts have more than the minimum staffing requirement in excess of designated vacation relief positions. For example, there were 12 deputies assigned to the West Valley 10 plan shift from 3:00 PM to 1:00 AM in October 2017, which is three more than the minimum staffing requirement, and only one of those three was a designated vacation relief deputy.

The number of vacation relief deputies per regular deputy varies by division and indicates that the number of vacation relief positions per division should be reevaluated. There are a total of 21 vacation relief deputies and 185 regular (non-vacation relief) deputies in the four patrol divisions, or a ratio of one vacation relief deputy per 9.3 regular deputies, as shown in Figure 3.9 below. However, Headquarters Patrol has more than three times the number of vacation relief deputies compared to West Valley Patrol despite having a similar number of regular deputies. Headquarters has 64 regular deputies and 13 vacation relief deputies, or a ratio of one vacation relief deputy per 4.9 regular deputies, and West Valley has 68 regular deputies and 5 vacation relief deputies, or a ratio of one vacation relief deputy per 13.6 regular deputies.

Figure 3.9: Vacation Relief Deputies, October 2017

Patrol Division	Total Authorized Deputies (FTEs)	Regular Deputies (Non-Vacation Relief)	Vacation Relief Deputies	Ratio of Vacation Relief to Regular Deputies
Headquarters	77	64	13	1 vacation relief per 4.9 regular
Parks	14	14	0	N/A
Transit	42	39	3	1 vacation relief per 13 regular
West Valley	73	68	5	1 vacation relief per 13.6 regular
Total	206	185	21	1 vacation relief per 9.3 regular

Source: Auditors review of authorized positions report provided by the Personnel Division and rosters provided by patrol captains in October 2017

²⁵ Wilson, Jeremy M. and Alexander Weiss. A Performance-Based Approach to Police Staffing and Allocation. Office of Community Oriented Policing Services, U.S. Department of Justice and Michigan State University, 2012.

According to interviews with relevant staff, eight of the 13 vacation relief deputies were assigned to Parks during the Parks' high-season (April through September). Thus, from April through September there were five vacation relief deputies assigned to Headquarters Patrol, or a ratio of one vacation relief deputy per 12.8 regular deputies, and from October through March, there were 13 vacation relief deputies assigned to Headquarters, or a ratio of one vacation relief deputy per 4.9 regular deputies. Headquarters Patrol had a harder time backfilling positions when staff is on leave during the Parks' high-season. Staff also reported that the Department had used eight of Headquarters Patrol's vacation relief deputies to fill the eight seasonal positions in Parks Patrol for the last several years, but the Department previously pulled staff from multiple divisions to fill these positions, so the impact of losing eight deputies was spread out across several divisions. Parks Patrol staffing was reduced in Spring 2018 to reflect a negotiated reduction in patrol service levels with the Parks and Recreation Department, as described later in this section. As of June 2018, the contract included four seasonal deputies, down from eight, which reduces the impact of Parks Patrol seasonal staffing on Headquarters Patrol.

In FY 2017-18, the four patrol divisions incurred approximately \$4.8 million in overtime costs, which represents 9.4 percent of total personnel costs for the four divisions. As shown below in Figure 3.10, the Headquarters Patrol Division had higher overtime costs in FY 2017-18 as a percentage of total personnel costs (12.0 percent) compared to the other patrol divisions. Minimum staffing levels and vacation relief positions should be reevaluated in each patrol division to minimize overtime costs.

Figure 3.10: Overtime as a Percent of Total Personnel Costs, FY 2017-18

Patrol Division	Total Personnel Costs	Overtime Costs	Overtime, Percent of Total Personnel Costs
Headquarters	\$20,684,311	\$2,474,360	12.0%
Parks	\$2,630,891	\$223,290	8.5%
Transit	\$8,033,777	\$598,152	7.4%
West Valley	\$19,301,641	\$1,483,805	7.7%
Total	\$50,650,621	\$4,779,608	9.4%

Source: Budget data provided by Department

6.0 FTE deputy positions can be deleted from the Non-Custody budget to reflect contracted service levels and seasonal staffing in Parks Patrol

We determine that 6.0 FTE deputy positions should be deleted from the Non-Custody budget for additional on-going savings of \$1,183,290, including 2.0 FTEs that should be deleted to reflect a negotiated service reduction with the Parks and Recreation Department in Spring 2018 and 4.0 FTEs that should be deleted to reflect how the Department provides seasonal staffing in the Parks Patrol.

FY 2018-19 Patrol Service Reduction for County Parks

The Santa Clara County Adopted Budget for FY 2018-19 eliminated 5.0 vacant FTE positions from the Non-Custody budget to reflect a negotiated service reduction with the Parks and Recreation Department but we determine that an additional 2.0 vacant FTE positions may be deleted for additional on-going savings of \$394,430. These positions may be deleted with no impact to service levels or reimbursement agreed upon in the FY 2018-19 contract as discussed below.

The Parks and Recreation Department FY 2017-18 contract with the Sheriff's Office included six year-round deputies (6.0 FTEs) and eight seasonal deputies (8 x 0.5 FTE = 4.0 FTEs) to provide additional support for half the year during the Parks' high-season (April through September), for a total of 10.0 FTE deputy positions. The Parks and Recreation Department reimbursement to the Sheriff's Office for FY 2017-18 was based on 10.0 FTE deputy positions, but the Non-Custody budget included salaries and benefits for 14.0 FTE deputy positions (6.0 FTE year-round deputies and 8.0 FTE seasonal deputies) because the seasonal deputies are budgeted as 1.0 FTE instead of 0.5 FTE. According to the Department, the seasonal deputy positions are budgeted as 1.0 FTE because they cannot hire a deputy for only one-half of the year.

The Parks and Recreation Department and the Sheriff's Office agreed to reduce patrol service levels to the County Parks in Spring 2018. The FY 2018-19 contract included three year round deputies (a reduction of 3.0 FTE) and four seasonal deputies (a reduction of four deputies for a reduction of 2.0 FTE) for a total reduction of 5.0 FTEs (3.0 FTEs + 4 x 0.5 FTE). Reimbursement to the Sheriff's Office was reduced by 5.0 FTEs to reflect this change, and the Department deleted 5.0 FTEs from the Non-Custody budget. However, an additional 2.0 FTEs should have been deleted from the Non-Custody budget for a total of 7.0 FTEs deleted because the four seasonal positions deleted were budgeted as 1.0 FTE each instead of 0.5 FTE as shown in Figure 3.11 on page 56.

Figure 3.11: Reduction in Parks Patrol Deputy Sheriff Positions for FY 2018-19

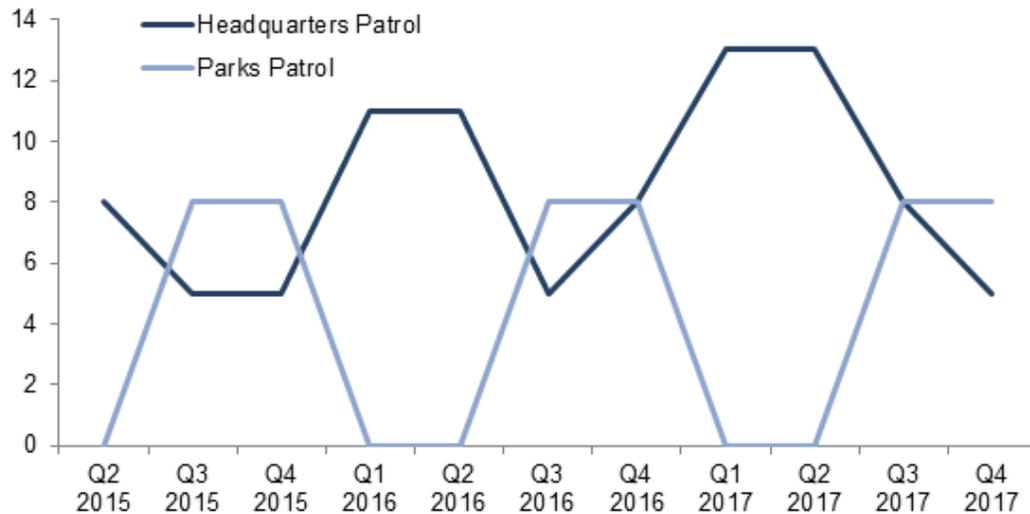
Deputy	FY 2017-18		FY 2018-19	
	Parks Contract	Sheriff Non-Custody Budget	Parks Contract	Sheriff Non-Custody Budget
Deputy Year-round 1	1.0	1.0	1.0	1.0
Deputy Year-round 2	1.0	1.0	1.0	1.0
Deputy Year-round 3	1.0	1.0	1.0	1.0
Deputy Year-round 4*	1.0	1.0	<i>deleted</i>	
Deputy Year-round 5*	1.0	1.0		
Deputy Year-round 6*	1.0	1.0		
Deputy Seasonal 1	0.5	1.0	0.5	1.0
Deputy Seasonal 2	0.5	1.0	0.5	1.0
Deputy Seasonal 3	0.5	1.0	0.5	1.0
Deputy Seasonal 4	0.5	1.0	0.5	1.0
Deputy Seasonal 5*	0.5	1.0	<i>deleted</i>	
Deputy Seasonal 6*	0.5	1.0		
Deputy Seasonal 7*	0.5	1.0		
Deputy Seasonal 8*	0.5	1.0		
Total	10.0	14.0	5.0	7.0
		<i>FY 2018-19 Total Change</i>	<i>(5.0)</i>	<i>(7.0)</i>

Source: FY 2018 and 2019 Law Enforcement Rates for Parks Patrol and authorized positions reports from the Department

Staffing of seasonal deputy positions in Parks Patrol

In addition to the 2.0 FTE that may be deleted to reflect the negotiated service reduction for Parks Patrol, 4.0 FTE may be deleted to reflect how seasonal deputy positions for Parks Patrol are staffed by the Department for additional on-going savings of \$788,860. In FY 2015-16 through FY 2017-18, the Sheriff's Office assigned six full-time deputies to the Parks Patrol Division year-round, plus an additional eight seasonal deputies to the Division during the Parks' high-season (April through September). To fulfill the contract requirements, the Sheriff's Office assigned eight deputies to Parks for half of the year and assigned those same eight deputies to Headquarters Patrol for the remaining half of the year to provide additional vacation relief as explained above. However, the Parks Patrol budget included salaries and benefits for 14.0 FTE deputy positions, including 8.0 FTEs that were vacant during the Parks' low-season (October through March). Additionally, the Headquarters Patrol budget included salaries and benefits for 77.0 FTE deputy positions, including 8.0 FTEs that were vacant during the Parks' high-season because deputies that fill those positions are assigned to Parks. This means that Parks Patrol and Headquarters Patrol traded eight vacancies back and forth between the Parks' high- and low-season. Deputy vacancies increased by eight in the Parks Patrol during the Parks' high-season and decreased by eight during the low-season, and conversely, deputy vacancies decreased by eight in the Headquarters Patrol during the Parks' high-season and increased by eight during the low-season as shown in Figure 3.12 on page 57.

Figure 3.12: Vacant Authorized Deputy Sheriff Vacancies in Headquarters and Parks Patrol, July 2015-December 2017



Source: Auditors review of vacant positions reports provided by Personnel

Since the Department held eight deputy positions vacant year-round for FYs 2015-16 through FY 2017-18, we determine that the Non-Custody budget could have been reduced by 8.0 FTEs during those years with no impact to services under the previous contract with the Parks and Recreation Department. The FY 2018-19 Non-Custody budget should be reduced by 4.0 FTEs instead of 8.0 FTEs because the FY 2018-19 contract included four seasonal deputy positions, down from eight seasonal deputy positions in the previous contract.

The Department is not optimizing sworn staff on patrol

The Sheriff's Office could improve effectiveness of patrol staff by reducing sworn staff response to minor property crimes that are not in progress. Sworn staff responds to all calls for service that require an incident report, including minor property crimes, such as theft and vandalism that are not in progress and are unlikely to be investigated by the Department as discussed in Section 4 on page 61. Further, the Department does not offer online reporting. Department Management reports that the Department sends deputies to respond to minor property crimes and does not offer online reporting because they want to provide a high-level of service to the community. However, reducing sworn staff response to calls for service for minor crimes through the use of telephone or online reporting could actually increase the level of service provided to the community by increasing the amount of time available for pro-active crime deterrent efforts as well as by improving response times for other, more serious types of calls for service.²⁶

²⁶ Police Executive Research Forum. 2014. Future Trends in Policing. Washington, D.C.: Office of Community Oriented Policing Services.

In a survey conducted by the Police Executive Research Forum (PERF) in 2012, 82 percent of agencies that responded reported that they were moving towards online crime reporting and 57 percent of agencies reported that they were moving towards increasing non-sworn response to certain types of calls for service.²⁷ After experiencing a reduction in sworn staff, the San Jose Police Department stopped responding to unverified burglar alarm calls in light of the finding that 98 percent of them were false alarms. In 2017, deputies in Santa Clara County responded to 4,856 calls for service for alarms, representing 14.1 percent of all calls for service that deputies responded to,²⁸ and 98.9 percent of these calls were false alarms (or did not result in a crime report). The Department should evaluate its strategy on response to alarm calls for service, including use of fines for locations with repeat false alarms, to reduce the cost of false alarms. In addition to burglaries, other common areas for reduced officer response include thefts, vandalism, or other crimes that were committed hours before the victim called law-enforcement.

In 2017, deputies responded to 2,764 calls for service for alleged burglaries, thefts, and acts of vandalism,²⁹ representing 8.1 percent of all calls for service that deputies responded to. Most of these calls are classified as Priority 3, meaning the calls are routine and officers should address them as soon as possible. Deputies spent a total of 4,683 hours, or 2.81 FTEs,³⁰ responding to these calls, assuming two deputies responded to each call in accordance with Department policy.

The Department should reduce the physical response by sworn staff to certain types of calls for service, such as minor crimes that are not in progress, through the use of telephone and online crime reporting. Any potential changes to patrol services performed under contract would need to be negotiated with the client agency. This would enable the Department to focus resources on more serious incidents and, potentially, to reduce response times to those incidents. Although we do not recommend reducing staff to capture this reduction in workload, the value of this workload reduction is estimated at \$555,057. Additional resources in the form of front desk deputies would be required to handle the increase in telephone calls and internet crime reports. We estimate this would cost \$197,215, or the equivalent of 1.0 FTE. We estimate the net monetary value of this recommendation to be \$357,842.

27 Ibid.

28 Deputies responded to 34,491 calls for service, or 81% of all 42,568 Priority 1 through 4 calls for service included in our analysis.

29 We determined the type of call based on the initial code assigned by dispatch because response is determined based on initial information from the caller. This does not reflect the incidence of these crimes because the deputy may find that no crime occurred when they arrive at the scene or the victim may decide not to press charges, in which case the deputy would not write a crime report for the incident. In addition, a deputy may determine that a theft occurred (and write a crime report for theft) when the initial call was for trespassing, for example.

30 We assume 80% of total hours are spent on productive tasks for the Department and 20% of total hours are spent on vacation, sick, training, or other leave.

CONCLUSION

The Sheriff and her command staff do not regularly evaluate patrol staffing levels based on Department needs, and we determine that some vacant positions can be deleted with no impact to services. In addition, the Department does not assign vacation relief positions consistently across divisions. As a result, staff may be allocated inefficiently within the patrol divisions and division performance, including response times and crime deterrence, may be impaired. Further, minimum staffing levels that are set above what would be warranted based on workload can increase overtime costs as patrol divisions often backfill positions using overtime to maintain the minimum requirement.

It is not possible to determine the adequacy of current staff levels at this time because the Department does not have response time goals for calls for service in all patrol areas and also does not have a defined expectation of how much time patrol deputies will spend responding to calls for service compared to other patrol duties. However, the Department could improve effectiveness of existing patrol staff by reducing sworn staff response to minor property crimes that are not in progress, thereby increasing the amount of time available for crime deterrent efforts.

RECOMMENDATIONS

The Sheriff should:

- 3.1 Develop and implement a patrol staffing plan to be published, updated, and presented to the Board of Supervisors every three years in coordination with the departmental staffing plan (see Recommendation 2.1). The plan should define policy priorities, including how much time patrol deputies should spend responding to calls for service compared to other patrol duties, and estimate the number of vacation relief positions needed in each division based on a calculated shift-relief factor. The Sheriff's Office should work with the Employee Services Agency to evaluate staffing levels using a workload-based approach. (Priority 1)
- 3.2 Establish response time goals for all patrol divisions and measure performance against those goals as part of the departmental strategic plan (see Recommendation 1.1). (Priority 2)
- 3.3 Delete 6.0 FTE vacant deputy sheriff positions from the non-custody budget to reflect contracted service levels and seasonal staff patterns in Parks Patrol. (Priority 1)
- 3.4 To save an estimated net value of \$357,842, reduce the physical response by sworn staff to certain types of calls for service, such as minor crimes that are not in progress, through the use of telephone and online crime reporting, and evaluate the Department's strategy on response to alarm calls for service, including use of fines for locations with repeat false alarms. Any potential changes to patrol services in contract areas would need to be negotiated with the clients. (Priority 1)

SAVINGS, BENEFITS, AND COSTS

We estimate that deletion of 6.0 FTE vacant deputy sheriff positions from the non-custody budget would result in on-going savings of approximately \$1,183,290 per year in salary and benefits. These savings would be fully realized by the Sheriff's Office or the General Fund as deletion of these positions would not impact the level of reimbursement from the Parks and Recreation Department. Implementation of Recommendations 3.1 and 3.2 could require modest additional effort by staff although we do not believe this impact is substantial enough to warrant additional staffing. The costs of implementation of online crime reporting are unknown and would require an involved request for proposals process to identify a vendor. Regular staffing analyses and defined policy priorities and response time goals could lead to a more efficient allocation of staff resources, improve the effectiveness of the patrol divisions within existing resource constraints, and reduce overtime costs. Recommendation 3.4 could require additional staffing in the form of front desk deputies, but would reduce patrol time requirements by an estimated value of \$555,057. The net value of these changes is estimated to be \$357,842.

Section 4: Investigations Services and Staffing

Background

The Investigations Division, organized into specialized units, is responsible for investigating potentially criminal incidents reported to the Sheriff's Office. Investigators log their reports and activities in the Incident Admin system.

Problem, Cause, and Adverse Effect

As of October 2017, most investigators had not received formal training in conducting investigations. The Division does not conduct regular analysis of investigation processes and had not updated its procedures in 16 years. The absence of a crime analyst means that the Division lacks the analytical resources usually available in modern law enforcement agencies, and that the Sheriff's Office hasn't fully integrated analysis into its investigative and law-enforcement strategies. The Investigations Division lacks documentation of its staffing levels or how resources and workload are allocated among investigators. The Division also has poorly maintained case data and an antiquated record management system. Investigative processes may be outdated and ineffective, and staff resources may be used inefficiently, because the Division does not regularly evaluate its processes and staffing. As a result, investigations, including of violent crimes, may take longer than necessary. In addition, investigators are carrying out analytical and research tasks typically performed by crime analysts in some other jurisdictions.

Recommendations

The Sheriff should ensure that all new investigators complete formal training in crime investigation prior to assignment of cases, and that all existing Investigators complete formal training within six months. The Employee Services Agency should develop and fill a crime analyst classification if the Sheriff's Office develops a plan to integrate crime analysis in its policing and investigations. The Investigations Division should: (1) develop a staffing plan that justifies staffing levels based on workload and performance goals; (2) update/develop policies and procedures for investigating crimes and case management; and, (3) annually audit a selection of open and closed cases to identify work flow improvements.

Savings, Benefits, and Costs

Implementing these recommendations will allow Division supervisors to better understand and track Division performance as well as investigator workload and performance. Regular staffing analyses and review of investigative processes will result in a more efficient allocation of staff resources and improve the effectiveness of the Division within existing resource constraints. Hiring a full-time crime analyst would result in on-going costs of approximately \$160,676 per year, which could be partially offset by a reduction in overtime costs for investigators. All other recommendations may be implemented within the Department's existing budget allocation.

BACKGROUND

The Investigations Division, which sits within the Sheriff's Enforcement Bureau, was composed of 54 Full Time Equivalent positions (FTEs) of sworn staff (investigators) and 11 FTEs of civilian staff in October 2017. The Division's staff is organized into a variety of specialized units dedicated to addressing specific types of crimes, such as homicide, gangs, and human trafficking. The primary responsibility of the Division is to investigate potentially criminal incidents reported to the Sheriff's Office. As described below, investigators are assigned to follow up on incidents based on an assessment of the case's solvability. Investigators log their reports and activities in the Incident Admin system, the Department's legacy records information system.

FINDING

Staffing levels were established decades ago and have not been re-evaluated

Although crime rates have decreased in the County and the Sheriff's jurisdiction has decreased in terms of geographic area, staffing levels in the Investigations Division have not been altered to reflect these changes. Staffing levels were established decades ago and have not been re-evaluated according to interviews with relevant staff. The Department could not provide any data or reports that show how staffing levels were initially established, and the Sheriff and her command staff do not regularly evaluate staffing levels based on Department needs or workload according to management staff. As a result, staffing levels may be allocated inefficiently within the Division and Division performance, including crime clearance rates, may be impaired. The Department should implement a staffing plan for the Investigations Division as part of the (recommended) departmental staffing plan. The plan should justify staffing levels based on workload and performance goals

New positions and investigative units have been added in the last few years in response to specific incidents and projects requested by the Board of Supervisors. The Human Trafficking Unit was established in 2014 and the Notario Unit was established in 2015 based on requests from the Board of Supervisors. Additionally, the Department added two new civilian positions that ensure staff attend court proceedings in 2015 due to unsatisfactory court appearance rates in the Department. Finally, the Division created the Major Crimes Unit after three correctional deputies were arrested for the fatal beating of mentally ill inmate Michael Tyree in 2015 and the resulting increase in the number of officer-involved cases. Staff resources were reallocated to the Major Crimes Unit as no new positions were added when the unit was created.

As of October 2017, there were 65 FTEs in the Investigations Division, including 47 sworn and 11 civilian personnel assigned to Headquarters, three sworn personnel assigned to South County, and four sworn personnel assigned to West Valley as shown in Figure 4.1 on page 63.

Figure 4.1: Investigations Non-Sworn and Sworn Personnel by Unit October 2017

Unit	Non-Sworn Personnel		Sworn Personnel		Total Personnel
	Number	Percent of Total	Number	Percent of Total	
Administration ³¹	5	62.5%	3	37.5%	8
Domestic Violence /Hate Crimes		0.0%	1	100.0%	1
Evidence Room	3	100.0%		0.0%	3
Homicide/Assault/Robbery		0.0%	5	100.0%	5
Human Trafficking ³²		0.0%	5	100.0%	5
Jail Investigation/Gangs		0.0%	9	100.0%	9
Juvenile/Missing Pers./Child Abuse		0.0%	2	100.0%	2
Major Crimes Unit ³³		0.0%	2	100.0%	2
Notario Investigations ³⁴	1	33.3%	2	66.7%	3
Property Crimes		0.0%	3	100.0%	3
Rapid Enforcement Allied Computer Team Task Force (REACT)		0.0%	3	100.0%	3
Regional Auto Theft Task Force (RATTF)	1	25.0%	3	75.0%	4
Sexual Assault Felony Enforcement Task Force (SAFE)	1	16.7%	5	83.3%	6
Sexual Assault Investigation		0.0%	4	100.0%	4
<i>Subtotal Headquarters</i>	<i>11</i>	<i>19.0%</i>	<i>47</i>	<i>81.0%</i>	<i>58</i>
South County - General Crimes		0.0%	3	100.0%	3
West Valley - General Crimes		0.0%	4	100.0%	4
Total	11	16.9%	54	83.1%	65

Source: Investigative Services Organization Chart, October 2017

Few staff resources are dedicated to solving property crimes

Property crimes without physical evidence or information on a suspect are not typically investigated. Many property crime cases are closed shortly after the incident is reported without an investigation. Although cases might be closed right away, investigators may reopen a case if additional evidence is brought to the Division according to interviews with staff.

Few staff resources are dedicated to solving property crimes because property crimes often score low on the solvability calculator used by the Division to determine if an investigator should be assigned to a case, as discussed below. In 2016, the Department solved 134 out of 1,312 property crimes—or 10.2 percent. The Department's property crime clearance rate relative to peer jurisdictions indicates that there is room for improvement as discussed below. Inadequate resources dedicated to solving property

³¹ Two new Law Enforcement Record Technicians were added in 2015.

³² Human Trafficking was added in 2014.

³³ Major Crimes Unit was created in 2015 (no new positions added).

³⁴ Notario Units was added in 2015.

crimes can lead to loss of public trust and confidence as well as missed opportunities to prevent future property crimes by failing to catch repeat offenders. In addition, many offenders who commit property crimes also commit violent offenses. For example, in a major study, the Bureau of Justice Statistics found that of 120,508 property crime offenders released from incarceration in 30 states in 2005, 28.5 percent had been re-arrested by 2010 on charges of assault, robbery, rape or homicide.³⁵

Case Solvability Determination

Investigators use a solvability calculator in Incident Admin, the Department’s database for tracking investigations, to determine if an investigator should be assigned to a case as shown in Figure 4.2 below. The solvability point value is based on the seriousness of the crime and factors that make the case more or less solvable, such as information on a suspect or the obtainment of physical evidence. Cases with a total assignment value of 19 or less are closed, pending additional information or evidence that would raise the value to 20 or higher. Certain crimes such as homicide and child abuse are always investigated due to the seriousness of the crimes. Property crimes often score below the 20 point threshold required to have a case assigned to an investigator.

Figure 4.2: Solvability Factors Screenshot from Incident Admin

Value	Solvability Factors	Value	Solvability Factors	Value	Seriousness Factors
0	<input type="radio"/> 10 Victim Cooperation	0	<input type="radio"/> 4 Significant M.O.	0	<input type="radio"/> 20 Death
0	<input type="radio"/> 2 Witness Known	0	<input type="radio"/> 5 Unusal Circumstance	0	<input type="radio"/> 20 Rape/Child Abuse
0	<input type="radio"/> 10 Witness Info Valuable	0	Subtotal	0	<input type="radio"/> 20 Near Death
0	<input type="radio"/> 0 Witness All Identified	1. Do not rate cases that are not felonies or cases closed as unfounded. 2. Be sure not to count the same information more than once in different categories. 3. Detective supervisor combines: Solvability + Seriousness = Value 4. Cases are prioritized by Assignment Value. 5. Total Assignment Value should reach a minimum of 20 for assignment purposes. 6. Cases rated less than 20 should be inactivated and unassigned, pending additional information that would give		0	<input type="radio"/> 15 Major Injury
0	<input type="radio"/> 0 Witness All Interviewed			0	<input type="radio"/> 10 Minor Injury
0	<input type="radio"/> 20 Suspect(s) in Custody			0	<input type="radio"/> 10 Firearm Used
0	<input type="radio"/> 20 Suspect Known			0	<input type="radio"/> 5 Other Weapon Used
0	<input type="radio"/> 9 Suspect Location Knowr			0	<input type="radio"/> 10 Arson
0	<input type="radio"/> 1 Suspect Vehicle Descriptor			0	<input type="radio"/> 10 Loss over \$20,000
0	<input type="radio"/> 10 Suspect Vehicle License knowr	0	<input type="radio"/> 8 Loss over \$1,000		
0	<input type="radio"/> 10 Suspect Vehicle Locater	0	<input type="radio"/> 5 Loss over \$399		
0	<input type="radio"/> 20 Suspect Vehicle Impounder	0	<input type="radio"/> 5 Damage over \$1,000		
0	<input type="radio"/> 10 Physical Evidence Obtaine	0	<input type="radio"/> 20 Direction from Admin		
0	<input type="radio"/> 1 Similar Incidents	0	Subtotal		
0	<input type="radio"/> 12 Solved with Resonable Effor	0	Total -- Assianment Val		

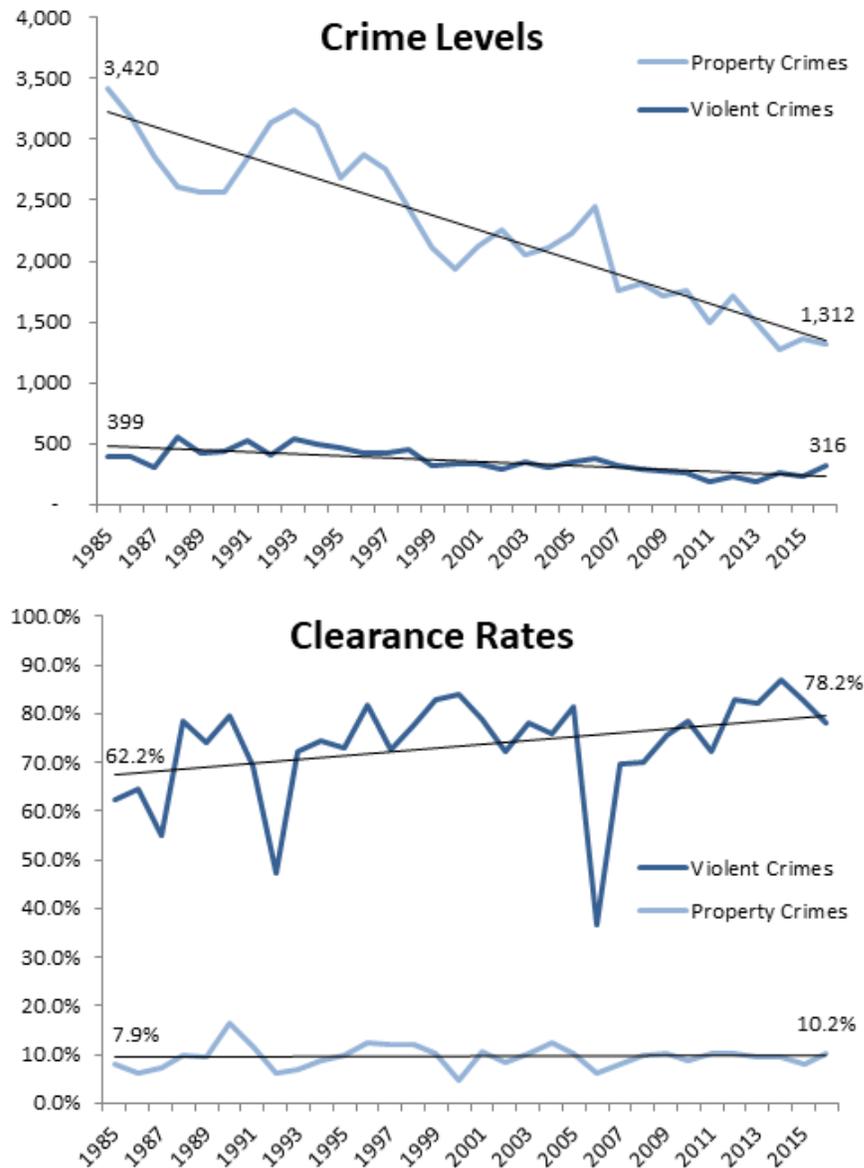
Source: Investigations Division

35 U.S. Department of Justice, Bureau of Justice Statistics, “Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010.” Supplemental Tables. December 2016.

Property crime clearance rates could be improved

Despite a sharp decrease in crime levels, property crime clearance rates have only increased by two percentage points since 1985 as shown in Figure 4.3. Since that year, annual property crime levels have decreased by 61.6 percent in the Department's jurisdiction³⁶—from 3,420 in 1985 to 1,312 in 2016. Over the same period, the property crime clearance rate³⁷ has only increased by two percentage points, or a rate of 28.9 percent, from 7.9 percent of property crimes solved in 1985 to 10.2 percent of property crimes solved in 2016.

Figure 4.3: Department Crime Levels and Clearance Rates, 1985-2016



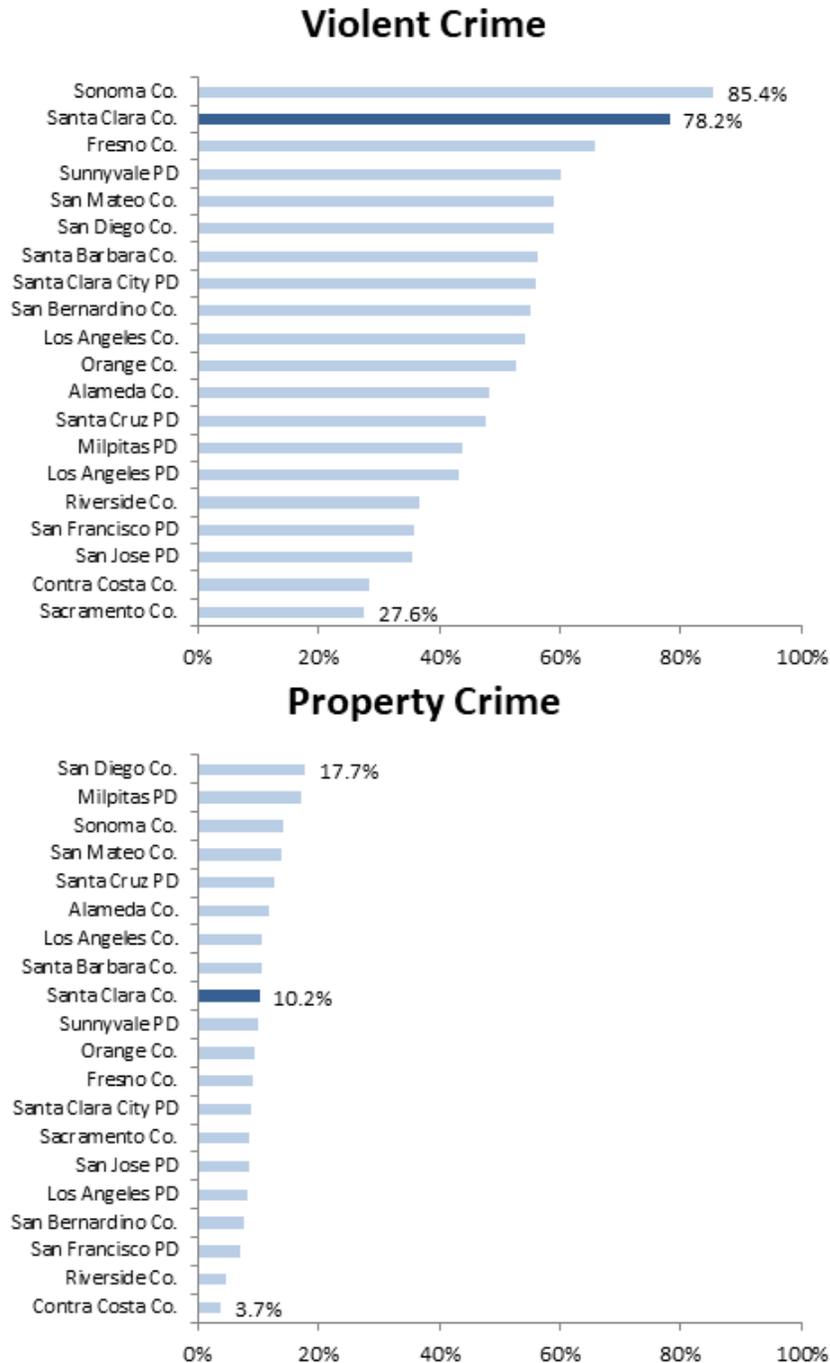
Source: Auditors analysis based on CA DOJ Crimes and Clearances data

³⁶ The Department's jurisdiction has decreased since 1985 as some previously unincorporated areas of Santa Clara County have been incorporated into cities.

³⁷ Crime clearance rates are calculated as the number of crimes that are cleared (or solved) divided by total crimes reported.

As shown in Figure 4.4 on page 67, the Department is more successful at solving violent crimes than property crimes. While the Department's violent crime clearance rate was the second highest among peer jurisdictions in 2016, its property crime clearance rate relative to peer jurisdictions indicates that there is room for improvement. At 10.2 percent, the Department's property crime clearance rate is in the middle of the peer group. It is slightly above the median of 9.7 percent and the slightly below the mean of 10.3 percent. The Division should review high level trends in property crime incidents, such as geographic distribution, and develop a strategy to increase property crime clearance rates, with the goal of solving cases at or better than the national average rate.

Figure 4.4: Crime Clearance Rates in Peer Jurisdictions, 2016



Source: Auditors analysis based on CA DOJ Crimes and Clearances data

The Federal Bureau of Investigation Uniform Crime Statistics (UCR) reports for 2016 list average clearance rates for metropolitan counties in the United States. For violent crimes, the clearance rate was 45.6 percent, far lower than the Sheriff's Office reported rate of 78.2 percent. However, the Sheriff's property crime clearance rate of 10.2 percent was below the 18.3 percent reported for all metropolitan counties.

