



SHERIFF

S U T T E R C O U N T Y

JIM DENNEY
Sheriff/Coroner
Public Administrator

J. PAUL PARKER
Undersheriff

July 8, 2007

The Honorable Christopher R. Chandler, Presiding Judge
Superior Court of California, County of Sutter
446 Second Street
Yuba City, CA 95991

Re: Sheriff's response to the 2006-07 Grand Jury final report

Dear Judge Chandler,

On June 5, 2007, the Sutter County Grand Jury submitted its report to the Sutter County Superior Court and this office received a partial copy as it related to the Sheriff's Department on June 28, 2007. The Grand Jury findings as they relate to Sheriff's Operations are included in three major committee sections of the report, namely the Audit and Finance Committee, County Government Committee and the Criminal Justice Committee. Throughout the Grand Jury report are several critiques, criticisms, assumptions and findings that I disagree with.

What I find most puzzling is that some of the Grand Jury's listed findings includes findings that the Sheriff's Department was specifically asked about and supplied information on weeks before the report was finished only to now find that this information was not included in the final report and the finding was contrary to the information supplied. This response will address the findings and recommendations of these committees.

COUNTY GOVERNMENT COMMITTEE
Sutter County Employee Retention and Recruitment

Finding: *"The committee acknowledges that while vacancies will and do routinely occur in the running of any government entity, the problem is acute in Sutter County. The problem and resulting effect is most striking within the Sheriff's Department."*

Response: We disagree with this finding. While we agree that recruitment and retention is an on-going challenge, this comment as stated in the findings leaves one with the impression that that the problem of recruiting law enforcement personnel is more severe at the Sutter County Sheriff's Department than with other agencies and to that we disagree.

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During one of the several meetings with the Grand Jury when this matter was discussed, the Grand Jury was given data from a comprehensive study on this subject, namely the California Peace Officer Standards of Training (P.O.S.T.) Recruitment & Retention Best Practices and Update from April 2006. This document is available on-line at: <http://www.post.ca.gov/training/bestpractices/RecruitmentBestPrac.pdf>.

Some of the information in this report made available to the Grand Jury as to the acute problem of recruiting not only in Sutter County but throughout the State was the following data:

- Between 2002 and 2012, the state projects an estimated 68,000 peace officers will need to be hired with an estimated 30,300 as a result of separations.
- This report also detailed out the fact that law enforcement related positions are the highest priority for federal hiring with a goal of hiring 37,000 people to fill those positions over a period of two years thus pulling from available persons in the already limited California pool of potential hires.

It was also pointed out in this study that in a survey of seventy-six law enforcement agencies throughout the state:

- Eighty-one percent agreed that recruitment is a problem.
- That within the seventy-six agencies that participated in the study, they collectively had more than 8,300 vacancies.

Also included in the Grand Jury report was the following matrix of Authorized vs. Positions filled in the Sheriff's Department.

Year	Positions Authorized	Positions Filled	
1997	128	119	-9
1998	130	123	-7
1999	139	119	-20
2000	139	127	-12
2001	142	125	-17
2002	153	126	-27
2003	151	134	-17
2004	150	138	-12
2005	146	137	-9
2006	146	128	-18
2007	146	119	-27

The paragraph directly following this matrix of open positions leads right into a discussion of alarming crime trends and arrest numbers and stated the implications are “*obvious and disturbing*”. This leads one to believe that:

1. The openings listed are all sworn officers and;
2. There is a direct nexus between the amount of unfilled openings and the crime rate.

It should be pointed out that the Sheriff's Department employs several categories of people, from sworn deputies, administrative personnel, clerical and records staff, civil process staff, secretaries, correctional officers, evidence officers, dispatchers and food service workers. While we concur that staffing, especially among the sworn staff can be a persistent challenge, the included matrix does not accurately represent the number of unfilled positions for street patrol deputies. The number of patrol openings is in constant flux and changes from week to week. As a case in point, the Patrol Division as of January 2004 had accomplished almost full staffing with only one pending background investigation and two deputies in field training, yet the matrix above coupled with the connected discussion of crime trends leads one to believe that there were anywhere from 12 to 17 open deputy positions.

