

Yolo County Sheriff's Department

Committee Report

Public Review Version

November 5, 2014

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County Counsel's Note on the Public Review Version: The original version of this report contained a small amount of text constituting peace officer personnel information. The Office of the County Counsel has determined that such text is protected from disclosure under Penal Code Section 832.7 and other provisions of state law. This text has been removed at the following locations: p. 9 (eight sentences); and p. 12 (four sentences). In addition, the Office of the County Counsel determined that one sentence should be removed on p. 17 to avoid causing unwarranted public embarrassment for an employee of the Sheriff's Department. No public interest would be served by including that sentence in this version of the report.

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I. EXECUTIVE SUMMARY OF FINDINGS AND RECOMMENDATIONS

This report is a summary of findings designed to review and, when possible, validate or dispute matters reported by the Yolo County Grand Jury in 2013-2014. The Grand Jury findings implied that the Sheriff's Department had issues with favoritism, nepotism and preferential treatment of employees, particularly involving hiring, promotion, assignments and disciplinary practices within the Sheriff's Department. The Grand Jury also suggested that internal Sheriff's Department policies and procedures are inappropriately lax and that staff are asked to work within undocumented work standards.

A. Recommendations

Based on the information and data obtained, the recommendations are as follows:

1. Implementation. The Sheriff, together with the Chief Administrative Officer, should develop a process to ensure that the Recommendations and Findings contained in this report are evaluated, and where appropriate, policies and procedures developed and implemented.
2. Departmental Climate. The Sheriff and his command staff should make a concerted effort to create a positive climate and culture of trust. This culture should focus on fair and objective processes for hiring and promotions and an environment where sensitive issues can be discussed openly, without concern of retaliation.
3. Communication Plan. The Sheriff and his command staff need to develop and implement a system of written and personal communications that will sustain an effective law enforcement agency. The Sheriff's Department should develop a comprehensive plan to improve communication flow among and within all divisions in the Department. This plan should strive to promote the communication of consistent and accurate information, standards, expectations and the status of departmental initiatives that impact various divisions and personnel.
4. Visibility. The Sheriff is encouraged to make an effort to be visible in all divisions within the Department and to interact with his employees in a professional manner.
5. Formal and Informal Conflict Resolution. The Sheriff's Department should review and modify the formal and informal conflict resolution system for use within the Department. The internal affairs practices do not appear to be adequate to address employee complaints and concerns. In addition, the employee should be given meaningful notice of final disposition of the reported problem.

6. Personal Communication. The Sheriff's Department would benefit by creating a more formal and respectful environment, using names and ranks when communicating, and refraining from the use of nicknames.
7. Update General Orders. The Sheriff's Office should immediately complete an update of its General Orders, incorporating all existing and relevant special orders into the General Orders. A process to update the General Orders on a regular basis should also be established. This General Order update should be integrated into the FTO program and other training programs underway in the Sheriff's Office.
8. Pursue Accreditation. The Sheriff's Department should pursue law enforcement accreditation such as the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), or a similar accreditation program, which will provide a yardstick against which the Department can measure the professionalism of the organization.
9. Ensure Patrol Expectations Align with Community Policing Goals. The Department should provide clear guidelines for Patrol officers that direct their activities and reduce the focus on arrest statistics.
10. Address Jail Staffing Needs. The Board of Supervisors should work with the Sheriff to evaluate and if determined necessary supplement the staffing in the Jail and in Patrol.
11. Evaluation Panel. Command staff should discontinue the practices of casually providing evaluation panel members with a pre-interview assessment of who are believed to be "good" candidates in a particular candidate pool prior to any formal competitive selection process.
12. Improve Promotions Processes. The internal promotional processes would be improved by providing potential candidates with information well in advance of the selection process, outlining what attributes will be evaluated in the process, and identifying study materials necessary to prepare for the examination.
13. Clarify Status of Animal Control. The County and the Sheriff's Department should communicate directly with personnel in the Animal Control Division to honestly and accurately address job security concerns.
14. Performance Evaluations. The Department should require and train Supervisors to complete all performance evaluations in a thorough and meaningful manner within the guidelines identified by employee groups. This training to conduct meaningful evaluations should include how to assist employees to establish annual goals, and how to determine if goals have been effectively accomplished.

15. Improve Harassment and Related Training. It is recommended that the County evaluate the effectiveness of online harassment and related training. The County policies governing workplace civility and conduct should be published, and efforts should be made to encourage complaints to be addressed by the County Human Resources Department, as mandated by the County policies.
16. Revamp Employee Recognition Program. The Sheriff should work with the employee groups to develop and implement an effective system of employee recognition. This system should recognize extraordinary performance immediately, as well as provide for a substantial annual recognition event.

Recommendations Requiring County Involvement and Assistance

1. Policy Governing Extra Help and Provisional Appointments. The Board of Supervisors should revisit policies and processes for approving and securing temporary and extra help employees. The procedures should ensure the positions are necessary and that the individuals meet the job requirements, under the oversight of the County Human Resources Department.
2. Nepotism Policy. The Board of Supervisors should revise and clarify the current nepotism policy to appropriately address the concerns identified with morale and employee evaluations.
3. Harassment Policy Implementation. The County Chief Administrative Officer should investigate concerns presented to the Task Force involving the County Human Resources Department's reluctance to intervene and investigate issues involving harassment and bullying. The Human Resources Department should be notified when these complaints are raised, as required by County policy.
4. Employee Orientation. County Human Resources and the Sheriff's Department must develop a meaningful orientation program for new employees, in conjunction with any official swearing in to include: Job responsibilities and expectations, issuance of equipment, General Orders, Special Orders, performance goals and County Policies. In addition, new employees should be provided with appropriate job-specific orientation necessary to be successful in their positions.
5. Notification of Complaints. The Board of Supervisors should establish procedures that ensures that the Sheriff's Department will notify the County Human Resources Department when complaints are raised regarding harassment or discrimination, as required by County policy.
6. Strengthening County Human Resources. The Board of Supervisors should consider developing Policies and Procedures to strengthen the involvement

and effectiveness of the County Human Resources in the Sheriff's Department. This recommendation may require additional resources, or the realignment of existing resources.

7. Panel Training. The Sheriff's Department, with technical assistance from the County Human Resources Department should provide training and orientation for all hiring and promotional panel members, including a review of confidentiality and conflict of interest expectations.
8. Promotional Examinations. Promotional examinations should be proctored by the County Human Resources to ensure that the interview panel is trained and that the testing process is consistent and objective. The proctor should discourage all informal conversation.
9. Selection Documentation. All selection documentation should be maintained by the County Human Resources Department and held for review and archive. These documents should provide County Human Resources with the rationale for both selection and non-selection of candidates.