The Investigations Division does not have a crime analyst

Although best practice for public safety investigations includes the consistent use of a crime analyst, the Investigations Division only has a part-time extra help crime analyst position. The County of Santa Clara Merit System Rule A25-188(e) specifies that extra help employees may not exceed 1,040 hours in any fiscal year, unless otherwise approved by the Board of Supervisors. According to interviews, due to these limitations, the crime analyst typically only works two days per week. As a result, the analyst is only able to work on very high profile crimes rather than on every homicide, as recommended by the Department of Justice. According to interviews, when the crime analyst is unavailable, the Investigations Division attempts to borrow the full-time crime analyst currently assigned to the Special Operations Division, but that staff member is not always available.

According to a 2013 Department of Justice report, "Homicide Process Mapping: Best Practices for Increasing Homicide Clearances,"

The evidence clearly shows that the use of an analyst can significantly support a successful homicide investigation. All of the homicide units in this project have access to both crime and intelligence analysts, with most of the agencies having an analyst assigned directly to the homicide unit. The homicide commander in Jacksonville stated that the first person he calls when notified of a homicide is usually the analyst.

According to interviews, a crime analyst would assist investigators by tracking suspects, reviewing text messages and other communications, analyzing evidence for investigators, conducting social media research, creating timelines of major events, and creating visual aids for trials. Currently, these tasks are performed by the part-time crime analyst when she is available, but it is most often performed by sworn investigators. Having a full-time crime analyst would free up investigators to focus on investigative tasks such as making arrests, using force, analyzing physical evidence, conducting surveillance, or interviewing informants and other witnesses that can only be performed by sworn staff. This in turn could improve the speed and success of investigation outcomes.

According to interviews, the Sheriff requested a full-time Senior Management Analyst to serve as a crime analyst in the Investigations Division for FY 2017-18 and requested two such positions for FY 2018-19. However, those positions were not included in the County Executive's Recommended Budgets nor was it considered by the Board of Supervisors for either year.

According to a 2014 report for the U.S. Bureau of Justice Assistance (BJA), crime analysis has become a common feature of U.S. law enforcement. A 2008 Police Executive Research Forum (PERF) survey found that 89 percent of responding agencies reported having staff whose primary or secondary duty was crime analysis, and the number of analysts has likely increased since then, according to the report.³⁸ BJA provides assistance to departments that employ crime analysts to ensure that they integrate the function with the policing and investigative activities, as opposed to being extraneous to that work, and that they understand the purpose and capabilities of crime analysis.

38 Putting a Value on Crime Analysts, VERA Institute of Justice, March 2014, page 4.

The lack of crime analysis by the Sheriff's Office is atypical and does not reflect best practices. Local law-enforcement agencies that have developed Crime Analyst (sometimes called Police Analysts or Intelligence Analyst) positions include the cities of San Jose, Sunnyvale, and Santa Clara and the counties of Contra Costa and San Mateo.

Not only does the Sheriff's Office not have a crime analyst, it does not have a plan to deploy crime analysis tools across its operations in the investigation and prevention of crime. According to BJA:

BJA recognizes the enormous benefit a healthy crime analysis capacity brings to state, local, and tribal law enforcement agencies and to the communities they serve. To increase crime analysis capacity nationally, BJA funds guidance, training, and technical assistance designed to directly support law enforcement agencies.

The Sheriff's Office should work with BJA's National Training and Technical Assistance Center to develop a plan to deploy a crime analyst serving investigations and patrol. The plan should ensure that the Department would make sufficient use of analytical tools in its patrol and investigations efforts if such tools were available. If the Sheriff's Office develops a robust plan for deploying a full-time crime analyst to improve its patrol and investigations services, the Board of Supervisors should authorize the creating and funding of one full-time, certified crime analyst and associated costs, which would include continuing education and specialized software, as a two-year pilot program. The Sheriff's Office should track outcomes and provide annual reports to the Board on the new program. At the end of the two-year pilot, the Board should determine whether to continue to fund the program based on its results.

There are no goals in the Division for caseload per investigator or time to close cases

According to interviews with relevant staff, supervisors in the Investigations Division do not have targets for caseload or time to close cases, so it is not possible to determine if staffing has an impact on the Division's ability to meet its performance goals. Further, evaluation of caseload per investigator is challenging because the Division does not prioritize case closure. Supervisors do not review open cases to ensure that all open cases are being investigated or to determine if some could be closed. As a result, open cases assigned to detectives may not reflect their workload as detectives may not be investigating all open cases assigned to them. Additionally, some open cases are assigned to staff that are no longer assigned to the Investigations Division (as discussed below), which further complicates assessment of workload in the Division. Investigators are responsible for assigning themselves to cases, and supervisors do not review case assignments to ensure all open cases are assigned to current staff. The Division should develop written procedures for case assignment and reassignment.

As shown in Figure 4.5 on page 71, caseload varies widely by unit, which is expected due to differences in case complexity, but could also reflect investigator performance or case management practices. At 4.3 cases per investigator, the Rapid Enforcement Allied Computer Team (REACT) Taskforce has the lowest caseload per investigator, and at 127 cases per investigator, the Transit Unit,³⁹ which investigates incidents of vandalism, battery, and public drunkenness that occur along transit lines, has the highest caseload per investigator.

The Incident Admin case management system does not have a field that captures the unit associated with each case. We inferred the unit for open cases using the name of the investigator assigned to the case and that investigator's unit assignment as of February 2018. We could not determine the unit for 667 out of 3,140 open cases, or 21.2 percent, because they were not assigned to staff in the Investigations Division as of February 2018. Of the 667 cases that were not assigned to staff in the Investigations Division as of February 2018:

- 306 (46 percent) were assigned to sworn staff that were previously in the Investigations Division at some point since December 2014⁴⁰
- 356 (53 percent) were assigned to staff that have not been in the Investigations Division since December 2014⁴¹
- 5 (approx. 1 percent) were unassigned

39 Two Transit Detectives are assigned to the Transit Patrol Division and report to the Transit Patrol Captain.

40 The Management Audit Division determined whether or not staff had been previously assigned to the Investigations Division based on analysis of annual transfer data for sworn staff and Personnel's Date in Division report for sworn staff.

41 This could include cases assigned to civilians in West Valley because civilians are not included in the data sources used.

Figure 4.5: Open Cases per Investigator by Unit, January 2018

Unit	Investigators			Cases	Cases per Investigator
	Detective	Sergeant	Total		
Administration	0	0	0	95	*
Domestic Violence /Hate Crimes	1	0	1	67	67.0
Evidence Room	0	0	0	13	**
Homicide/Assault/Robbery	0	5	5	255	51.0
Human Trafficking	3	2	5	26	5.2
Jail Investigation/Gangs	5	4	9	203	22.6
Juvenile/Missing Pers./Child Abuse	2	0	2	247	123.5
Major Crimes Unit	0	2	2	81	40.5
Notario Investigations	1	1	2	16	8.0
Property Crimes	2	1	3	53	17.7
RATTF	1	1	2	230	115.0
REACT Taskforce	2	1	3	13	4.3
SAFE	4	1	5	147	29.4
Sexual Assault Investigation	3	1	4	133	33.3
<i>Subtotal Headquarters</i>	<i>24</i>	<i>19</i>	<i>43</i>	<i>1,579</i>	<i>36.7</i>
South County - General Crimes	2	1	3	199	66.3
West Valley - General Crimes	3	1	4	441	110.3
Transit***	2	0	2	254	127.0
Total	31	21	52	2,473	47.6
Unit Unknown				667	
Total Open Cases				3,140	

Source: Auditors review of Incident Admin Investigations data

* 24 cases were assigned to a lieutenant and 71 cases were assigned to civilian staff.

** All 13 cases were assigned to civilian staff.

*** Two Transit Detectives are assigned to Transit Patrol and report to the Transit Patrol Captain. These detectives investigate incidents of vandalism, battery, and public drunkenness that occur along transit lines.

The Division has weak and outdated procedures for investigating crimes

Although the Sheriff has General Orders on crime scene protection, evidence and property, hates crimes, and domestic violence, these orders do not contain detailed procedures for completion of investigations. According to the Department of Justice,⁴² without such standard operating procedures “[investigations] become [a] subjective, inconsistent process open for additional criticism and skepticism.” The Investigations Division has an “Investigations and Job Descriptions Procedures Manual,” last updated in June 2002, but that also lacks specific tasks for investigators to complete as they investigate crimes. Instead, the manual answers basic questions such as procedures for investigators to assign themselves to new cases, redacting investigation reports, printing criminal histories, assembling investigation packets for the District Attorney’s Office, and closing cases. In doing so, the manual primarily focuses on what information to include in the various “notes” fields rather than providing parameters for data entry to the case management system. The Investigations Division has no immediate plans to revise these procedures. According to interviews, there is no other procedure manual for investigating crimes.

Aside from the General Orders and the limited procedures manual noted above, the Department does not have procedures that detail tasks for investigating crimes, including homicides, and does not have any immediate plans for developing them. Such procedures could detail, for example, common investigative tasks such as how to conduct a thorough crime scene investigation, how to canvass the surrounding area for potential witnesses, and how to examine victims to obtain evidence.

In addition to lacking comprehensive investigation procedures, the Investigations Division needs to improve the training of its investigators. Although it is the Department’s policy to require investigators to take a POST-certified 80 hours training series, “Criminal Inv. Inst. Core Course,” as noted in Section 8 on page 113, only 46 percent of deputies in the Investigations Division received this training as of October 2017. New investigators do not receive any specific training on how to investigate crimes beyond the POST training previously mentioned. To supplement formal training, new investigators are partnered with more senior investigators, who can impart that accumulated knowledge of effective methods for investigating crimes.

A 2007 report by the U.S. Department of Justice details how several law enforcement agencies enhanced investigation outcomes by modernizing their investigation procedures, including procedures for preparing and conducting photo and live line up identification, eye witness identification, videotaping interrogations, and case solvability criteria.

Data within the Incident Admin system is inconsistently coded and contains errors

As noted above, investigators enter case information into the Incident Admin database. Figure 4.6 on page 73 shows common errors we identified in a review of incidents assigned to the Investigations Division in Incident Admin from January 2014 to February 2018.

⁴² “10 Things Law Enforcement Executives Can Do To Proactively Impact Homicide Investigation Outcomes,” Bureau of Justice Analysis, U.S. Department of Justice.

Figure 4.6: Summary of Identified Incident Admin Data Problems

Incident Admin Field	Description	Problem
TYPE	Criminal charge	<ul style="list-style-type: none"> ▶ Inconsistent descriptions. ▶ For example: cases with the same charge are coded as: "Vehicle Burglary", "Vehicle Burglery" [sic], "Vehicle Burgalry" [sic], "Vehicle Burg / Window Smash", and "Vehicle Burglary Window Smash."
CLOSE DATE	Date case was closed	<ul style="list-style-type: none"> ▶ Erroneous and nonsensical dates (e.g. year 3015). ▶ 20% of closed cases have no close date.
ON_OR_FROM	Date incident is alleged to have occurred	<ul style="list-style-type: none"> ▶ Erroneous and nonsensical dates (e.g. year 3027). ▶ 6% of all cases had future (e.g. year 3027) or historical dates (year 1992) that were outside the sample of cases reviewed.

Source: Auditors review of Incident Admin Investigations data

According to a report by the U.S. Department of Justice, the collection and integrity of investigation case data enhances investigation outcomes. Such data includes rates of occurrence, location, solvability factors, and closure rates and would allow for comparisons of outcomes over time.

However, as noted in Figure 4.6 above, comparisons of investigation outcomes over time is impossible given the existing state of the investigations case data. Inconsistent labeling of case types makes it extremely difficult to compare outcomes of cases types over time. Similarly, approximately 20 percent of closed cases have no close dates. Incident Admin captures the date investigators mark a case as closed, however they may not update the database until well after the investigation has actually closed, so the manually entered close date is an important data point to assess the performance of the Investigations Division. In addition, similar to our review of the Internal Affairs database and as noted above, 5.7 percent of cases had nonsensical (e.g. year 3015) or erroneous (dated prior to the investigation beginning) close dates. If the Close Date field has invalid data, any attempt to assess case cycle times is not reflective of the true time it takes to investigate and close a case.

There is no ongoing analysis or reporting of investigation outcomes or workflow processes

According to interviews, the Investigations Division does not conduct regular analysis or audits of investigation processes. Further, the Investigations Division's quarterly reports to the Assistant Sheriff of Enforcement on case outcomes are limited to the number of opened and closed cases by type and by month. With the exception of two specialized units,⁴³ the quarterly reports do not include cycle times or success rates of investigations, which are key indicators of performance. As previously mentioned, the usefulness of the Incident Admin system report function is considerably limited by inconsistent and incorrect labeling of case attribute data.

⁴³ The Human Trafficking and the Rapid Enforcement Allied Computer Team (REACT) Units both report on the number of convictions on cases they are working on.

A report by the U.S. Department of Justice⁴⁴ recommends that law enforcement agencies monitor outputs such as case closure rates. The report also suggests considering:

- Number of times an investigation contributed knowledge to another case
- Number of times an investigation led to the identification of other crimes
- Implementation of a method to track survivor/victim satisfaction with the investigative efforts and follow-up, etc.

In addition, the 2013 U.S. Department of Justice report recommends regular audits of both open and closed investigations in order to identify potential improvements in work flow (such as completing forensic analysis in a timely manner).

The Investigations Division lacks a comprehensive case management system

For case management, the Investigations Division uses the Department's Incident Admin system, which was developed in-house by the Department and deployed in 1997. Incident Admin is able to capture investigator reports, investigator case assignments, investigation opening and closing dates, incident locations, and certain other information. In addition, investigators may search and generate reports in Incident Admin for specific suspects and victims, addresses, vehicle attributes, assigned investigators, cases with and without evidence, uses of force, open/closed cases, and case types (charges).

However, the Incident Admin system does not hold non-investigator documents (such as medical examiner reports or interview transcripts), photographs, videos, and images that would constitute the entire body of evidence in an investigation. According to a 2013 report by the U.S. Department of Justice, a case management system with these attributes is a best practice and would enhance homicide investigation outcomes. Currently, although the investigator reports are stored in Incident Admin, all other reports and evidence are not stored digitally and records are primarily stored as hard copy in filing cabinets.

The Sheriff's Office has been in the process of procuring a modern records management system (RMS) since at least 2014. An RFP was issued in 2015, but then canceled prior to being finalized so that the County could revise the proposal's requirements to include a consolidated records management system and computer aided dispatch system (CAD). The request for proposals for the consolidated RMS/CAD system was issued in April 2018. The project's objectives include "a modern investigative and law enforcement records management system" with a requirement that data be organized by case and link to warrants, property, and evidence.

⁴⁴ "10 Things Law Enforcement Executives Can Do To Proactively Impact Homicide Investigation Outcomes," Bureau of Justice Analysis, U.S. Department of Justice.

CONCLUSION

The Sheriff's Office has not evaluated the staffing levels of the Investigations Division or how investigation resources and workload are allocated among investigators. In addition, the operational and information management processes of the Investigations Division need improvement. It is not possible to ascertain the efficiency and effectiveness of investigation outcomes at this time, because the Investigations Division has poorly maintained case data and there is no ongoing analysis of investigations.

The Investigations Division has not updated its investigative procedures in at least 16 years. As a result, investigative processes may be outdated and ineffective. The majority of investigators as of October 2017 had not completed formal training, which is mandated by Sheriff's policy, in investigating crimes. This means that investigation staff resources may be used inefficiently and investigations, including of violent crimes, may be taking longer than necessary. The problem is compounded by the Division's lack of a full-time crime analyst, who could complete analytical tasks to better focus Sheriff's patrol and investigative resources on locations, suspects, and leads most likely to be fruitful. Doing so would necessitate not only creating and filling a crime analyst position, but also integrating crime analysis into investigations and patrol. The overall inefficiency of the Investigations Division is likely made even worse by its antiquated record management system, though that is scheduled to be updated over the next several fiscal years.

RECOMMENDATIONS

The Sheriff should:

- 4.1 Require that all sworn personnel newly assigned by the Sheriff's Office to the Investigations Division successfully complete the 80-hour Peace Officer Standards and Training (POST) in basic investigative techniques prior to being assigned to an investigation, and require that the Division's existing personnel complete this training within six months, in keeping with its existing policy. The Sheriff should furnish an annual report to the Board of Supervisors showing compliance with these requirements. (Priority 1)
- 4.2 Work with the Bureau of Justice Assistance or other experts to develop a plan to establish a crime analysis program that would integrate crime analysis into the Sheriff's Office investigative and patrol activities, and present this plan to the Board of Supervisors for consideration for funding for a two-year pilot program, which would include tracking of program outcomes. (Priority 2)
- 4.3 Develop and implement a staffing plan for the Investigations Division as part of the departmental staffing plan (see Recommendation 2.1). The plan should justify staffing levels based on workload and performance goals. (Priority 2)
- 4.4 Direct the Captain of Investigations to review high-level trends in property crime incidents, such as geographic distribution, and develop a strategy to improve property-crime clearance rates with the goal of solving cases at or better than the national average rate. (Priority 2)

- 4.5 Direct the Captain of Investigations to work with the Investigations Court Liaison to further develop written procedures for case management recordkeeping that include incident dates and case closure dates, standardization of charge data entry, quality control review of input data, case assignment, and reassignment. (Priority 2)
- 4.6 Develop policies and procedures for annually auditing a selection of open and closed cases to identify work flow improvements. (Priority 2)
- 4.7 Update the Investigations Procedures Manual standard operating procedures for investigating crimes, which should include detailed procedures of common investigative tasks and checklists of necessary tasks and documents required for a complete investigative file. (Priority 2)

The Board of Supervisors should:

- 4.8 Review the plan for a crime analysis program (see Recommendation 4.2) and approve its implementation, including the development and funding of a full-time, certified, Crime Analyst position and associated supplies and expenses. (Priority 2)

The Employment Services Agency should:

- 4.9 Following the adoption of Recommendation 4.2, develop a full-time, certified, Crime Analyst classification. (Priority 2)

SAVINGS, BENEFITS, AND COSTS

We estimate that hiring a full-time crime analyst would result in on-going costs of approximately \$160,676 per year in salary and benefits (based on the salary of a B1P Management Analyst). This cost could be partially offset by a reduction in overtime costs for investigators that would no longer have to spend time on research tasks and could therefore focus on core investigative work. All other recommendations may be implemented within the Department's existing budget allocation.

Implementing these recommendations will allow Division supervisors to better understand and track Division performance as well as investigator workload and performance. Regular staffing analyses and review of investigative processes will result in a more efficient allocation of staff resources and improve the effectiveness of the Division within existing resource constraints.

Section 5: Improving Court Security

Background

The Sheriff's Court Security Division serves as the security arm of the Superior Court of Santa Clara County. The Division is responsible for providing bailiffs and security to all Superior Courts in Santa Clara County. Court Security is the largest division in the Sheriff's Office with 204 authorized full-time-equivalent positions as of December 2017. The Division's primary objectives include protection of court facilities and their employees, ensuring free public access, and ensuring the orderly conduct of business therein. As of June 2017, the Division provides security for nine court facilities encompassing 95 courtrooms located throughout the County.

Problem, Cause, and Adverse Effect

The Sheriff's Office has not fulfilled its responsibilities under its agreement with the Superior Court to provide staffing needs assessments and information related to its performance. Rather than providing a formal needs assessment, the contract is simply extended annually based on the same level of staffing. Further, the Sheriff's Office does not review or report on performance measures as required in its agreement with the Superior Court, including providing data on actual staffing and service levels, incidents at the courts, and the number of clients entering the courts. In addition, the Division has not conducted a formal review or made any major changes to security following two high-profile escapes from the Palo Alto courthouse. Rather than adhering to formal planning and reporting requirements, which command the Division to strategically plan and deploy staff, the Division's deployment of staff is focused on the immediate day-to-day needs of the courts. Further, the Division does not track, or make strategic decisions based on, measures of its performance. This likely has resulted in inefficiencies, such as an unusually high vacancy rate. In addition, the Division may have additional security vulnerabilities that are not accounted for or resolved due to the lack of a formal review and action plan to address the 2017 escapes.

Recommendations

The Court Security Division should conduct formal staffing needs assessments and report on performance measures as required under its agreement with the Superior Court. At the same time, the Division should work with the Court Executive Officer to determine the necessity of each of the performance measures in the agreement to focus on the measures that are most pertinent to the efficient and effective provision of court security services. In addition, the Division should conduct a formal review of security procedures at the Palo Alto courthouse.

Savings, Benefits, and Costs

These steps would reduce staffing costs and improve court security with minimal additional staff time.

BACKGROUND

The Sheriff's Responsibility for Providing Security to the Superior Court

The Sheriff's Office (Department) provides court security services to the Superior Court of Santa Clara County (Court), a State agency, and is reimbursed by the State for such services under the Trial Court Funding Act of 1997. Similarly, the Department provides court security services for local trial courts (the Palo Alto courthouse and the South County courthouse), which is reimbursed by the State through the 2011 Public Safety Realignment. As of December 31, 2017, the Division had 204.00 total authorized full time equivalent (FTE) positions. Of these, 178.00, or 87.3 percent, were sworn positions.

The court security services provided by the Department are outlined in a July 2012 (executed in April 2013 and amended in June 2016 and June 2017 most recently as of the time of our review) agreement between the Court, the County, and the Department. This agreement defines court security services to include basic services, additional services, and emergency services. These services include the following:

Basic Services: Basic services include providing personnel to provide traditional bailiff services for each judicial officer; courtroom security, including during evening sessions of traffic and small claims courts; movement of prisoners within Court facilities; patrol of the interior of Court facilities; security of holding cells in Court facilities; control room monitoring of Court facilities; security and protection of judges, judicial officers, court staff, and jurors within Court facilities; security for high security events and conditions; maintenance of security-related equipment paid for by the Court; identification of potential threats to the security of the Court from inmates or other persons; and, direct supervision of applicable personnel assigned to the Court Security Division.

Additional Services: Additional services may include, but are not limited to, staffing of additional courtrooms or facilities not included in the July 2012 agreement list of Court facilities (shown in Figure 5.1 on page 79); extraordinary security occasioned by high security events and conditions beyond that covered under basic services; staffing of Court Security equipment installed in the Court facilities after July 1, 1999; and/or, overtime by Court Security personnel in response to requests by the Court (i.e. on weekends, on court-observed holidays, or outside normal Court hours for the specific Court facility).

Emergencies: Emergency services include any and all actions reasonably necessary or appropriate to respond to an emergency involving security in a Court facility or involving threats against any judges, judicial officers, court staff, or jurors.

The list of Court facilities that the Department provides basic services for (per the June 2017 2nd amendment of the July 2012 agreement between the Court, County, and Department) are shown in Figure 5.1 on page 79. As shown in the figure, the Department provides basic security services for a total of 95 courtrooms across nine facilities.

Figure 5.1: List of Court Facilities That Receive Basic Court Security Services

Facility	Number of Courtrooms	Street Address	Business Hours
1. Downtown Superior Court	16	191 North First Street, San Jose	8:30 am–3:00 pm
2. Old County Courthouse	6	161 North First Street, San Jose	8:30 am–3:00 pm
3. Hall of Justice East	20	190 West Hedding Street, San Jose	8:30 am–3:00 pm
4. Hall of Justice West	13	190 West Hedding Street, San Jose	8:30 am–3:00 pm
5. Santa Clara Courthouse	4	1095 Homestead Road, Santa Clara	8:30 am–3:00 pm
6. Family Justice Center	20	201 North First Street, San Jose	8:30 am–3:00 pm
7. Juvenile Justice Court	4	840 Guadalupe Parkway, San Jose	8:30 am–3:00 pm
8. Palo Alto Courthouse	6	270 Grant Avenue, Palo Alto	8:30 am–3:00 pm
9. South County Courthouse	6	301 Diana Drive, Morgan Hill	8:30 am–3:00 pm
Total	95		

Source: 2nd Amendment to Agreement between Court, County, & Sheriff for security services, Exhibit A (6/20/17).

FINDING

The Department has not conducted required staffing needs assessments

The Department does not conduct formal needs assessments to determine Court Security staffing needs even though such assessments are required by the July 2012 agreement with the Court. The agreement states that the Department is to “conduct a needs assessment to determine staffing needs for court security services and public safety protection” each year for the succeeding contract year. Further, according to the agreement, the purpose of the needs assessments is to provide a basis for the Court and Department to meet and discuss the staffing requirements for the remaining year(s) of the agreement.

The Court Security Captain stated to us that rather than conducting a needs assessment or conducting informal calculations, the Department and the Court have mutually agreed to simply extend the agreement each year.

Although the agreement does not specify precisely how the needs assessments should be conducted or what must be included in the assessments, regular reviews of the Court’s security staffing needs would promote greater efficiency of resources.

Court Security staff is not strategically deployed beyond immediate day-to-day needs

As noted in Section 1 on page 13 of this report (Sheriff's Office Staffing and Retention) the Sheriff and her command staff do not regularly formally evaluate staffing levels based on Department needs. Similarly, although the Court Security Captain must make daily assessments of staffing needs based on several factors, such as high security conditions and the number of courtrooms in use, the Division does not use industry standards to strategically evaluate and deploy staff. The lack of planning contributes to operational inefficiencies.

Industry standards for staffing allocations for security services, including court security and detention facilities, include metrics such as relief factors and a determination of posts that are always required to be filled during business hours and/or 24 hours per day, seven days per week (e.g. control room monitoring, facility security screening, etc.). For example, the Memorandum of Understanding (MOU) between the Los Angeles County Sheriff's Department and the Superior Court of Los Angeles establishes a baseline level of services based on duty stations as well as relief factors.

Rather than use industry standards, the Court Security Captain stated to us that the Department budgets for 162 deputy positions for Court Security based on historical staffing levels. Further, the Department allocates these positions to each court facility under the assumption that all courtrooms are in use. If one or more courtrooms is closed, the Division subtracts one position per closed courtroom from that facility's allocation. Although a degree of flexibility must be available to the Division for daily fluctuations between facilities and for high security conditions, the lack of evaluation and planning contributes to operational inefficiencies.

Court Security has the highest vacancy rate of any sizable non-Academy Division

The Division's vacancy rate, at 27 percent in December 2017, is the highest of any non-Academy division in the Sheriff's Office with 15 or more authorized positions. This is significantly higher than the Department's overall December 2017 vacancy rate of 21.6 percent.

The Division's average vacancy rate over the two-year period from January 2016 to December 2017 has been 51 vacancies out of 162 authorized positions, or 31.5 percent. The Division's vacancy rate, as measured quarterly, fluctuated between 22.2 percent and 40.8 percent during the two-year period as shown in Figure 5.2 on page 81. This fluctuation is due in part to new Academy graduates starting their first assignments in the Division, the rotation of these deputies in and out of field training, and the annual transfer of staff who have spent at least three years in their current assignment (subject to certain exceptions).

Figure 5.2: Court Security Quarterly Vacancy Rate, January 2016 to December 2017

Quarter	Q1 2016	Q2 2016	Q3 2016	Q4 2016	Q1 2017	Q2 2017	Q3 2017	Q4 2017
Period Ending	4/10/2016	7/3/2016	10/9/2016	1/2/2017	4/9/2017	7/2/2017	10/8/2017	12/31/2017
Vacancies	69	64	43	46	36	38	66	44
Authorized Positions	162	162	162	162	162	162	162	162
Vacancy Rate	40.8%	39.5%	26.5%	28.4%	22.2%	23.5%	40.7%	27.2%
Department Average Vacancy Rate	29.3%	25.3%	21.0%	23.0%	19.1%	25.6%	27.4%	21.6%

Source: Vacancy data provided by the Sheriff's Office

In light of the Division's high vacancy rate, the Department should evaluate the staffing allocation to Court Security to ensure that deputies are assigned appropriately across the Department and/or reduce the number of deputies to reflect true staffing needs.

Performance Measures are not Reviewed and Reported as Required

The Sheriff's Office does not review or report on performance measures in the manner prescribed in the agreement between the County and the Court. Specifically, the Sheriff's Office does not provide any of the following deliverables to the Court Executive Officer (CEO) as required in the agreement:

- Monthly reports detailing actual FTE and average service levels (though actual FTE data is reported quarterly to the Assistant Sheriff);
- Monthly reports detailing the Court Division's staffing logs;
- Weekly reports detailing Court deployment and absenteeism;
- Monthly reports summarizing incidents (though incident summary data is reported quarterly to the Assistant Sheriff);
- Monthly reports on the number of Court clients entering facilities (though this data is reported quarterly to the Assistant Sheriff); and,
- Weekly reports on non-Court related activity.

Further, it is unclear the extent to which crime incident reports and arrest disposition reports are provided to the CEO as mandated by the agreement. Court CEO staff stated to our audit team that the Sheriff's Office provides information on these incidents through "Form 1's" (a memo), however the CEO did not provide us with examples of these Form 1 memos and we are therefore unable to verify if the information is provided as required in the agreement.

No Formal Review or Major Changes to Court Security since 2017 Escapes

The Sheriff's Office has not produced a formal report or made any significant changes to the Court Security Division procedures manual in response to the November 2017 escape of two inmates from the Palo Alto courthouse.

The Palo Alto Sergeant on duty on the day of the escape formally debriefed the Department's command staff (including the Sheriff, Undersheriff, Assistant Sheriff, Captain, and Lieutenant) on what led to the escapes and two staff members have faced discipline. However, the Division has not produced a formal written report, no formal revisions have been proposed or made to the Court Security Division procedures manual, and no apparent formal memos or other communications have been sent to deputies detailing the cause of the escapes or resulting changes.

The Court Security Captain stated to our audit team that the Sheriff's deputies at the Palo Alto courthouse now transfer inmates at a slower pace to lower the ratio of inmates to deputies and estimates that, as of April 2018, seven inmates deemed high risk have had their hearings and/or trials relocated to other facilities.

CONCLUSION

The Court Security Division does not use industry standards to strategically evaluate and deploy staff. The lack of planning contributes to operational inefficiencies. As noted above, the Court Security Division has the highest vacancy rate of any sizable non-Academy division.

Further, the Sheriff's Office has not fulfilled its responsibilities under its agreement with the Superior Court to provide an annual staffing needs assessments and information related to its performance under the agreement. Rather than providing such assessment to inform staffing needs for the subsequent year, the contract is simply extended annually based on the same level of staffing. Further, the Sheriff's Office does not review or report on performance measures as required in its agreement with the Superior Court, including providing data on actual staffing and service levels, incidents at the courts, and the number of clients entering the courts.

In addition, the Division has not conducted a formal review or made any major changes to security following the high profile escapes to two inmates from the Palo Alto courthouse.

RECOMMENDATIONS

The Court Security Division Captain should:

- 5.1 Conduct formal staffing needs assessments annually as required under the agreement with the Superior Court and use the assessments to inform staffing levels for the subsequent years. (Priority 1)
- 5.2 Work with the Support Bureau Assistant Sheriff and Personnel Captain to support the development of a department-wide staffing plan as suggested in Recommendation 2.1 and develop tools to strategically staff the Division, such as the identification of fixed posts and appropriate relief factors. (Priority 2)
- 5.3 Review and report on all performance measures in the manner prescribed in the agreement between the County and the Superior Court until such time that the agreement is revised regarding these required reports. (Priority 2)
- 5.4 Work with the Court Executive Officer to determine the necessity of each of the performance measures in the agreement. Suggest revisions for the next agreement to focus the performance measure reports on data points that both the Court Executive Officer and the Sheriff's Office deem to be pertinent to the efficient and effective provision of court security services. (Priority 2)
- 5.5 Conduct a formal review of security procedures at the Palo Alto courthouse to determine if appropriate steps have been taken to address the causes of the 2017 escape of two inmates. (Priority 2)

SAVINGS, BENEFITS, AND COSTS

All of these recommendations are feasible within existing staffing resources and budget allocation of the Court Security Division, albeit with modest additional effort by Division staff. Enhanced analytical tools can reduce overall costs, particularly of the Superior Court, by better defining the Division's staffing needs, especially in light of the Division's high vacancy rate.

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Section 6: Internal Oversight

Background

The Internal Affairs Unit is responsible for receiving, documenting, and investigating critical incidents, such as officer-involved shootings and allegations of employee misconduct, including citizen complaints and administrative complaints. The Unit performs this function for both the Enforcement Bureau as well as the Custody Bureau. The Internal Affairs Unit is also responsible for managing the Department's Early Warning System, which is intended to identify deputies and other sworn staff who have been involved in a high number of critical incidents within a specified timeframe to allow supervisors and managers to make appropriate interventions.

Problem, Cause, and Adverse Effect

There is no high-level reporting or data review in the Internal Affairs Unit. Further, the Department implemented "Blue Team," an electronic system that captures and tracks critical incidents, in the spring of 2016 without adequate testing, adoption of procedures, or training to ensure effectiveness. As a result, Blue Team reports submitted by staff often contain errors and require extensive review by division supervisors and the Internal Affairs Unit. As of January 2018, there was a backlog of 2,900 Blue Team reports awaiting review. Additionally, the Department lacks written criteria or guidelines for determining appropriate discipline for misconduct, though the Department has plans to implement a discipline matrix, pending approval by County Counsel. Neither auditors nor the Internal Affairs Unit can easily determine how many use-of-force incidents a given deputy was involved with in a 12 month period or how many occurred Department-wide. Because the Division does not track trends in critical incidents over time, it could be missing opportunities to make appropriate adjustments in training, communication, or policy before high profile incidents occur. The backlog of critical incident reports compromises the quality of the Department's data on incidents involving staff, including use of force, and the effectiveness of the Early Warning System, as data from Blue Team reports feeds into the System.

Recommendations

The Board of Supervisors should request that the Sheriff report on use of force incidents and investigations on an annual basis. The Internal Affairs Unit should: (1) report internally on a regular basis on trends in critical incidents; (2) develop a 12-month plan to address the Blue Team backlog of reports requiring review; and, (3) develop policies and procedures for completing and reviewing Blue Team Reports.

Savings, Benefits, and Costs

Implementing these recommendations will allow the Department to identify and address potential employee or management issues and protect the County from potential civil liability resulting from critical incidents that could be prevented through proactive interventions.

BACKGROUND

The Internal Affairs Unit is responsible for receiving, documenting, and investigating critical incidents,⁴⁵ such as officer-involved shootings, and allegations of employee misconduct, including citizen complaints and administrative complaints—or complaints reported by Department managers. The Unit performs this function for both the Enforcement Bureau as well as the Custody Bureau. While division commanders are responsible for investigating incidents related to performance issues, such as tardiness or minor allegations of discourtesy, the Internal Affairs Unit is responsible for investigating incidents that could result in “formal discipline” of the employee, including disciplinary actions such as a letter of reprimand, suspension, or termination.

The Internal Affairs Unit is also responsible for managing the Department’s Early Warning System, which is intended to identify deputies and other sworn staff who have been involved in a high number of critical incidents within a specified timeframe to allow supervisors and managers to make appropriate interventions. For example, the Department’s Early Warning System flags deputies who have been involved in five or more vehicle pursuits within 12 months. In the event that a deputy was involved in five vehicle pursuits within 12 months, the Unit would alert the deputy’s division commander, and the division commander would be responsible for making appropriate interventions, such as additional training or counseling.

The Lieutenant in command of the Unit reports directly to the Undersheriff and oversees ten sergeants, including seven enforcement sergeants and three custody sergeants, a civilian analyst, and three contract background investigators.

FINDING

There is no high-level reporting or data review in the Internal Affairs Unit

According to interviews with relevant staff, there is no high-level reporting or data review in the Internal Affairs Unit to identify patterns in complaints or allegations of employee misconduct, use of force incidents, or any other critical incidents. Internal Affairs staff does not make use of high-level data related to critical incidents and complaints or allegations of misconduct due to data quality concerns (described in detail below) and there is no formal plan in place to address data quality issues to allow the Department to review and make use of high-level data reliably in the future. Further, the Lieutenant in charge of the Unit meets monthly with the Undersheriff and provides a verbal update on current internal affairs investigations, but no reports are produced for this meeting.

⁴⁵ High-risk incidents that may result in injury to employees or the public, cause civil rights violations, increase the civil liability of the organization, or result in loss of public trust and confidence (General Order #11.04, Updated February 2010).