On May 15, 2007, per the Grand Jury foreman's request for information, I provided him with a specific breakdown of the number of unfilled positions in the Department as follows:

Authorized staffing 143

Unfilled Positions

Lieutenant	1
Deputy Sheriff	8
Correctional Officer	8
Dispatcher	3
<u>Food Service Worker</u>	<u>1</u>

Total 21

Regarding the issue of "alarming" crime trends, I personally provided the Grand Jury with statistical data on two occasions for Part I crimes that occurred in the Sheriff's jurisdiction for every year from 1991 through 2006. The Part I crimes in 2006 were actually less (1,481) than they were for 2005 (1,572), and were below the Part I crimes reported for the year 1994 (1,496). I find it interesting that in spite of my providing the Grand Jury 16 years worth of crime reporting data, the Grand Jury foreman chose to use only the last 10 years worth to prove his assertion that crime was on the rise at an "alarming" rate. I disagree with the foreman's claim and find it noteworthy that Part I crimes have not risen significantly in spite of a marked increase in population in the County.

Finding: *"Equally disturbing is the seeming indifference shown by county officials to this very serious problem. The Grand Jury encountered shoulder shrugs and excuses, but no*

ideas or solutions other than a proposed increase in salary and benefits which are, at best, a short-term solution to recruitment and retention.”

Response: We can assure the Grand Jury that we are not indifferent as to staffing shortages in the Sheriff’s Department and consider it a very serious matter. No one at this office simply shrugs their shoulders or gives excuses to this problem and we have taken several affirmative steps in recruitment as discussed elsewhere (see Page 5) in this response. Nor do we now, nor have we ever believed that simply throwing money at the problem was a total solution to the recruitment and retention problem. That said, an agency does have to remain competitive and all this department has ever advocated was to attain a salary somewhere within the mean average of other agencies competing for the same limited labor pool.

Finding: *“The sheriff stated he is reluctant to hire additional staff because when Yuba City assumes responsibility for services the county is now providing, he may have to lay off deputies.” “The Grand Jury finds these responses and attitudes unacceptable.”*

Response: Although the subject matter of this committee report was Employee Retention and Recruitment, apparently the committee found it unacceptable that the Sheriff’s Department has not sought to hire additional staff. The Sheriff’s Department is in constant recruitment and testing and there is seldom any period of time when all open positions at the Sheriff’s Department are not filled with a job offer to an applicant somewhere in the hiring processes.

Also, in 2003 the Sheriff’s Department created two new sworn positions with assistance of a \$250,000 federal grant and requested and received two new sworn positions in Live Oak in 2001 and 2006. My response referenced above regarding reluctance to hire additional staff was during a conversation with the committee regarding the status of Yuba City taking over areas that had been annexed into the city but still patrolled by the Sheriff’s Department. My statement was offered in the context of creating new positions to patrol areas that will not be under the jurisdiction of the Sheriff’s Department in the near future. As anticipated, Yuba City has recently agreed to assume all law enforcement duties from Franklin Road north to Pease Road effective January 1, 2008.

Lastly, I gave a written response to the Grand Jury foreman on May 15, 2007 in which I advised him that I had requested 7 new deputy positions for the 2007/08 budget to help address service demands countywide and that the County Administrative Officer was going to recommend that the Board of Supervisors approve 4 of those positions. Those positions were in fact approved at the County budget hearings on June 12, 2007. Nowhere in the Grand Jury report is this fact presented and instead I am criticized as reluctant to hire additional staff.