B. Findings

Based on the information and data obtained, the following findings were identified:

1. Satisfaction That Work Makes a Difference. Over two-thirds of employees who responded to this question believe their work at Yolo County Sheriff's Department makes a difference.
2. Morale. Morale within the Sheriff's Department is reportedly low, and needs immediate intervention on the part of Command Staff. This report includes a number of suggestions concerning how morale could be improved, including allowing for meaningful input from employees on matters that impact their work (such as vehicle and weapon selection). Over half of those surveyed indicated that the Department seldom seeks employee input.
3. Recognition. Among the survey respondents who indicated they did not feel recognized for their work contributions, most felt that "praise from command staff" would make them feel recognized. The next highest responses were "constructive feedback" and "development and training."
4. Careful Communication. The Sheriff and his staff should select their words carefully and realize that statements made during layoffs, or about the Sheriff's perceived bias toward one section or division compared with others, (Patrol staff preferred over Corrections staff or Animal Services) has impacted the Department.

5. Impact of Nepotism. There is a widely held perception of nepotism and favoritism by Sheriff Prieto that he provides significant opportunities to friends and family. However, the fact remains that his conduct has been largely permissible under the existing County policy.
6. Corrections Challenges. Many Corrections staff members reported that training has not been adequate in helping staff deal with the higher level of jail violence and complex issues resulting from State Realignment under AB 109.

C. Concerns

Based on the information and data obtained, the following concerns were identified:

1. Improve Communications. The communication system within the Department appears to be inefficient and ineffective.
2. Retaliation. More than half of the employees who responded to the survey fear retaliation from Department leadership. Respondents identified their second biggest concern with the workplace as “fear of reprisal.”
3. Trust. Many staff members responding to the survey do not believe they can speak honestly with the Sheriff about issues and concerns. Almost half of those surveyed (47%) indicated concern that the Sheriff (or his representative) would retaliate if they reported a sensitive issue or concern
4. Statistics. There is the appearance to many employees of an over reliance on statistics to gauge employee performance, and this is having an adverse impact on the Community Oriented Policing efforts of the Department.
5. Promotional Process Influence. There was a strong belief expressed that promotional interview panels are improperly influenced by the Sheriff.
6. Jail Leadership. The Department will be impacted by pending Jail Leadership retirements. Command Staff must immediately generate and implement an effective replacement strategy.
7. Jail Staffing. Staff members perceive that the needs of the jail have been neglected during recent difficult fiscal times in favor of staffing other portions of the Department. One example was the elimination of pre-shift Jail briefings in favor of staffing other areas of the Department.
8. South County Patrol. Patrol of the Clarksburg area in Southern Yolo County is a responsibility of the Yolo County Sheriff’s Office. Patrol coverage for that area is reportedly very low, leaving times when allied agencies must back up the on-duty Deputy or cover a call until a Deputy can arrive.

9. Staff in Transition. Staff thinking of leaving Yolo County should not be ignored. The Department must address workforce satisfaction issues to ensure that internal knowledge, and investments in training and development are not lost through employee separation. There is also a perception that if an employee attempts to leave the Department to promote within another law enforcement agency in Yolo County, he/she will immediately become “persona non grata” within the Department.

D. Commendations

Based on the information and data obtained, the following commendations are in order:

1. Interest in Improvement. The Sheriff’s Department is to be commended for authorizing and supporting the work of this Task Force with the intent of identifying departmental weaknesses and departmental strengths with the intent of strengthening the operation of the Department.
2. Respected by Regional Agencies. The Sheriff’s Department and the employees of the Department are viewed positively by the Yolo County law enforcement partner agencies.
3. Dedicated Employees. The 265 employees in the Sheriff’s Department are to be commended for their efforts to provide a safe and secure environment within Yolo County.
4. Rules Revision Underway. The Sheriff’s Department should be commended for initiating a wholesale revision of the Departmental General Orders Manual.
5. Corrections Policies. Leadership in the Corrections Division within the Sheriff’s Department is to be commended for its well written, updated and comprehensive Corrections Policy and Procedure Manual.

II. INTRODUCTION AND PURPOSE FOR COMMITTEE ASSIGNMENT

In June 2014 the Yolo County Grand Jury released a report criticizing the internal operations of the Yolo County Sheriff’s Department and the management of Sheriff Edward Prieto (<http://www.yolocounty.org/home/showdocument?id=26220>).

The Grand Jury report alleged favoritism, nepotism and preferential treatment of employees, particularly involving hiring, promotion, assignments and disciplinary practices within the Sheriff’s Department. The Grand Jury report also suggested that internal Sheriff’s Department policies and procedures are inappropriately lax and that staff are asked to work within undocumented work standards. The report concluded that employees are held to different standards of conduct depending not upon their competency, but on their level of favor with the Sheriff and command staff. The report also alleged that the Department suffers from poor

staff morale. The Department issued a response to the Grand Jury's findings that can also be found at <http://www.yolocounty.org/home/showdocument?id=26220>.

In response to the Grand Jury's serious allegations, County Sheriff-Coroner Ed Prieto and Yolo County Chief Administrative Officer Patrick Blacklock authorized an independent working group to complete an evaluation of issues identified in the Grand Jury report, and to make recommendations where appropriate to improve the operational environment within the Sheriff's Department. The Special Task Force, which began work on August 14, 2014, was led by former Woodland Mayor Skip Davies, Mary Egan and Karl Knoblauch of Municipal Resource Group, and representatives of the five labor organizations that serve the Department.

The Sheriff's Department and its representatives in conjunction with the Yolo County Board of Supervisors allowed the Task Force discretion to conduct this analysis with little attempt to influence or direct the outcome of the inquiry.

III. THE SHERIFF AS A CONSTITUTIONAL OFFICER

The Sheriff was under no obligation to approve this Task Force review and should be commended for his willingness to scrutinize his Department. The authority and autonomy of the Yolo County Sheriff originates with the California State Government Code section 25300. Section 25307 specifically clarifies the balance of powers between the Sheriff and the County Board of Supervisors:

25303. The Board of Supervisors shall supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county, and particularly insofar as the functions and duties of such county officers and officers of all districts and subdivisions of the county relate to the assessing, collecting, safekeeping, management, or disbursement of public funds. It shall see that they faithfully perform their duties, direct prosecutions for delinquencies, and when necessary, require them to renew their official bond, make reports and present their books and accounts for inspection.

These sections of the California Constitution do not affect the independent statutorily designated investigative and prosecutorial functions of the Sheriff. The Board is specifically not permitted to obstruct the investigative function of the Sheriff, but does retain budgetary authority over the Sheriff's Department within guidelines established by several court decisions.