Analyzing trends in complaints and critical incidents is considered a best practice in law enforcement, and the Department's General Orders specify that the Internal Affairs Unit shall collect and report on data that feed into the Early Warning System and compare them to historical norms of Sheriff Personnel functioning in similar assignments. In a 2016 audit of the San Francisco Police Department, the Office of Community Oriented Policing Services (COPS)⁴⁶ recommended that the San Francisco Police Department "analyze trends in complaints, situations that give rise to complaints, or variations between units or peer groups in relation to complaints and misconduct." In addition to the immediate notifications from an early warning system, COPS also recommended that supervisors be provided with quarterly reports that compare trends in complaints and misconduct in their unit to overall trends in the Department.⁴⁷

The Department is missing an opportunity to review the frequency of critical incidents over time, as well as the distribution of these incidents across divisions/units. Reporting on these incidents internally could allow the Department to proactively identify potential problem areas and to make appropriate adjustments in training, communication, or policy before high profile incidents occur. The Lieutenant of the Internal Affairs Unit should report to the Undersheriff on a regular basis (such as quarterly or monthly) on trends in data that feed into the Early Warning System and provide quarterly reports to captains that compare trends in complaints and misconduct in their division to overall trends in the Department. In addition, the Board of Supervisors should request that the Sheriff report on trends on data that feed into the Early Warning System on an annual basis.

The Internal Affairs Unit maintains a wealth of data that could be used to provide high-level reporting and trend analysis

The Internal Affairs Unit maintains a wealth of data on allegations of employee misconduct, use of force incidents, and other critical incidents that could be used for trend analysis. The Unit records investigations resulting from citizen complaints or administrative (or internal) complaints in IAPro, the Unit's data system. Additionally, staff report use of force incidents, and other critical incidents, such as vehicle pursuits or forced entry through Blue Team, an electronic tracking system, which feeds into IAPro.

⁴⁶ COPS is an office within the U.S. Department of Justice dedicated to community policing.

⁴⁷ COPS, Collaborative Reform Initiative. "An Assessment of the San Francisco Police Department." October 2016.

In accordance with recommendations from the Blue Ribbon Commission,⁴⁸ the Department adopted Blue Team to capture and track critical incidents in the Enforcement and Custody Bureaus in the spring of 2016. High-level reporting and trend analysis was a stated goal in the Blue Ribbon Commission recommendations. Sworn Staff document incidents in Blue Team under the following fourteen categories:

1. Automated External Defibrillator (AED) Deployment
2. Body Worn Camera Report (if device was muted)
3. Citizen Complaint Report (received in the field)
4. Inmate Injury Reports (Custody Bureau only)
5. Cell Extraction Report (Custody Bureau only)
6. Firearm Discharge Report
7. Forced Entry Report
8. Missing or Damaged Property Report
9. Use of Force Report
10. Use of Force – Non-Mandatory Report⁴⁹
11. Use of Force – Witness Only Report
12. Vehicle Accident Report
13. Vehicle Pursuit Report
14. Inquiry (includes incidents that do not fall into other categories that staff want to report, such as an incident that could generate a citizen complaint, or off-duty contact with former suspects)

The Early Warning System has not been calibrated for critical incidents occurring in the enforcement vs. custody divisions

In accordance with recommendations from the Blue Ribbon Commission, the Department adopted an Early Warning System to allow supervisors in the Custody Bureau to track trends in Internal Affairs complaints and critical incidents and to allow for timely intervention, additional training, or policy changes to reduce the incidence of these events. The Department's Early Warning System applies the same thresholds for critical incidents to enforcement deputies and custody deputies, including for use of force incidents. As a result, the Department may not be appropriately monitoring use of force incidents or conducting timely interventions for Enforcement staff.

48 The Board of Supervisors established a Blue Ribbon Commission in 2015 to identify Custody Bureau areas requiring reform after three of its Correctional Deputies were arrested for the fatal beating of mentally ill inmate Michael Tyree.

49 Staff are required to report use of force incidents of Level 3 or higher. A level 3 use of force must involve, at minimum, the use of pain compliance techniques or higher. Non-Mandatory Use of Force Reports include incidents below this threshold.

The Early Warning System was implemented for Custody and Enforcement staff simultaneously, and the System applies the same thresholds to Custody and Enforcement staff despite differences in job duties and environments. For example, although Custody staff are inherently more likely to use force than Enforcement staff due to constant close interaction with inmates, they are subject to the same threshold level for use of force incidents—eight or more “level 3”⁵⁰ use of force incidents in a 12 month period will trigger the Early Warning System. According to interviews with staff, the Department uses the same threshold levels for custody and enforcement staff for all incidents, including use of force incidents, because they do not have the capability to set different threshold levels for custody and enforcement staff. The Lieutenant of the Internal Affairs Unit should develop distinct thresholds for the Early Warning System for Custody and Enforcement staff and work with the Information Services Division or CI Technologies Inc., the software vendor, to address barriers in system capability.

Figure 6.1 below is a screenshot of the Early Warning System threshold levels from IAPro. The threshold levels shown in Figure 6.1 reflect the maximum number of incidents that a custody or enforcement deputy can accrue in a 12 month period without triggering the Early Warning System. For example, a deputy can have seven use of force incidents in a 12 month period without triggering the System, but eight (or more) incidents in a 12 month period would trigger the System.

Figure 6.1: IAPro Screenshot of Early Warning System Threshold Levels for All Enforcement and Custody Staff⁵¹

Incident type threshold settings				
Incident type	Officer # of months	Officer # threshold	Supervisor # of months	Supervisor # threshold
⚠ Administrative Investigation	12	2	0	0
⚠ Citizen Complaint	12	3	0	0
⚠ Missing/Damaged Property	12	3	0	0
🚫 Overall threshold	12	12	0	0
⚠ Pitchess Motion	12	2	0	0
🚫 Use of force	12	7	12	12
⚠ Vehicle accident	12	3	0	0
⚠ Vehicle pursuit	12	4	0	0

Source: Internal Affairs Unit

There are seven incident types that can trigger the Early Warning System: (1) administrative investigations; (2) citizen complaints; (3) missing or damaged property; (4) Pitchess motions;⁵² (5) use of force incidents; (6) vehicle accidents; and, (7) vehicle pursuits. Additionally, there is an “overall threshold” that applies to the sum of all seven incident types. For example, a deputy with six use of force incidents, four vehicle pursuits, two citizen complaints, and one vehicle accident would not trigger the System for any of these incident types, but the combined total (13) would trigger the System.

50 As mentioned above, a level 3 use of force involves the use of pain compliance techniques or higher.

51 The threshold levels in Figure 6.1 above reflect the maximum number of incidents that a custody or enforcement deputy can have in a 12 month period without triggering the Early Warning System. For example, a deputy can have seven use of force incidents in a 12 month period without triggering the System, but an eighth incident in a 12 month period would trigger the System.

52 A Pitchess motion is a request made by the defense in a California criminal case to access personnel information for a law enforcement officer when a defendant alleges that the officer used excessive force or lied about the circumstances of an arrest.

The Department is not using the Early Warning System’s functionality to monitor incidents at the supervisor level

Although the Department’s Early Warning System has the functionality to set thresholds and monitor incidents for supervisors in addition to individual staff, the Department does not utilize this function. The Department could be using this functionality to track trends in critical incidents at the supervisor level and make timely interventions. For example, the Department could see if a given supervisor has more than a specified number of use of force incidents among all their staff. The Department is therefore missing an opportunity to identify and address potential management issues.

The Internal Affairs Unit reports that this functionality is not in use because the supervisor field is not reliably entered in Blue Team reports. Internal Affairs staff can edit the supervisor field during the Blue Team report review process, but the reviewer may not know who the employee’s supervisor and the supervisor field that is automatically populated by Blue Team shows the supervisor that reviewed the report, which may not reflect the employee’s actual supervisor (for example, if the employee was not working their normal shift). The Lieutenant of the Internal Affairs Unit should develop a process to ensure supervisors are accurately reported in Blue Team Reports and enable the Early Warning System functionality for supervisors.

The Blue Team System was implemented without adequate testing, adoption of procedures, or training to ensure effectiveness

In the spring of 2016, the Department adopted Blue Team to capture and track critical incidents in the Enforcement and Custody Bureaus. The Department conducted limited testing of the new system with a few staff members before implementing it department-wide, and there was no internal memoranda or written communication issued to staff on the launch of Blue Team. The Internal Affairs Unit reports that the launch of Blue Team was discussed through the meet-and-confer process with the Deputy Sheriffs’ Association, but no written communication was issued to staff by the Department.

Additionally, most sworn staff did not receive training in advance of the launch and may not have had access to adequate resources to ensure effective use of Blue Team and accurate reporting. The Internal Affairs Unit reports that they planned a “train the trainer” event to review the system with supervisors, but few divisions participated.

There are no written procedures or other resources to facilitate implementation of the Blue Team System

Almost two years after the launch of Blue Team, there were no written Blue Team procedures or other resources to facilitate implementation of the Blue Team System. Lack of training and resources available to staff likely resulted in higher error rates and a more lengthy review process for Internal Affairs than if these resources had been available. As discussed below, the Department had an extensive backlog of Blue Team reports requiring review as of January 2018.

As of January 2018, there was no mention of Blue Team in the Department's General Orders, Patrol Procedures manual, or Court Security Division Procedure Manual. As of October 2017, the General Orders instructed staff to report critical incidents by submitting an Employee's Report, a hard copy report that was replaced by the electronic tracking system.⁵³

As of February 2018, the Internal Affairs Unit reported that it was working with the Training Division to develop a web-based training tutorial on Blue Team that could be referenced by staff and that the Department is in the process of updating the General Orders. The date when these materials will be available is unknown.

Significant backlog of Blue Team reports compromises the quality of data on incidents involving staff and the effectiveness of the Early Warning System

Relevant staff from the Department report they had an extensive backlog of Blue Team reports that require review. As of January 31, 2018, staff report there were approximately 2,900 reports in some stage of the review process, including 1,900 reports that require review solely by Internal Affairs, and an additional 1,000 reports that require review by division supervisors and Internal Affairs, as shown in Figure 6.2 on page 91. The records were a mix of reports from both the Custody and Enforcement Bureaus.

Figure 6.2: Blue Team Backlog, as of January 31, 2018

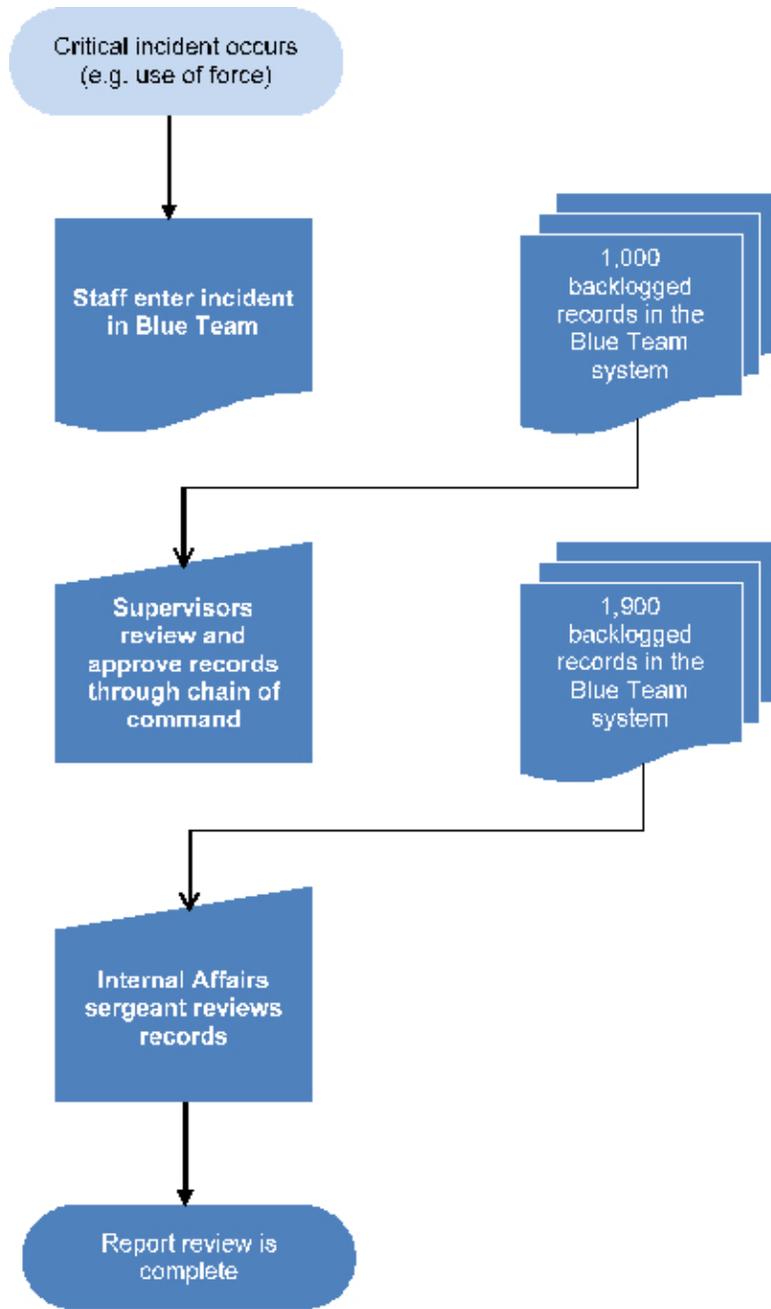
Reviewer	Backlog of Reports Requiring Review
Internal Affairs	1,900
Division Supervisors	1,000
Total Backlog	2,900

Source: Internal Affairs Unit

According to interviews with relevant staff, division supervisors review and approve Blue Team reports through the chain of command before being sent to Internal Affairs for review. There is only one Internal Affairs sergeant responsible for reviewing all Blue Team reports. Staff report that this sergeant spends 80 to 90 percent of their time reviewing these reports to ensure that the incident was reported under the correct category and that all pertinent information was provided in the proper fields. The remaining 10 to 20 percent of the sergeant's time is spent investigating complaints. The Blue Team report review process is shown in Figure 6.3 on page 92.

⁵³ As of February 2018, staff use the Employee Report to report work related injuries and infections with pathogens, and staff use Blue Team to report all other incidents previously reported through the Employee Report.

Figure 6.3: Blue Team Report Review Process and Backlog as of January 2018



Source: Auditors review of process as reported by the Internal Affairs Unit

The Blue Team backlog compromises the quality of data on critical incidents

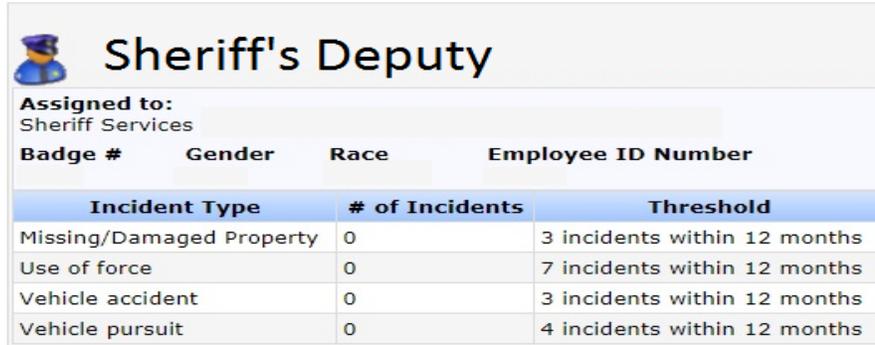
Due to the high number of Blue Team reports awaiting review (approximately 2,900 as of January 31, 2018, as reported by staff), statistics on these incidents are unreliable, which renders the system ineffective. Internal Affairs staff reports that the prevalence of errors in the Blue Team backlog impacts the accuracy of statistics drawn from the system. For example, a deputy that witnesses another deputy's use of force should complete a "Use of Force – Witness Only" report but may complete a "Use of Force" report erroneously. This error would attribute a use-of-force incident to the deputy that only witnessed a use of force and did not use force themselves. Additionally some of the records represent the same incident as they are reported by multiple staff, inflating statistics for some incidents. For example, if three deputies are all involved in the same use of force incident (and all use force) and each deputy completes a "Use of Force" report, each deputy could have three use of force incidents attributed to them for one incident if the reports are not completed correctly.

The Blue Team backlog compromises the effectiveness of the Early Warning System

The effectiveness of the Early Warning System primarily depends on two factors: (1) the quality of data on critical incidents and employee misconduct; and (2) timely and appropriate interventions by division supervisors to address any performance issues identified by the System. We determined that the quality of data that feeds into the Early Warning System was poor due to data entry errors in un-reviewed reports but we were not able to assess the quality or timeliness of interventions by division supervisors because the Internal Affairs Unit does not track data on interventions. The Unit reports that Internal Affairs staff is prohibited from accessing records of corrective action (including interventions implemented as a result of a notification from the Early Warning System) under State law.

The Department's Early Warning System is impacted by the significant backlog. The Early Warning System pulls statistics from Blue Team reports, including reports that have not been reviewed by Internal Affairs, (for example the number of vehicle pursuits) for some of the categories. Five of the eight incident types that can trigger the Early Warning System are based on statistics pulled from Blue Team. Figure 6.4 on page 94, a screenshot from the Early Warning System, shows the threshold levels for four incident types that are reported in Blue team and feed into the Early Warning System. The fifth incident type (not shown in Figure 6.4 on page 94) is the "overall threshold" that applies to the sum of all seven incident types.

Figure 6.4: Blue Team Screen Shot of Early Warning System Thresholds for Four Incident Types



Badge #	Gender	Race	Employee ID Number

Incident Type	# of Incidents	Threshold
Missing/Damaged Property	0	3 incidents within 12 months
Use of force	0	7 incidents within 12 months
Vehicle accident	0	3 incidents within 12 months
Vehicle pursuit	0	4 incidents within 12 months

Source: Internal Affairs Unit

Staff can log into Blue Team and see the thresholds for these incident types and how many incidents are attributed to them in a 12 month period. However, the number of incidents may not be accurate for all staff due to errors in report entry.

We requested data on Early Warning trigger events including “false triggers” caused by errors in reporting to determine how often Early Warning triggers occur and how often they are forwarded to division commanders for review to determine the prevalence of “false triggers,” but the Internal Affairs Unit did not provide this data.

Most Blue Team statistics unreliable due to inconsistencies in division supervisor review timelines

Division supervisors report review habits weaken the reliability of Blue Team statistics. The Internal Affairs Unit reported that division supervisors typically approve Blue Team reports and forward them to Internal Affairs for review within three to four weeks of the incidents. However, it is apparent that the division supervisor review process may take one and a half years or longer in some divisions as shown in Figure 6.5 on page 95. As of March 1, 2018, relevant staff reported that the oldest report awaiting review by a division supervisor was dated May 25, 2016, and the oldest report awaiting review by Internal Affairs was dated June 14, 2016. Internal Affairs reports that the report dated June 14, 2016 was forwarded to Internal Affairs after February 25, 2018. We requested an update on the number of reports in the Blue Team backlog and the age of the oldest reports to determine if any progress, but the Department did not provide updated information.

Figure 6.5: Blue Team Backlog Age Range, as of March 1, 2018

Reviewer	Oldest Report	Age of Oldest Report	Newest Report	Age of Newest Report
Internal Affairs	6/14/2016*	617 days (approximately 20.5 months)	2/26/2018	5 days
Division Supervisors	5/25/2016	636 days (approximately 21 months)	3/1/2018	0 days

Source: Auditors review of backlog as reported by the Internal Affairs Unit

*Oldest report was referred to Internal Affairs by Division supervisor after February 25, 2018.

The Lieutenant of the Internal Affairs Unit should develop policies and procedures for Blue Team report review by division supervisors that include: due dates, key elements to review, and common errors.

In March 2018, the Department reported that it did not need additional resources for implementation of its Early Warning System to the Board of Supervisors

During an update to the Board of Supervisors on the status of custody reform efforts on March 20, 2018, the Department reported that it had implemented the Early Warning System and did not require additional resources, as shown in Figure 6.6 on page 96. The Board of Supervisors appropriated \$1.66 million in ongoing funds for eight new staff to the Department to implement staff accountability reforms recommended by the Blue Ribbon Commission related to implementation of the Early Warning System.

Figure 6.6: Status of Staff Accountability Recommendation 2 Reported to the Board of Supervisors on March 20, 2018

STF 2	Implement an Early Warning System (EWS) that proactively identifies trends such as Use of Force incidents and grievances. EWS should provide reports that will allow for timely intervention of staff conduct, identification of training needs, and policy changes.
Steps Taken	The Sheriff's Office has implemented an Early Warning System that identifies trends and produces reports for management to address conduct, training or policy issues proactively. This Summarized Recommendation has been completed.
Budget Status	The Board approved the following: <ul style="list-style-type: none"> • February 2016: 1 Sheriff's Sergeant for the Internal Affairs Unit (\$229,610). • FY 2017 Adopted Budget: 2 Sheriff's Sergeant positions and 1 Management Analyst position to the Internal Affairs Unit (\$591,854). • FY 2017 Adopted Budget: 1 Sheriff's Correctional Lieutenant position and 2 Management Analyst positions (\$502,408) to track, investigate, and respond to grievances. • FY 2018 Adopted Budget: 2 Senior Management Analyst positions (\$338,062) to conduct audits, provide quality assurance of grievance responses, identify trends, and produce training materials regarding grievances. <p>No additional resources are needed.</p>

Source: "Updated Status of Jail Reform Efforts," reported by the Sheriff's Office to the Board of Supervisors March 20, 2018.

It is unclear how eight new staff were provided by the Board for the Early Warning System and associated processes, yet the system's backlogs as reported by staff indicate that it is under-resourced and not resulting in reliable "warnings" of potential problems, but the Board was advised that the system was operating as expected and required no additional resources.

The Lieutenant of the Internal Affairs Unit should develop and submit a 12-month plan to the Sheriff to address the backlog Blue Team reports requiring review. The Plan should prioritize review of reports for the four incident types that feed into the Early Warning System and should include the following components:

1. Temporary additional resources required to assist the Internal Affairs Sergeant that reviews Blue Team reports and how civilian personnel may be strategically used to review certain incident types;
2. A breakdown by division of the number of reports requiring review by a division supervisor and how the Internal Affairs Unit will work with those divisions to clear the backlog and ensure timely review in the future;
3. Common errors in Blue Team reporting and how the Department can address these errors through training and process documentation to reduce the incidence of errors in future reports; and,
4. On-going additional resources required in Internal Affairs to ensure timely review of reports in the future.

No use of force complaints have been sustained between January 2015 and November 2017

The Internal Affairs Unit completed investigations of 23 excessive use of force allegations that were filed between January 2015 and November 2017, but the Unit did not determine that any of the alleged incidents were out of policy, or sustained as shown in Figure 6.7 on page 98. There were a total of 25 excessive use of force allegations from complaints filed during the period, but investigations of two of these allegations (eight percent) were still pending as of February 2018. The Los Angeles Police Department, which produces annual reports on use of force incidents, reported that 12 percent of complaints resulting from a use of force incident were sustained in 2016.⁵⁴ While the number of sustained use of force complaints in the Sheriff's Office appears low compared to the Los Angeles Police Department, it is not possible to make any qualitative judgments on these outcomes without additional, contextualizing information.

Not all use of force incidents generate complaints, but we could not report on the total number of use of force incidents that occurred during the period or compare the prevalence of incidents in the Sheriff's Office to peer jurisdictions because of the backlog of Blue Team reports requiring review. Due to the prevalence of errors in un-reviewed reports, use of force statistics that include un-reviewed reports, are inaccurate. Due to the extensive backlog of Blue Team Reports requiring review, use of force statistics that exclude un-reviewed reports, are incomplete. A lack of scrutiny of use of force incidents and investigations can increase the civil liability of the organization. The Board of Supervisors should request that the Sheriff report on the frequency of use of force incidents and complaints over time and investigative findings of use of force cases on an annual basis.

⁵⁴ Los Angeles Police Department. Use of Force Year-End Review, 2016. Available at: <http://assets.lapdonline.org/assets/pdf/2016-use-of-force-year-end-review-small.pdf>.

Use of Force Administrative and Citizen Complaints

There were 22 citizen complaints and three administrative complaints regarding use of force filed between January 2015 and November 2017, for a total of 25 complaints. Two of the 25 use of force allegations, or eight percent, were pending as of February 2018, but none of the 23 remaining use of force allegations were sustained, as shown in Figure 6.7 on page 98.

Figure 6.7: Internal Affairs Outcomes for Level 3 Use of Force Cases for the Enforcement Bureau, January 2015 through November 2017

Finding	Administrative Complaint	Citizen Complaint	Total Number	Percentage of Total
Unfounded, Not Sustained, Exonerated, or No Finding	3	20	23	92.0%
Sustained	0	0	0	0.0%
Pending	0	2	2	8.0%
Total	3	22	25	

Source: Auditors analysis based on complaint data provided by the Internal Affairs Unit

With 12 use of force allegations between January 2015 and November 2017, or approximately one allegation per six deputies, Headquarters Patrol had the greatest number of use of force allegations of any division and the greatest number of allegations per deputy, as shown in Figure 6.8 below. There were a total of 20 allegations involving deputies from the following divisions: the Academy, Transit Patrol, Court Security, Headquarters Patrol, and West Valley Patrol. The division field was missing in the complaint data for the remaining five allegations.

Figure 6.8: Level 3 Use of Force Cases by Division, January 2015 through November 8, 2017

Division	Total Deputies	Use of Force Cases					Cases per Deputy
		2015	2016	2017	Total		
Academy	15*			1	1	1 per 15 deputies	
Transit Patrol	42**			1	1	1 per 42 deputies	
Court Security	162	1	2	1	4	1 per 41 deputies	
Headquarters Patrol	77		5	7	12	1 per 6 deputies	
West Valley Patrol	73		2		2	1 per 37 deputies	
Subtotal (5 Divisions)	369	1	9	10	20	1 per 18 deputies	
Missing	N/A	1	3	1	5	N/A	
Total		2	12	11	25		

Source: Auditors analysis based on complaint data provided by the Internal Affairs Unit

*Use of force cases are attributed to the Academy when deputies are in field training although they are assigned to one of the patrol divisions. There are at most 15 deputies in field training at a given time.

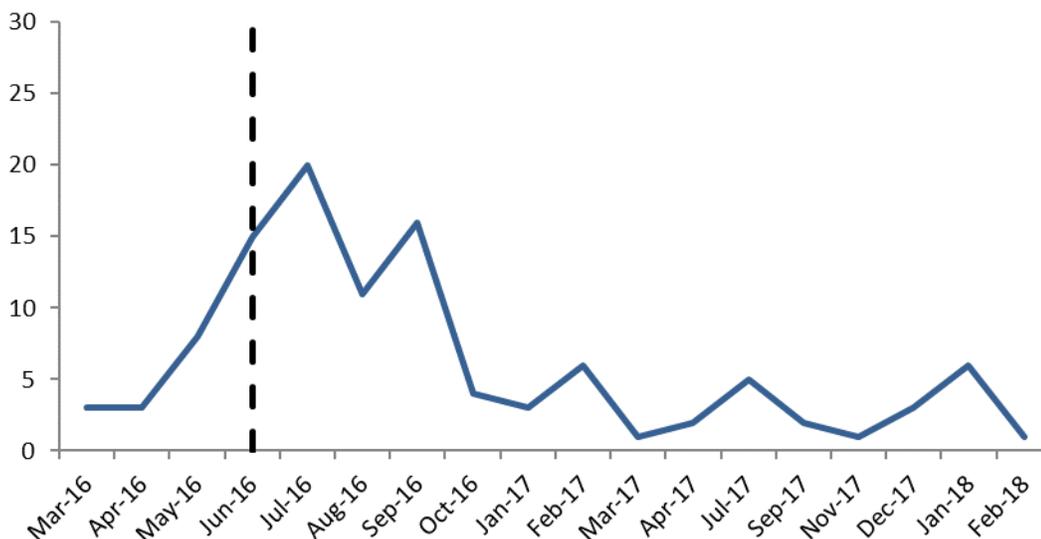
**Authorized deputy positions in Transit Patrol increased from 21 in FY 2016-17 to 42 in FY 2017-18

A Subset of Use of Force Incidents Reported through Blue Team

The exact number of use of force incidents involving enforcement staff that occurred since the launch of Blue Team (Spring 2016) is unknown due to the backlog of 2,900 Blue Team reports requiring review. These reports span critical incidents, including use of force incidents, from both the Custody and Enforcement Bureaus from June 2016 through March 2018.⁵⁵ To assess use of force incidents and corresponding reporting and investigative mechanisms within the Department, we requested use of force data including: (1) the date of the incident; (2) type of force used; (3) number of review days; and, (4) whether or not the incident resulted in an administrative investigation by internal affairs since the launch of Blue Team. The Department provided a subset of this data which includes reports that have been reviewed by the Internal Affairs Unit and excludes use of force reports in the backlog.

The Internal Affairs Unit has reviewed use of force reports related to 110 “Level 3” use of force incidents⁵⁶ involving enforcement staff since the launch of Blue Team. Monthly data for this subset of incidents, which exclude incidents from un-reviewed reports, is shown in Figure 6.9 below. Additionally, some of these incidents involved more than one enforcement staff member and generated more than one Blue Team report. Over this same time period supervisors filed three administrative use of force complaints and citizens filed 17 use of force complaints.

Figure 6.9: Level 3 Use of Force Incidents Reviewed by Internal Affairs Unit Since Blue Team Launch (as of March 2018)



Source: Auditors analysis based on data provided by the Internal Affairs Unit

⁵⁵ As of March 1, 2018.

⁵⁶ Staff are required to report Level 3 use of force incidents. A level 3 use of force must involve, at minimum, the use of pain compliance techniques or higher. Non-Mandatory Use of Force Reports include incidents below this threshold.

There are no written criteria or guidelines for determining appropriate discipline for misconduct

According to interviews with staff, the Disciplinary Review Board⁵⁷ has discretion to determine the level of discipline subsequent to a sustained finding in an Internal Affairs investigation, and there are no written criteria or guidelines for determining appropriate discipline for misconduct. The General Orders state that “the board shall openly discuss the investigation and level of discipline each member recommends.” A lack of written criteria or guidelines for determining appropriate discipline may lead to inconsistent discipline levels applied to employees for the same misconduct and could allow for favoritism or the appearance of favoritism among staff.

According to guidelines from the Office of Community Oriented Policing Services (COPS),⁵⁸ law enforcement agencies should have a system to ensure that discipline is fair and consistent. The guidelines also state that a discipline matrix, which specifies the nature of offenses or policy violations and associates them with recommended ranges of discipline, can help ensure consistent penalties for misconduct while still allowing decision-makers to consider the totality of the circumstances. We surveyed other California law enforcement agencies to benchmark the practices of the Sheriff's Department. Our review found that several California law enforcement agencies use penalty matrices or have other guidelines for determining discipline levels. Peer law enforcement agencies that use penalty matrices include: the Los Angeles Police Department, the Los Angeles County Sheriff's Office, and the San Mateo County Sheriff's Office. Further, the Los Angeles Police Department publishes monthly public reports on disciplinary actions taken against staff, which include the rank and assignment (e.g. patrol) of the officer, the allegation of misconduct, and the penalty imposed (if any).

One of the Blue Ribbon Commission's recommendations for the Custody Bureau was to publish a discipline matrix and regular public reports on disciplinary actions taken against staff. As of March 2019, the Department reported to the Board of Supervisors that the Department had developed a draft matrix for the Custody Bureau, and County Counsel was in the process of reviewing the draft, as shown in Figure 6.10 on page 101. According to staff, the Department would also adopt a similar discipline matrix for Enforcement Bureau staff but the matrix for each bureau would have sections specific to the different bargaining units. Any changes to existing policy would require approval from Labor Relations and the relevant labor unions, including the Correctional Peace Officers' Association and the Deputy Sheriffs' Association. The Sheriff should continue to work with County Counsel to implement a discipline matrix for the Enforcement Bureau to ensure that discipline is fair and consistent.

57 The Disciplinary Review Board is comprised of: a chairperson appointed by the Sheriff, the Assistant Sheriff, two captains (selected by the chairperson), the Division Lieutenant, the Personnel Captain, and the Internal Affairs Lieutenant, who is a non-voting member that has no input on discipline.

58 COPS is an office within the U.S. Department of Justice dedicated to community policing.

Figure 6.10: Status of Staff Accountability Recommendation 4 Reported to the Board of Supervisors on March 19, 2019

STF 4	
With regard to transparency for employee disciplines in the Sheriff's Office, post regular public reports on disciplinary actions taken involving staff. Publish a matrix so that employees know the level of discipline for specific policy violations. Provide access to records to any potential oversight body.	
RESPONSIBLE DEPARTMENT(S)	Sheriff's Office
STEPS TAKEN	The Sheriff's Office has evaluated best practices and developed a draft matrix of discipline that resembles the model being utilized by the California Department of Rehabilitation and Corrections (CDCR). The draft needs to be reviewed by Sheriff's Office stakeholders prior to implementation. The Sheriff's Office will work with potential oversight bodies to provide access to records that is consistent with the law, especially with the Peace Officer's Bill of Rights (POBAR). The Sheriff's Office has evaluated the practices and policies of other agencies and has a draft proposal matrix that is being reviewed by County Counsel.

Source: "Updated Status of Jail Reform Efforts," reported by the Sheriff's Office to the Board of Supervisors March 19, 2019.

CONCLUSION

The Department implemented Blue Team, an electronic system that captures and tracks critical incidents, in the spring of 2016 without adequate testing, adoption of procedures, or training to ensure effectiveness. As a result, Blue Team reports submitted by staff often contain errors and require extensive review by division supervisors and the Internal Affairs Unit. A backlog of 2,900 Blue Team reports (as of January 2018) that require review compromises the quality of the Department's data on incidents involving staff, including use of force, and the effectiveness of the Early Warning System, as data from Blue Team reports feeds into the System. Additionally, the Department lacks written criteria or guidelines for determining appropriate discipline for misconduct, though the Department has plans to implement a discipline matrix, pending review by County Counsel.

The Sheriff's Office has not prioritized high-level reporting or analysis of critical incidents or proactive interventions to reduce the incidence of these events. The Sheriff has not required the Internal Affairs Unit to: (1) report on trends or (2) address data integrity and system issues in order to make better use of the Early Warning System and high-level statistics. A lack of reporting on critical incidents and proactive interventions can increase the civil liability of the organization and result in loss of public trust and confidence.

RECOMMENDATIONS

The Sheriff should:

- 6.1** Require the Lieutenant of the Internal Affairs Unit to report to the Undersheriff quarterly (or at other regular intervals as directed by the Board of Supervisors) on data trends that feed into the Early Warning System and provide quarterly reports to captains that compare trends in complaints and misconduct in their division to overall trends in the Department. (Priority 1)
- 6.2** Direct the Lieutenant of the Internal Affairs Unit to develop distinct thresholds for the Early Warning System for Custody and Enforcement staff and work with the Information Services Division or CI Technologies Inc., the software vendor, to address barriers in system capability.
(Priority 1)
- 6.3** Direct the Lieutenant of the Internal Affairs Unit to:

 - i. Develop a process to ensure supervisors are accurately reported in Blue Team Reports; and
 - ii. Enable the Early Warning System functionality for supervisors.
(Priority 1)
- 6.4** Direct the Lieutenant of the Internal Affairs Unit to develop and submit a 12-month plan to address the backlog of Blue Team reports requiring review. The Plan should prioritize review of reports for the four incident types that feed into the Early Warning System and should include the following components:

 - i. Temporary additional resources required to assist the Internal Affairs Sergeant that reviews Blue Team reports and how civilian personnel may be strategically used to review certain incident types;
 - ii. A breakdown by division of the number of reports requiring review by a division supervisor and how the Internal Affairs Unit will work with those divisions to clear the backlog and ensure timely review in the future;
 - iii. Common errors in Blue Team reporting and how the Department can address these errors through training and process documentation to reduce the incidence of errors in future reports; and,
 - iv. On-going additional resources required in Internal Affairs to ensure timely review of reports in the future.
(Priority 1)
- 6.5** Direct the Lieutenant of the Internal Affairs Unit to develop policies and procedures for Blue Team report review by division supervisors that include:

 - i. Due dates;
 - ii. Key elements to review; and,
 - iii. Common errors.
(Priority 2)

- 6.6** Continue to work with County Counsel to implement a discipline matrix for enforcement staff to ensure that discipline is fair and consistent. The matrix should specify the nature of policy violations and associate them with recommended ranges of discipline. (Priority 1)

The Board of Supervisors should:

- 6.7** Request that the Sheriff report on trends on critical incidents (including use of force incidents) that feed into the Early Warning System, as well as use of force investigations on an annual basis. Reports should include the following:
- i. The frequency of critical incidents over time;
 - ii. The distribution of these events across divisions/units; and
 - iii. Investigative findings of use of force cases.
- (Priority 1)

SAVINGS, BENEFITS, AND COSTS

Recommendation 6.4 could require modest additional effort by staff in Internal Affairs, although we do not believe this impact is substantial enough to warrant additional staffing. All other recommendations may be implemented within the Department's existing budget allocation. These recommendations will allow the Department to monitor trends in critical incidents and identify and address potential employee or management issues. Further, these recommendations will protect the County from potential civil liability resulting from critical incidents that could be prevented through proactive interventions.