Recommendations: *“The Grand Jury is unimpressed with the efforts of either the Sheriff or the Personnel Director to creatively and urgently address these problems. As*

advised, recruitment is a very competitive process; as a result, the county needs strategies beyond mere advertisements in the local paper and on internet websites to attract quality personnel. Innovative and aggressive strategies are vital in this employment arena; the citizens of Sutter County should expect as much.”

Response: I disagree with this recommendation. The Sheriffs Department is troubled that the committee was unimpressed with our efforts to recruit officers. The following are only some of the recruiting initiatives the Sheriff’s Department has taken regarding this issue.

In April of 2006 we began a series of procedural changes that has cut the time line of recruitment and hiring considerably.

- We sent our background Lieutenant and two deputy recruiters to the POST Symposium on recruitment and retention for specialized training on this issue.
- We have trained more officers to conduct background investigations to speed up that process.
- We have utilized private background investigators to conduct background investigations on non-sworn personnel to lighten the load on the departmental investigators and speed up the process.
- We have trained and utilized non-sworn officers to conduct background investigations on non-sworn personnel.
- We participate in Job fairs.
- The Undersheriff has personally recruited almost every local police academy class for the past five years.
- We have sent our recruiters to the numerous regional academies in the north state (Yuba, Butte, Napa, Santa Rosa, San Joaquin Delta Public Safety Training Center and Sacramento Regional) for recruitment which has resulted in a number of applications and job offers.
- In consultation with POST, we eliminated a redundant POST entry exam for applicants that have graduated from an academy within the prior 12 months and accepted the academy T score instead.
- We have eliminated a separate physical agility test that was proctored by the County and instead accept the physical agility test administered by the academies.

Prior to our initiatives, an applicant would have to go to an initial interview at the County Personnel Department, have their score ranked and then another interview at the Sheriff’s Department would be conducted. This process alone could take up to six weeks or longer. Now, a recruiting committee from the Sheriff’s Department and Personnel travels to and conducts a single oral interview at the academy site rather than scheduling interviews at the Personnel Department or Sheriff’s Department. This eliminated several weeks from the recruiting/hiring process and reduced the number of times an academy cadet had to schedule an absence from the academy from twice to none.

We believe these efforts have been successful. All the current unfilled positions in the patrol or jail divisions are filled with either recruits in training, in the background investigation phase or awaiting medical and psychological clearance. And for the first time in several years, besides having all open positions “offered out”, we still have remaining names on the hiring lists and we have just signed off on sixteen (16) additional qualified applicants.

Beyond these efforts, for the past few months we have been in consultation with the Personnel Department to implement further recruitment efforts such as partial reimbursement of academy costs for recruits that we hire and who successfully pass field training and stay at the department for a certain period of time. We are also planning on budgeting for a professional recruitment video (DVD) that can be given to potential candidates for recruitment purposes.

CRIMINAL JUSTICE COMMITTEE **Sutter County Jail**

Recommendations: *“The Grand Jury recommends a study be conducted on space requirements and update the facilities to accommodate projected growth in inmate population. Jail staff should be included in the planning.”*

“For health and safety reasons, the Grand Jury recommends the installation of a central air conditioning system for more effective cooling during summer heat.”

Response: The Sheriff’s Department and Public Works Department has requested, and the Board of Supervisors has authorized the hiring of a consultant to conduct a needs assessment study for the jail. Jail staff has already been consulted in this study and as in past assessments; the jail staff will be included in the planning. This information was provided to the Grand Jury foreman in my May 15, 2007 response letter to his inquires.

The Sheriff’s Department concurs with the recommendation of central air conditioning, and has discussed this issue with the Public Works Department frequently in the past. We will continue to support this recommendation.