IV. SPECIAL TASK FORCE APPROACH AND ASSIGNMENT

The work group analyzed issues raised in the 2013-2014 Grand Jury report and categorized complaints into three categories:

- Morale Issues/Climate Assessment;

- Human Resource Practices (selection, promotion, training and disciplinary practices); and
- Internal Policies, Procedures and General Orders.

The climate assessment began with an electronic survey sent to all departmental employees. The survey was developed with input from consultant Mary Egan, Sheriff's department leadership, and union leadership. The survey was transmitted electronically to Department employees on August 14, 2014. Consistent with representations to Department employees, results are anonymous. The survey closed on August 27, 2014.

In addition, the Special Task Force met with representatives of County Human Resources, and interviewed various members of the Yolo County Sheriff's Department line staff as well as all Captains and the Undersheriff. A Task Force representative spent three full days on site at the Sheriff's Department touring facilities, meeting with staff and reviewing policies, procedures and practices. Committee members also interviewed current Department personnel suggested by Task Force members. Finally, Committee representatives interviewed regional law enforcement leaders to gauge the regional perception of the Yolo County Sheriff's Department.

V. PERCEIVED EFFECTIVENESS OF THE DEPARTMENT

In August 2014 a survey developed by the Special Task Force was sent to all 265 Sheriff Department employees. Of that number, 174 employees responded, yielding a response rate of approximately 66%. Participants were guaranteed that their narrative responses would be kept confidential and that only "themes" emerging from this analysis would be reported. Though problems with the workplace environment and poor morale were at the top of the list of employee concerns, for the most part, employees feel recognized for their contributions and believe their work at the Yolo County Sheriff's Department "makes a difference." A summary of detailed responses to the Employee Assessment Survey is included as **Attachment A**.

This survey was also validated by employee interviews, on-site visits, and interviews with regional law enforcement authorities. These themes are addressed in greater detail in the narrative of this report.

While the charge of this Committee was not to review tactical issues and staff deployment, this process highlighted some operational challenges that are included in **Attachment B** of this report.

A. Sheriff Prieto's Leadership And Credibility

Respondents shared a perception that Sheriff Prieto does not consistently run the Sheriff's Department in an effective manner. Though viewed as approachable, employees reported in

the survey they do not feel comfortable discussing sensitive issues and concerns with Sheriff Prieto.

In addition, some issues raised with the Department have been inadequately addressed, instead focusing on whether the reported inappropriate conduct was a technical violation of a specific operational policy. Staff who have raised concerns with the Department are left with unresolved issues and a feeling that the informal dispute resolution system is faulty. This has motivated some staff members to file formal grievances or to use the Court system to resolve problems.

Also hampering the Department's ability to address and resolve operational problems at the lowest level is the staff's perceived fear of reprisal and/or retaliation for raising operational concerns or suggesting improvements. This fear of personal vulnerability clearly has a chilling effect on employees' willingness to speak candidly with the Sheriff and his leadership team. However, many staff members reported a higher level of confidence in the Undersheriff than in the Sheriff.

While the Sheriff's decision to hire his two daughters and personal friends is not technically a violation of the County's current policy, the impact of family member employment is significant. The survey and staff accounts provided examples of perceived favoritism and challenges in supervising these personnel. The Committee also received information that Patrol personnel had, on occasion, been involved in calls for service that involved the Sheriff's immediate family members. The Sheriff was reported to have personally inserted himself in a manner that was uncomfortable for sworn personnel.

However, as a whole, Regional law enforcement officials described the Sheriff as a consummate law enforcement professional working to do his best for the community.

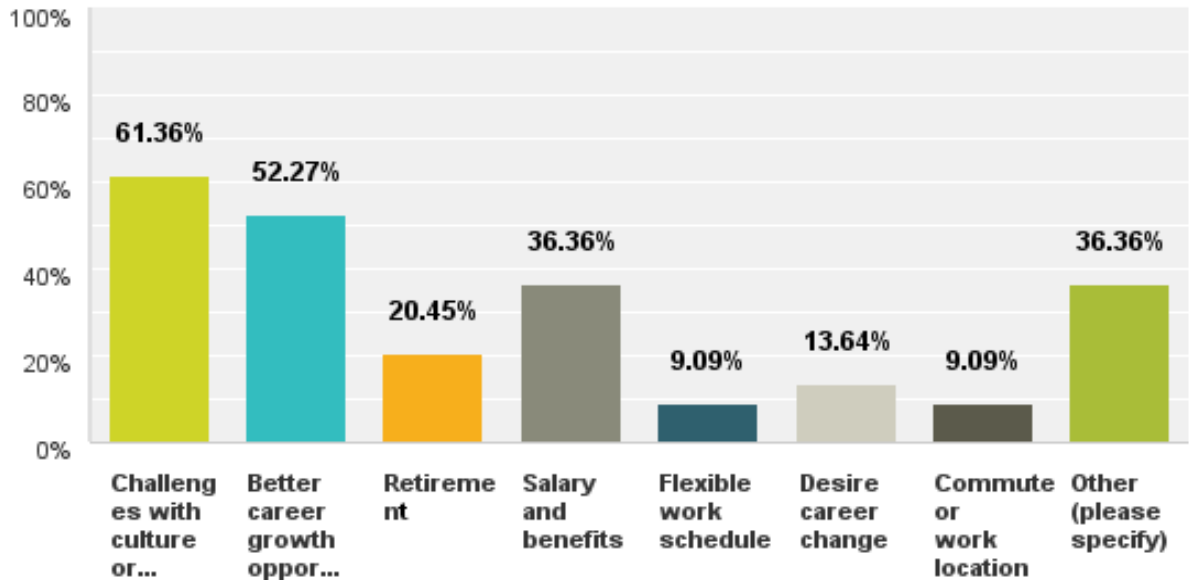
B. Overall Function Of The Sheriff's Department

In spite of the above-noted difficulties clearly enumerated in this report, there is a prevailing belief that the Sheriff's Department is managed in an orderly manner. This is likely due to the quasi-military structure of law enforcement, and the relatively long tenured service of many departmental employees who have become accustomed to the routines inherent in departmental operations.

As a law enforcement agency, the Sheriff's Department has written standards and operational policies and procedures (albeit outdated), which are supplemented by instructions from first line Supervisors. In addition, most staff members have only worked in Yolo County law enforcement and therefore have no context as to how other departments document requirements and expectations. The study found that departmental policies and procedures have many fundamental problems, including internal inconsistency, lack of ability to access the Special Orders and their revisions, and practices rendered obsolete by changes in law and internal operations.

Of the 44 staff member survey respondents who stated they were exploring plans to leave the Department, 61.36% (or 27 staff) indicated the reason was concern with “challenges and culture or climate of the Department.”