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Section 7: Third Party Oversight

Background

The Sheriff's Office is responsible for overseeing the law enforcement functions of two organizations outside of the Department: (1) the Stanford University Department of Public Safety (DPS) and (2) the Santa Clara County Valley Medical Center's (VMC) Protective Services Department. The Sheriff's Office and Stanford University have a memorandum of understanding (MOU) that deputizes Stanford DPS security staff, allows them to have law enforcement powers while on duty, and enumerates other oversight and reporting responsibilities for both parties. The Sheriff's Office and the County of Santa Clara Health System maintain an agreement for operational oversight over the VMC Protective Services Department. Unlike deputy sheriffs or Stanford University DPS officers, VMC protective service officers are not sworn peace officers and therefore do not have law enforcement powers (such as making arrests for unseen misdemeanors or searching suspects for weapons).

Problem, Cause, and Adverse Effect

Although required by the MOU, the Sheriff's Office is not reviewing and approving DPS' internal affairs procedures or General Orders. In addition, the Sheriff's Office and Stanford University disagree about how to classify and report sexual crimes. VMC's Protective Services Department has longstanding attendance problems. Sick leave use by staff appears to be excessive, particularly compared to the per-person use of sick leave of deputy sheriffs assigned to law enforcement. In addition, the Sheriff's Office does not systematically track the training received by VMC Protective Service Officers. Lack of consistent sexual crime reporting on Stanford's campus may result in fines of \$55,907 for Stanford University for each inaccurately reported incident and may erode public confidence in publicly reported crime statistics. At VMC, attendance problems resulted in approximately 39 disciplinary actions among the 58 security staff in calendar year 2017.

Recommendations

We recommend that the Sheriff's Office revise its MOU with Stanford University to incorporate final crime reporting criteria and enhancement of staffing during large events, review and approve the University's General Orders and internal affairs procedures. We also recommend that the Sheriff's Office work to establish a sick leave policy for the VMC Protective Services Division and begin electronically tracking compliance with that Department's training requirements.

Savings, Benefits, and Costs

We estimate that establishing and clarifying the policies discussed in our recommendations may be accomplished without fiscal impact. The benefit of implementing our recommendations would include enhanced public safety on Stanford University's campus and at the County's medical facilities as well as avoiding fines and associated loss of public trust for inaccurate crime reporting.

BACKGROUND

The Sheriff's Office is responsible for overseeing the law enforcement and security functions of two organizations outside of the Department: (1) the Stanford University Department of Public Safety (DPS) and (2) the Santa Clara County Valley Medical Center's Protective Services Department.

Stanford University Department of Public Safety (DPS)

Stanford University's campus is located in an unincorporated area in Santa Clara County and therefore is within the Sheriff's Office jurisdiction. Instead of directly policing Stanford's campus, the Sheriff's Office and Stanford University have a memorandum of understanding (MOU) that deputizes Stanford DPS staff who have passed a background check, been approved for hire as a peace officer by the Sheriff's Office, and who have passed a P.O.S.T.⁵⁹ approved police academy and allows them to have law enforcement powers while on duty. The MOU enumerates other oversight and reporting responsibilities for both parties. The Sheriff has assigned one captain to provide oversight of DPS policies and one law enforcement records clerk for managing criminal records. Both positions are paid for by Stanford University. The MOU between Stanford and the Sheriff's Office was last updated in 2007.

Valley Medical Center Protective Services Division

The Sheriff's Office and the County of Santa Clara Health System (SCCHS) maintain an agreement for the Sheriff to provide operational oversight over the Valley Medical Center's (VMC) Protective Services Department. VMC has 58 non-sworn security staff, including 52 Protective Service Officers and six Supervising Protective Services Officers. The purpose of VMC's Department of Protective Services is to maintain order and security at the County's medical facilities. Unlike Deputy Sheriffs or Stanford University DPS reserve deputies, Protective Service Officers are not sworn peace officers and therefore do not have law enforcement powers (such as making arrests for unseen misdemeanors or searching suspects for weapons).

FINDING

Oversight of Stanford University's Department of Public Safety

The Sheriff's Office is not reviewing Stanford Department of Public Safety's internal affairs procedures or General Orders as required by the MOU

Like the Sheriff's Office, the Stanford University DPS maintains its own General Orders, a set of policies for the operational and administrative functions of the organization. In addition, DPS should maintain a detailed procedure for internal affairs investigations. As part of its oversight of DPS, the Sheriff's Office has the authority and responsibility for reviewing and approving the DPS's General Orders and internal affairs policies, but does not do so.

⁵⁹ P.O.S.T. stands for Peace Officer Standards and Training, a set of minimum training standards used by California law enforcement agencies.

The MOU between the Sheriff's Office and Stanford University was amended in 2007 to include a provision that gave the Sheriff authority over the DPS's internal affairs policies and General Orders. The MOU states:

- The Sheriff will review and approve Stanford University Department of Public Safety policies guiding Internal Affairs investigations (Section II.D.4)
- The General Orders for Stanford University Department of Public Safety will be reviewed and approved by the Sheriff or his/her designee prior to implementation. No changes will be made to any Stanford University Department of Public Safety General Orders without approval of the Sheriff or his/her designee. (Section II.D.6)

As part of our review of the Sheriff's Office's oversight of these other agencies, we inquired about the Department's review of DPS's internal affairs procedures and General Orders. However, the Sheriff's Office was not able to identify or document when any such review had occurred. According to interviews with the Sheriff's Office, the Stanford DPS General Orders have not been reviewed recently because the Sheriff was planning to revise her own General Orders in calendar year 2018. The Sheriff's Office stated that it plans to review the DPS General Orders once the Sheriff's General Orders have been finalized. However, the Sheriff's Office did not have any immediate plans to review DPS's internal affairs procedures. Until the Sheriff's Office reviews and approves DPS's General Orders and internal affairs procedures, it is possible that they may be less comprehensive than, or inconsistent with, those of the Sheriff's Office. This could diminish the effectiveness DPS' law enforcement operations and compromise public safety on Stanford's campus, which is part of the Sheriff's Office jurisdiction. We recommend that the Sheriff's Office review DPS' General Orders and internal affairs procedures, as required by the MOU, as soon as possible in order ensure that they appropriately meet Stanford University's public safety needs.

Stanford University and the Sheriff's Office disagree about how to define and report certain sexual crimes

Section II.D.3 of the MOU between Stanford University and the Sheriff's Office states:

The Sheriff or his/her designee will be notified by Stanford University Department of Public Safety of all burglaries and thefts in excess of \$25,000 and other serious felony cases

The responsibilities of Stanford University and the Sheriff's Office in this provision need to be better defined. According to interviews with the Sheriff's Office and with Stanford University DPS, the organizations disagree about how to classify and report certain sexual crimes, as required by the Clery Act (described below). Per the Clery Act, each failure to accurately report a crime can result in a \$55,907 fine for the educational institution responsible for the crime reporting.

Reporting sexual crimes

Title IX is a federal civil rights law that prohibits discrimination based on sex in education programs or activities that receive federal financial assistance. Stanford University has a Title IX office to investigate complaints of sexual harassment, sexual assault, sexual misconduct, domestic violence, and stalking as well as to administer disciplinary processes and to accommodate victims. Victims of sex discrimination may report incidents to the Title IX office or to DPS. The Clery Act, a federal law, requires universities that receive federally-funded financial aid to publicly report annual statistics of crimes

that take place on campus. Stanford publishes Clery reports annually. The reports include crimes reported to DPS and those reported to Stanford medical staff and other University staff (such as faculty and Title IX Office staff), who meet the federal definition of a Campus Security Authority (CSA). Pursuant to federal law, CSAs are required to report incidents (for statistical purposes) for inclusion in Clery reports. A sexual crime victim may also anonymously seek advice from DPS. In that case, regardless of whether the victim decides to disclose her/his identity and file a police report, the incident will still be included in the annual Clery reports and in the DPS crime database. Stanford University and the Sheriff's Office have stated in interviews with auditors that the two organizations do not always agree on how to define and report certain sexual crimes in Clery reports.

According to the Stanford DPS, it did not classify two incidents as sexual assaults which the Sheriff's Office thought should be titled as rapes or attempted rapes. In one case, the victim did not think she had been sexually assaulted but wanted to have a sexual assault exam to rule out the possibility. In the second incident, the person who took the sexual assault exam told the investigating officer that she had not been sexually assaulted and took a sexual assault exam to prove to an intimate partner that she had not been sexually assaulted. According to interviews, the Sheriff's Office and Stanford DPS did not agree about how to classify these incidents, which were ultimately reported as sexual assaults in Stanford University's Clery reports.

Due to the confidential and sensitive nature of these crime reports, the audit team was not able to review the underlying crime reports. However, both Stanford DPS and the Sheriff's Office stated to the audit team that there is ongoing disagreement about how to classify sexual crime incidents. Lack of consistent sexual crime reporting on Stanford's campus can result in fines of \$55,907 for Stanford University for each inaccurately reported incident. In addition to being a violation of federal law, improper crime reporting may erode public confidence in publicly reported crime statistics.

The Sheriff's Office stated in interviews with auditors that it is in conversation with Stanford University to develop a shared understanding of how to report sexual crimes. The conversation between the Sheriff's Office and Stanford University is ongoing, however the Sheriff's Office declined to provide us with a status update of the negotiations when we inquired during the drafting of this report.

The MOU between Stanford and the Sheriff's Office does not have procedures that provide law enforcement staffing for large campus events

The MOU between Stanford University and the Sheriff's Office does not have procedures that provide law enforcement staffing for large campus events such as sports games and controversial political gatherings. The Sheriff's Office does not allow its deputies to provide staffing support for such events. Stanford DPS must rely exclusively on its full-time staff to police these events, which is sometimes insufficient to meet the security requirements set by the Stanford DPS Chief of Police. Although no adverse outcomes have occurred due to this potential lack of law enforcement staffing, Stanford University and the Sheriff's Office should nonetheless revise the MOU to detail a procedure for Stanford DPS to enhance its staffing during large events.

Oversight of Valley Medical Center's Department of Protective Services

VMC Protective Services Officers have longstanding attendance problems

Sick leave use by VMC Protective Services Officers (PSOs) appears to be excessive, particularly when compared to the per-person use of sick leave of deputy sheriffs assigned to patrol. As shown in Figure 7.1 below, PSOs had approximately double the amount of sick leave compared to deputy sheriffs.

Figure 7.1: Sick Leave Hours per Deputy Sheriffs and Protective Service Officers, FY 2015-16 to FY 2016-17

	FY 2015-16	FY 2016-17
Sick Hours per Patrol Deputy Sheriff	37	44
Sick Hours per PSO	78	81

Source: Auditor review of Sheriff payroll data and PSO sick leave

According interviews with the Sheriff's Office, excessive sick leave has been a problem since at least 2016. Attendance problems are widespread within VMC's Protective Service Department. In 2017 there were 39 disciplinary actions taken among the 58 total Protective Service Officers and Supervising Protective Service Officers, the majority of which were write-ups for attendance problems.

The Sheriff's Office is responsible for PSO's performance, supervision, and discipline per the agreement between the Sheriff's Office and SCCHS. However, the Protective Services Department does not have a sick leave policy. Instead, it relies on the County's sick leave policy (Ordinance Code Section A25-694) and Santa Clara Valley Medical Center Attendance Policy and Procedures. Beyond stating that departments may request a doctor's note after three days of sick leave, the County's sick leave policy does not include controls to discourage sick leave abuse. The Sheriff and SCCHS should develop a stronger sick leave policy that requires supervisors to conduct regular audits of sick leave to identify potential abuse. Such a review could be triggered by suspicious sick leave use, including: (a) taking paid sick leave on days when an employee's request for vacation leave has been denied; (b) a pattern of taking paid sick leave on days when the employee is scheduled to work a shift that may be perceived as undesirable; and, (c) a pattern of taking paid sick leave on Mondays or Fridays or immediately following a holiday.⁶⁰ If sick leave abuse is identified, corrective action should be taken to ensure the availability of Protective Services security staff.

According to Sheriff's Office staff, the Department had plans to begin working with SCCHS and the relevant labor unions to establish a sick leave policy for the Protective Service Department in 2018.

⁶⁰ These examples are taken from the San Francisco Office of Fair Labor Standards 2007 Rules implementing that County's Paid Sick Leave Ordinance, which applies to all employers in that County.

The Sheriff's Office needs to improve its monitoring of PSO training

According to the agreement between the Sheriff's Office and SCCHS, the Sheriff's Office is responsible for maintaining documentation of PSO training certifications. However, the Department does not systematically track training certifications of such staff. Instead, such certifications are dispersed in staff personnel files rather than in a centralized database. In order to verify that security staff members have obtained a recommended or required training, a manager would have to manually consult every staff member's personnel file. According to a 2017 review of PSO training certifications by Sheriff management, records of use of force training and other required training were often "non-existent" or indicated "sporadic" adherence to Protective Service Department training requirements. Despite these findings, the Sheriff's Office has no immediate plans to proactively address and monitor compliance of PSO compliance with training requirements.

Lack of systematic training makes it difficult to verify and monitor the extent to which Protective Service Department security staff members are complying with that Department's training requirements, including use of force training. According to the Q4 2017 Sheriff Captain's report, use of force and implicit bias training could help reduce public complaints of PSO use of force. Use of force complaints could pose a significant legal liability for the County.

CONCLUSION

The Sheriff should provide more effective oversight of the Stanford University's Department of Public Safety by ensuring compliance with all the provisions in the memorandum of understanding between the Sheriff's Office and Stanford University and by clarifying procedures to report sexual crime statistics. We recommend that Stanford University and the Sheriff's Office revise their MOU, which has not been updated since 2007. Similarly, the Sheriff's Office could provide more effective oversight of Valley Medical Center security staff by addressing longstanding attendance issues and by ensuring security staff is complying with the Department's training requirements.

RECOMMENDATIONS

The Sheriff should:

- 7.1 Resolve outstanding questions regarding crime reporting and incorporate the final crime reporting criteria into the MOU between Stanford University and the Sheriff's Office. (Priority 1)
- 7.2 Review and approve Stanford University's Department of Public Safety General Orders and internal affairs procedures. (Priority 1)
- 7.3 Revise the MOU with Stanford University to detail a procedure for Stanford DPS to enhance its staffing during large events on campus. (Priority 3)
- 7.4 Work with the County of Santa Clara Health System, the Employment Services Agency, and relevant labor unions to establish a sick leave policy for the Protective Services Division no later than July 1, 2020. (Priority 2)
- 7.5 Direct the Training Services Captain to begin electronically tracking Protective Service Officer and Supervising Protective Service Officer compliance with that Department's training requirements. (Priority 1)

SAVINGS, BENEFITS, AND COSTS

We estimate that establishing and clarifying the policies discussed in our recommendations may be accomplished without fiscal impact. The benefit of implementing our recommendations would include ensuring public safety on Stanford University's campus and at the County's medical facilities as well as avoiding fines for inaccurate crime reports.

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Section 8: Training

Background

Peace Officers in participating departments, including the Sheriff's Office, are required to adhere to ongoing annual training requirements, mandated by the Commission on Peace Officer Standards and Training (POST). In addition, there are internal topic-specific trainings, and certain divisions or positions entail specialized training. The Sheriff's Training and Compliance Division maintains the Department's training program. Division staff manages training requests and travel reimbursements for outside trainings; identifies Department training needs; administers on-site training content; and maintains staff training records.

Problem, Cause, and Adverse Effect

The Sheriff's training program does not strategically provide the largest number of staff the highest level or quality of training, and it does not systematically record and track all training. A recent Training and Compliance Division survey shows that a sample of approximately 55 staff do not feel sufficiently trained in fundamental skills. The Department does not have controls in place to enforce internally mandated training and the Training Management System (TMS) has limited functionality and reporting capabilities. As a result, there is no way to verify that deputies completed position-specific internally mandated trainings or whether training is limited by the need to meet minimum staffing levels. Additionally, the Basic Academy may have lowered standards in 2017 to meet recruitment goals. Finally, staff have been informally discouraged from attending trainings through the local South Bay Regional Training Consortium; in some cases this requires staff to incur costs traveling out of County for training. Some sergeants and lieutenants as of early 2018 had not completed the 104-hour leadership training within the first 12 months of their promotions as mandated by state regulations. Staff may be unnecessarily prevented from accessing relevant training based on their assigned division's staffing. A lowered Academy testing standard may mean that the Courts are staffed with deputies who are appropriately vetted only after their period in the Court Security Division. The Department's directive to prioritize staffing needs over training paired with the lack of a strategic staffing model means training may be delayed or overlooked, and staff may not be fully proficient in core skills. The limited functionality of TMS leads to inefficient use of staff time. Encouraging staff to seek training out of County may waste County resources.

Recommendations

The Sheriff's Office should emphasize core skills, update its training plan, require captains to keep records of all training request denials, allow deputies to attend trainings offered through the South Bay Regional Training Consortium when appropriate, and consider restoring the Academy's previous standards.

Savings, Benefits, and Costs

These recommendations would bring greater efficiency and effectiveness to the Sheriff's Office training program and protect the County from both material losses and potential liability resulting from under-trained sworn staff.

BACKGROUND

The Sheriff's Training and Compliance Division maintains the Department's training program. Division staff manages training requests and travel reimbursements for outside trainings; identifies Department training needs; administers on-site training content; and, maintains staff training records.

POST Minimum Training Requirements

California's Commission on Peace Officer Standards and Training (POST) sets minimum selection and training standards for all Peace Officers statewide. POST certifies trainings considered fundamental to the job, establishing standard curricula for all training presenters in California. There are two primary types of training: one-time training required in order to become a sworn Peace Officer and annual training required in order to retain sworn status.

To become a sworn Peace Officer, the entry level training requirement is the Basic Academy, a 664-hour (POST-mandated minimum) instructional sequence with required topics, such as Presentation of Evidence and Patrol Techniques. Following Basic Academy, graduates enter a probationary period of six to 18 months and must complete the patrol Field Training Program in order to be fully deputized.

Once in service, sworn staff has ongoing training requirements. The core of annually required training for badged staff is called Continued Professional Training (CPT). CPT calls for every Peace Officer to receive 24 hours of POST-certified training every two years to maintain perishable skills. The 24 hours must include:

1. Arrest and Control (4 hours annually)
2. Driver Training (4 hours annually)
3. Tactical Firearms or Force Options Simulator (4 hours annually)

In addition to these minimum requirements, in-service training encompasses all other trainings completed while a Peace Officer. As such, in-service training contains the largest and most variable curricula and is the focus of this section.

To track POST-certified in-service training hours, the Sheriff's Office is required by POST to use a Training Management System (TMS) with an Electronic Data Interchange (EDI) to POST's centralized database. All POST-certified training hours are automatically stored in TMS, so that every sworn staff has a record of all POST hours completed as well as any non-POST-certified training hours the officer has opted to log in TMS.

Internal Training Plan

In addition to POST's minimum training requirements for all Peace Officers, County departments or the Board of Supervisors periodically require topic-specific trainings, and certain divisions or positions entail specialized training. For example, in 2015 the Board of Supervisors voted to require Implicit Bias training for patrol and the County requires software and administrative trainings of all County employees that may evolve as systems change. The Sheriff's Office Training Plan focuses on in-service training. The purpose of the plan was to standardize training guidelines and encourage personnel to continue developing professionally. Since POST-mandated trainings are a legal priority across rank, the training plan outlines trainings that Captains believe would benefit staff in specialized positions. It details trainings by division, position, and rank; classifying trainings as: (1) Mandatory, (2) Essential, and (3) Desirable, which are defined below in Figure 8.1.

Figure 8.1: Training Plan Training Types

Type	Description
Mandatory	<p><i>Required</i></p> <ul style="list-style-type: none"> a. Statutory – Training required by Federal and State law. b. Mandatory – Training mandated by administrative orders from POST, or mandated by Santa Clara County departments (e.g. Employee Services Agency). c. Critical – Internally required training determined by leadership based on risk areas considered a potential legal liability.
Essential	<p><i>Specific/Technical</i></p> <p>Training that is deemed necessary to improve performance within a specific job classification.</p>
Desirable	<p><i>Desired/Developmental</i></p> <p>Training which would benefit the overall service to the community by the Sheriff's Office, and enhances an individual's job performance and includes (but not limited to):</p> <ul style="list-style-type: none"> a. Advanced training in job specific skills—including supervisory and management courses for those who may be assigned those duties. b. Leadership training and supervisory orientation. c. Collateral duty assignments such as Field Training Officer, Crisis Negotiator, Instructor Training, Sheriff's Emergency Response Team, Investigations, Civil, etc.

Source: 2010 Sheriff's Training Plan

Career Incentive Program

The Career Incentive Program (CIP) is an additional training program, which is designed to incentivize continuing education. Staff who achieve an established amount of additional training hours or educational credits on their own time (off duty) will receive a compensation increase on a percentage basis for the duration of the following fiscal year. The percentage increases as staff attain higher levels of POST-defined education credit. CIP hours can be any combination of accredited college semester units, in-service training hours, or hours spent instructing. The vast majority of deputies participate in CIP.

FINDING

The Sheriff's training program does not strategically provide the largest number of staff with the highest level or quality of training

Actual per deputy training hours vary widely between divisions. Although the work of certain divisions are more specialized and require more training, such as Investigations, training hours also vary for divisions with comparable work, such as Patrol. For example, the average training received per deputy in 2017 was 74.5 hours in the Headquarters Patrol Division compared to 100 hours in the West Valley Patrol Division. Figure 8.2 below shows 2017 training hours by division, excluding Career Incentive Pay hours. Deputies in Investigations and Training and Compliance received the most training during this period. Deputies in Court Security appear to have received the least amount of training, but this is likely because the Court Security Training Program is not tracked in the Training Management System (TMS), the Department's information system that tracks staff training. Further, Parks Patrol has a seasonal staffing model, making it difficult to compare to other divisions, and Personnel appears high but the average is driven up by one staff member.

Figure 8.2: 2017 Deputy Training Hours (Excluding CIP Hours) by Division⁶¹

Division	Training Hours	Number of Deputies	Training Hours/Deputy	Percent of Total Time
Personnel	635	4	158.8	7.6%
Training and Compliance	865	7	123.6	5.9%
Investigations ⁶²	3,311	28	118.3	5.7%
West Valley Patrol	5,458	66	82.7	4.0%
Civil / Warrants	889	11	80.8	3.9%
Headquarters Patrol	5,585	83	67.3	3.2%
Parks Patrol	379	6	63.2	3.0%
Special Operations	442	7	63.1	3.0%
Transit Patrol	1,962	32	61.3	2.9%
Court Security	4,438	82	54.1	2.6%
Total/Average	23,964	326	87.3	4.2%

Source: Deputy Training Profiles, as of October 31, 2017 and report summarizing all CIP hours by deputy produced at our request, both extracted from TMS

61 This chart was created based on an extract of the Training Management System provided in October of 2017, and therefore does not include the full calendar year. The Training Management System does not record all trainings not certified by POST, so this likely omits some non-POST certified training hours.

62 Although the finding later in this section that less than half the deputies in the Investigations Division completed the Institute of Criminal Investigation (ICI) Core Course, their per deputy training hours are relatively high because the core course is 80 hours long. Additionally, the more specialized, advanced investigations courses also tend to be 40-80 hour courses, so while not all division staff has received the advanced trainings, those who have drive up the division's average.

In addition to variation across divisions, the Training Plan contains inconsistencies across similar job classifications without clear rationale. For example, for the School Resource Officer (SRO) assigned to Headquarters Patrol three courses are considered mandatory, while no courses are mandatory for SROs in the West Valley Patrol Division (as shown in Figure 8.3 on page 118). Rather, a different, longer list of trainings is recommended. Similarly, for patrol deputies there are more mandatory trainings at Headquarters and a longer, different set of recommended trainings at West Valley.

Some discrepancy may be warranted as the contract jurisdictions (Cupertino, Saratoga, and Los Altos Hills) partially dictate the nature of service delivery for the West Valley Patrol Division and the Headquarters Patrol beat is distinct from the West Valley beat. For example, deputies assigned to West Valley must be adept at traffic collision procedure, whereas traffic collisions in the unincorporated Headquarters beat are handled by California Highway Patrol. Nonetheless, as the Training Plan is revised, the Department should review and consider aligning unfounded variations to ensure staff are consistently and appropriately trained and are not unnecessarily prevented from accessing relevant training based on the division to which they are assigned.

Figure 8.3: Example of Varying Training Requirements in 2010 Training Plan

School Resource Officer at Patrol - HQ and Parks					School Resource Officer at Patrol - West Valley				
(DEP.) SCHOOL RESOURCE OFFICER					(DEP.) SCHOOL RESOURCE OFFICER				
Course Title	POST CCN/ Plan No.	Length (Hr)/ Repeat	Authority/ Justification	How	Course Title	POST CCN/ Plan No.	Length (Hr)/ Repeat	Authority/ Justification	How
MANDATORY					MANDATORY				
School Resource Officer	32330	40	Specific to position		(None Listed)				
School Resource Inter	32331/IV	40	An updated version of first class		ESSENTIAL				
School Threat Assessment Violence Management	31383	8			School Resource Officer	32330 / IV	40	Essential job skill requirements	
ESSENTIAL					School Resource Officer – Inter	32331 / IV	40	Builds on basic course	
School Crime Prevention	31380	6			School Threat Assessment Violence Management	31383 / IV	8	School violence identification and avoidance	
DESIRABLE					Code Red	N/A	8	Active Shooter	Internal
(None Listed)					DESIRABLE				
					Computer crime / social networking sites	23429 / III	8	Learn to use sites for intel and investigation	
					Drug Abuse recognition - intro	20311 / IV	8	Drug recognition	
					Juvenile law Enforcement	32290 / III	32	Juvenile Specific Enforcement	
					Youth Violence	22299 / IV	4	Current trends	
					Youth Violence Update	N/A	2 / 1yr	Updated current trends	

Deputy at Patrol - HQ and Parks					Deputy at Patrol - West Valley				
(DEP.) PATROL					(DEP.) PATROL				
Course Title	POST CCN/ Plan No.	Length (Hr)/ Repeat	Authority/ Justification	How	Course Title	POST CCN/ Plan No.	Length (Hr)/ Repeat	Authority/ Justification	How
MANDATORY					MANDATORY				
Active Shooter Response	22306	8	Tactical response training for major incidents		(None Listed)				
Report Writing	22700	24			ESSENTIAL				
Gang Awareness	23215	9	Certain areas of the county have high concentration of gang crimes		Radar Training	33613 / IV	24	Radar certification	
Gangs – Cal Gang Computer	23161	16	Needed to be able to navigate Cal-Gangs		Active Shooter Response	22306 / NA	8	Response to active Shooter training	
Drug Influence Refresher 11550	22223	8			Narcotics Investigation – Patrol	32652 / IV	16	Recognize / enforce drug laws	
ESSENTIAL					Gangs – Cal-gang Computer	23161 / IV	16	Required for Access to Cal-gangs computer	
Radar Training	23300	24	To help conduct traffic enforcement		Traffic Collision Investigation	33590 / IV	40	40600(a) CVC qualified	
Developing, Maintaining & Utilizing Sources of Information	1073-22500	8	Essential for everyday investigations to cultivate, maintain & utilize various sources of information		Driving Under The Influence Update	20270 / IV	24	Current case law and DUI investigation	
DESIRABLE					DESIRABLE				
Evidence Collection	31552	4	Needed for major crime scenes in which CSI would not normally respond		Gang awareness Update	23215 / IV	9	Current gang trends	
Community Oriented Policing	22300	120	Great policing course		Drug Trends Update	28266 / IV	8	Current Drug Trends	
					Identity Theft Invest / Patrol	30612 / IV	8	Improve ID theft investigations	
					Informant Development / Maint	22500 / IV	8	Recognize sources of information	
					Bicycle Patrol	23820 / IV	40	Certification for bicycle patrol and safety procedures	

Source: 2010 Training Plan.

Internal survey respondents do not feel sufficiently trained in POST mandated basic skills

The core content of the Department’s training program is the perishable skills outlined in the POST minimum standards for training. Employee survey results suggest these are the skills staff feels least confident in. In January 2018, the Training and Compliance Captain surveyed both enforcement and custody line staff and leadership asking what training content they would like to see emphasized in the future. Approximately 45

percent of survey respondents identified as an enforcement classification. Department-wide approximately 43 percent of personnel are in an enforcement classification and 57 percent a custody classification, so the results are roughly reflective of the Department makeup of enforcement vs. custody deputies. The desired skills related to enforcement that arose most frequently in the survey responses were the following, in order of frequency:⁶³

1. Defensive tactics /force options
2. Legal/policy updates
3. Leadership/management skills
4. Increased firearm training/range time
5. Report writing
6. Crisis/mental health response
7. Emergency/active shooter response

Several of these domains, such as firearm training, are areas that staff is at liberty to work on in their free time. It does not appear, based on a review of range calendars for the past three years that access to the range is constrained. There is always at least one range pad available to staff even if one or more of the five range pads operated by the Sheriff's Office are rented to outside agencies.

The areas that staff responded that they would like to see emphasized in the future are also topics that staff have the most exposure to. Force options and firearms training are perishable skills that staff is required to train on annually in addition to being topics covered during Basic Academy. Supervisory and management courses are required by POST upon promotion. Defensive tactics, crisis intervention, and report writing are covered in Academy; and the County requires all staff to obtain active shooter protocol training at least once. While survey results suggest staff do not feel confident with fundamental skills, it is also possible that these results reflect a bias towards what survey respondents are already familiar with. While training requirements are mandatory, training and compliance should consider expanding its focus on fundamental skills.

There are no controls in place to enforce internally mandated training

The Department is unable to ensure it is meeting the standards outlined in the Training Plan, due to a lack of controls in place to enforce trainings considered mandatory by the Department, but not by POST. Without such controls, the training plan is merely a non-binding guide. According to Section VIII, Training Enrollment Decisions/Enforcement of the Training Plan:

The most important decision on whether an individual attends training is driven by supervisors. Whereas an individual's training attendance impacts an entire department's day-to-day staffing schedules, supervisors should consider each request carefully...criticality of an individual's attendance is left up to the division supervisor/manager's discretion.⁶⁴

The Department's directive to prioritize staffing needs over training paired with the lack of a strategic staffing model means training, even if it is deemed "mandatory," may be delayed or overlooked, unless it is required by POST.

⁶³ This list excludes content that pertains only to custody operations, such as gun bearer and inmate transport.

⁶⁴ Page 11.

31 classifications across 10 divisions have additional training requirements, mandated by the Department, but not by POST. Figure 8.4 below shows a sample of division/position-specific “mandatory” training requirements per the training plan. Mandatory training for an additional 13 Special Operations positions can be found in Attachment B on page 177.

Figure 8.4: Sample, Classification-Specific Mandatory Training Requirements

Course Title	Position Required to Complete	Division
Extraditions LEO Flying Armed	Extraditions Deputy	Civil
Internal Affairs Investigations	Sergeant/Lieutenant	Internal Affairs
Institute of Criminal Investigation Sexual Assault Investigation	Deputy/Sergeant - Sexual Assault Unit	Investigations
Livestock	Rural Investigations Deputy	Patrol
Developing, Maintaining and Utilizing Sources of Information	Rural Investigations Deputy	Patrol
Motorcycle Training	Deputy - Traffic Motorcycle	Patrol - West Valley
Radar Training	Deputy - Traffic Motorcycle	Patrol - West Valley
Traffic Collision Investigation	Deputy - Traffic Motorcycle/ Traffic Investigations	Patrol - West Valley
School Resource Officer	Deputy - School Resource Officer	Patrol
School Threat Assessment Violence Management.	Deputy - School Resource Officer	Patrol
Colt Armorer Certification	Range Deputy/Sergeant	Training and Compliance
Firearms/Glock Armorer	Range Deputy/Sergeant	Training and Compliance
Background Investigation	Deputy/ Sergeant - Recruiting	Training and Compliance
Safety Officer	Deputy - Vehicle Maintenance Officer	Transportation

Source: 2010 Training Plan

The limited data that is consistently recorded in TMS suggests that not all staff assigned to a division complete all required division-specific trainings within the first several months of their assignment. Although there is no stated timeline or deadline for internally mandated trainings, presumably they are more useful the sooner they are completed. In the case of the Investigations Division, as shown in Figure 8.5 on page 121, as of October 31, 2017, only 18 of 21 (86 percent) of sergeants and 13 of 28 (46 percent) of deputies had completed the Institute of Criminal Investigation (ICI) Core Course⁶⁵ required by the Department of all beginning Investigators. Further, among the deputies, it took an average of 5.2 months before the nine Investigators completed the ICI core course while the remaining 13 Investigators had gone an average of 6.8 months without completing the ICI core course.

⁶⁵ The ICI Core Course is a POST-certified course so all training hours should feed automatically into TMS, which has allowed us to conduct analysis and draw conclusions on ability of the Investigations Division to complete the course.

Figure 8.5: Status of Investigations Division “Mandatory” Training for Deputies

	ICI Core Course Completed	Training Not Yet Completed
Number of staff in position as of 10/31/17	13	15
Percent of staff in position as of 10/31/17	46%	54%
Range of months: date of appointment to training/to 10/31/17	0.8 - 15.5	N/A
Average Number of months in position before completion/to 10/31/17	5.0	N/A
Median Number of months in position before completion/ to 10/31/17	3.8	N/A

Source: Deputy Training Profiles, as of October 31, 2017

In most cases, the Department does not specify a time frame for staff to complete division-specific training. Given an annual departmental rotation that can require staff to transfer to a different division after three years in a position, training should be completed as soon as possible. It is not possible to systematically compare the date staff was assigned to a given division with the date they received the mandatory training because course naming conventions vary between the Training Plan and the training records, stored in TMS and maintained by the Training and Compliance Division.

Not all sergeants and lieutenants complete required POST leadership trainings⁶⁶ within the first 12 months of the assignment as required by Section 1005 of Title 11 of the California Code of Regulations. Further, these courses are generally completed late in the first year when they are completed within the 12 month requirement. As shown in Figure 8.6 on page 122, three lieutenants and 19 sergeants had not completed required leadership training within 12 months. According to the previous Training Captain, staff that have not completed the training “within the one year time frame are exempted if they are on some form of leave during that one year period or if our staffing limitations conflict with available dates of the training offered by the State. In [these cases] those exceptions applied to staff that went beyond the one year to complete the training.” We were unable to confirm these exceptions within the audit time frame.

Further, as shown in Figure 8.6 on page 122, the median completion date for leadership trainings was 9.5 months following assignment for first-time Sergeants and 9.4 months following assignment for first-time Lieutenants as of February 2, 2018. For personnel who completed leadership training within 12 months, the median time to completion date for leadership trainings was 8.3 months following assignment for first-time Sergeants and 8.2 months following assignment for first-time Lieutenants. This delay is of note in the context of the 2018 Training Division survey results which showed leadership skills as the second most desired training content area.

⁶⁶ Leadership trainings (Supervisory and Management courses) are one of the few cases where trends can be analyzed as they are position-specific and are certified and mandated by POST.

Figure 8.6: Time to Training for Leadership Assignments

Rank	Mandatory Training	Number of Staff in Position As of 10/31/17	Number That Had Recorded Training Within 12 Months As of 10/31/17	Number That Had Recorded Training As of 10/31/17	Range of Months From Date of Appointment to Training	Average Number of Months in Position Before Completion	Median Number of Months in Position Before Completion
Lieutenant	Management Course*	15	12 (80%)	14 (93%)	2.9 - 44.2	12.7	9.4
Sergeant	Supervisory Course	78	47 (71%)	66 (85%)	2.7 - 26.7	9.8	9.5

Source: Sergeant Training Profiles and Lieutenant Training Profiles, as of February 2, 2018

*Date completed Management Module C

There is no way to verify that deputies completed position-specific mandatory trainings

The Department is unable to verify that deputies have completed position-specific mandatory training because they are largely considered informal requirements and are not consistently tracked in TMS, the Department's database for managing training. Because of its Electronic Data Interchange (EDI) with the state POST authority, TMS automatically tracks all POST certified training courses, but it can also be used to track non-POST certified training. Most of the trainings not mandated by an outside government entity, such as POST or the Board of Supervisors, are considered informal requirements by Department leadership and are inconsistently recorded in TMS. Due to the EDI automation, any training that is an informal requirement but happens to be POST-certified, will be captured in TMS. Informal requirements that are not POST-certified will be captured in TMS only if the staff who attended training make an effort to report and document it.