CRIMINAL JUSTICE COMMITTEE **Sheriffs Department**

Statement: *“Interviews with several people indicate that Sheriff Denney’s “top down” management style and certain departmental policies aggravate a difficult situation.”*

Response: Regarding my “top down” management style, we have a committee for just about everything and almost all policies originate and/or are written by deputies or sergeants and ultimately and approved by the Sheriff. It is my policy and practice to push

decision making down to the lowest level of the chain of command as is appropriate. As an illustration, the following recent or major policies originated from or received significant input from the “bottom up”:

- Vehicle Pursuit Policy
- The Traffic Accident Policy
- The Active Shooter Policy
- Identity Theft Policy
- Farm ID program
- Car setup committee to determine how the patrol cars are set up
- The 12 hour shift plan that the deputies work came from the deputy level.
- The Operations Manual update committee is at the Sergeant level.
- The uniform committee that changed the departmental uniforms from green to black originated from the deputy ranks.
- Every special team such as Canine, SED (SWAT), Bike Patrol, Swift Water Rescue, Hostage negotiations, Field Training, are all run by committee of line staff and only overseen by administrative personnel.

All of these units have their policies originate at the line staff level and then sent up the chain of command for approval and adoption. While this department is not a democracy, it is quasi-military. However, we have many talented individuals in our department at various levels in the chain of command that are trusted and relied upon for decision-making input.

Additionally, I hold weekly staff meetings with the Command Staff consisting of the Undersheriff, Division Commanders (Captains), Lieutenants, Administrative Services Officer, and the Executive Secretary. These meetings consist of my hearing from each member present about issues, concerns, proposed policies, personnel problems, crime trends, and activities that are occurring in each Division. The meeting is conducted as an open forum, input is solicited from the Command Staff and decisions are made after a thorough discussion and concerns are addressed. Each Division Commander holds regularly scheduled meetings with their respective supervisory staff to discuss issues within each Division. The Commander brings forward to the Command Staff meetings areas of concern that have been brought forward in the supervisory meetings.

Needless to say and for the reasons stated above, I am in total disagreement with and take exception to the Grand Jury’s vague assertion of my “top down” management style and certain departmental policies aggravating “...a difficult situation”. Even more disturbing is that at no time during this past year has the Grand Jury ever discussed with me personally their concerns over this issue, but chose instead to question former members of the Department.

Statement: “...for example, rotating officers between detective assignments and patrol assignments encourages deputies to move on to the district attorney’s office or other departments if they are seeking detective work as a career.”

Response: Regarding the rotation of detectives, prior to 1992 this department did have the position of Detective/Sergeant that was a permanent, non-rotating position. One of the Grand Jury's recommendations was to have the Commission on Peace Officers Standards and Training (P.O.S.T.) conduct a management study of the department. In October of 1992, this department in fact did just that and P.O.S.T. conducted a management study per our request and submitted several recommendations as to the organization of the department. One of the P.O.S.T. recommendations was to eliminate the non-rotating detective position through attrition and to instead, assign deputy sheriffs on a rotating basis. POST listed the advantages of rotating deputies through the Detective Division as:

- Rotation provides for career development of all line personnel;
- Rotation allows personnel to develop specialized investigative skills; and,
- Rotation enhances patrol capability in the form of improved preliminary investigations when deputies are rotated back to patrol.

P.O.S.T. listed the major disadvantage of rotating personnel through the investigative function is that some experience is lost to investigative function by not having permanent investigators. P.O.S.T. believed that this disadvantage was off-set by the gain in investigative experience acquired by patrol. This department instead opted for a modified approach of rotating deputies through the Detective Division every 3 to 4 years, by assigning two sergeants on a permanent basis to supervise the detectives and also so the lost experience to the investigative function would be somewhat mitigated.

Other factors that the Grand Jury did not mention that also encourages sheriff's detectives to elect to go to the District Attorney's office as investigators are:

- The ease of transition is a factor. Deputies can transfer and not loose any accumulated sick leave, comp time or holiday time that they have accrued.
- The background investigation is a much simpler matter as they already work for the County.
- They do not have to change residence, move their family, change schools for their children, etc.
- The benefits such as retirement, medical and the like are identical.
- They no longer have to be on-call during weekends, nights, or holidays.