Reasons That Sheriff’s Department Employees May Consider Leaving

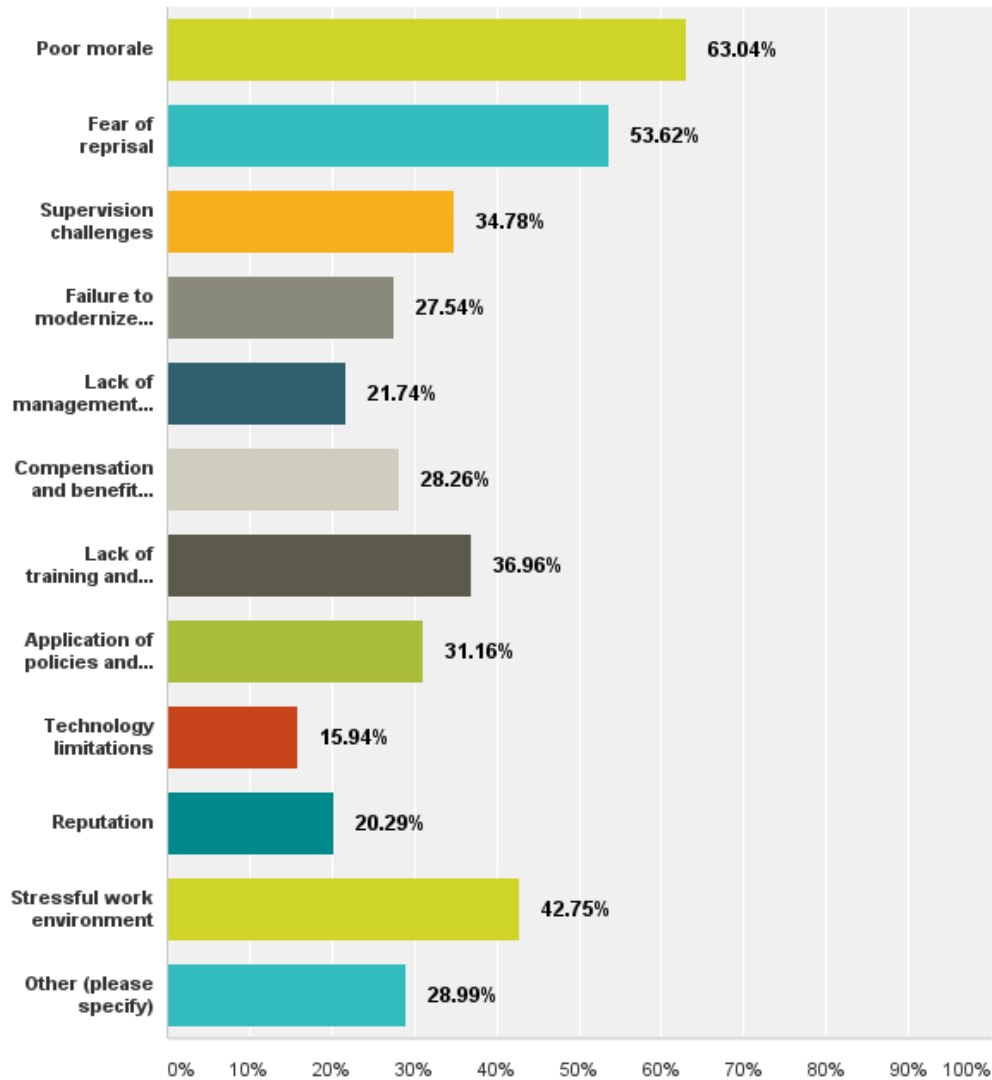


C. Morale, Trust And Communication

The Department struggles with poor morale, identified as a recurrent theme in this survey. Of the 166 survey respondents, 87 stated that “poor morale” was a workplace concern.

In addition to the causes identified within this report, morale is impacted by regular Grand Jury and media attention to the Department operational and leadership challenges, high profile lawsuits that have plagued the Department, and internal struggles between the Sheriff and the Board of Supervisors concerning funding and operational issues.

Workplace Concerns Raised By Survey Respondents



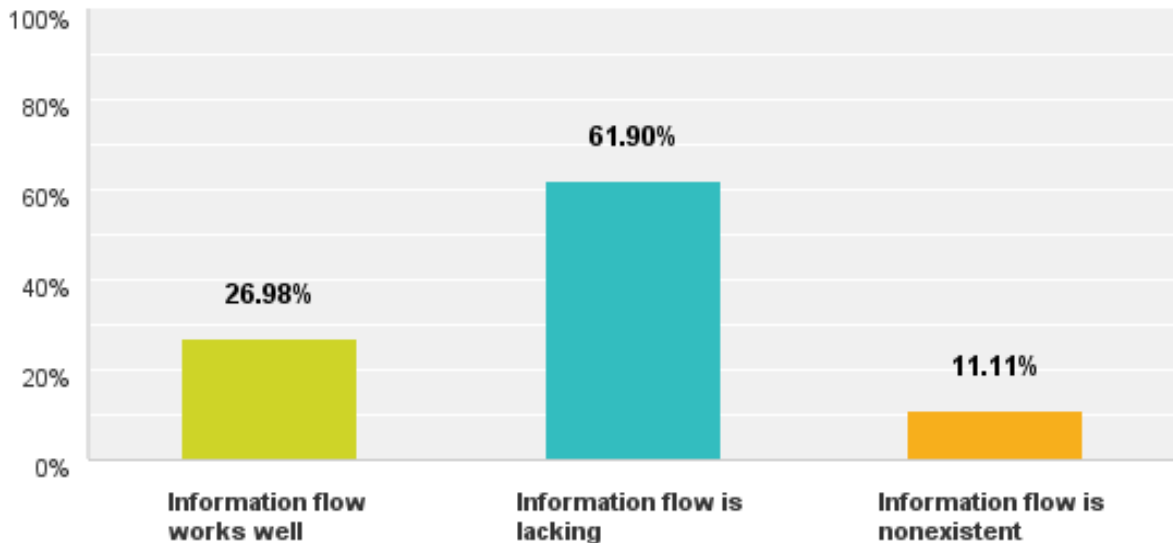
This process highlighted many opportunities for the Sheriff and his leadership team to improve inconsistent internal communication. Communication is particularly challenging for organizations with 24-hour operations divided among four shifts.

Respondents noted that as a result of poor communication, issues do not get resolved, positions remain unfilled, efforts are often duplicated and “the right hand does not know what the left hand is doing.” Deputies report that information is passed inconsistently among Lieutenants, then Sergeants and finally to Patrol officers; this process creates information gaps that could impact public safety. This communication deficiency is also a challenge in other divisions.