Figure 8.7 on page 123 shows that all trainings required of deputies by POST or the Board of Supervisors are recorded in TMS. However, approximately 80 percent of required trainings are either not recorded in TMS or are unreliably recorded, which prevents the Department from verifying whether or when a given deputy may have completed such training. Trainings that are reliably and consistently recorded in TMS, POST-certified and POST-mandated trainings, are highlighted in Figure 8.7 on page 123.

Figure 8.7: Authority of Mandatory Training for Deputies

Course Title	Rank Required	Division	Authority	In TMS? ⁶⁷
Active Shooter Response	Deputy	Patrol	Board of Supervisors	Yes
Implicit Bias	Deputy	All	Board of Supervisors	Yes
County Driving Permit	Deputy	All	County	No
CLETS/NCIC Update	Deputy	All	County	No
ICS-100 Introduction to ICS	Deputy	All	Federal	Yes
IS-700 Introduction to NIMS	Deputy	All	Federal	Yes
<i>Basic Course (Academy)</i>	<i>Deputy</i>	<i>All</i>	<i>POST</i>	<i>Yes</i>
<i>FTO Orientation</i>	<i>Deputy</i>	<i>All</i>	<i>POST</i>	<i>Yes</i>
<i>Perishable Skills - Driving</i>	<i>Deputy</i>	<i>All</i>	<i>POST</i>	<i>Yes</i>
<i>Perishable Skills - Force Options</i>	<i>Deputy</i>	<i>All</i>	<i>POST</i>	<i>Yes</i>
<i>Perishable Skills - Arrest & Control</i>	<i>Deputy</i>	<i>All</i>	<i>POST</i>	<i>Yes</i>
<i>Perishable Skills - Communications</i>	<i>Deputy</i>	<i>All</i>	<i>POST</i>	<i>Yes</i>
Court Training Program	Deputy	Court Security	Sheriff	No
Crim. Investigative Inst Core Course (ICI)	Deputy	Investigations	Sheriff	Yes
4x4 Off Road Driving Course	Deputy	Parks Patrol	Sheriff	Yes
Boating Under the Influence	Deputy	Parks Patrol	Sheriff	Yes
Report Writing	Deputy	Patrol	Sheriff	Yes
Gang Awareness	Deputy	Patrol	Sheriff	Yes
Gangs - Cal Gang Computer	Deputy	Patrol	Sheriff	No
Drug Influence Refresher 11550	Deputy	Patrol	Sheriff	No
Recruit Training Officer Course	Deputy	Training and Compliance	Sheriff	Yes
Firearms Qualifications	Deputy	All	Sheriff	Yes
Internal Affairs Update	Deputy	All	Sheriff	Yes
Vehicle Pursuit Policy Review	Deputy	All	State	Yes
Biased Base Policing Refresher	Deputy	All	State	Yes
Domestic Violence Update	Deputy	All	State	Yes
First Aid Refresher	Deputy	All	State	Yes
Short Barrel Shotgun	Deputy	All	State	No
CPR Refresher	Deputy	All	State	Yes

Source: Deputy Training Profiles and 2010 Training Plan

⁶⁷ Note that even if a course is in TMS it may not be consistently recorded which prevents accurate tracking.

Approximately 37 percent of all deputy training hours that were captured in TMS over the three year period from 2014 to 2017 were POST-certified courses. Therefore, the majority (approximately 63 percent) of training hours logged are not POST-certified, as shown in Figure 8.8 below. Although the Training and Compliance Division makes efforts to capture as many staff trainings as are reported by deputies, data integrity issues remain a barrier to accurate tracking and reporting of training progress given that only the POST-certified data can be considered comprehensive.

Figure 8.8: TMS Deputy Training Hours by POST Certification

	CA-POST Certified	Not POST Certified	Total
2014	1,611	3,138	4,749
2015	2,159	2,927	5,086
2016	2,197	3,558	5,755
2017	1,850	3,845	5,695
Grand Total	7,817	13,468	21,285
	37%	63%	

Source: Deputy Training Profiles, as of October 31, 2017

The Sheriff's Basic Academy recently lowered its standards in order to achieve recruitment goals

According to the Training and Compliance Division Captain, the Basic Academy curriculum was revised in 2017 to enable more recruits to successfully complete the Sheriff's Academy and eventually proceed to the Field Training Program (FTP). We were not able to obtain details about the changes, but we understand the revision was regarding a decrease in the amount of simulated stress recruits face during the orientation to Basic Academy. Minor revisions to the Academy curriculum are not uncommon, but this change may have impacted the caliber of the graduating cohort. While only one class of data is available following these revisions, 2017's graduation rate of 95 percent is unprecedented in 22 cohorts of recruits since 2006. As shown in Figure 8.9 on page 125, the average graduation rate from November 2006 to November 2017 is 75.6 percent. The graduation rate has fluctuated over that time from a low of 41.7 percent in 2010 to a high of 95 percent in the most recent class.

Figure 8.9: Enforcement Academy Program Retention 2006-2017

Class End Date	Number of Starting Recruits	Number of Graduating Recruits	Percent Graduating
November 2006	24	22	91.7%
April 2007	37	34	91.9%
September 2007	22	20	90.9%
February 2008	35	29	82.9%
July 2008	25	20	80.0%
October 2008	45	31	68.9%
January 2009	21	17	81.0%
August 2009	28	23	82.1%
March 2010	27	22	81.5%
September 2010	34	22	64.7%
March 2011	24	10	41.7%
October 2011	17	14	82.4%
May 2012	15	13	86.7%
December 2012	28	20	71.4%
July 2013	21	10	47.6%
February 2014	52	38	73.1%
September 2014	54	33	61.1%
April 2015	45	28	62.2%
December 2016	40	26	65.0%
July 2016	38	31	81.6%
March 2017	53	42	79.2%
November 2017	40	38	95.0%
Total	725	543	Average: 75.6%

Source: Training and Compliance Division Captain provided upon request

After completing the Basic Academy, graduates are placed in their first assignment in the Court Security Division and are then required to complete the Department's Field Training Program (FTP) before becoming fully deputized. While FTP retention data made available only covers 2014-2017, there was an increase in trainees who did not complete FTP in 2017. As shown in Figure 8.10 on page 126, between 2014 and 2016 the FTP failure rate ranged from eight percent to 13 percent, but in 2017, 28 percent of trainees were not able to complete FTP. The FTP standards have not substantially changed over that time.

Figure 8.10: Field Training Program Retention 2014-2017

Year	Trainees	Refreshers	Failures	% Failures
2014	29	2	4	13%
2015	33	5	5	13%
2016	24	1	2	8%
2017	25	0	7	28%

Source: Training and Compliance Division

There may be a relationship between the lower qualifications to entry for Basic Academy and a larger number of recruits who are unable to manage fieldwork. We suggest this be tracked over future years to determine if there is a relationship. The effect of the 2017 revisions to the Basic Academy content may be that the Courts are staffed with deputies who are appropriately vetted only after their period in the Court Security Division. This is particularly concerning in light of security breaches in 2017 at one of the courthouses.

The Training Management System is limited in functionality and reporting capabilities

Data integrity aside, TMS has very limited functionality for reporting progress on training above the individual deputy level. Further, data entry into TMS is not standardized or validated, which raises the risk of reporting errors and further hampers reporting ability.

Duplicative, manual data entry is required in TMS because the system cannot connect to PeopleSoft, the County's personnel system. Specifically, the division that staff is assigned to must be manually updated. The Senior Training Specialist refers to a Personnel report, which is released intermittently as needed, to change the current division assignment in TMS for each deputy. This is a time consuming and inefficient task given how frequently staff is reassigned. Additionally, this manual data entry does not always capture the division date so it is not possible to run a report indicating how long staff has been in their current division compared to when training was completed.

TMS's usefulness is generally limited to tracking individual staff. The limited reporting capabilities of TMS prevent divisions from tracking all division deputies' training status in real time. Rather, Training and Compliance staff manually assemble monthly reports by compiling individual staff training records into division summaries, which is an inefficient and time consuming process.

Data entry into TMS is not standardized or validated, which raises the risk of reporting errors. There are no parameters within TMS entry fields to prevent entry errors and no internal naming conventions. Class names may vary for the same training content, making it difficult to compare across deputies. For example, the CPR Refresher course is coded in TMS under four different names, as shown in Figure 8.11 on page 127.

Figure 8.11: Sample, Inconsistent Naming Conventions

Subject
C.P.R. Refresher
First Aid / C.P.R. Update
LD 34 - C.P.R. / First Aid
First Aid / CPR Refresher

Source: Deputy Training Profiles

TMS is effectively mandated by POST as it is the only system authorized to synchronize with POST's Electronic Data Interchange (EDI). The Training and Compliance Captain is aware of TMS' shortcomings and is monitoring POST-sanctioned efforts by a peer agency to pilot a more robust database platform. The Captain stated that he has also begun making use of the training request process to maximize deputy reporting of non-POST-certified training content. The new process will be maintained external to TMS: approved training requests will be recorded in a spreadsheet; the Training and Compliance team will later refer to the request list, following up with individual deputies to confirm they completed the training, then record the hours in TMS.

Additional efforts to manually improve TMS' internal consistency should continue. In order to improve course indexing, Training staff should consider re-purposing the TMS field "Certification" and use it comprehensively instead of only for POST certified courses. Staff could assign numbers internally and use them for all associated trainings, regardless of presenter, date, or precise course name. This would improve users ability to compare trainings across staff as well as to look up a specific course.

Staff has been informally discouraged from attending trainings through a local consortium, in some cases this requires costs to travel out of county for training

The South Bay Regional Public Safety Training Consortium offers in-service training for law enforcement and has several locations in the County. Staff reported that training requests to attend training presented, sponsored, or supported by the South Bay Regional Training Consortium (SBRTC) are consistently denied or preemptively discouraged.

Training records show that County staff rarely attend trainings at SBRTC and that they travel out of County to attend trainings on topics that are not highly specialized, such as Background Investigations and Search and Seizure. Many deputies attend highly specialized trainings such as "Buried Body and Surface Skeletons" and "Computer Digital Evidence Recovery," which SBRTC does not offer. Therefore, some out-of-county travel is to be expected. However, staff should not need to travel to attend trainings on law enforcement fundamentals as the SBRTC regularly offers these locally within the County. In addition to wasting time and Department resources, sending staff out of county for locally offered trainings minimizes opportunities for networking and sharing with neighboring agency staff that Sheriff Deputies are most likely to encounter in the field.

For trainings that are required, deputies may attend out of county trainings on paid time and travel, lodging, and meals are reimbursed. When a deputy is out of office for training, his or her position may need to be back-filled by another deputy, typically requiring the back filling deputy to be paid overtime. Backfill may or may not be necessary depending on the assignment of the deputy: for a civil warrants deputy, their duties may wait until the deputy returns, but for a patrol deputy or a jail deputy backfilling is likely necessary to meet required service levels. The longer a deputy is out, the higher the costs incurred in overtime pay. For trainings that are not required, but are approved by the Division Captain, the same rules apply.

For trainings that are not required AND not approved by their Captain, deputies may attend on their own time (vacation); in these cases the Department does not pay for travel, lodging, or meals, but the deputy may choose to request tuition reimbursement and the course may be eligible for CIP credit. When a deputy is out attending a training on vacation time, backfill may or may not be necessary depending on staffing needs when approving vacation.

Regarding backfilling, the further a deputy has to travel, the longer a deputy is out, and the longer a deputy is out, the higher the costs incurred in overtime pay to a backfilling deputy.

A total of 15 staff have attended nine POST-certified trainings presented by the SBRTC since deputy training profiles have been maintained in the late 1990s, which represents less than one percent of all trainings attended by deputies over the past three years.

The Sheriff's Office was able to provide location data for 15,594 trainings out of a total of 16,536 in-service trainings (or approximately 94 percent) attended by deputies between 2015 and 2017. Among those 15,594 records, approximately 93 percent of the locations recorded were Santa Clara County Sheriff properties (primarily the Richie Training Center and the Range). Among the remaining 942 training courses, 669 (71 percent) were presented in Santa Clara County and 448 training courses (29 percent) were presented in California, but outside of Santa Clara County. An additional 10 trainings occurred outside of California. Figure 8.12 on page 129 geographically presents the available locations for the approximately 448 California sites outside of Santa Clara County where staff attended training between 2015 and 2017.

Figure 8.12: Out of County Training Locations in California, 2015-2017



Source: Deputy Training Profiles and Calendar of Scheduled Trainings provided by the Training and Compliance Division

Note: Out of county trainings include both trainings attended on personal time and required trainings attended on paid time. We were unable to identify those that were reimbursed from those that were not due to disparate record keeping.

Due to inconsistent naming conventions, it was not possible to comprehensively compare out of county trainings attended by staff to comparable trainings offered in county by SBRTC around the same time period (within two months). As shown in Figure 8.13 on page 130, a small number of cases were found where SBRTC held a training on a topic during the same timeframe that a County deputy traveled outside of the Bay Area to attend a comparable training. The actual number of cases of deputies traveling out of county to complete courses that are offered at SBRTC may be larger, but due to data limitations cannot be determined.

Figure 8.13: Routine Trainings Attended Outside of Bay Area When a Comparable Training was Offered by SBRTC

Subject	Training Location	Actual Training Received	SBRTC Location	SBRTC Date
Background Investigation	McClellan	8/11/2016	San Jose	8/22/2016
Background Investigation	Sacramento	3/2/2017	Coyote Valley	3/27/2017
Cognitive Interview and Statement Analysis	Sacramento	3/20/2015	Daly City	3/30/2015
ICI Core Course	Fresno	3/27/2015	Oakland	3/23/2015
ICI Core Course	Roseville	5/15/2015	Oakland	3/23/2015
ICI Core Course	San Diego	4/29/2016	Union City	4/18/2016
ICI Core Course	San Diego	5/26/2017	Union City	6/5/2017
Search and Seizure for Patrol	Fresno	4/29/2015	San Mateo	3/2/2015
Search and Seizure Update	Folsom	4/7/2016	San Mateo	3/14/2016

Source: Comparison of scheduled trainings with 3-year class list provided by South Bay Regional Training Consortium

It is not possible to observe or assess whether access to training is excessively hampered by division staffing constraints

There are no formal criteria for how captains decide whether to approve or deny training requests from their staff. Rather, training approvals are at the complete discretion of leadership: first, a division captain must approve individual deputy training requests, then the Training and Compliance Division approves the request, and the Undersheriff gives final approval. At the division level of approval, deputies are less likely to see a training request approved if their division has fewer staff available to fill in for a deputy on leave.

According to the West Valley and Headquarters Patrol leadership, the following criteria are informally considered in making a determination as to whether an employee may attend a training (in no particular order):

1. The Division's overtime budget (because replacing a deputy away at training will likely incur overtime hours);
2. Staffing availability for a particular shift;
3. "Return on investment" (i.e. length of time in division remaining and potential for exemption from rotation);
4. Performance of the deputy; and,
5. POST reimbursement.

According to the Training and Compliance Captain, once a training has been approved by division leadership, the following criteria are considered in making a determination as to whether an employee may attend a training (in no particular order):

1. Staffing;
2. Relevance of the requested training;
3. Location of training (travel costs);
4. Quality of the training provider; and,
5. POST certified or not.

Training denials are not recorded by division supervisors. The Training and Compliance Division began keeping a record in March 2016 of training requests that were approved by the division captain, but denied by the Training and Compliance Division or the Undersheriff. Reasons listed for these denials include the following:

- Conflict with Penal Code
- Concerns with Training Provider
- Training is out of state
- Comparable in-house training already scheduled
- Training is for a position staff not currently assigned to
- Training and Compliance will schedule an in-house training due to popularity
- (for conferences) Conference schedule not available

It is not possible to assess whether access to training is hampered by division staffing constraints because training denials are not recorded by division supervisors. The Training and Compliance Captain has made efforts to work around the TMS deficiencies by tracking training requests and denials made at the Department leadership level. This effort should be extended to training denials at the division level.

The Department's training plan has not been meaningfully updated since 2010 and is missing some training topics that have been added in recent years

The Department's training plan has not been updated since 2010, but according to the Training and Compliance Captain, the training plan was being revised in 2018. New topics being added to the plan include Crisis Intervention Training, which at the time of our fieldwork was listed as required only for Hostage Negotiations Team members, as well as Body Worn Camera training and Blue Team training, which are not mentioned in the plan.

Further, the Plan does not clearly allocate time to preventative maintenance as an element of specialized training. Not all Special Operations teams have adequate time to conduct function checks or preventative maintenance on equipment. For teams with monthly or bimonthly mandatory trainings, training days are often used to perform preventative and routine maintenance on equipment, as this is the only extended time staff are required to dedicate to their collateral duties. However, not all teams with high cost equipment--such as Bomb Squad, Sheriff's Emergency Response Team (SERT), Dive Team, and Sheriff's Off-Road Enforcement (SORE)--train monthly. The majority of the Special Operations teams are not afforded training days more than quarterly and therefore have less time to dedicate to function checks and preventative maintenance.

The Training program is loosely structured and implemented. The Department prioritizes staffing needs over training, the training approval process is discretionary, and internal training requirements are not enforced. While this enables the Department to maintain minimum staffing levels, it may prevent staff from obtaining the necessary training to perform their duties. The Department should perform a comprehensive, risk-focused analysis of the training program, identifying trainings that can realistically be required for each position. The Department should then enforce its own requirements by establishing a transparent criteria-based training approval process that does not permit for leadership discretion.

CONCLUSION

The Sheriff's training program does not strategically provide the largest number of staff the highest level or quality of training. The Department's training plan has not been updated since 2010 and is missing several required training topics. Further, a recent Training and Compliance Division survey shows staff do not feel sufficiently trained in fundamental skills and the Sheriff's Basic Academy recently lowered its standards in order to achieve recruitment goals. In addition, some sergeants and lieutenants are out of compliance with leadership training requirements mandated by state regulations.

The Department does not have controls in place to enforce trainings considered mandatory by the Department, but not mandatory by POST. Without controls, the Training Plan acts as a non-binding guide for staff. The Department's directive to prioritize staffing needs over training paired with the lack of a strategic staffing model means training is often overlooked. Now that a stand-alone Training and Compliance Division has been established, the Department is in a position to dedicate training resources more strategically and practically.

Finally, staff have been informally discouraged from attending trainings through the local South Bay Regional Training Consortium; in some cases this requires staff to incur costs traveling out of county for training.

RECOMMENDATIONS

The Sheriff should:

- 8.1 Ensure that sergeants and lieutenants comply with leadership training requirements mandated by Title 11, Section 1005, of the California Code of Regulations. (Priority 1)
- 8.2 Rather than send deputies to trainings in other counties when the same courses are offered locally, allow deputies to attend South Bay Regional Training Consortium courses. (Priority 2)
- 8.3 Require division leadership to keep records of all training request denials. (Priority 3)
- 8.4 To determine whether changes in Basic Academy content may be resulting in fewer successful recruits after basic training, as suggested by initial data, track staffing results of revised Basic Academy standards. If the change results in more field-based failures, the Sheriff should restore standards to 2016 levels. (Priority 1)

- 8.5 Report to the Board of Supervisors on graduating cohort retention and any new changes following the Department's next Field Training Program graduation. (Priority 1)

The Training and Compliance Division Captain should:

- 8.6 Increase the Division's emphasis on fundamental skills, for example, offering report writing classes or increasing the number of annual firearm qualifications. (Priority 3)
- 8.7 Perform a comprehensive, risk-focused, analysis of the training program, identifying trainings that can realistically be required for each position. The Department should then enforce its own requirements by establishing a transparent criteria-based training approval process that does not permit for leadership discretion and considers compliance with training requirements as part of leadership incentive pay. (Priority 2)
- 8.8 Implement new training management software if and when the Commission on Peace Officer Standards and Training (POST) allows new agency software to interface with its records system. (Priority 2)
- 8.9 Use the existing training software field "Certification" comprehensively instead of just for Peace Officer Standards and Training certified courses, assigning numbers internally and using them for all associated trainings, regardless of presenter, date, or precise course name. (Priority 2)

SAVINGS, BENEFITS, AND COSTS

Recommendation 8.1 would bring the Sheriff's Office training for sergeants and lieutenants into compliance with state law, and could improve management and mitigate risks inherent in supervisory and managerial roles. To the extent that it may increase time spent on training, there would likely be increased costs for the training itself and for overtime costs related to backfilling. Implementation of Recommendation 8.2 should reduce travel time required to reach distant out of county training sites, in turn reducing lost productivity in travel rather than in assignment; cost of overtime to backfill positions; and, in the cases where travel is reimbursed, paid time for travel (overtime or straight time) 8.3, 8.6, 8.7, 8.8, and 8.9 would improve efficiency and recordkeeping. Hiring, backgrounding, and training recruits in the Basic Academy, only to have them fail in field testing, is expensive. To the extent that lowered testing standards in the Basic Academy result in a reduction in the number of recruits succeeding in field testing, as suggested by 2017 data, the County is spending more money to fill fewer vacancies. Implementation of Recommendation 8.4 would determine whether the early data is a fluke or a trend, and, if a problem is identified, remedy it, reducing the cost per recruit and filling more vacancies. These recommendations will protect the County from both material losses and potential liability resulting from under-trained sworn staff.

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Section 9: IT Project Management

Background

The Sheriff's Office's Information Services Division sits within its Administrative Services Bureau and is responsible for the maintenance of the Sheriff's information technology systems that are not provided by the County's Technology Services and Solutions Department. These systems include the Department's Record Management System (Incident Admin), the Jail Management System, and other inter-agency criminal justice record systems. In addition, the Division has seven ongoing non-custody technology projects with a total value of \$25.3 million, of which approximately \$21.7 million, or 86 percent, is funded by the General Fund.

Problem, Cause, and Adverse Effect

The Sheriff's Information Services Division does not have a project management function. As a result, with the exception of the Records Management System (Incident Admin) replacement project, which is being managed by the County's Technology Services and Solutions Department, six of the seven non-custody technology projects do not have project managers assigned to them. Responsibilities and details for project outcomes and milestones are vague and unassigned. In addition, the Division does not have a project management information system that tracks project costs, outcomes, timelines, or accountability. Without a dedicated project manager and an accompanying project management process, there is insufficient accountability for technology projects that are late, over budget, or are not meeting business needs. Without a comprehensive project management information system, ascertaining the current status of technology projects is a labor-intensive process for Information Systems staff or other project stakeholders.

Recommendations

We recommend the creation of one Senior Information Technology Project Manager position to be responsible for all information technology project management duties within the Sheriff's Office. In addition, we recommend that the Department develop policies and procedures to establish information technology project governance and responsibilities. The Sheriff's Office should consider utilizing off-the-shelf project management tracking software at minimal cost.

Savings, Benefits, and Costs

The total annual cost for the Senior IT Project Manager would be approximately \$221,339, including salary and benefits. While these costs are significant and ongoing, we believe they are justified by the risk mitigation for major information technology projects that are critical to the Sheriff's operational efficiency and effectiveness. These recommendations will help to ensure that updates to the Sheriff's major information systems and equipment purchases occur on-time, within budget, and are consistent with the Department's business needs.

BACKGROUND

The Sheriff's Office's Information Services Division sits within its Administrative Services Bureau. The Information Services Division is responsible for the maintenance of the Sheriff's information services that are not provided by the County's Technology Services and Solutions Department.

As shown in Figure 9.1 on page 137, the Sheriff's Information Services Division is responsible for five major information systems to support the Sheriff's custody and enforcement operations. The two largest systems, Incident Admin and the Jail Management System, were both developed in-house by the Sheriff's Office and deployed approximately 20 years ago.

Figure 9.1: Summary of the Sheriff's Office Major Information Systems

System	Purpose and Description	Initial Deployment	Current Status
Incident Admin (aka RMS)	A Records Management System (RMS) that provides storage, retrieval, manipulation, archiving, and viewing of information, incident reports and investigation reports. The system was developed in-house by the Sheriff's Office.	1997	An RFP for a replacement system was released in April 2018 and procurement is expected to be finalized in Q1 CY 2019
Jail Management System	Supports inmate, staff, jail management. JMS help agencies efficiently track and process inmates from booking to release. The system was developed in-house by the Sheriff's Office.	1998	Replacement system selected; implementation schedule to be complete June 2019.
CLETS (California Law Enforcement Telecommunications System)	Provides all law enforcement and criminal justice user agencies with the capability of obtaining information directly from federal and state criminal justice databases.	2003	Upgraded Q4 CY 2018
Coplink	Enables one search across multiple jurisdictions' RMS (Records Management Systems) and other data to detect relationships among people, places, and objects.	2009	Upgrade expected in Q1 CY 2019
Cal-ID	A suite of applications to verify an individual identity through biometrics, identification data, and state data sources.	Sheriff's Office took over the system from San Jose Police Department in July 2013	Sheriff's Office completed system upgrade in 2016.

Source: Sheriff Information Services division

The Sheriff's Office currently has 10 ongoing technology projects, of which seven are related to non-custody functions. The total cost for the non-custody projects is approximately \$25,272,448 over five years. The projects' costs and funding sources are summarized in Figure 9.2 on page 138.

Figure 9.2: Summary of the Sheriff's Non-Custody Current IT Projects

Project	Expected Timeline	Budget	Funding Sources
RMS Replacement	TBD	\$12,100,000	General Fund
Coplink Upgrade	Q1 CY 2019	\$1,800,000	Grant
CLETS Upgrade	Upgraded Q4 CY 2018	\$72,448	General Fund
Cal-ID Upgrade	TBD	\$1,800,000	State Funding
Body Worn Cameras	Q3 2018	\$4,000,000	General Fund
Dash-Cam Deployment	June 2019	\$3,800,000	General Fund
Mobile Data Terminal Deployment	Summer 2019	\$1,700,000	General Fund
Total Budget		\$25,272,448	All Funds
Grant		\$1,800,000	7%
State Funds		\$1,800,000	7%
General Fund		\$21,672,448	86%

Source: Sheriff Information Services Division

As shown above in Figure 9.2, of the total \$25,272,448 in non-custody technology project costs, \$21,672,448, or approximately 86 percent, is funded by the General Fund, \$1,800,000 is funded by grants, and \$1,800,000 is funded by State funds. In addition to the above projects, the Sheriff's Office is planning to replace its evidence management system, its staff scheduling system, and warehouse management system.

FINDING

The Sheriff's Information Services Division lacks key project management functions and outputs

The Sheriff's Information Services Division is staffed for infrastructure security, enterprise systems (maintenance of internally developed applications), vendor applications (maintenance of externally obtained applications), and desktop maintenance. However, there are no project managers within the Division and no project management functions are assigned to any Information Services staff. Currently, project management functions are carried out by senior Information Systems Division staff as time permits.

As a result, with the exception of the Records Management System (Incident Admin) replacement project and the dash cam deployment project, which is being managed by the County's Technology Services and Solutions Department, five of the seven non-custody technology projects do not have project managers assigned to them nor do they have staff assigned to be accountable for specific outcomes.

Further, six non-custody technology projects (all projects except for the RMS project), with a total value of approximately \$13 million, do not have a project charter. A project charter is the output of a project management process that documents a project's:

- Objectives;
- Scope;
- Approach;
- Responsibilities;
- Governance;
- Risks;
- Timeline and milestones schedule;
- Budget;
- Staffing requirements; and,
- Approval

In addition to developing and updating project charters, project managers would be responsible for:

- Establishing project teams and responsibilities;
- Establishing a project plan;⁶⁸
- Conducting project risk assessments; and,
- Managing project scope, schedule, and risks during execution

Dedicated project management staff and processes reduce the risks that technology projects are delayed, over-budget, or fail to meet business needs. Without a dedicated project manager and an accompanying project management process, there is insufficient accountability for technology projects that are late, over budget, or are not achieving required and desired outcomes.

An example of an incomplete project implementation is the Mobile Data Terminal equipment refresh project. These are tablet devices that allow patrol deputies to access a variety of computer applications including Google Maps, dispatch, the report writing system, the activity report system, county email, CLETS,⁶⁹ and applications such as Coplink⁷⁰ and Cal-ID.⁷¹

⁶⁸ A project charter is typically a short, high-level reference document that describes the objectives and accountabilities of the project. A project plan is typically a more detailed document that details the baseline project scope, work plan, and budget.

⁶⁹ The California Law Enforcement Telecommunications System (CLETS) provides all law enforcement and criminal justice user agencies with the capability of obtaining information directly from federal and state criminal justice databases.

⁷⁰ Coplink enables one search across multiple jurisdictions' RMS (Records Management Systems) and other data.

⁷¹ Cal-ID is a suite of applications used to verify identities through biometrics and State data sources.

Although the original equipment was deployed five years ago, the Department has not developed specialized procedures for its use.⁷² This is in contrast to other procedures for specialized equipment, such as General Order 10.06 for body worn cameras or Patrol Procedure #A7 Patrol Car Surveillance System for dashboard cameras. Such a procedure would set rules for use and storage as well as data collection, protection, and retention. Procedures for mobile data terminals were likely not developed because the original technology purchase did not have a project manager who would have assigned and monitored implementation responsibilities as the equipment was distributed to deputies. There are 220 mobile data terminals in use by the Sheriff's Office.

Sheriff's Information Services Division lacks a management system to track project costs, outcomes, timelines, and accountability

A comprehensive project management information system would contain readily accessible scoping documents, project timelines, contracts with vendors, total project budget data, and expected project outcomes. However, the Department does not have such a system and therefore this information is not readily available to Information Systems staff, making it difficult to manage project timelines, budgets, and outcomes. Ascertaining the current status of technology projects is a labor-intensive process for Information Systems staff or other project stakeholders. For example, as noted above, six of the seven non-custody technology projects do not have a project charter. Other scoping information, such as project objectives, timelines, and responsibilities, were scattered across a variety of documentation, including vendor quotes, invoices, and agreements, as well as departmental budget requests. Responsibilities and details for project outcomes and milestones are vague and unassigned. For this reason, we were unable to determine the current progress of every project.

As discussed in Section 1 on page 13, none of the Administrative Services divisions, including Information Services, regularly reports on their output and progress towards strategic goals. Information technology project information is not systemically reported to the Director of Administrative Services or to any other member of executive leadership.

CONCLUSION

The Sheriff's Office has not prioritized management of information technology project management despite having \$25.3 million in ongoing technology projects that are critical to the Department's operations. The Department should develop its project management capacity by creating positions dedicated to project management and by establishing policies, procedures, and governance (including project charters) for information technology projects. The Department should consider low-cost project management software to support the development and implementation of its project management processes.

⁷² The Department is planning to upgrade these devices and intends to begin a procurement process in Summer 2019.

RECOMMENDATIONS

The Board of Supervisors should:

- 9.1 Authorize the addition of one Senior Information Technology Project Manager position within the Sheriff's Information Services Division. This person would be responsible for project management of all technology projects within the Sheriff's Department. The project manager would also be responsible for delivering project status updates to stakeholders.
(Priority 2)

The Sheriff should:

- 9.2 Develop a policy that all technology projects should be assigned a project manager whose responsibility would be to develop and update a project charter, establish project teams, and assign responsibilities, establish a project plan, conduct project risk assessments, manage project scope, schedule, and risks during execution. (Priority 2)
- 9.3 Develop a technology project governance structure for the Sheriff's Office that would clarify lines of responsibility for project approval, project management, procurement, implementation, and project-related training and policy updates. (Priority 2)

SAVINGS, BENEFITS, AND COSTS

The total annual cost for the Senior IT Project Manager would be approximately \$221,339, including salary and benefits. The Sheriff's Information Services Division would then have the dedicated staff and skills to implement Recommendations 9.2 and 9.3. While these costs are significant and ongoing, we believe they are justified by the risk mitigation for major information technology projects that are critical to the Sheriff's operational efficiency and effectiveness. These recommendations will help to ensure that updates to the Sheriff's major information systems and equipment purchases occur on-time, within budget, and are consistent with the Department's business needs. The Sheriff's Office should consider utilizing off-the-shelf project management tracking software at minimal cost.⁷³

⁷³ Microsoft Project premium retails for \$55/user/month or \$1,320 for two users annually.

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Section 10: Security and Safety of Facilities and Assets

Background

The Sheriff's Office is headquartered in San Jose and has a firing/training range and a substation. The Sheriff's Office uses 356 vehicles and is responsible for ensuring vehicle maintenance is completed timely. The Sheriff is responsible for maintaining a fixed asset inventory in SAP, the County's financial system, which should accurately reflect the status of its fixed assets (all equipment over \$5,000 in value). The Controller-Treasurer Department requires an annual physical inventory certification to verify the existence of the fixed assets recorded in SAP.

Problem, Cause, and Adverse Effect

Maintenance records show some Sheriff vehicles are not maintained timely. In addition, the Sheriff's Office does not have explicitly stated written protocols or guidelines for high-cost and high liability assets, namely vehicle acquisition and firing range operations. The minimal emphasis on asset maintenance and replacement increases the risk that an asset that is not maintained timely could result in reduced functionality or safety at a critical moment when staff needs the asset to respond to an incident.

Recommendations

The Sheriff's Office should develop formal procedures with controls for vehicle selection criteria to guide future vehicle acquisition. The Sheriff's Office should provide training for division leaders regarding interdepartmental transfers and proper disposition of assets. The Facilities and Fleet Department should automatically decline (or limit) refueling at County fuel stations for any vehicles that are substantially overdue for maintenance to ensure that preventative maintenance requirements are met.

Savings, Benefits, and Costs

These recommendations would encourage consistency with County policies and processes for vehicle acquisition and the timely maintenance of the Department's fleet. Costs associated with creating a plan for reducing vehicles that are substantially overdue for maintenance would depend on the plan specifics, but the cost of up-fitting one patrol vehicle when it is retired from active service ranges from \$12,000 to \$15,000, excluding the purchase of a new radio. Assuming an estimated shortfall of 16 to 18 vehicles, up-fitting pool vehicles would cost the county at least \$192,000.

Note: The Management Audit Division additionally identified other issues that were confidentially provided to County Counsel. Additional recommendations related to those findings were provided to County Counsel confidentially.

BACKGROUND

The Security Risks of Unsecured or Minimally Maintained Fixed Assets

Sustaining fixed assets in a condition necessary to provide expected service levels is critical to preventing threats to public safety. Deferring maintenance or asset replacement could reduce the Department's ability to provide routine services or respond to high profile emergency situations. When the location and status of fixed assets are unknown, it is much easier for them to become lost or stolen. Ramifications of lost or stolen property include wasted staff productivity in searching for lost items and replacement costs. Finally, accurate reporting and prudent use of funds is critical to maintaining favorability among granting entities and asset documentation is the foundation for accurate grant reporting.

County Fixed Asset Maintenance

The Controller-Treasurer Department conducts an annual physical inventory certification to verify the existence of the County's fixed assets—assets of significant value with useful life that extends beyond one year. In the case of equipment, fixed assets are defined as any equipment over \$5,000 in value. This audit focused on assets that are mobile, thus at higher risk of theft, damage, or loss. Each County department is responsible for reconciling assets found in physical inventory to the fixed asset records in SAP. This reconciliation is performed by each cost center. The physical inventory verification process is meant to be conducted by personnel in the same cost center, but who are not directly responsible for equipment custody.

To facilitate the inventory certification, fixed assets are required to be numbered and tagged by personnel in the Department's Fiscal Division at the time of procurement. Additional requirements for grant-funded assets include supplemental data (funding source and the percentage of federal funding) and a control system to prevent loss, damage, or theft. Formal reporting and procedures are required to remove 'Unable to Locate' Fixed Assets from the inventory and to formalize Interdepartmental Transfers, Asset Retirements, or Asset Acquisitions. Lapses in these procedures are often caught during the annual certification.

As shown in Figure 10.1 on page 145, for the inventory certifications that took place between FY 2014-15 and FY 2016-17, the Department's largest quantity of equipment valued over \$5,000 was held by the Special Operations Division, followed by Information Systems, and the Identification Unit. Divisions with few or old (thus depreciated in value) fixed assets include the Warehouse, Court Security, and the Sheriff's Air Support Unit. As Information Systems and Identification Unit assets are less mobile they are at lower risk of theft, loss, or damage. The highest-risk assets among the high-cost fixed assets are the mobile assets, such as vehicles and tactical equipment.