And finally,

- The D.A. investigator position is paid two full pay ranges (10 percent) above the Sheriff's detective level. This disparity in pay was identified by me personally to both the Personnel Director and the County Administrative Officer earlier this year, prior to the Board of Supervisors approval of salary increases for the Law Unit, and I personally discussed this issue with the Grand Jury.

Statement: *“In addition, the use of non-sworn officers in the jail, while it may save money, reduces the potential pool of officers with patrol capability and creates two employee force pools which must be separately managed.”*

Response: I disagree with this statement. Of all the jobs in the Department, recruiting sworn staff is the most difficult of all. Sworn officers are required to complete the Commission on Peace Officer Standards and Training (P.O.S.T.) academy that is approximately 900 plus hours of instruction over 23 to 30 weeks in 41 separate topics including Emergency Vehicle Operations, Firearms, Defensive Tactics, Crime Scenes and Physical Training. Having the option of utilizing Correctional Officers greatly reduces the difficulty of finding qualified academy graduates. As opposed to the sworn officer academy, the Correctional Officer academy (otherwise known as the Core Course) is typically 4 weeks in length. This allows the Department to hire qualified candidates and fully sponsor them through the Core Course.

Additionally, the departments that utilize sworn staff in their jails, (Los Angeles, Sacramento, etc) often experience tremendous problems inherent with that set up. Job dissatisfaction can occur and it is a constant complaint in those agencies that deputies have to do several years in the jail before getting an opportunity to go out on the road. Another problem is that by doing tours through the jail, street training will go stale causing a multitude of problems. Los Angeles had such a large problem with this issue that they actually broke up their academy into two parts. A deputy there completes the first half of the academy and then works the jail for anywhere from 3 to 5 years. Then upon being eligible to go work on patrol, they then receive their second half of academy instruction. Of course, since they operate their own academies, this is feasible for them. This is not feasible for smaller departments like the Sutter County Sheriff’s Department that utilize regional academies.

While it is true that a requirement of having all correctional staff being sworn officers could supply a resource in times of shortages on patrol, the reverse is also true in that shortages in the jail could reduce the pool of deputies available for the street.

Lastly, the job of a correctional officer and a patrol deputy require two separate and distinct skill sets. Our Correctional officers applied for that job, wanted that type of work and perform those functions very well. One need only read the newspapers to see the types of troubles that plague jails that are staffed with a majority of deputies that do not want to be there in the first place. At times we do have correctional officers that desire to become patrol deputies. When that happens we take all steps possible to assist them in their goal and readily bring them onto the patrol side, and we have done so many times.

Statement: *“On two occasions it was noted by the committee that citizens came to the attended window at the jail and requested complaint forms. Their reception was less than welcoming. In both cases, the requestors were told that the department was out of forms and that the duty person would have to make a copy. Then the requestors were informed*

that they would have to be interviewed by a supervisor before being given a form. The entire process took about twenty minutes and was intimidating enough that both requestors considered just leaving before receiving a form. This was in contrast to the experience of requesting a complaint form at another local police department, where a pleasant person simply pulled a form from a drawer and asked if there was anything else they could do.”

Response: The Sheriff’s Department apologizes for any inconvenience in obtaining any necessary form. As one can imagine, the department has a myriad of forms and occasionally we do run out of copies despite our best efforts. As far as the criticism of having to talk to a supervisor, we do that as a matter of policy for several reasons.

- If there is an allegation of misconduct by an officer, we have a duty to take immediate steps to investigate and rectify the problem. (refer to 832.5 PC)
- We have found that when you just give a person a complaint form, often they are never returned. Persons wanting to make a complaint often become reluctant and change their minds and we only discover the alleged misconduct much later if at all. This makes it difficult if not impossible to take corrective action.
- We have found that in cases of complaints against officers, the complaining party very much wants to talk to the supervisor in charge to air their complaint.
- Many times citizens have their complaints resolved to their satisfaction by the supervisor.
- Lastly, an interview by the supervisor sometimes quickly clears up confusion, error and can save the citizen time. As a case in point, we are aware of one of the two aforementioned “citizen” complaints mentioned by the committee was actually the Grand Jury foreman conducting his own investigation into the process, even though the complaint involved an officer from another law enforcement agency. We find it troubling that the Grand Jury foreman claimed that waiting 20 minutes to discuss this complaint with a supervisor charged with the responsibility to investigate such complaints was intimidating. A quick chat with the supervisor quickly cleared up this error and the complainant was directed to the correct department.