The Animal Control Division has been told numerous times that the County seeks a more cost-effective manner for delivering animal services. The County has explored numerous options,

most recently a request for proposals for delivery of animal services. As a result, staff members believe that their employment is tenuous and their positions precarious. They would benefit from more direct information from both the Sheriff and the Board concerning their future and how to provide input concerning suggestions as to how they might deliver services in a more cost-effective manner.

Employee Assessment Of Information Flow In Department



D. Staff Experiences With Sheriff Prieto

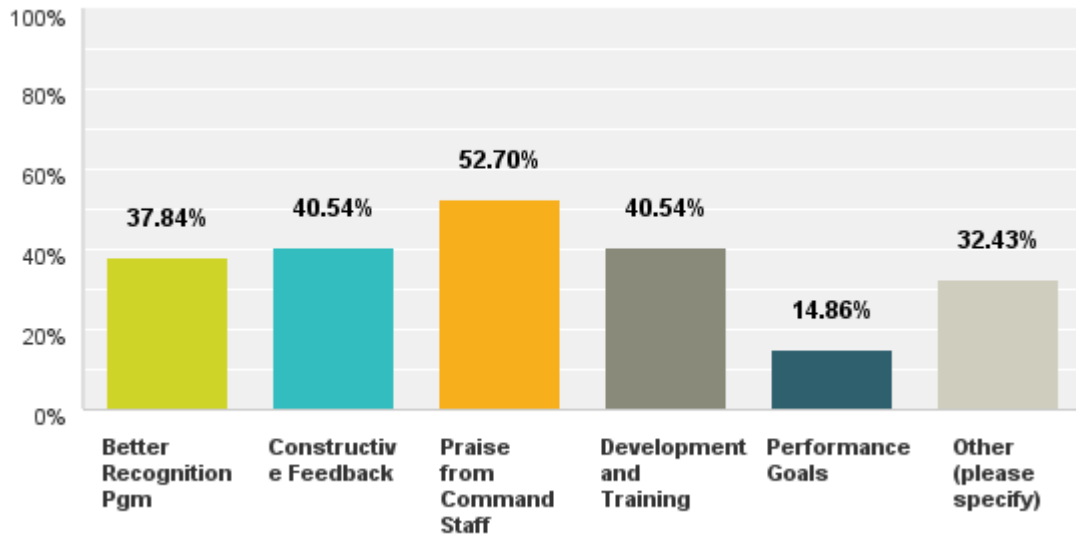
Autonomous decision-making that occurs at the Command Staff level likely accounts for the existing work environment where employees believe their input is undervalued. Some staff members do not feel they have meaningful input in major decisions that significantly impact their effectiveness, such as vehicle and weapon selection for patrol.

The Sheriff was widely quoted as stating that he would “lay off most corrections personnel” before he would “lay off one single sworn patrol deputy.” He also communicated to staff during the 2012 layoffs, stating, “I know I will have a job when this is over” (indicating some employees may not), which was damaging to morale.

- a. Survey results indicate that employees feel more comfortable discussing work-related issues with Captains or the Undersheriff than they do with Sheriff Prieto.
- b. Employees are generally pleased with their working relationships with their direct Supervisors. Data indicates that employees enjoy mutual trust and effective, professional communication with their direct Supervisors. A significant majority of employees, however, believes their Supervisors lack training in the preparation of annual performance reviews.

- c. The Employee Recognition Program is not widely respected as a method for rewarding exceptional performance. This program needs serious attention and revision. While the Department has tools for recognizing outstanding performance, such as the “exceptional service coin,” they are used inconsistently to the point that they lack value and the intended impact. The Department could adopt an incentive system (such as a military ribbon system) to reward expertise and exceptional service.

Assessments Of Options To Improve Workplace Morale



E. Promotional And Hiring Practices

Employees do not believe the standards for professional behavior are applied consistently, and have a serious lack of confidence that the rules governing Department promotional and hiring processes are applied fairly.

While Sheriff Prieto, as Department Director, can choose from among any of the top 10 candidates, he states that he always hires the one top candidate identified by the selection panels without exception. In fact, the Committee interviewed numerous eyewitnesses who participated in these panels. These witnesses stated that the successful candidate is typically predetermined and the actual assessment process appears to be perfunctory.

In many cases, the Sheriff visited the assessment panels prior to the interview of any candidate on the list to casually inform the panels of which candidates were his top choice and “a very good candidate.” The panel members universally felt that this pressure was inappropriate and unwelcome, tainting the objectivity of the candidate ranking process. This intervention also makes staff believe that the Sheriff interferes at the initial qualification and testing level managed by the Human Resources Department.

Many staff members expressed serious concerns with the objectivity of the County Human Resources Department staff members and their hesitation to become involved in unresolved issues such as grievances, harassment allegations or bullying.

Many staff members believe that promotions have been based upon aptitude in Patrol, Corrections or in a line position, or based upon the individuals' affiliation with the Sheriff, and not necessarily based upon their management competencies or management potential. Respondents to the survey and those interviewed shared concerns with the aptitude and competencies of various Sergeants and managers.

F. Perceptions Of Performance Evaluations

Approximately 65% of employees experience regular feedback on their work performance, including written performance evaluations at least once a year. This participation rate is consistent with other departments, approximately 50%, but below the 100% expectation outlined in County rules, and the various Memoranda of Agreement.

The Department has relied upon statistical measurement to inform performance evaluation, with focus on some additional areas, such as sick leave used, that are not appropriate to a performance evaluation.

Some staff indicated their concern that statistics drive arrests and specific actions that may not always represent good community policing or encourage patrol of less populated areas.

Informal feedback occurs less regularly. Employees also feel the feedback they receive is helpful in identifying areas of needed improvement, and assists with their job performance.

Staff members have a perception that performance reviews are often used as punitive tools. However, we believe this can be reconciled with the long-standing and accepted practice of using evaluations as one of the early phases of progressive discipline or to identify and address substandard performance. In any case, additional training for Supervisors would make performance evaluations more productive.

G. Perceptions Of Decision Making Input

This process identified areas where staff input does not appear to have been appropriately considered prior to making decisions. Staff members and respondents shared serious anecdotal concerns with decisions made by the Department without proper communication and staff input:

- Vehicles;
- Weapons;
- Jail Remodel;
- Jail Management; and

- Inmate home release.

H. Perceptions Regarding Training

The survey did not identify any significant issues relating to tactical or operational training. Many of the individuals surveyed believe that the Department would benefit from training targeted to improve communication, and that Supervisors at all levels in the organization are not properly trained to prepare performance evaluations and give meaningful performance feedback.