Figure 10.1: Sheriff Office Fixed Assets Total Acquisition Value by Division

Cost Center	3-Year Median (FY 2015-2017) of Total Acquisition Value	Percent of Department-Wide 3-Year Median Total Acquisition Value
Special Operations	\$2,979,084	41%
Information Systems	\$927,434	13%
Fingerprint Identification	\$844,399	12%
Personnel	\$567,503	8%
Records	\$377,253	5%
Special Teams	\$348,919	5%
Auto Theft Task Force	\$209,449	3%
Academy	\$186,514	3%
Homeland Security	\$156,994	2%
Training	\$94,102	1%
Sheriff/Coroner Operations	\$80,149	1%
Patrol - Parks	\$68,856	1%
Patrol - HQ	\$50,449	1%
Investigations	\$49,943	1%
Internal Affairs	\$45,974	1%
Civil	\$44,083	1%
Transport	\$37,050	1%
Patrol - West Valley	\$36,951	1%
Administration	\$36,887	1%
Range	\$33,495	<1%
Sheriff's Helicopter	\$28,815	<1%
Court Security	\$13,602	<1%
Warehouse	\$12,620	<1%
Total	\$7,230,524	100%

Source: Certified Fixed Asset Inventories for years FY 2014-15 through 2016-17, provided by the Fiscal Division

Vehicle Fleet Maintenance

The Sheriff's Office leases 356 vehicles from the Facilities and Fleet Department (FAF). FAF is responsible for coordinating preventative maintenance and repairs. The Sheriff's Vehicle Maintenance Officer is responsible for ensuring vehicle maintenance is completed according to the FAF schedule and that management is using maintenance and operations data to measure the effectiveness of vehicle activities. Once FAF deems a vehicle ready for retirement, the County's Comprehensive Vehicle Policy outlines new vehicle acquisition guidelines. These require departments to establish internal standards and comprehensive specifications for their vehicles that take into account operational requirements, occupant safety, lowest overall ongoing cost to the County, and include consideration of alternative fuel vehicles and alternative fuel availability.

FINDING

The limited records available suggest patrol vehicles may be driven past the mileage that triggers preventative maintenance

Per a 2009 management audit of FAF conducted by the Management Audit Division, which reviewed all County vehicles managed by FAF, 26 vehicles, or approximately three percent of the County's fleet were more than 90 days overdue for service. Although not comprehensive, a small sample of weekly reports suggests that preventative maintenance compliance has not improved among Sheriff vehicles. Facilities and Fleet preventative maintenance policy requires that County vehicles be serviced when a mileage threshold has been reached or after six months, whichever comes first.

For the six-week period from February 19 through March 26, 2018, 114 unique vehicles were flagged as overdue for preventative maintenance by FAF standards at some point in the six-week sample period. The number of vehicles overdue, either by mileage or days, for a given week ranges from 46 to 62. As a share of the Sheriff's total fleet of 356 vehicles, 12.9 to 17.4 percent of vehicles were overdue by one or both of the preventative maintenance standards (mileage or days) in any of the sampled weeks as shown in Figure 10.2 below. Of these samples, 1.4 to 2.8 percent were overdue in both mileage and days, 1.7 to 3.9 percent were overdue in mileage (but not days), and 8.1 to 11 percent were overdue in days (but not mileage). According to Patrol staff, the mileage threshold is taken more seriously than the time threshold. The sample of weekly reports confirms that it is more common for a vehicle to be overdue in days than in mileage.

Figure 10.2: Sample of the FAF Vehicles Due for Preventative Maintenance Report

	Overdue Mileage AND Days	Overdue Mileage NOT Days	Overdue Days NOT Mileage	Total Vehicles Overdue
Week of 2/19/2018	6	14	39	59
Percent of Total SO Fleet	1.7%	3.9%	11.0%	16.6%
Week of 2/26/2018	9	14	39	62
Percent of Total SO Fleet	2.5%	3.9%	11.0%	17.4%
Week of 3/5/2018	10	7	36	53
Percent of Total SO Fleet	2.8%	2.0%	10.1%	14.9%
Week of 3/12/2018	9	6	31	46
Percent of Total SO Fleet	2.5%	1.7%	8.7%	12.9%
Week of 3/19/2018	5	13	31	49
Percent of Total SO Fleet	1.4%	3.7%	8.7%	13.8%
Week of 3/26/2018	7	13	29	49
Percent of Total SO Fleet	2.0%	3.7%	8.1%	13.8%

Source: AssetWorks report titled "Assets Due for PM/Insp - by Location - Screen", provided by Facilities and Fleet; Vehicle Inventory provided by Facilities and Fleet

As shown in Figure 10.3 below, which summarizes average delays in preventative maintenance by division based on the sample data, overdue Sheriff vehicles exceed FAF maintenance standards by an average of 590 miles or 34 days. Civil/Warrants, West Valley Patrol, and the Reserves program stand out as the divisions with the most overdue vehicles based on mileage alone, which exceed the average by 115 percent, 115 percent, and 87 percent respectively. In the case of the Reserves and Civil/Warrants divisions, just one significantly overdue vehicle in each division drives up the average.

Figure 10.3: Sample of FAF Vehicles Average Days and Mileage Overdue by Division

Division	Number of Vehicles Assigned to Division	Average Miles Overdue	Average Days Overdue
Civil/Warrants	12	1,269	54
Patrol - West Valley	62	1,268	11
Reserves	3	1,104	270
Patrol - HQ	59	654	51
Investigations	45	622	(3.3)
Administration	6	408	(74)
Patrol - Transit	29	335	28
Transport	54	315	(60.25)
Special Operations	11	240	(7.75)
Court Security	18	197	(35)
Internal Affairs	4	77	7.5
Academy	6		45
Personnel	5		114
Records	1		21.5
Special Teams	20		62
Training and Range	8		61
Other (IT, Patrol-Parks, VMC)	13		
Total/Average	356	590	34
Median		408	25

Source: AssetWorks report titled "Assets Due for PM/Insp - by Location - Screen", provided by Facilities and Fleet; Vehicle Inventory provided by Facilities and Fleet

The West Valley Patrol Captain has asserted that the Division frequently has a backlog of vehicles overdue for maintenance due to the need to wait for vehicles to return from the FAF mechanic. He cited long FAF turnaround times and a small FAF loaner pool for patrol as contributing factors to maintenance delays. FAF estimates the turnaround time for repairs to range from 24 hours to one month, with an average of approximately one week.⁷⁴ It should be noted that at the time of the audit fieldwork, part recall was underway for select patrol vehicles, which may have increased the pressure on the substitute pool. It is possible that the part recall and purported higher use of extra pool vehicles has caused vehicles overdue for maintenance to be higher than normal. However, without robust monitoring and reporting of vehicle maintenance, it is not possible to determine whether the Department's number of vehicles overdue for maintenance was temporarily higher than normal.

Vehicle Acquisition

The Sheriff's Office does not have Department-specific written criteria for vehicle selection when acquiring new vehicles despite a County policy requiring the development of internal standards by each department that purchases vehicles. The Sheriff's Vehicle Maintenance Officer described the process used for the most recent vehicle procurement, which included a lengthy process of meetings, research on the types of vehicles available to law enforcement, and discussions with other police agencies.⁷⁵ The Vehicle Maintenance Officer has asserted that the decision for the most recent purchase was carefully considered but, without criteria specific to the needs of a patrol vehicle, it is not possible to verify that the decision was made considering relevant "operational requirements, occupant safety, lowest overall ongoing cost to the County, and alternative fuel availability" as mandated by the Santa Clara County Board of Supervisors Policy Manual, Comprehensive Vehicle Policy, Section 3.52.2.1 on Fleet Rightsizing, Acquisition, Outfitting, and Disposal.

Further, certain manufacturers cater and market to law enforcement needs. It is not possible to verify that the Sheriff's office performed due diligence in researching options beyond what private vendors made readily available.

Fixed-asset maintenance and disposition is emphasized only once a year during the Controller-led annual inventory certification

Inventory Administration

New asset acquisitions are not always properly tagged and we could not confirm that dispositions and interdepartmental transfers are consistently documented. Among an inventory sample of 32 assets, the Sheriff's FY 2016-17 inventory showed five assets (16 percent) that were not assigned an asset tag and eight (25 percent) where a serial number was not recorded even though County policy requires that all assets be assigned an asset tag and serial number. The asset recording and inventorying process is the responsibility of the Sheriff's Fiscal Officer.

⁷⁴ We were not able to independently verify either assertion. This statement is based on an email from staff and FAF staff did not supply documentation to support or refute the statement.

⁷⁵ We were not able to independently verify either assertion. This statement is based on an email from staff and Department staff did not supply documentation to support or refute the statement.

Further, the Sheriff's item descriptions in the fixed asset inventory are often vague. For example, one asset is labeled "AZ1 - APX7500 - O5 Control Head DUAL," a description that may not actually be useful for staff in identifying the asset. During our sampling of fixed assets, we found that staff in one cost center had been incorrectly certifying an asset based on a misreading of its description. The correct asset has long been unused, is kept in storage, and certifying staff did not know of its existence.

Dispositions and interdepartmental transfers of fixed assets are sometimes only caught and formalized via the annual inventory certification rather than throughout the year as changes occur. While catching such oversights is one purpose of the annual inventory certification, procedures should be complied with on an ongoing basis rather than once a year to keep an accurate record of high-value assets. During the sampling of fixed assets, one item was mentioned to be transferred to another division. However, the Department's Fiscal Officer was unable to confirm that the item transferred based on the records, suggesting the transferring division did not conform to the Fixed Asset Administrative Guide SAP Process and Procedures, as outlined in Section III, B.1 Intra-Departmental Transfer.⁷⁶

Similarly, the annual inventory certifications for FY 2015-16 and FY 2016-17 showed instances where the Disposition Agent was unwilling to sign an asset retirement form because an asset was disposed of improperly. According to the County Procurement Department's Property Disposal Division and the Controller's Office, if a department cannot locate an item and has no backup documentation, the Property Disposal Division will not sign the asset retirement form confirming proper disposal.

Inventory Sample

We reviewed a sample of 32 assets in person from the FY 2016-17 certified asset inventory. The sample was selected based on the following priorities:

1. Highest cost assets
2. Assets kept in a range of storage locations
3. Assets held by a range of divisions
4. Assets missing an asset tag per the inventory
5. Assets missing a serial number per the inventory
6. Assets with a Capitalization Date over 15 years old
7. Other – appears to be a duplicate serial number/asset tag

Issues found in the inventory sample include:

- Three assets were missing asset tags
- One asset was listed to wrong cost center
- One asset had been mistaken for a different asset so was being double counted (mentioned above)
- Three assets were obsolete and unused by staff and should be disposed
- Several items not in the sample were noticed to be missing asset tags

⁷⁶ We were not able to independently verify this. This statement is based on an email from staff and department staff did not supply documentation to support or refute the statement.

- The Bomb Squad has approximately nine bomb suits listed in SAP, but only three are clearly identifiable on the fixed-asset inventory. According to staff, the remainder was donated by the FBI. The County's capitalization policy includes donated assets over \$5,000 in value. Depending on the fair market value of the bomb suits at the time of donation, it is possible that certain donated assets may be missing from SAP's fixed asset inventory.
- The three bomb suits (including helmets) on the Department's fixed asset inventory were purchased in 2002 and two helmets were updated in 2005. According to the manufacturer, Med-Eng, the shelf life of a bomb suit is seven years from the date of manufacture. The Department's three bomb suits are expired by nine years and the two additional helmets are expired by six years. Consensus among the bomb squad staff is that the shelf life estimated by the manufacturer is excessively conservative and designed to drive purchases.

Inventory and maintenance of high-risk supplies and high cost assets

Although the Controller-Treasurer requires Low Value Expense Items (LVEIs)⁷⁷ to be inventoried, to date it has not required inventory certification, even of high-risk items such as firearms. The Sheriff's Office performs its own biannual inventory, but does not take comprehensive measures to reconcile firearms with the SAP-generated inventory. Following a recent Management Audit that entailed a LVEI review, the Controller-Treasurer updated its Fixed Asset guide to require departments to "clean" their inventory of LVEIs every two years. According to the Controller-Treasurer Department, the process will be similar to the inventory review departments undertake annually for fixed assets, but department heads will not be required to certify their LVEIs.⁷⁸ Instead, they will be required to inform the Controller of all retirements and additions not captured in SAP. As of December 2018, the Controller-Treasurer reported that the process of cleaning departments' LVEI inventories is partially complete.

The Special Operations teams use and store a large quantity of gear that falls under the fixed asset cost threshold of \$5,000. We were not able to verify that the Division maintains an up to date accounting of all LVEI gear assigned to each team, in part due to the quantity of gear used and held by Special Operations teams. Each special team maintains its own equipment list. An LVEI inventory review would help to ensure that all Special Operations equipment is accounted for and that obsolete items have been disposed of.

CONCLUSION

Maintenance of the Department's high-risk fixed assets is not prioritized and often not in compliance with County standards. Department procedures are lax or, in some cases, missing altogether and leadership pays minimal attention to maintenance trends. Developing formal guidelines for high risk activities and greater awareness among division leadership around asset management protocols would ensure fixed assets are maintained to a condition necessary to meet expected service levels and preserve public safety.

⁷⁷ Low Value Expense Items are movable personal assets with a cost below the County's capitalization threshold of \$5,000, that are tracked in the SAP fixed asset sub-ledger for control purposes due to their sensitive and theft-prone nature. Low Value Expense Items normally include computers, printers, firearms and weapons, minor furnishings and general office equipment.

⁷⁸ We were not able to independently verify this statement. This statement is based on an email from staff and department staff did not supply documentation to support or refute the statement.

RECOMMENDATIONS

The Sheriff should:

- 10.1 Establish vehicle selection criteria to guide future vehicle acquisition.
(Priority 2)
- 10.2 Require appropriate staff to attend the Controller's Office training regarding interdepartmental transfers and proper disposition of assets.
(Priority 3)

The Facilities and Fleet Department Director should:

- 10.3 Report back to the Board of Supervisors in three months with a plan to decrease the number of vehicles that are overdue for maintenance by mileage. The plan should be developed in coordination with the Sheriff's Office and should target Sheriff divisions with a consistently high volume of overdue vehicles. To ensure that preventative maintenance requirements are met, the plan should include increasing the number of patrol vehicles in the FAF loaner pool and flagging substantially overdue vehicles when they refuel at County fuel stations to be pulled from patrol as soon as the shift ends for maintenance. (Priority 2)

SAVINGS, BENEFITS, AND COSTS

Recommendations 10.1 and 10.2 are feasible within the County's existing budget allocations. Costs based on recommendation 10.3 will depend on the plan specifics, but the cost of up-fitting one patrol vehicle when it is retired from active service ranges from \$12,000 to \$15,000, excluding the purchase of a new radio. Assuming an estimated shortfall of 16 to 18 vehicles, up-fitting pool vehicles would cost the county at least \$192,000.

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BACKGROUND AND METHODOLOGY

We sent a survey of 145 questions to 20 California peer jurisdictions in February 2018 via email. We identified peer jurisdictions based on service population, agency size, location, socioeconomic profile, crime rates, Sheriff’s Office input regarding comparable agencies, as well as division-specific metrics like the investigative case clearance rate and court trial load. We attempted to survey 15 county sheriffs and five city public safety/police departments, as shown in Figure A.1 below.

Figure A.1: Jurisdictions that We Attempted to Survey

County Sheriffs	City Police Departments
Sonoma County	Milpitas
San Diego County	San Jose
Riverside County	Santa Clara (City)
San Francisco County	Sunnyvale
Santa Cruz County	Los Angeles (City)
Los Angeles County	
Santa Barbara County	
San Bernardino County	
San Joaquin County	
Alameda County	
Sacramento County	
San Mateo County	
Contra Costa County	
Orange County	
Fresno County	

Nine, or 45 percent, of the jurisdictions we approached provided full or partial survey responses, as shown in Figure A.2 below.

Figure A.2: Jurisdictions that Responded to Our Survey

County Sheriffs	City Police Departments
Sacramento County	San Jose
San Mateo County	Santa Clara (City)
Contra Costa County	Sunnyvale
Orange County	Los Angeles (City)
Fresno County	

SUMMARY OF RESULTS

All data provided was for the 2016-17 fiscal year. The following section summarizes only results where a minimum of three comparable jurisdictions provided responses. Not all questions were relevant to all jurisdictions and not all jurisdictions responded to all questions. Responses of "N/A" indicate either that the question was not relevant to the jurisdiction (e.g. a police department that does not provide court security services) or that the data was not provided.

In all cases the Santa Clara County (SCC) Sheriff's Office is shown in orange to distinguish it from other jurisdictions. As a benchmarking survey, the results show that the SCC Sheriff's Office is comparable to surveyed peers in most areas. Areas where the SCC Sheriff's Office diverges notably from surveyed peers are highlighted below.

- The SCC Sheriff's Office does not develop or work from a strategic plan. Only two of the nine survey respondents do not have a strategic plan.
- The SCC Sheriff's Office overall (sworn and civilian) vacancy rate, 13 percent, is the highest among all survey respondents.
- The SCC Sheriff's sworn vacancy rate, 12.6 percent, is the highest among all survey respondents.
- The SCC Sheriff's Office average time to hire sworn staff, 21 weeks, is below the average 25 weeks among the surveyed agencies.
- The SCC Sheriff's Office relies on the largest span of control for Patrol Sergeants among surveyed agencies: 7.8 patrol deputies per patrol sergeant compared to the surveyed average of 5.7.
- The SCC Sheriff's Office average training hours per deputy is the highest among surveyed peers.

PART I. GENERAL

Figure A.I.1: Does Your Agency Have a Strategic Plan?

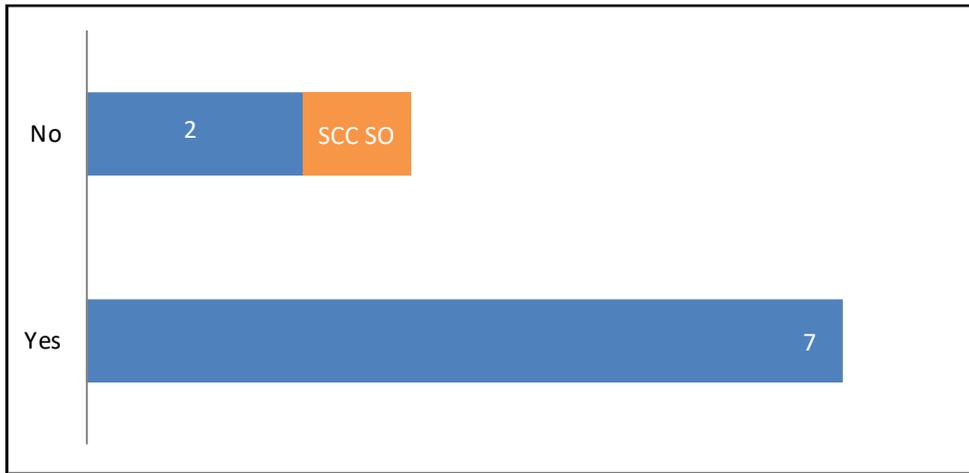


Figure A.I.2: If So, How Often Is the Strategic Plan Updated?

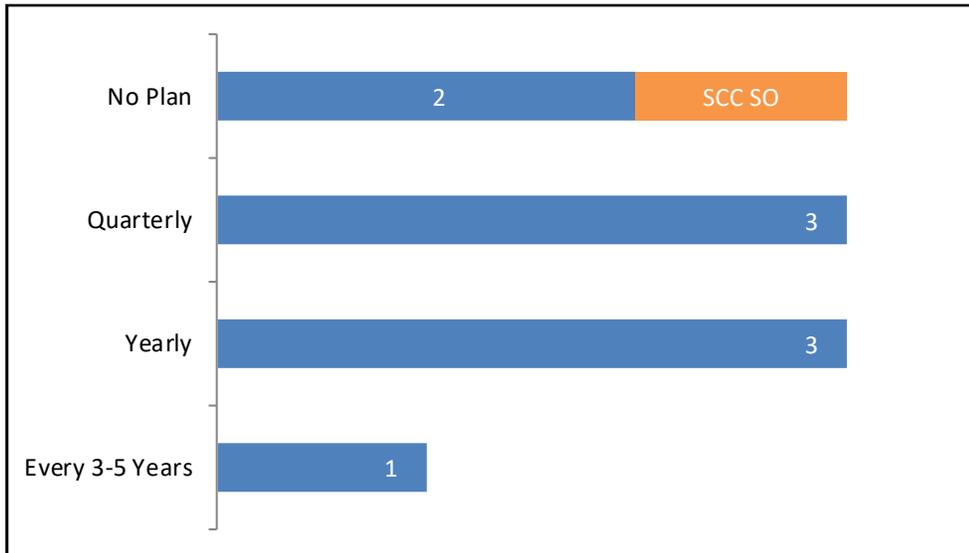
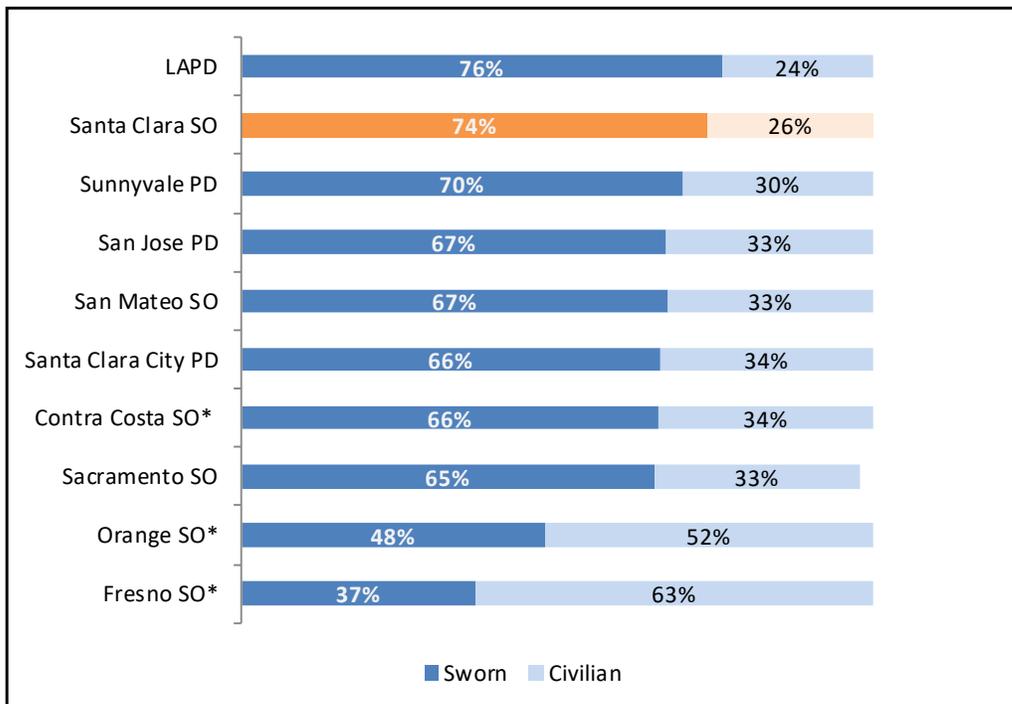


Figure A.I.3: Do Any Divisions Have Their Own Performance Metrics?

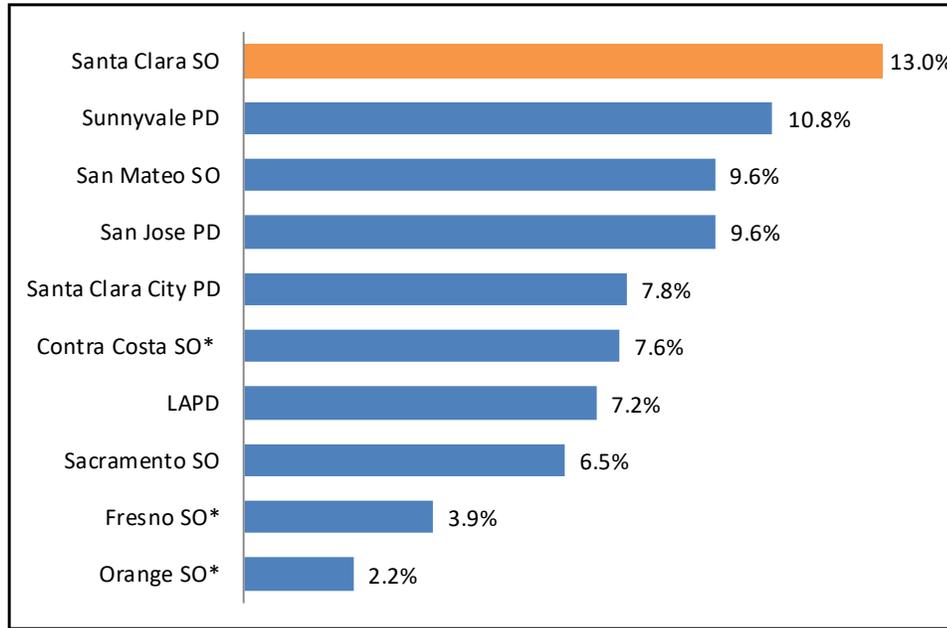


Figure A.I.4: Percent Authorized Positions Agency-Wide, Sworn vs. Civilian



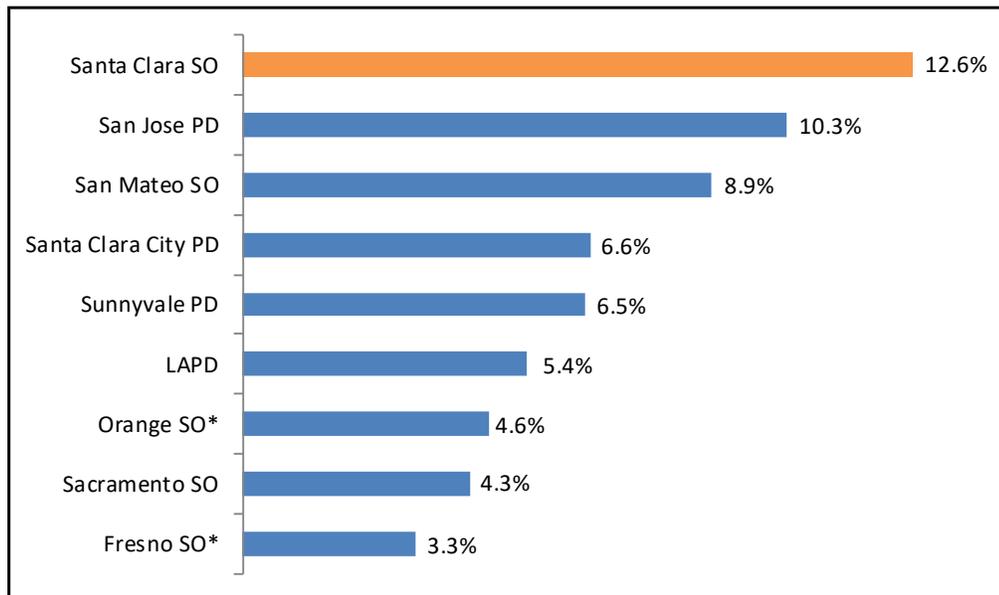
*Estimates based on public data combined with survey response data

Figure A.I.5: Vacancy Rate Agency-Wide, Sworn, and Civilian Combined



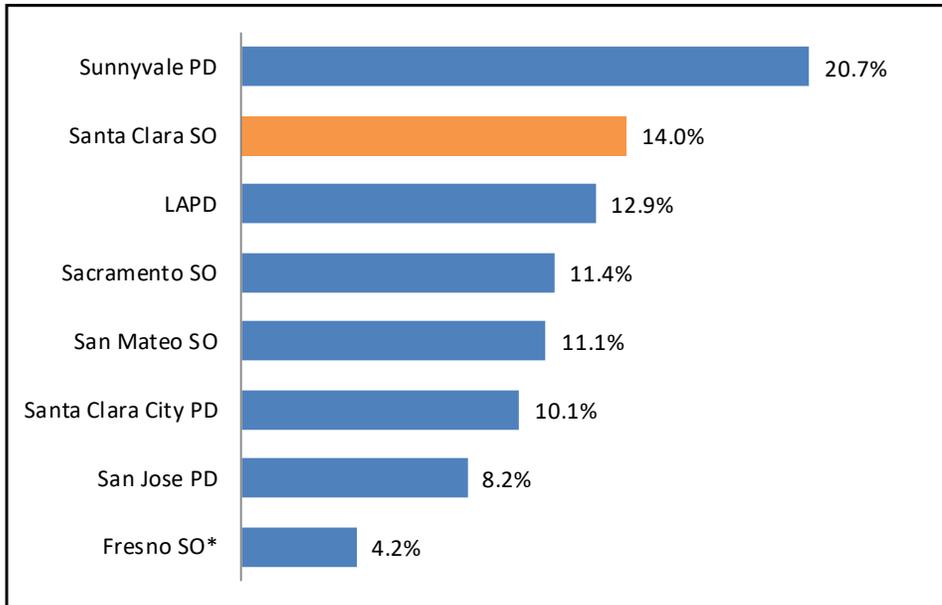
*Estimates provided by surveyed jurisdiction

Figure A.I.6: Agency-Wide Vacancy Rate, Sworn



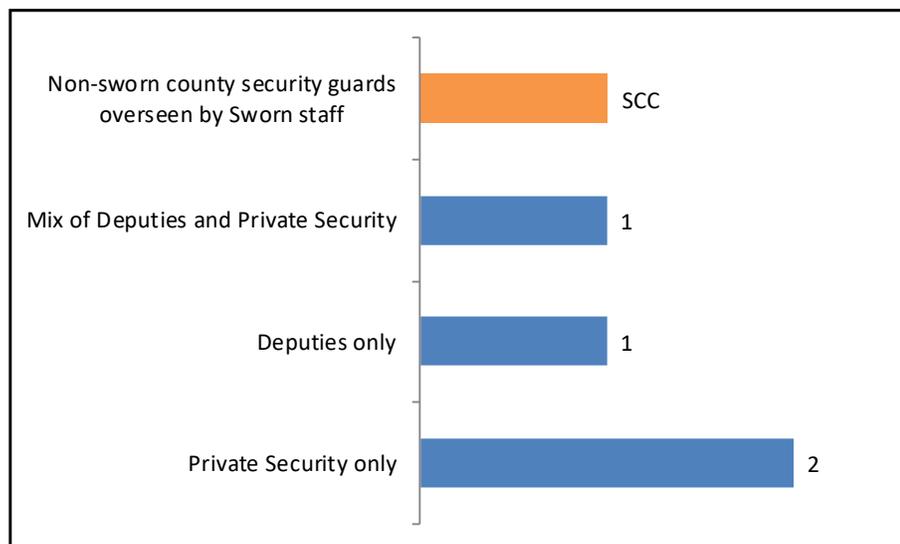
*Estimates provided by surveyed jurisdiction

Figure A.I.7: Agency-Wide Vacancy Rate, Civilian



*Estimates provided by surveyed jurisdiction

Figure A.I.8: How Does Your County's Hospital Provide Security?



PART II. STAFFING

Figure A.II.1: Average Time to Hire Sworn Staff (Weeks)

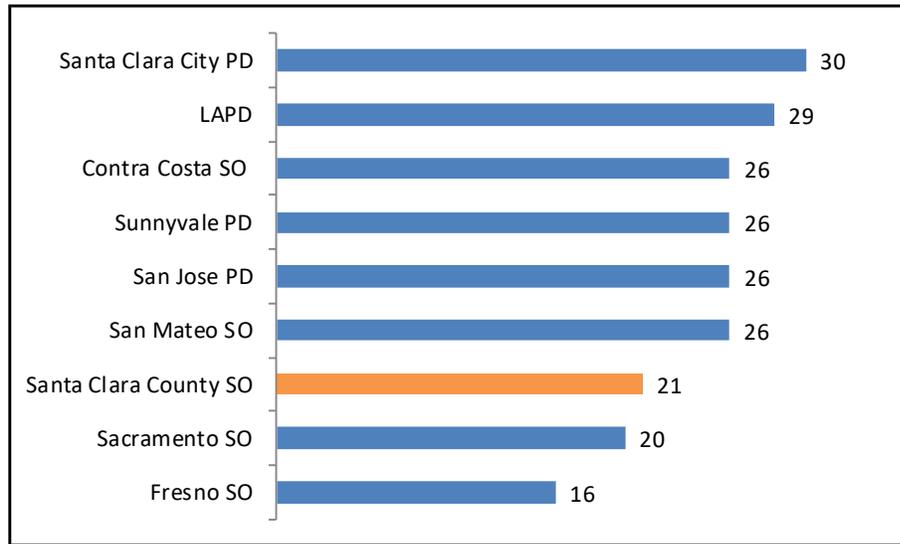


Figure A.II.2: Are Sworn Staff Subject to a Regular Mandatory Staff Rotation?

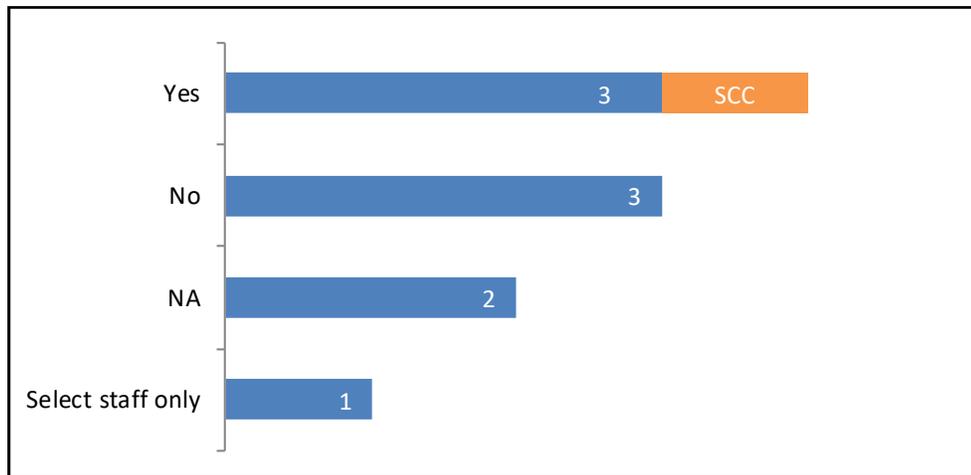


Figure A.II.3: Are Certain Positions (e.g. Highly Trained or Specialized) or Types of Positions (e.g. Managerial) Exempt from the Rotation?

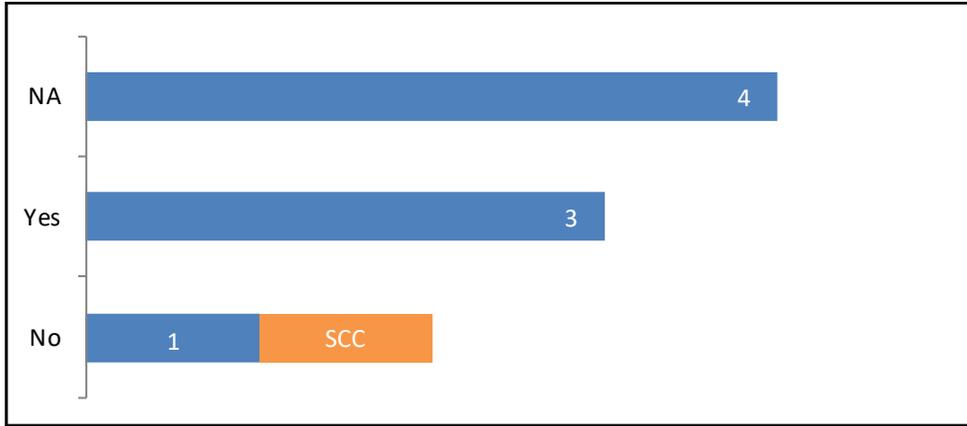


Figure A.II.4: FY 2016-17 Overtime Costs as a Share of Total Enforcement Personnel Costs

	Overtime Costs (Actuals)	Personnel Costs (Salaries and Benefits, Actual)	Overtime as Percentage of Personnel
San Jose PD	\$40,139,034	\$281,376,379	14.3%
Sunnyvale PD	\$7,816,769	\$55,672,503	14.0%
San Mateo SO	\$20,446,947	\$165,190,918	12.4%
Los Angeles PD	\$99,058,509	\$1,307,264,846	7.6%
Santa Clara County SO	\$8,870,694	\$143,278,388	6.2%
Sacramento SO	\$11,388,000	\$355,769,000	3.2%

Note: Table omits all jurisdictions that did not provide data

Figure A.II.5: Percent Civilian Positions in Personnel/Human Resources Division

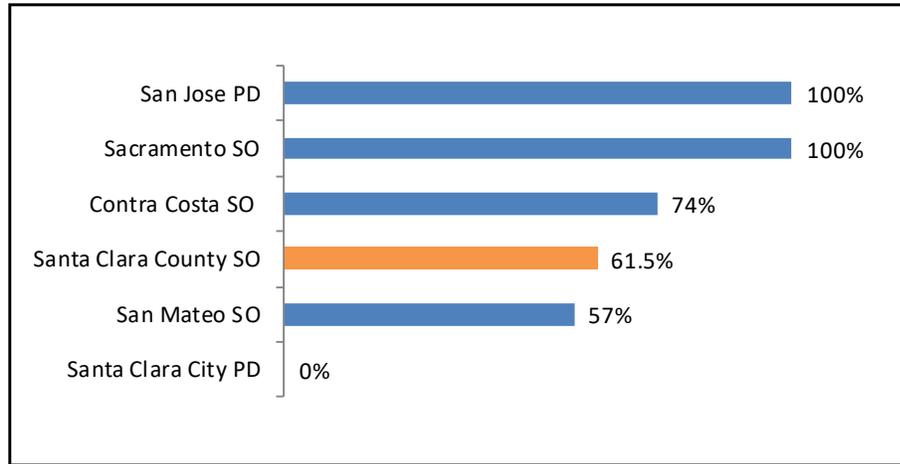


Figure A.II.6: Vacancies in the Identification Unit

	Total Authorized Positions in ID Unit	Number of Vacancies in ID Unit, Sworn	Number of Vacancies in ID Unit, Civilian	Percent of Civilian Vacancies
Santa Clara County SO	17	0	7	41%
San Jose PD	8	0	1	13%
Contra Costa SO*	23	0	3	13%
San Mateo SO	4	0	0	0%
Sacramento SO	12	0	0	0%
*Includes Records and ID Units				

PART III. PATROL

Figure A.III.1: Can Citizens Report Crimes Online?