Recommendation 1: *“The Grand Jury recommends Sheriff Denney request the Commission on Peace Officers Standards and Training conduct an Overall Management Assessment of his department.”*

Response: I disagree with this recommendation. The department has previously undergone a P.O.S.T. management study that focused on departmental organization, staffing, patrol workload and deployment in October, 1992 under then Sheriff Brandwood. The recommendations that we felt were viable at that time were, over the period of a many years enacted through attrition. Since that time, there has been no fundamental shift in either the department or the demographics of the area that we serve other than an increase in population. All of the concepts, formulas, models and theory are still applicable today as they were in 1992.

Recommendation 2: *The Grand Jury recommends complaint procedures at the jail be reviewed and updated so that the process of providing complaint forms is prompt and not intimidating.*

Response: I disagree with this recommendation. First, we constantly review and update our policies and procedures as legal mandates require or as situations dictate. Our entire policy manual is reviewed and updated on a regular bi-annual basis that is now going to an annual review. Other than our apology for running out of a particular form, our complaint procedure had been subjected to legal scrutiny and is in compliance with 832.5 of the California Penal Code.

Recommendation 3: *The Grand Jury recommends policies be reviewed and reconsidered in light of the staffing problems. These include rotation of detectives and providing an upgrade program for jail personnel to reach sworn officer status.*

Response: Please see above responses (Pages 7 and 8) to similar previous findings.

Recommendation 4: *Another consideration is to increase the use of “assigned” or “resident” deputies who are familiar with their communities.*

Response: I agree with this recommendation and I have already implemented this practice as noted in the second paragraph of Page 51, of the 2006-07 Grand Jury’s final report, “...*Sheriff Denney responded by increasing coverage of that area and permanently assigning deputies to that area.*”

The issue of “resident” deputies is more difficult to accomplish as suitable housing for the deputies and their families has historically been extremely difficult to find in the outlying areas of the County. With that said, I am pleased to report that as of this writing a new deputy sheriff has been appointed who has an already established residence in the Pleasant Grove area.

Recommendation 5: *“The Grand Jury recommends greater community outreach through use of volunteers (retired officers, interns, or community members) be employed.”*

Response: I disagree with this recommendation for the following reasons:

We have a very active Citizen Volunteer program.

We have a very active Cadet program.

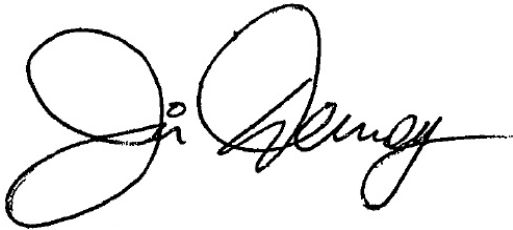
We use interns when available (one was just appointed for the summer).

We have one retired deputy and one former deputy who are Level I reserves. We can rely on them to cover a patrol shift assignment.

Lastly, with the exception of having former deputies as Level I reserves, having volunteers does not alleviate any workload from the deputies in terms of the call volume.

This concludes my responses to the Grand Jury's 2006-07 report. Please feel free to contact me at (530) 822-7312 if you have any questions or wish to discuss this matter further.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Denney". The signature is fluid and cursive, with the first name "Jim" written in a larger, more prominent script than the last name "Denney".

JIM DENNEY
SHERIFF-CORONER

cc: Board of Supervisors
County Administrative Officer