New employees are asked to read and review a 200-page copy of Departmental General Orders revised in 2003 as an element of their orientation program. However, they are not provided with any specific training or assessed as to their understanding of the General Orders. Many General Orders have been modified in the last decade by Special Orders that have not been annotated in this document. This set of General Orders differs from versions available online. The Policy Manual is in the process of being updated with the assistance of a qualified outside vendor. This update should be completed with all due haste.

I. Effects On Employee Morale And Retention

Whatever effect the poor morale identified in this survey has on employees, it does not appear to present an immediate retention problem. Many staff members indicated that they do not plan to leave the Sheriff's Office due to the lack of open positions in other agencies and the continued impacts of the recession on the law enforcement profession in California.

There is some perception by several staff members that they would not successfully compete for positions with other law enforcement agencies in Yolo County because they currently work for the Yolo County Sheriff's Department.

Many staff members expressed serious concerns with participating in this evaluation process, in responding to the surveys and in responding to a request for an in-person interview for fear of retaliation.

VI. HUMAN RESOURCES PRACTICES WITHIN THE SHERIFFS DEPARTMENT

A. Overview Of Sheriff's Department Hiring Practices

The Grand Jury raised issues of nepotism and favoritism in hiring dating back to the Sheriff's first term in office. The Grand Jury's own report concluded that the Board of Supervisors had reviewed these practices and had modified the policies to permit employment of family members. The Committee found that these practices, coupled with hiring of personal friends as part-time, temporary and extra help personnel may have damaged the Sheriff's credibility with the staff.

In addition, the Special Task Force determined that the Sheriff's involvement in the Selection Interview Panel phase of the hiring process, after qualified candidates have been forwarded from Human Resources for departmental consideration, creates the perception that hiring decisions are predetermined and not objective.

1. Nepotism

The Grand Jury was very critical of the Sheriff's employment of his two daughters in permanent positions within the Department. When this issue was initially raised in 2003, Sheriff Prieto communicated with the then Board of Supervisors, who amended the policy to permit employment of family members. The employment cited by the Grand Jury is within existing policy guidelines. Policies established prior to 2003 provided greater clarity and appropriate limitations to prevent the challenges identified in the Sheriff's Department.

The Grand Jury report cited instances, including review of performance documentation and review of disciplinary actions, where the organizational structure of the Department did not provide the required two levels of separation between the Sheriff and his immediate family members. This Committee confirmed that prior to 2014, the Sheriff did participate in salary recommendations, assigning work resources, approving leave requests, and reviewing disciplinary actions regarding his family members. Recent changes in departmental policy have moved oversight of the Sheriff's family members' personnel actions to the Undersheriff.

However, as the Grand Jury report stated, the Committee heard reports that family members do continue to have the "Sheriff's ear" and appear to influence decisions on organizational and administrative matters, which negatively impacts departmental morale.

The bigger issue is perceived favoritism of the Sheriff's "friends and family," including his two daughters who are employed by the Department. Staff feedback recounted many examples where family received preferential treatment, and were viewed as "untouchable" by peers and Supervisors who felt they could not actively manage family members' performance. The Committee heard examples of performance issues that went unaddressed due to the staff's unwillingness to confront the Sheriff's family member.

2. Initial Selection Process For Permanent Positions

The Committee reviewed the allegation that the Sheriff's Department does not adhere to County policies and procedures governing employment, including Title 2, Chapter 6 of the County Code. Yolo County is governed by a "merit system," which requires that all hiring and promotional practices adhere to a merit-based selection process. In addition, the Memoranda of Agreement with various employee groups include negotiated provisions concerning salary setting and the hiring process; for example, some MOUs require that first consideration for promotion be given to existing Yolo County employees who qualify for promotion.

The Board of Supervisors in the annual budget process authorizes new positions. Once the budget is finalized, the Sheriff's Department is authorized to fill new permanent positions by

submitting a requisition to the Human Resources Department. Human Resources administer the candidate screening and examination phase of the selection process, with input from the Sheriff's Department concerning the testing process to be used. When an examination eligible list is created, the Department is provided with the top 10 candidates in ranked order for a selection interview. Representatives from the Sheriff's Department must interview every candidate on the eligible list before they offer the position to the preferred candidate. The Sheriff, as the appointing authority, has the discretion to hire any of the 10 individuals provided. If the Sheriff does not find a suitable candidate in the initial list, he has the authority to request a second list of 10, or a new recruitment.

3. Initial Selection Process For Extra Help Positions

The Sheriff's Department has significant discretion concerning extra help positions. Extra help employees are limited term, and available to work up to 1000 hours in a fiscal year or 1400 hours in a calendar year.

Departments are able to requisition extra help assistance, by first selecting the preferred classification title desired from among existing County classifications (such as Administrative Assistant) and stating a specific business need for the assistance. Once selected, the Department simply notifies Human Resources of the name of the selected employee. Human Resources may review the application to determine that the individual selected by the Sheriff's Department meets the stated minimum qualifications for the classification requested.

The Special Task Force and the Grand Jury felt that the "extra help" designation was an area that allowed the Sheriff's Department to appoint individuals who have questionable qualifications for the position. Once personnel are placed in these positions as temporary employees, without competition, they gain work experience, which is then beneficial when competing for a permanent position.

4. Performance Evaluation Processes

Title II, Chapter 6 states evaluations are to be given annually, or every three months during the probationary process and annually thereafter. Fifty percent of the Sheriff's Department's annual evaluations are not completed within the one-year timeframe. When salary increases are not impacted, there is less motivation to complete the annual evaluation. Evaluations Countywide are not current. The County has revised its evaluation tool and all staff members have been trained on the use of the new forms in the last three years.

The Task Force received testimony that Supervisor comments on evaluations are modified or changed up the chain of command, through Lieutenants, Captains and ultimately to the Undersheriff. Thus, the authority of the Supervisor is weakened and timing often delayed.

When a pay raise is granted after the one-year timeframe when an evaluation is late, the pay raise must be hand processed, which generates significant work for the Human Resources

Department, who must also hand calculate the retroactive pay and complicated overtime issues.

One additional challenge with the existing performance evaluation process concerns the timeliness of evaluations. In Yolo County, the Undersheriff must approve all departmental evaluations. This practice is consistent with other agencies. However, in Yolo County, this requirement has meant that evaluations are often delayed. Evaluations may be edited and amended up the chain of command, which is frustrating for the Supervisors. The Committee heard frustration that these edits are often significant, and on occasion do not reflect the perceptions of the first line Supervisors. Supervisors who participated in this review process believe that if the evaluation is changed significantly in the approval process, the Command staff member should sign the document as the author and not transition that responsibility to the first line Supervisor. There is no process for reconciling the viewpoints of the direct Supervisor and the Command staff.