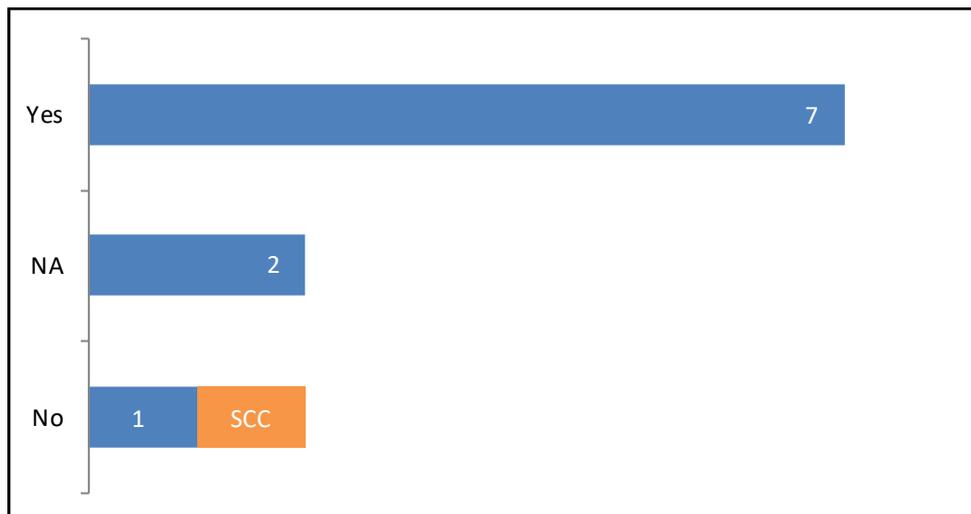


Figure A.III.2: How Are 911 Hang-Ups From Cell Phones Cleared?



Figure A.III.3: Do Civilian Staff Take Police Reports?

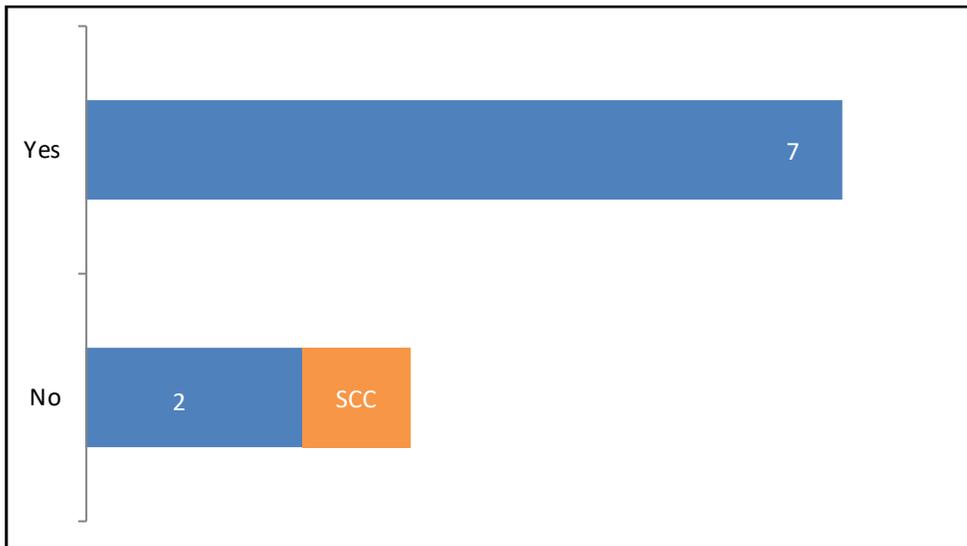


Figure A.III.4: Percent of Civilian Staff that Take Police Reports

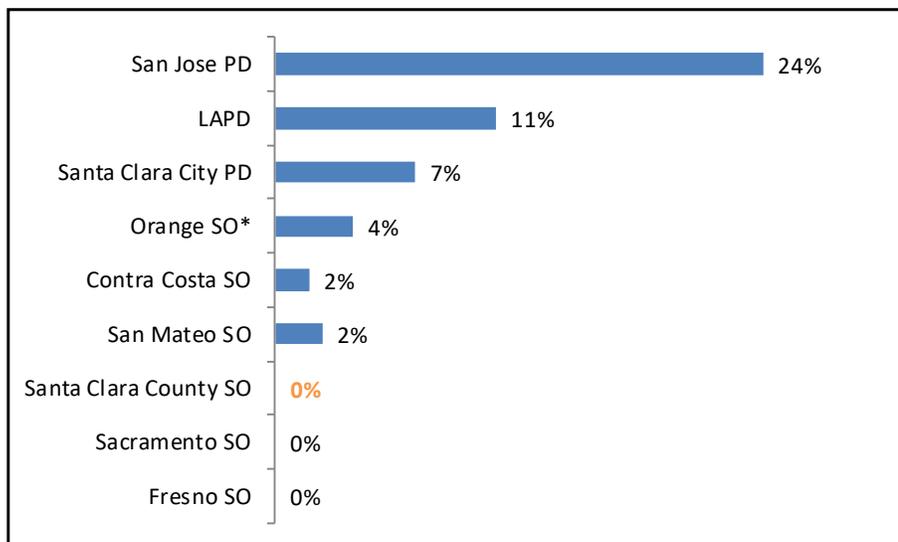


Figure A.III.5: Do You Have a Written Policy or Guidelines on Span of Control (Number of Deputies Overseen per Sergeant)?

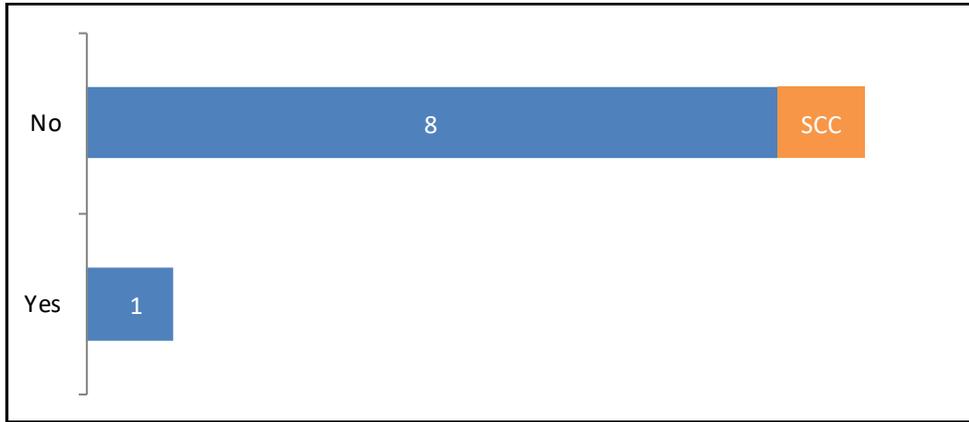


Figure A.III.6: Patrol Deputies per Patrol Sergeant

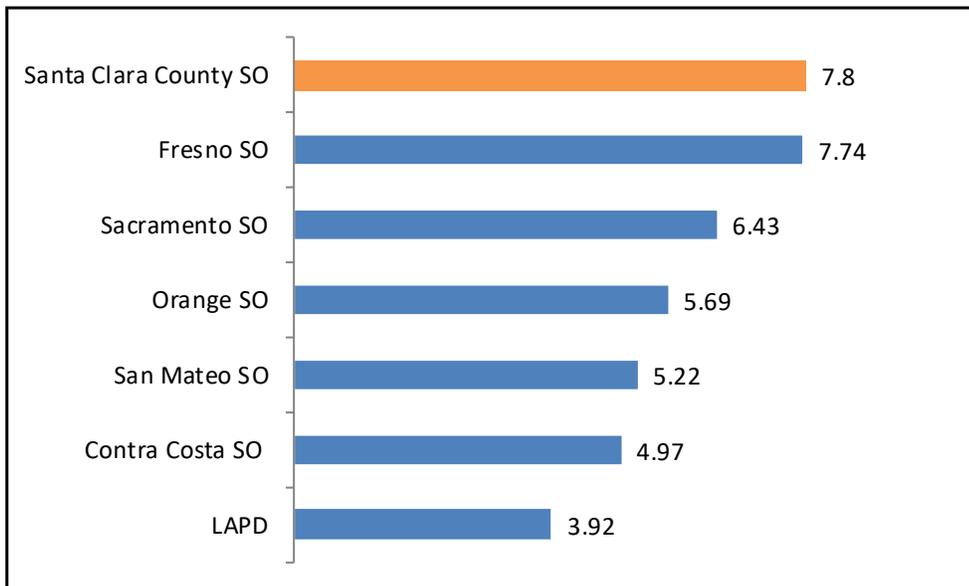


Figure A.III.7: Average Response Times to Priority 1 Calls (In Minutes)

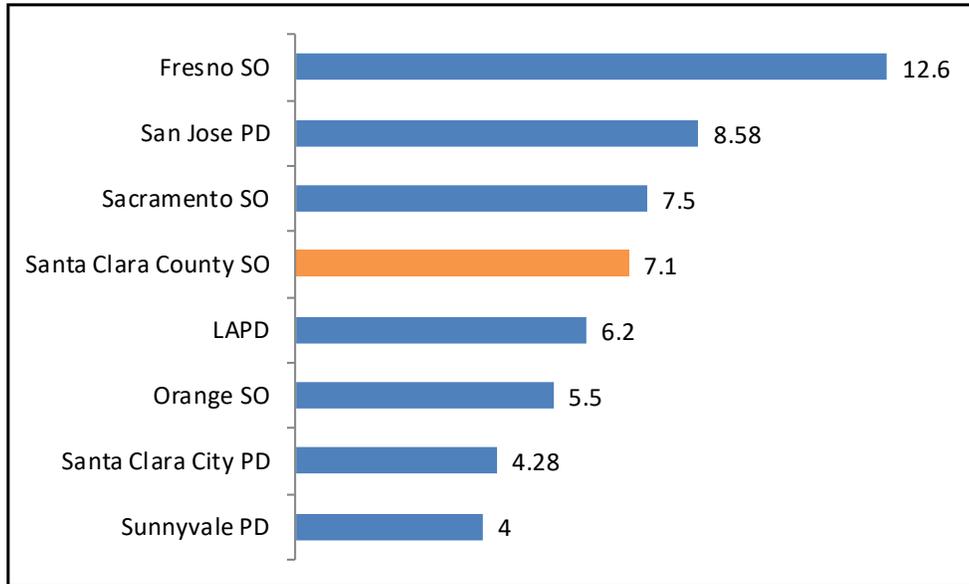


Figure A.III.8: Patrol Area (Square Miles)

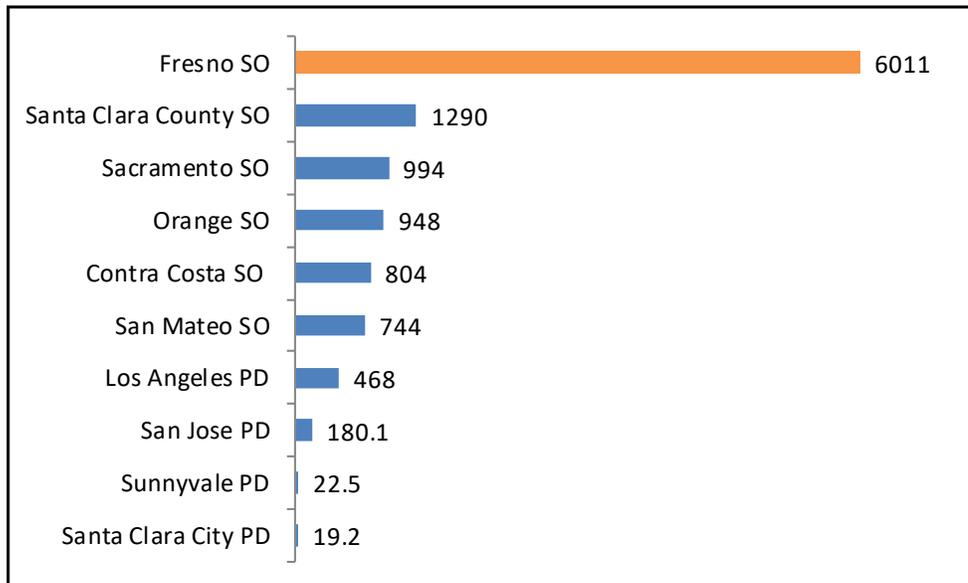
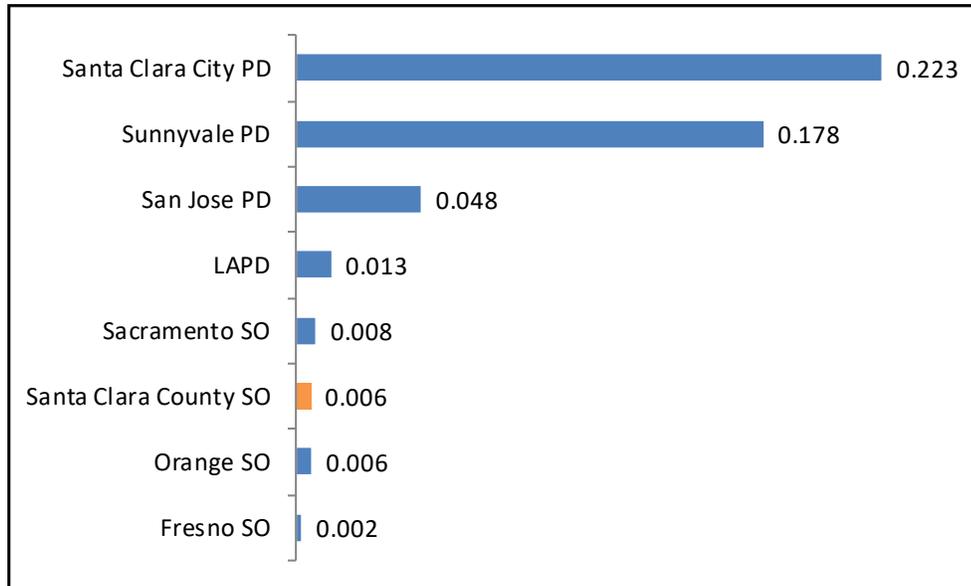


Figure A.III.9: Average Response Time (Minutes) by Patrol Area (Per Square Mile)



PART IV. INVESTIGATIONS

Figure A.IV.1: Number of Investigators in Detective Bureau

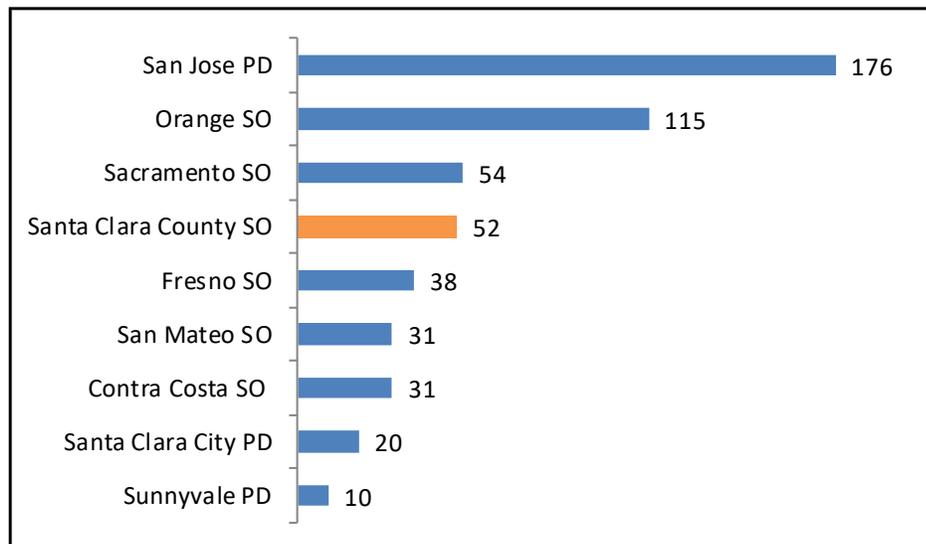


Figure A.IV.2: Cases per Investigator

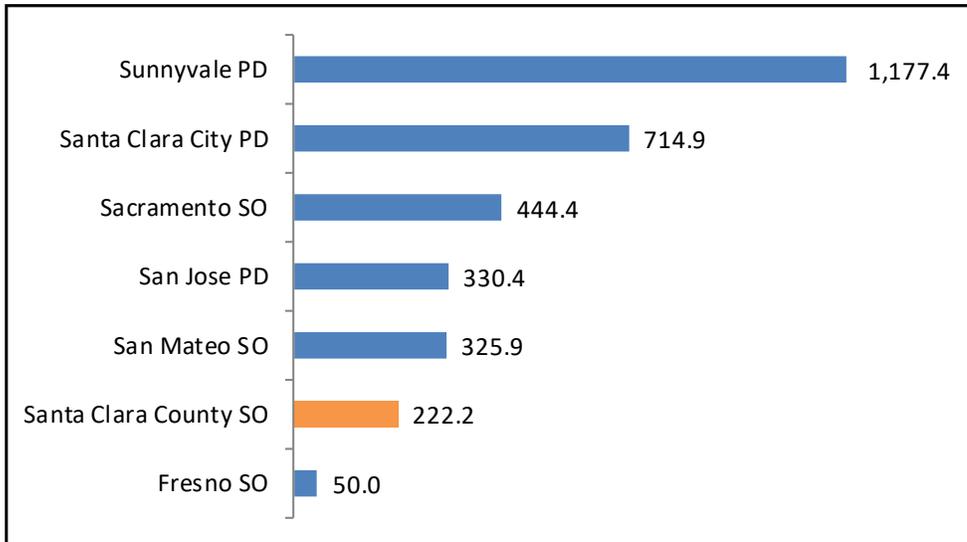


Figure A.IV.3: Number Civilian Staff for Every Sworn Investigator

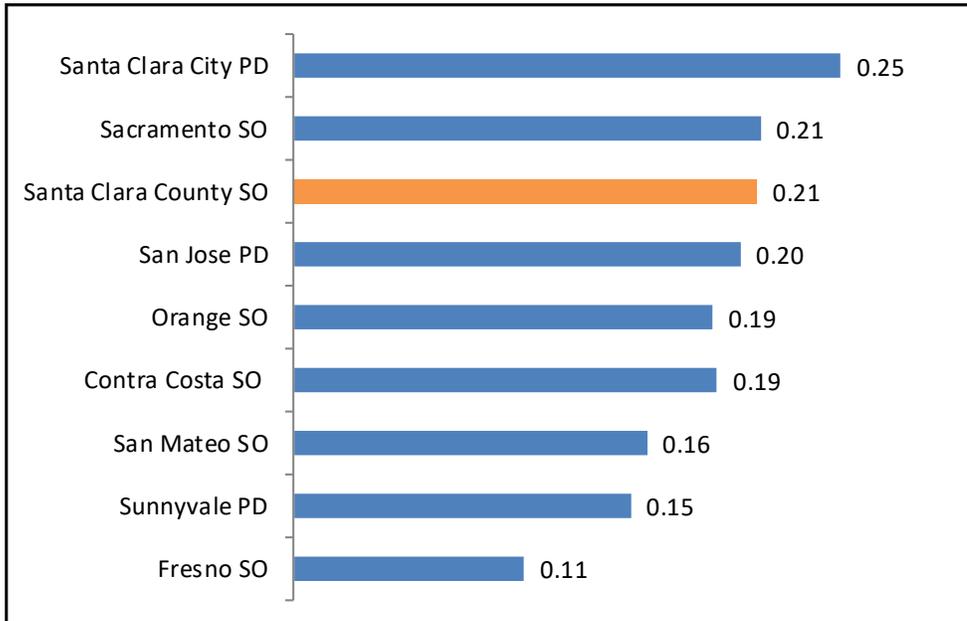
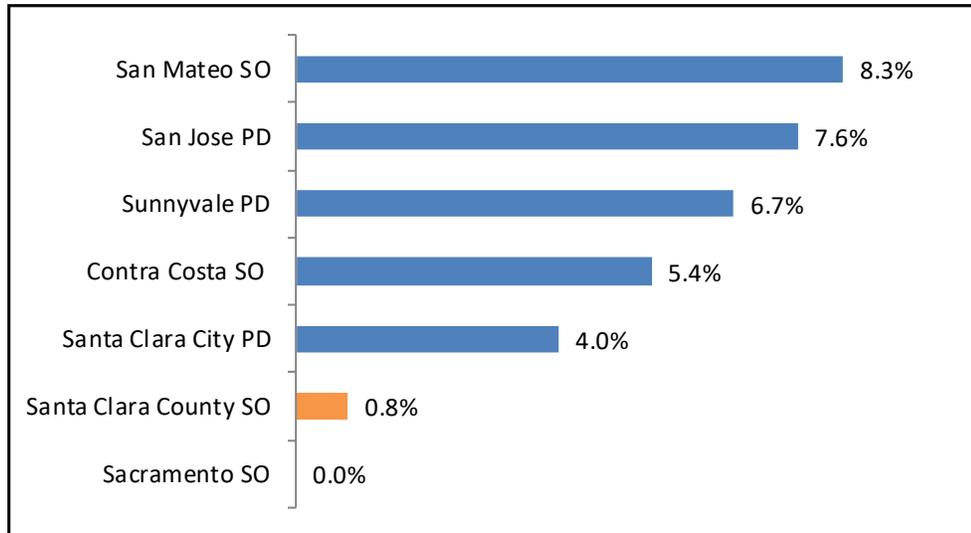


Figure A.IV.4: Crime Analysts as Percentage of Total Investigations Staff



PART V. INTERNAL AFFAIRS

Figure A.V.1: When Administering Discipline, Does Your Agency Follow a Disciplinary Matrix? (A Disciplinary Matrix Specifies the Nature of Offenses or Policy Violations and Associates Them with a Certain Level or Range of Discipline)

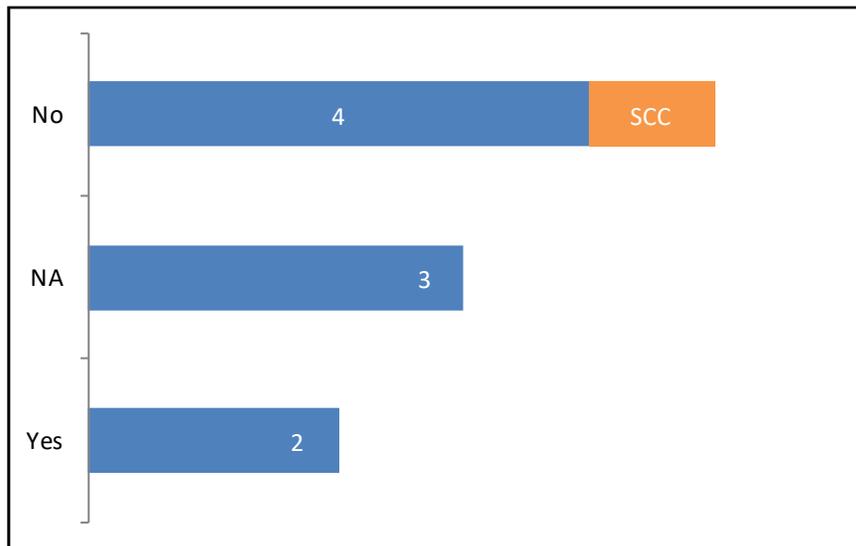


Figure A.V.2: If Not, When Disciplining Staff Does Your Agency Refer to Written Guidelines Describing Level of Discipline for Various Offenses?

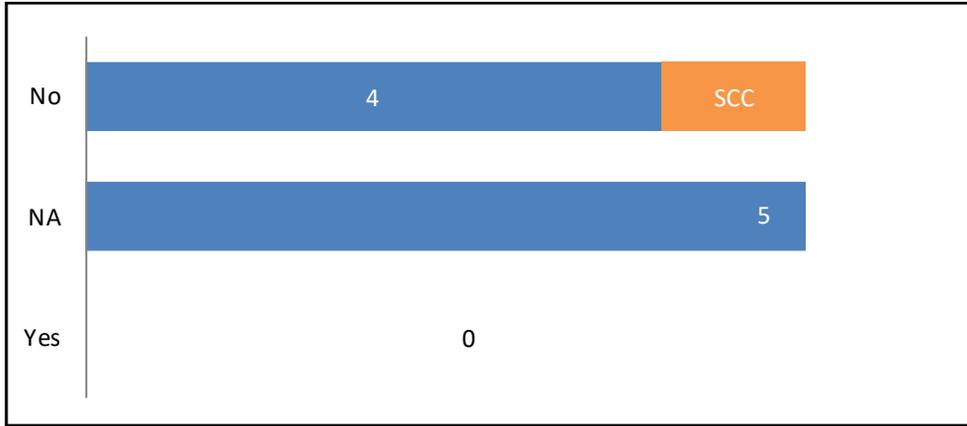


Figure A.V.3: Citizen Complaints Regarding Sworn Staff

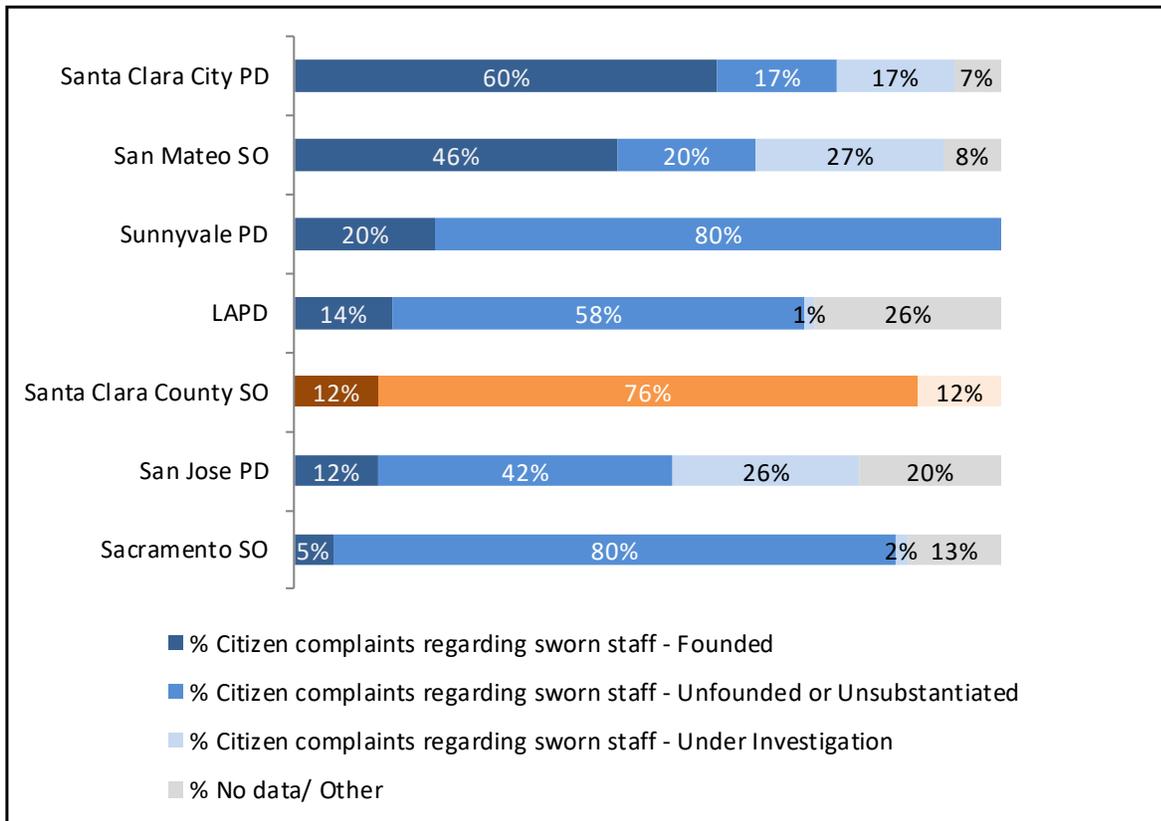


Figure A.V.4: Citizen Complaints Regarding Civilian Staff

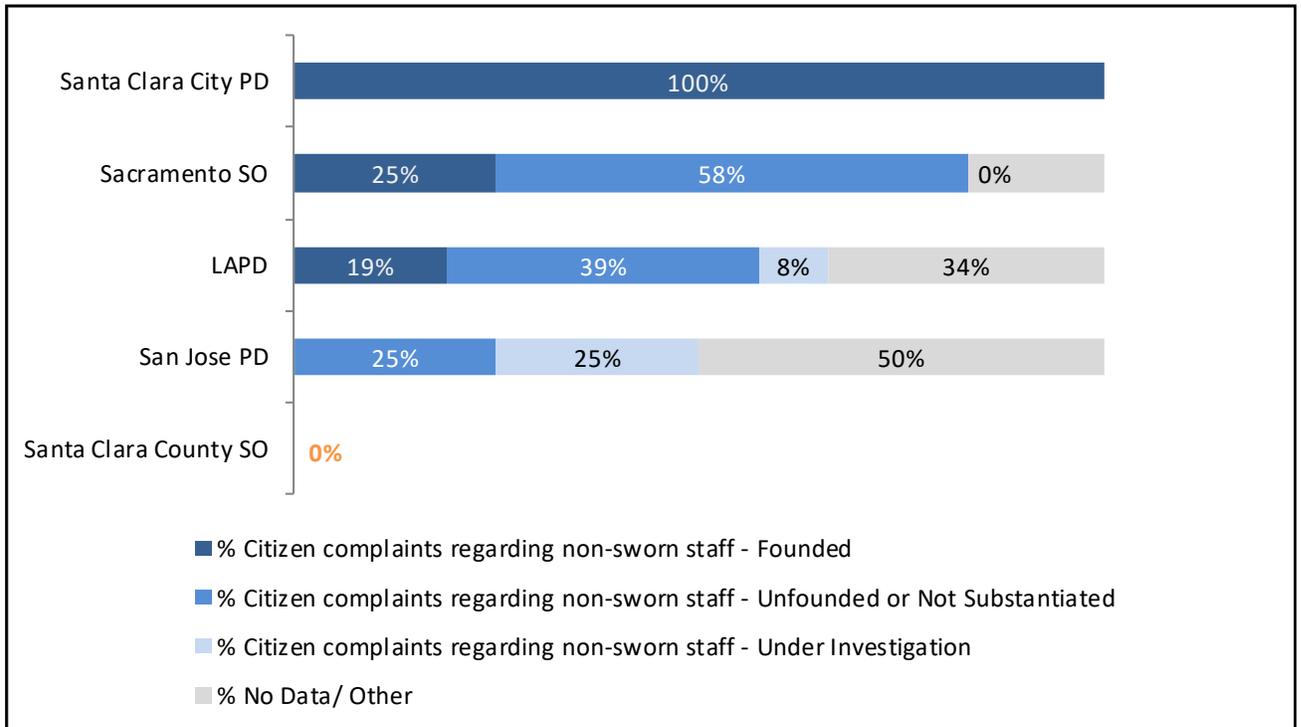


Figure A.V.5: Internal Complaints Regarding Sworn Staff

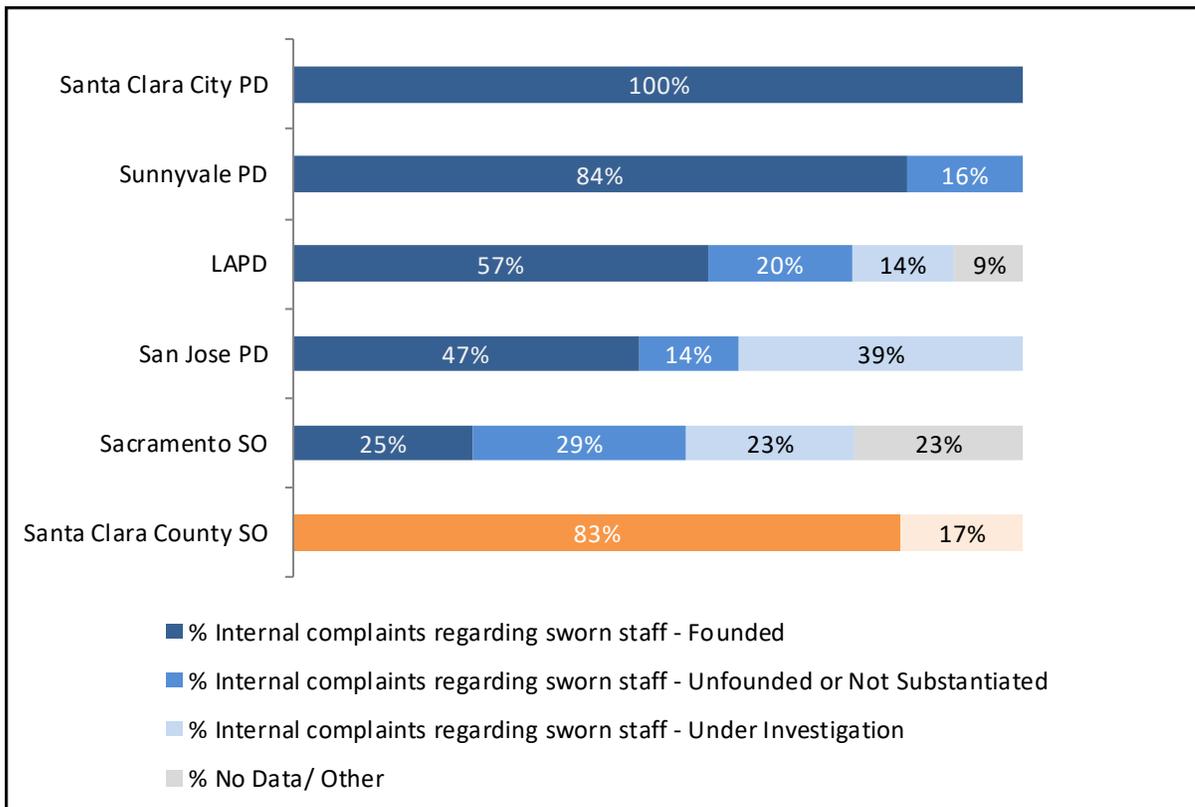


Figure A.V.6: Internal Complaints Regarding Civilian Staff

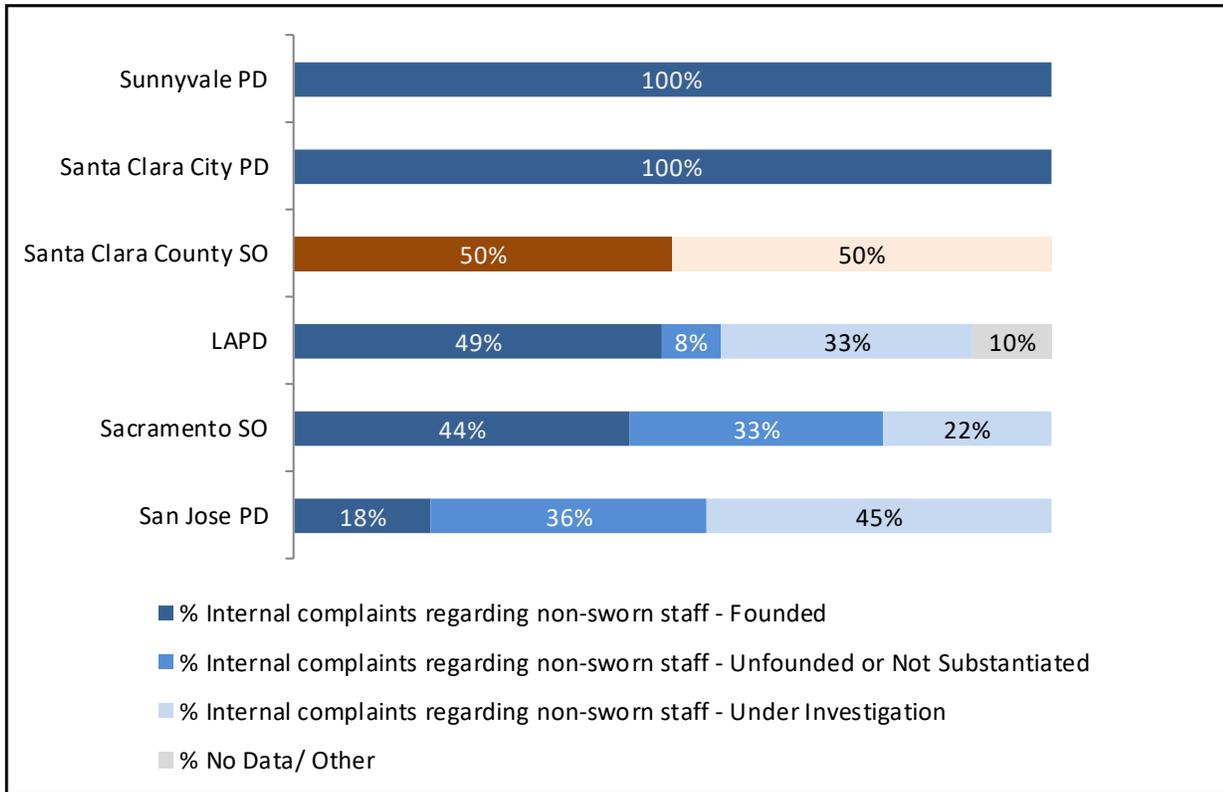


Figure A.V.7: Please Provide Your Agency's Definition of 'Use of Force'

<p>Santa Clara County SO</p>	<p>A level 3 use of force must involve, at minimum, the use of pain compliance techniques or higher.</p>
<p>San Jose PD</p>	<p>In situations where resistance, a threat to life or a threat of physical force against officers or others is encountered and verbal persuasion has not been effective, is not feasible or would appear to be ineffective, an officer may use objectively reasonable force.</p>
<p>Sacramento SO</p>	<ol style="list-style-type: none"> 1. Officers may use force in the performance of their duties when they reasonably believe any of the following conditions exist: <ol style="list-style-type: none"> a. In self-defense; b. In defense of another person; c. To prevent the commission of a public offense d. To effect a lawful arrest, prevent escape, or overcome resistance; e. To protect a person from injuring themselves; f. To prevent the destruction of evidence. 2. Officers may use deadly force in the performance of their duties when the following conditions exist: <ol style="list-style-type: none"> a. In self-defense when the officer has reasonable cause to believe that there is imminent danger of death or great bodily injury; b. In defense of another person when the officer has reasonable cause to believe that the other person is in imminent danger of death or great bodily injury; c. To effect an arrest, prevent an escape, or recapture an escapee when the officer has probable cause to believe that the suspect has committed or attempted to commit a violent felony involving the threat of death or great bodily injury and when the officer has reasonable cause to believe that the felony suspect to be apprehended may cause death or great bodily injury to an officer or another person should the subject escape; d. In each situation above, where feasible, an officer should issue a verbal warning prior to initiating deadly force. 3. The objective in applying reasonable force is to control persons and incidents thereby minimizing injury to all persons involved. Nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.
<p>LAPD</p>	<p>An incident in which any on-duty Department employee, or off-duty employee whose occupation as a Department employee is a factor, uses a less-lethal control device or physical force to compel a person to comply with the employee's direction; overcome resistance of a person during an arrest or a detention; or, defend any individual from an aggressive action by another person.</p>

Figure A.V.8: How Does Your Agency Identify Officers/Deputies with Potential Conduct Concerns?