B. Detailed Recommendations to improve Departmental Personnel Selection And Management Processes

1. Departmental Interview Process

Promotional interview and selection processes must be more transparent, with merit-based selection decisions and less perceived or real interference from the Sheriff prior to the ranking of candidates. Confidence in promotional processes could be improved through the following practices:

- Better pre-recruitment materials from the Sheriff and Department Management concerning what attributes will be evaluated, and identification of study materials necessary for the candidates to be better prepared for the examination;
- Training and orientation for panel members and a review of confidentiality and conflict of interest expectations;
- Require a proctor from Human Resources for high profile recruitments;
- Allow only structured communication with the Sheriff before candidates are interviewed and ranked; and
- The Department should provide selection documentation to the Human Resources Department for review and to be retained. The documentation should include departmental rationale for both selection and non-selection of a candidate.

2. Extra Help Controls

The Board of Supervisors should revisit policies and processes for approving and securing temporary and extra help employees. The internal controls governing selection, appointment

and salary savings for staff hired outside of any merit-based system should be reviewed and strengthened.

3. Performance

Evaluate the appropriateness of excessive use of statistics for employee management and assessment. Discontinue consideration of sick leave usage as criteria for performance except in special circumstances.

VII. INTERNAL POLICIES, PROCEDURES AND GENERAL ORDERS

A. Sheriff's General Orders Manual Revised April 2003

The General Orders Manual was last revised in April 2003. There have been numerous "Special Orders" issued in the interim that modify, amend or supersede the General Orders Manual. The "Special Orders" are issued via email when they are written. There is one central file where all of the "Special Orders" are kept.

When a new employee starts with the Department he/she is issued the 2003 edition of the General Orders Manual. New employees are not given a copy of all of the "Special Orders."

This has resulted in a universal complaint that there is confusion as to what the current policy is on a given subject.

An effort to update and revise the General Orders Manual was initiated in 2012, but for reasons that were not clear, the project fell apart and was never completed.

As previously stated in this report, the General Orders Manual is in the process of being revised and updated with the assistance of a qualified outside vendor. This project should continue and be completed as soon as possible. The association with the outside vendor will ensure that the Manual is updated as laws and regulations impacting law enforcement are modified. A process incorporating the revised Special Orders into the existing General Orders must be developed and maintained.

B. Corrections Policy And Procedure Manual

Committee members were provided with the Corrections Policy and Procedure Manual for review. It appears to be well written and comprehensive. Each segment of the Manual clearly indicates a date when that segment was last audited and or revised. All of the dates noted impacting various policies are recent.

VIII. TRAINING PROTOCOLS

The California State Corrections Standards Authority provided the Committee with copies of the most recent audits of the Yolo County Sheriff's Department. While audits indicated that

correctional training is current and up to date, many correctional staff members feel that training has not been adequate in helping the staff deal with the higher level of violence and sophistication that State Realignment inmates have brought to the jail.

The California State Commission on Peace Officer Standards and Training has not audited the Sheriff's Office training program in over four years. The management staff stated that all required training standards are being met or in many cases exceeded. The Committee did not verify this training standard.

State mandated training on harassment, discrimination and retaliation is handled using an online program provided by County Human Resources. Both the Department and County Human Resources indicated a desire to do a better job in this training area. That effort should be pursued. It is recommended that live instructors be used in a class setting to provide this training. This structure will allow students to interact with the instructor to ensure that they fully understand the standards and have their questions answered. Clear records of attendance should be maintained.

Similarly, the State-mandated ethics training should be completed and fully documented at all appropriate levels of the Department.

Respectfully Submitted,

Marlin (Skip) Davies, Chairperson
Mary Egan. Municipal Resource Group LLC

ATTACHMENT A

DETAILED SURVEY RESPONSES AND PERSPECTIVE ON DEPARTMENT CULTURE

Section 1. Employee Demographics – Level of Employment Satisfaction of Sheriff's Department Employees

- The great majority of respondents (71.53%) indicated they have no foreseeable plans to leave their employment with Yolo County. (Q5) Of the 44 respondents (28.47%) who indicated possible plans to leave Yolo County, the most cited reason was “Problems with the workplace climate or culture.” (Q6)
- Respondents identified their top concerns with the workplace as; Poor Morale (63.04%), Fear of Reprisal (53.62%) and Stressful Work Environment (42.75%). (Q9)
- Less than half surveyed (45.77%) “Agree” that their Supervisor addresses the issue when co-workers are not getting along. The remainder either “strongly disagree” (33.10%) or “have no opinion/don’t know (21.13%). (Q23)
- The majority of those surveyed “agree” (60.28%) that the Department has some clear, written standards of behavior that reflect best practices in law enforcement. (Q24) A large majority of respondents (71.43%) believe the Department has clear written General Orders. (Q25) A large majority of respondents (71.01%) do not believe standards of behavior are applied consistently. (Q26)
- The great majority of respondents (81.34%) agree that their work expectations are clear. (Q19)

Section 2. Communication and Employee Input

- Respondents identified “communication skills” (55.17%) as the area in which staff most needed training. (Q42)
- A large majority of respondents described information dissemination/flow within the Department as either “lacking” (61.90%) or “nonexistent” (11.11%). (Q27)
- Over half of those surveyed indicated that the Department “seldom” (54.86%) seeks employee input; a far lesser number indicated that employee input is sought “often” (9.03%) or “frequently” (4.17%). (Q14)
- Most respondents indicated that that the Department either responded “seldom” (42.96%) or “sometimes” (18.31%) to their ideas. (Q15)
- Among the survey respondents who indicated they did not feel recognized for their work contributions (Q29), most felt that “praise from command staff” (52.70%) would make them feel recognized. The next highest responses were “constructive feedback” (40.54%) and “development and training” (40.54%). (Q30)

- Just over half of those surveyed indicated they were “somewhat” (21.83%), “quite” (12.68%) or “very” (17.61%) comfortable talking with higher-level management about work issues. (Q13)
- Over 83% of respondents expressed they were “somewhat” (25.52%), “quite” (24.83%) or “very” (33.10%) comfortable talking with their direct Supervisor about work issues. (Q12)
- Almost all respondents (98.56%) believe they have access to their direct Supervisor as needed. (Q20)
- The great majority of respondents (87.41%) believe their Supervisor communicates with them in a professional and respectful manner. (Q22)