	Method	Category	Threshold	Time Period
Santa Clara County SO	Early Warning System	Administrative Investigation	3	12 months
		Citizen Complaint	4	12 months
		Missing/Damaged Property	4	12 months
		Pitchess Motion	3	12 months
		Use of Force	8	12 months
		Vehicle Accident	4	12 months
		Vehicle Pursuit	5	12 months
		Overall Threshold (all above categories combined)	13	12 months
San Jose PD	Early Warning System	Any conduct complaints including Department initiated complaints	5+	12 months
Sacramento SO	Evidence based system called IA PRO	If a deputy is subject to an administrative investigation 3+ times in 12 months	3+	12 months
Los Angeles PD	Early Warning System called Training, Evaluation and Management System (TEAMS)	TEAMS system collects data from other systems including the Complaint Management System, Use of Force System, Claims and Lawsuits Information System, and the Deployment Planning System. In broad terms, TEAMS places individual officers into appropriate peer groups and creates an alert when an individual officer exceeds the other members of their peer group by a specific amount (generally three standards deviations). When the system generates an alert, it is assigned to a supervisor to investigate. Based on the investigation, the involved officer's Commanding Officer makes a determination on what action, if any, should be taken.		

PART VI. COURT SECURITY**Figure A.VI.1: Court Security Questions and Responses**

Question	San Mateo SO	Sacramento SO	Santa Clara SO
Does your agency/superior court conduct periodic unannounced testing/exams of the security at each court facility?	Yes	Yes	No
If so, please provide the number of tests/exams administered on average per year	12	2	N/A
How often, if ever, does your agency conduct security assessments/audits of your court facilities?	Monthly	Every 2 years	Every 2 years
Does your agency have a Court Security Plan?	Yes	Yes	Yes
If so, how often is it updated?	Yearly	Yearly	Yearly
Does your agency periodically analyze incidents and arrests data to identify trends?	No	Yes	Yes
If so, how often?		Monthly	Quarterly
Does your agency maintain data on court officer/ deputy security violations?	No	Yes	No (only for 18 months)
Does your agency conduct regular drills for emergency/disaster preparedness?	Yes	Yes	Yes
If so, how often?	Yearly	Biannually	Yearly
Do your court facilities have one or more security committee(s) (including judges, court staff, and court security)?	No	Yes	No
Number of hours of training required before an officer/deputy is assigned to provide security to a court facility	1 week	6 weeks	8-12 weeks

PART VII. TRAINING**Figure A.VII.1: Graduation Rates – Basic Academy and Field Training**

	Sunnyvale PD	San Mateo SO	Santa Clara County SO	Sacramento SO	San Jose PD	Los Angeles PD
FY 2016-17 Basic Academy Graduation Rate	100%	95%	95%	79%	67%	37%
FY 2016-17 Field Training Graduation Rate	100%	87%	72%	N/A	55% *	N/A

* Estimated

Figure A.VII.2: For Your Agency's Investigations Division, What Is the Average Length of Time Between an Officer/Deputy's Start Date in Division and Date Attended the Specialized Investigators Basic Course (Months)?

	Average Number of Months
San Jose PD	6-12
San Mateo SO	6
Santa Clara County SO	5.2
Sacramento SO	3.4

Figure A.VII.3: Average Training Hours per Deputy

Average Training Hours per Deputy*	Investigations Division	Court Security Division	Patrol Division
Santa Clara County SO	130	57	82**
Orange SO	80	32	24
San Mateo SO	40	12	24
Sacramento SO	39.2	8.3	3.7
San Jose PD	N/A	N/A	30
Sunnyvale PD	24	N/A	24
Los Angeles PD	24	N/A	varies by assignment
*In most cases stating 24 hours, referring to PSP 24-hour requirement every TWO years			
**Average of all Patrol divisions			

Course Title	Rank, Team Required	Division	Type
Crisis negotiation/incident	Lieutenant, Hostage Negotiations Team	Special Ops	Mandatory
Hostage Negotiations	Lieutenant, Hostage Negotiations Team	Special Ops	Mandatory
Hostage Negotiations update	Lieutenant, Hostage Negotiations Team	Special Ops	Mandatory
FBI HDS RECERTIFICATION	Sergeant, Deputy, Bomb Squad	Special Ops	Mandatory
HAZMAT annual recertification	Sergeant, Deputy, Bomb Squad	Special Ops	Mandatory
HAZMAT / HAZWOPER	Sergeant, Deputy, Bomb Squad	Special Ops	Mandatory
FBI HDS Basic	Sergeant, Deputy, Bomb Squad	Special Ops	Mandatory
Narcotics Commander Supervisor	Sergeant, CAL-MMET	Special Ops	Mandatory
WMD Haz Mat FROLaw	Sergeant, Deputy, Crowd Control	Special Ops	Mandatory
Dive Rescue	Sergeant, Deputy, Dive Team	Special Ops	Mandatory
Dry Suit Class	Sergeant, Deputy, Dive Team	Special Ops	Mandatory
Hostage Negotiations	Sergeant, Deputy, Hostage Negotiations Team	Special Ops	Mandatory
Hostage Negotiations update	Sergeant, Deputy, Hostage Negotiations Team	Special Ops	Mandatory
Negotiations for domestic violence	Sergeant, Deputy, Hostage Negotiations Team	Special Ops	Mandatory
Crisis Intervention Training	Sergeant, Deputy, Hostage Negotiations Team	Special Ops	Mandatory
Critical Incident Response	Sergeant, Hostage Negotiations Team	Special Ops	Mandatory
Terrorist Liaison Officer Beginners	Sergeant, Joint Terrorism Task Force	Special Ops	Mandatory
Terrorist Liaison Officer Intermediate	Sergeant, Joint Terrorism Task Force	Special Ops	Mandatory
Terrorist Liaison Officer Advanced	Sergeant, Joint Terrorism Task Force	Special Ops	Mandatory
Tactical Team Leader	Sergeant, SERT	Special Ops	Mandatory
Terrorist Liaison Officer Beginners	Deputy, South Bay Terrorism Early Warning Group	Special Ops	Mandatory
Terrorist Liaison Officer Intermediate	Deputy, South Bay Terrorism Early Warning Group	Special Ops	Mandatory
Terrorist Liaison Officer Advanced	Deputy, South Bay Terrorism Early Warning Group	Special Ops	Mandatory

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County of Santa Clara

Office of the Sheriff

55 West Younger Avenue
San Jose, California 95110-1721
(408) 808-4610



Laurie Smith
Sheriff

TO: Cheryl Solov, Board of Supervisors Management Audit Manager
Dan Goncher, Principal, Harvey Rose Associates, LLC

FROM: Sheriff Laurie Smith

DATE: September 11, 2019

SUBJECT: Sheriff's Office Enforcement Bureau Management Audit – Formal Response

I am in receipt of the *Management Audit of the Office of the Sheriff's Operation* dated August 20, 2019 and have reviewed the findings. While the audit contains recommendations, which if adopted would likely benefit the organization as a whole, generally speaking the audit lacks the qualitative evidence to support a majority of the conclusions reached. I have included some information below, which I believe is relevant to the audit findings and should be considered while reviewing the audit recommendations.

Finding 1: Performance Management

The Sheriff's Office has completed numerous strategic plans over the years, many of which have shaped the office as it is today. However, it is true that we do not have a formalized strategic plan that has been updated recently. As the auditors mention, detailed strategic planning requires a large investment in resources, time, and energy. As an organization, we have had to be very fluid and ad hoc recently in order to manage a large amount of organizational change. This has included the integration of the Custody Bureau back under the Sheriff and other major reforms in law enforcement. Contrary to the audit, the Administrative Services Bureau produces monthly, quarterly, bi-annual and annual budget and financial status reports that are produced at the organizational level for internal performance management and shared with the Office of Budget and Analysis. Furthermore, the Information Technology (IT) division on a monthly basis, updates the IT project portfolio and produces a problem analysis report for internal review in order to ensure optimal resource allocation and high project completion rates.

There is a managed focus within the organization to meet performance goals, based on our mission and core values, both of which are memorialized within our General Orders. We have also embraced outside best practices and resources. For example, the Sheriff's Office has embraced best practices within our Basic Academy, Field Training Program, and in-service training programs to incorporate many of the recommendations made within *The President's Task Force on 21st Century Policing* report (2015) into our training and organization. Likewise, we have worked to increase the transparency of our agency, by issuing Body Worn Cameras to all enforcement staff. Change has been rapid and fluid at times; however, the organization has embraced modernization and many other progressive improvements.

As the organization continues to mature and develop, I am in full support and will implement more formal strategic planning in a format and manner that supports the unique mission and emergencies that the Sheriff's Office faces.

Finding 2: Sheriff's Office Staffing and Retention

Staffing at the Sheriff's Office is reviewed continuously by management and is a top priority for the office. Staffing plans are reviewed and updated by each division as needed and have been developed based on a long history of trial and error. Additionally, executive management reviews the complete agency staffing plan annually in preparation for the annual division transfer of sworn personnel.

Although, we are always open to new ideas and approaches to managing staff resources, the office has historically functioned with a minimalist approach to staffing in order to meet fiscal objectives. Additionally, staffing and assignments are dictated by the needs of the divisions, community, and the individual employees, per our General Orders, Union Memorandum of Understandings, the County Charter and Merit Rules, and other internal policies and procedures, also have an impact on how the organization is staffed and how assignments are made.

Staff retention and recruitment are top priorities for our organization and we have implemented a number of retention and recruitment efforts over the years – none of which are highlighted in the audit. Unfortunately, the unpleasant truth is that it's difficult to retain and recruit staff into a region that has such a high cost of living. The majority of our staff leave for areas that cost less to live or have jobs that provide superior benefits and/or salaries. The Sheriff's Office continues to strive to be an attractive agency in the region and is very proud of our efforts to fill positions and retain staff at a time when recruitment and retention within law enforcement agencies is at an all-time low. The Sheriff's Office has repeatedly advocated for better benefits and pay for our employees to make our Office more competitive and we will continue to work on "out of the box" ideas, such as County provided childcare for emergency responders.

The auditors' recommendation for a civilianization policy is unnecessary and unsupported by any scientific studies on best practices within law enforcement. The move to civilianize law enforcement positions is usually a budgetary decision, opposed to operational or best practices. The Sheriff's Office already justifies each new position that is requests to the Board of Supervisors and has historically requested the most fiscally sound job classification that can fulfill the job duties for a new position. Additionally, the Sheriff's Office has repeatedly requested additional civilian positions within the budgetary process with mixed results.

The comparison of other agencies in order to justify and recommend civilianization based on an analysis of ratios of sworn to civilian staff is distorted and misrepresents the operational requirements in Santa Clara County. The audit is also limited in scope, as the comparison only includes enforcement staff, whereas in reality, civilian employees from both custody and enforcement provide professional support to the entire Office and County.

The recommendation by the auditor to "*civilianizing up to 81 sworn positions in order to save \$6 million dollars per year in salary and benefits*" is unsubstantiated by any facts besides the ratios mentioned. It also does

not recommend any specific positions that the auditor identifies as appropriate for reclassification nor did it consider the current staffing allocations at the office. For example, the positions that the auditor did reference from the Los Angeles City Controller (p. 36), include public front desk, equipment rooms, training coordination, etc. But, the majority of these positions are already civilian positions within the Sheriff's Office, with the exception of media relations and our Operations Desk.

Civilianizing up to 81 sworn positions would have a tremendously negative impact on the Sheriff's Office and our ability to protect the County. However, the audit does suggest that perhaps the Sheriff's Office enforcement divisions are understaffed with civilian positions and the Board of Supervisors should consider approving additional civilian positions when requested by the Office.

The audit findings on the vacancy report has too many issues to respond to and it's obvious that the auditor does not understand the different types of position codes or how the County and the Sheriff's Office utilizes them. The Sheriff's Office has no reason to under report vacancies whatsoever. Additionally, it would be irresponsible to estimate vacancies based on expected retirements, disciplinary terminations, training failures, etc. as these published numbers are not final and dates and estimates often change.

Finding 3: Sheriff's Office Patrol Staffing

The minimum staffing approach that we use today is fairly common according to numerous studies on law enforcement staffing and is reinforced through organizational policy and practice and collective bargaining agreements. Although intriguing, a workload based approach does have its disadvantages, as mentioned by the auditor. These include the fact that there are "no universal standards for conducting the analysis" or designing the model, which "requires extensive data and complex calculations. Additionally, the use of consultants and software to facilitate this process can be expensive." (p. 46). The Sheriff's Office uses a minimum staffing approach, which has been reviewed and evaluated on numerous occasions. These minimum staffing numbers have been agreed on by labor unions in order to meet officer safety and response priorities with the large geographical area we are responsible for providing public safety. Other minimum staffing requirements are contractual and part of the agreement with a specific contract city or entity.

Patrol divisions transitioned to the current scheduling methodology approximately 14 years ago when we implemented a "team approach." This approach switched all patrol staffing into teams that work either 10-plan or 12-plan. A team consists of a supervisor (Sergeant) and a group of deputies who patrol that specific area. A team usually remains consistent for a full year (from annual transfer to annual transfer), which allows for team development and consistency. The team concept is a best practice and enhances accountability, tracking, training, employee morale, and team development. For example, by having deputies assigned to teams with a set start time and end time, deputies are able to attend a shift briefing or roll call with their supervisor and obtain critical pass-down information and training. Deputies reporting to the same supervisor on a team for the year ensures consistency of supervision and accountability for the employee.

Finding 4: Investigation Services and Staffing

Overall, the audit findings regarding Investigation Services are very positive. According to the auditor, the Sheriff's Office has a 78.2% clearance rate for violent crime and a 10.2% clearance rate for property crime. The property crime numbers are likely skewed for a number of reasons, including the fact that a high number of

property crime reports are for documentation and insurance purposes, such a vandalized mailbox or lost property (checks, passports, driver's license, etc.), and do not result in any suspects or an active investigation.

Additionally, Sheriff's Office procedure is that the responding deputy (i.e. the Patrol Division opposed to the Investigations Division) is responsible for investigating all misdemeanors. This means that the patrol deputy, who responds to the call, handles the investigation and follow-up for the majority of minor crimes, including property crimes. Patrol solves, usually by arrest or citation, a high number of property crimes well before they are ever assigned to a detective from the Investigations Division, thus our clearance rates are likely substantially higher than reported.

The Sheriff's Office has requested additional Crime Analysts during previous budget cycles and will continue to work on growing our analytical capabilities as an organization.

The Sheriff's Office has been working on a number of improvements to the investigative workflow and case management. We have been planning for and anticipating a new Record Management System (RMS) for many years, however this project continues to be delayed for a variety of reasons. A new RMS should support modern and comprehensive case management capabilities and allow for enhanced visibility, monitoring, and reporting on investigations throughout the investigative lifecycle.

Finding 5: Improving Court Security

The Sheriff's Office works very closely with the Court Administration and is consistently looking for ways to improve the staffing, security, and customer service provided by the Court Security Division. The Court Security Division currently reports all performance measures as outlined in the courts contract. The Presiding Judge and the Courts Administration are kept updated on the staffing plan each day and have advised that it meets their needs.

The conclusion by the auditor that the office does not use industry standards when deploying staff is patently incorrect. The Court Security Division uses the staff requirements and format mandated by the contract with the Superior Court.

The Court Security Division reviews and updates policies and procedures as needed. Major events, such as the events mentioned, always trigger a review of current policy, procedure, and training and necessary changes to policy and or operations are implemented.

Finding 6: Internal Oversight

The Sheriff's Office takes the management of the Internal Affairs Unit very seriously; however, the issues listed within the audit have little merit. The backlog of Blue Team entries is overstated in general, however the foundational problem has been resolved with new automated processes that transfer pending Blue Team entries into the IA Pro application. Additionally, the Blue Team and IA Pro applications are only one aspect of how complaints, incidents, use of force, and other high liability incidents are managed. For example, a use of force incident will be reviewed by the first line supervisor, who is often on the scene. The use of force will also result in a report, which is further reviewed by a supervisor and often times the division Lieutenant and/or Captain.

Finding 7: Third Party Oversight

The Sheriff's Office is currently working to revise the contract with Stanford University. This revised MOU will help define some of the disagreements discussed within the audit. The Sheriff's Office is also working to deploy a standardized Record Management System (RMS) within the entire organization, including Stanford University. This will ensure consistent reporting throughout the organization.

One of the functional requirements for the new RMS is Clery Act reporting and the office expects that centralized reporting of criminal investigations and Clery Act requirements by the university, will help ensure consistency in the future.

Finding 8: Training

The auditor's recommendations and findings do not align with information reported within the audit. However, the Sheriff's Office is always working to improve training within the organization, evident by the recent opening of our Emergency Vehicle Operations Course in Morgan Hill and the expansion of our Training Division.

According to the audit, the Sheriff's Office had the highest average training hours for investigations, courts, and patrol according to surveyed agencies (p. 175). The audit also showed that the average time is 5.2 months for Investigators to attend the Criminal Investigation (ICI) Core Course. This is well within the 1-year required by California Peace Officer Standards and Training (POST). Although it would be great to send staff to training prior to promotion or assignment, this is not usually feasible based on staffing levels, class availability, POST reimbursement, training policy/merit rules, etc.

Tracking and reporting on training is an ongoing challenge within the organization. Although the software we use today has its limitations, it's the only solution that interfaces with POST. This saves a substantial amount of time and resources. Our centralized training tracking is only as good as the information provided by division and employees. This has been a priority within the Office and we have recently transitioned the Custody Bureau into the same tracking platform to maintain consistency within the organization and to help improve how training is tracked.

Finding 9: IT Project Management

The audit concludes that the Sheriff's Office has failed to prioritize oversight and management of IT projects, yet offers no specific evidence to support these conclusions. Furthermore, the Sheriff's Office in fact does have an IT Project Manager classification assigned to the division. In addition to this, the IT division has 4 additional senior level IT managers that provide project planning, oversight and management for all projects within the Sheriff's Office IT project portfolio. This ensures that work is completed quickly and with minimal overhead. Overall, the Sheriff's Office IT project portfolio has met the operational needs of the organization and other regional law enforcement users that the Office supports.

Finding 10: Security and Safety of Facilities and Assets

The Safety and Security of Sheriff Office facilities is under consistent review and a major area of concern for staff and the organization. Reviews are conducted by individual divisions on an ongoing basis. Over the years, these reviews have resulted in the Sheriff's Office submitting a number of proposals that would have hardened the facilities and limited access to Sheriff's Office employees. However, for a variety of different reasons these proposals have been rejected by the Board of Supervisors and/or County Executive.

The audit is critical of how fixed asset are managed, however it fails to recognize the complexity of this type of management within a law enforcement agency. There are literally thousands of items that need to be located and audited within the agency every year, so criticizing the agency after discovering five items without county asset tags seems overly critical.

The audit also outlines security issues relating to the storage of assets at the firearms range and regional training academy, but fail to recognize the near impossible task of securing areas that are located in rural county areas. The criticism of the firearms range function is unwarranted and not supported by anything other than conjecture. Range Management has been centralized under the Training Division, which assigns duties as needed and manages the issuance and inventory of firearms and ammunition. There is a comprehensive firearms inventory that is a critical aspect to the control of weapons within the organization.

The audit also goes into an extensive review of the agency's procurement, use, and maintenance of vehicles. This review completely fails to mention that the process is managed by Fleet Services and the Sheriff's Office is only involved in order to ensure vehicles that are selected meet the operational need of the office. The vehicle options are usually dictated by the County and industry standards, particularly for marked patrol vehicles.

The audit also criticizes the entire vehicle maintenance process, however this seems to be based on their own data which points to the fact that 14 of the more than 356 vehicles assigned to the organization were overdue for service at one time. This is supported by comments from Fleet Services indicating that a lot of the backlog is due to their inability to service vehicles and get them back to the agency in a timely manner. These seems to be overly critical given the emergency nature of our operations and the limitations at Fleet Services.

Additionally, the recommendation by the auditor to limit access to fuel for vehicles that are overdue for service, underlines the auditors limited understanding of our operations. For example, this could leave a deputy stranded in an emergency situation and/or major incident or leave a deputy unable to respond to an emergency call for service by a member of the public.

County of Santa Clara

Employee Services Agency

Agency Administration

County Government Center, East Wing
70 West Hedding Street, 8th Floor
San Jose, California 95110-1705



DATE: September 18, 2019

TO: Board of Supervisors' Management Audit Division

FROM: John P. Mills, Director, Employee Services Agency

SUBJECT: Management Audit of the Sheriff's Office

DocuSigned by:
John P. Mills
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This memorandum is a response to the report of the Management Audit of the Sheriff's Office, prepared by the Board of Supervisors' Management Audit Division. The Employee Services Agency appreciates the opportunity to provide a response to those recommendations directed to it.

SECTION 2: Sheriff's Office Staffing and Retention

2.6 Employee Services Agency should conduct a civilianization analysis of the Sheriff's Department. Bringing the Sheriff's Office use of civilian staff in line with peer agencies would require civilianizing 81 sworn positions.

ESA Response

ESA could conduct a classification study to identify administrative and support classifications in the Sheriff's Office that do not require the powers of law enforcement (powers of arrest, use of force, carrying a firearm), or the training and experience of sworn personnel to perform the functions of the job, and work to transition staff in these positions to other more appropriate positions that do require sworn personnel. Over time, some civilian classifications were replaced with sworn staff. These civilian classifications could be re-established, and positions added to perform the functions of the current sworn staff.

SECTION 4: Investigations Services and Staffing

4.9 Following the adoption of Recommendation 4.2, which recommends that the Sheriff should work with the Bureau of Justice Assistance or other experts to develop a plan to establish a crime analysis program, the Employee Services Agency should develop a full-time, certified Crime Analyst classification.

ESA Response

The District Attorney's Office submitted a classification study request to create a Crime Analyst classification series. ESA accepted the study and expanded the study to include the Sheriff's Office. The study proposes to create two levels, a journey Crime Analyst classification, and a Senior Crime Analyst classification, which will supervise staff and ensure quality standard of work performed. The District Attorney has concurred with the

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Susan Ellenberg, S. Joseph Simitian
County Executive: Jeffrey V. Smith

findings and recommendations of the study, and the study is being posted to the Sheriff's Office for review. Once the Sheriff's Office concurs, the study will be posted to the affected bargaining unit to initiate the meet and confer process. Upon concurrence from the union, a legislative file will be brought forward to the Board of Supervisors for approval.



STANFORD UNIVERSITY
DEPARTMENT OF PUBLIC SAFETY

Laura L. Wilson, *Director*

September 11, 2019

Board of Supervisors Management Audit Division
County Administration Building, East Wing, 10th Floor
70 West Hedding Street
San Jose, CA 95110

Dear County Board of Supervisors,

This letter is intended to provide additional context regarding portions of the Management Audit of the Office of Sheriff's Operations specific to the Stanford University Department of Public Safety (SUDPS). In the interest of clarity, responses have been organized to mirror the sections outlined in the Audit Report.

Background

On page 106, the opening paragraph states, "The Sheriff's Office is responsible for overseeing the law enforcement and security functions of two organizations outside of the Department: (1) The Stanford University Department of Public Safety..." For clarity, the Sheriff's Office is responsible for overseeing the law enforcement functions of SUDPS, which includes security. In addition to sworn personnel, SUDPS also employs non-sworn security officers. The duties and responsibilities of these security officers do not fall under the purview of the Sheriff's Office.

Finding – Oversight: The Sheriff's Office is not Reviewing Stanford Department of Public Safety's Internal Affairs procedures or General Orders as required by the MOU

Throughout the duration of the current and prior MOU, there have been instances when the Sheriff's Office has directed SUDPS to conduct its law enforcement operations outside the parameters specified in the MOU. One such directive was that SUDPS would adopt the General Orders of the Sheriff's Office. Verbally, SUDPS was advised that the S.O. General Orders could be edited as long as the changes were more, not less, restrictive than what was written in the Sheriff's Office General Orders. An example of a needed change could be something as simple as replacing 711 Serra St at Stanford as a reporting location in lieu of 70 West Hedding in San Jose. Given the S.O.'s directive and SUDPS compliance with it, SUDPS' General Orders should be as comprehensive as the Sheriff's Office General Orders even if there are differences. Furthermore, SUDPS sworn officers must also comply with the university's Administrative Guide, which covers expectations for workplace conduct. These expectations, such as prohibiting sexual harassment, are in line with the type of conduct expectations that are covered by S.O. G.O's that are not about the performance of law enforcement specific functions. In effect, the conduct

and performance expectations for SUDPS sworn personnel are heavily regulated due to the need to comply with the policies of both entities

With respect to SUDPS Internal Affairs procedures, the Sheriff's Office notified SUDPS that the Sheriff's Office would conduct Internal Affairs Investigations involving SUDPS sworn personnel. This expectation has been in place for over 10 years. In practice, when matters have arisen that might necessitate an internal affairs investigation, SUDPS has notified the Sheriff's Office and a decision has been made as to which agency would conduct the investigation. In most instances, the Sheriff's Office has made the decision about whether the matter rose to the level of a S.O. IA absent SUDPS' input; however, depending on the persons making decisions at the Sheriff's Office, sometimes SUDPS has been included in the decision making. In practice, the Sheriff's Office conducts internal affairs investigations of SUDPS personnel that involve the use of force, potential criminal activity, and other serious matters that could result in the removal of an officer's deputized status. The Sheriff's Office has permitted SUDPS to conduct "divisional level" investigations. At the Sheriff's Office, divisional level investigations are investigations that are not expected to result in formal discipline. In contrast, when SUDPS conducts a "divisional" level investigation, as defined by the S.O., formal discipline is a possibility. These investigations are conducted in accordance with the MOU between Stanford University and the Stanford Deputy Sheriff's Association. This process, including the appeals process, is similar to the investigative process used by the Sheriff's Office; however, there are slight differences based on the fact that Stanford sworn officers are university employees governed by a collective bargaining agreement.

Finding – Oversight: Stanford University and the Sheriff's Office disagree about how to define and report certain sexual crimes

Substantively, Stanford concurs with this section of the report. There are some factual clarifications as noted below.

The per violation penalty for Clery violations is currently \$57,317 (up from \$55,907, which was the penalty when this audit report was initiated).

Reporting Sexual Crimes

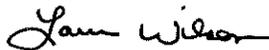
Victims of sex discrimination may report incidents to the University Title IX Office, SUDPS or others at Stanford.

As defined by the Clery Act, faculty are not "Campus Security Authorities" except in certain defined circumstances; however, they are "Responsible Employees" as defined by Title IX. Thus, a faculty member is not required to report a sexual assault for purposes of complying with the Clery Act. That same faculty member is required to report a sexual assault to the Title IX Office. Most employees of the Title IX Office are considered to be Campus Security Authorities. Thus, a sexual assault reported to a faculty member would be reported to the Title IX Office and ultimately be counted as a sexual assault for compliance with the Clery Act because the Campus Security Authority in the Title IX Office would report the sexual assault for Clery Compliance.

In addition to concerns about accurate crime reporting, which is a priority for SUDPS and Stanford University, crime classification is critical to SUDPS because of the impact reported sexual assaults have on individual victims as well as the community. The Sheriff's Office has an agreement with a company that uploads reported crimes to the internet website within hours of an incident being assigned a case number. Local media peruse this website looking for potential stories. There have been instances when the media has called SUDPS for information about a reported sexual assault before a victim has returned from having a sexual assault forensic exam or provided a statement to law enforcement. The immediacy of the media reporting has had a chilling effect on the willingness of some victims to pursue a criminal investigation. Similarly, as noted in the audit report, there have also been instances, albeit infrequent, when persons have chosen to undergo a forensic exam to prove the absence of a sexual assault. Categorizing this type of a situation as a sexual assault, particularly when the reporting party is definitive about having not been sexually assaulted, results in the media reporting that a sexual assault occurred, which is misleading. One might conclude that the simple solution to this situation would be to provide an explanation to the media. Given the sensitivity and extremely personal nature of any type of reported sexual assault, Stanford DPS endeavors to be mindful about the impact of what information is shared with the media, especially if sharing details could be hurtful to a victim or an individual who is interacting with law enforcement.

In closing, SUDPS is committed to providing high quality public safety services to the Stanford Community. We welcome a collaborative and positive connection with the Sheriff's Office in order to ensure the best possible services are provided to the Stanford campus.

Respectfully,



Laura Wilson
Chief, Stanford Department of Public Safety

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County of Santa Clara

Facilities and Fleet Department

County Center at Charcot
2310 North First Street, Suite 200
San Jose, California 95131-1011
(408) 993-4600



September 11, 2019

To: Dan Goncher, Principal Harvey M. Rose Associates, LLC
County of Santa Clara Board of Supervisors, Management Audit Division

From: Jeff Draper, Director
Facilities and Fleet Department

Subject: Management Audit of the Office of the Sheriff's Operations, Facilities and Fleet
Department Response

The Facilities and Fleet Department (FAF) has finished reviewing the draft report of the Management Audit of the Office of the Sheriff's Operations dated August 20, 2019. The Department's response to Item 10.3 is listed below.

Finding

The limited records available suggest patrol vehicles may be driven past the mileage that triggers preventative maintenance.

Response

FAF agrees with the finding. There were a high number of safety recalls for all Chevrolet Caprice and Ford Interceptor patrol vehicles from 2017 to 2019, but due to the need for patrol vehicles to be in the field the Department could submit only a limited number of vehicles for recall service at any one point in time. FAF Fleet Management worked diligently to transport vehicles to multiple dealerships to expedite these required safety services, but some vehicles had scheduled preventative maintenance (PM) deferred because of the need to have enough patrol vehicles available to protect the public. Since recall services were completed FAF Fleet Management has been working diligently with the Sheriff's Office (SO) to return patrol vehicles to their normal schedule of maintenance services. Fleet Management has also implemented the following three items to improve the overall PM compliance rate:

1. Add Additional Vehicles

FAF Fleet Management will be requesting authorization to purchase 15 additional patrol vehicles for a loaner pool for the SO to decrease the number of vehicles overdue for PM services by mileage. The new vehicles will be distributed between Sheriff Headquarters Patrol, South County Patrol, West Side Patrol, and Transit Patrol. These additional vehicles will allow the SO to release more

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Susan Ellenberg, S. Joseph Simitian
County Executive: Jeffrey V. Smith, M.D., J.D.

vehicles for service without experiencing a shortfall of available patrol vehicles to serve the community.

2. Increase Fleet Management Staffing

FAF Fleet Management is in the process of hiring two Fleet Services Mechanics and two Fleet Maintenance Supervisors, which will ensure that vehicles are serviced in a timely manner once they arrive at Fleet. Lead Mechanics have been working out of class as Supervisors resulting in a shortage of personnel performing PM services, and filling these vacant positions will address this issue.

3. Reporting

FAF Fleet Management is collaborating with the SO's Vehicle Maintenance Officer to make sure that vehicles are serviced and maintained on schedule, and to ensure that happens is now providing PM reports that include a list of vehicles that are projected to be due for services in the next 30 days. Providing a list of vehicles before they are officially due for PM will allow the SO to better plan for vehicle PM services.

County of Santa Clara

Finance Agency
Controller-Treasurer

County Government Center
70 West Hedding Street, East Wing 2nd floor
San Jose, California 95110-1705
(408) 299-5206 FAX 289-8629



DATE: September 9, 2019

TO: Board of Supervisors Management Audit Division

FROM: George P. Doorley, Controller-Treasurer 

SUBJECT: **Response to Management Audit of the Office of the Sheriff's Operations**

Thank you for the opportunity to review and respond to the Management Audit Division's recommendations. While there were no recommendations annotated specifically for the Controller-Treasurer Department, we have implemented changes to improve our oversight of the County's fixed assets. The first such improvement has been the requirement for agencies and departments to utilize DocuSign for all the fixed asset activities. This ensures that documentation is easily accessible and allows for better tracking of the disposition of assets as well as when interdepartmental transfers occur. These procedures are posted on the Controller-Treasurer intranet site under *Accounting Policies and Procedures*. Training has also been provided to the fiscal staff Countywide.

Revisions have also been made to the County's Fixed Assets Administrative Guide requiring asset tagging when the fixed asset has a serial number. Agencies and departments are to include thorough identifying information in the County's accounting system (SAP). Asset tags are issued by the Controller-Treasurer Department to agencies and departments to assist with tracking and inventory.

The auditor observes that the Office of the Sheriff may not be inventorying donated items that meet the \$5,000 fixed asset threshold (Page 150, first bullet). The Controller-Treasurer Department has included annual training for the fiscal staff in agencies and departments, as part of the fiscal year-end close, that instructs how to submit a *Fixed Asset Addition* form to track assets, such as donations, that are not recorded in the County's accounting system (SAP).

Finally, the auditor observes that Low Value Expense Items (LVEI) that do not reach the dollar value for tracking as a Fixed Asset, but are nonetheless "high risk", are not inventoried (Page 150, section entitled *Inventory and maintenance of high-risk supplies and high cost assets*). Controller-Treasurer Department staff have revised the County's Fixed Assets Administrative Guide requiring that agencies and departments conduct a biennial cleanup of LVEIs. These cleanup actions began in fiscal year 2017-18 and continue to the present.

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