Section 3. Supervisor Feedback and Relationships

- Most respondents receive clear and helpful or written feedback about their work either “monthly” (26.87%) or “annually” (26.12%). (Q21)
- A majority of respondents (62.86%) said they receive a written performance evaluation at least once a year. (Q33)
- The respondents expressed no consensus when asked how often they receive informal performance feedback. Some indicated “monthly” (32.84%) or “intermittently” (24.63%), while almost a third (31.34%) answered “never.” (Q36)
- When asked if informal performance feedback assisted with their performance, the responses ranged from “frequently useful” (27.34%), “always useful” (14.84%) and “somewhat useful” (17.19%) to “not useful” (21.09%). (Q37)
- Over three-quarters of those surveyed found these performance reviews either “somewhat helpful” (23.89%) or “frequently helpful” (53.98%) in addressing areas of needed improvement. (Q34)
- It is unclear to many respondents whether their previous performance evaluations are used as a tool or base of reference in subsequent evaluations. Far less than half (39.71%) believed they are, while the remainder believe they are not (22.79%) or do not know (38.24%). (Q35)
- When asked whether performance reviews/monthly feedback is ever perceived as punitive tools, almost half of those responding answered “yes” (46.72%). The remaining respondents either answered “no” (21.90%) or “do not know” (31.39%). (Q39)
- The great majority of respondents (81.34%) agree that their work expectations are clear. (Q19)

Section 4. Perceptions of the Sheriff and Executive Management

- Less than a third of those surveyed (33.08%) believe the Sheriff manages the Department professionally. The remainder either does not believe he does (45.86%) or “do not know” (21.05%). (Q49)
- Respondents identified their second biggest concern with the workplace as “Fear of Reprisal” (53.62%). (Q9)
- A large majority of respondents (71.01%) do not believe standards of behavior are applied consistently. (Q26)
- Almost half of the respondents (49.25%) do not believe they can speak honestly with the Sheriff about issues and concerns. Just over a third of the respondents (35.07%) believe they can speak honestly with the Sheriff on these topics, and the remainder “does not know” (15.67%). (Q50)
- Less than a quarter of respondents (21.74%) cited “Lack of Management Oversight” as a workplace concern. (Q9)
- Among the survey respondents who indicated they did not feel recognized for their work contributions (Q29), most felt that “praise from command staff” (52.70%) would make them feel recognized. (Q30)
- Almost half of those surveyed (47.37%) indicated concern that the Sheriff (or his representative) would retaliate if they reported a sensitive issue or concern. A substantially smaller number of respondents (27.82%) did not believe retaliation by the Sheriff to be a concern. (Q51)
- Most of the respondents either “agree” (36.50%) or “somewhat agree” (21.17%) that the Sheriff is approachable. Less than a third of those surveyed (31.39%) do not find him so. The remainder (10.95%) either “have no opinion” or “do not know.” (Q52)
- A great majority of those surveyed either “agree” (62.32%) or “somewhat agree” (18.84%) that the Undersheriff is approachable. Very few respondents (5.07%) “disagree” with the statement that he is approachable. (Q53)
- A majority of respondents either “agree” (47.10%) or “somewhat agree” (24.64%) that the Captains are approachable. Of the remaining respondents, about a fifth (20.29%) do not find the Captains to be approachable. (Q54)
- Just over half of those surveyed indicated they were “somewhat” (21.83%), “quite” (12.68%) or “very” (17.61%) comfortable talking with higher-level management about work issues. (Q13)

Section 5. Employee Recognition, Trust and Perceived Fairness

- Almost half of those surveyed (47.37%) indicated a concern that the Sheriff (or his representative) would retaliate if they reported a sensitive issue or concern. A

substantially smaller number of respondents (27.82%) did not believe retaliation by the Sheriff to be a concern. (Q51)

- Almost half of the respondents (49.25%) do not believe they can speak honestly with the Sheriff about issues and concerns. Just over a third of respondents (35.07%) believe they can speak honestly with the Sheriff on these topics, and the remainder “does not know” (15.67%). (Q50)
- Among the survey respondents who indicated they did not feel recognized for their work contributions (Q29), most felt that “praise from command staff” (52.70%) would make them feel recognized. (Q30)
- About half of those surveyed (48.55%) indicated they feel recognized for their work contributions. (Q29)
- Over two-thirds of the respondents (69.29%) believe their work at Yolo County makes a difference. (Q32)
- When asked whether they believed they would be treated fairly in a promotional process, half of the respondents indicated “yes” (50%) and half “no” (50%). (Q44)
- Over half of the respondents lack confidence that rules governing the departmental promotional process are applied fairly. A majority indicated they were either “not at all confident” (25.78%) or “not very confident” (27.34%). The minority gave responses of “somewhat confident” (23.44%) or “confident” (23.44%). (Q43)
- Barely a third of the respondents answered that their higher-level managers showed either “a significant amount” (25.17%) or “a great deal” (9.09%) of trust in them. (Q11)
- Almost three-quarters of those surveyed (74.60%) indicated they have not experienced retaliation when reporting issues or concerns. (Q46)
- A majority of those surveyed indicated that their Supervisors showed either “a significant amount” (31.51%) or “a great deal” (32.88%) of trust in them. (Q10)
- Over three-quarters of the respondents indicated that they trusted their direct Supervisor to support their work either “somewhat” (29.66%) or “substantially” (55.17%). (Q16)
- Almost two-thirds of the respondents (65.97%) stated they believe their Supervisor trusts them. (Q17)

Section 6. Perceptions of Training and Development

- A great majority of respondents described the adequacy of the training they receive as “always” (11.76%), “mostly” (48.53%) or “somewhat on target” (31.62%). (Q41)
- Respondents identified “communication skills” (55.17%) as the area in which staff most needed training. (Q42)
- A majority of respondents (60%) reported knowing how to access the formal grievance processes. (Q47)

- Respondents identified “communication skills” (55.17%) as the most needed area for staff training, followed by “technology” (43.10%), “job specific technical” (39.66%), and “POST training” (36.21%). (Q42)
- Less than half of the respondents (43.38%) believe Supervisors are properly trained to conduct evaluations. The remainder of those surveyed either did not believe Supervisors were properly trained for this task (37.50%) or had no opinion (19.12%). (Q38)

ATTACHMENT B
OPERATIONAL ISSUES

- a. Jail Leadership Transition. The jail is managed by a sworn Captain and two correctional Lieutenants. On October 31, 2014 the Captain and one of the Lieutenants will retire. This potentially will leave the jail with only one experienced management level officer.
- b. Jail Remodel. The jail is planning an ambitious and much-needed expansion of the facility, estimated to be completed in 2018. The management gap, mentioned above, will make this expansion more difficult and will create leadership voids that will likely impact operations.
- c. South County Patrol Deficiencies. Patrol of the Clarksburg area in Southern Yolo County is a responsibility of the Yolo County Sheriff's Office. Patrol coverage for that area is very low, leaving times when allied agencies must back up the on-duty Deputy or cover a call until a Deputy can arrive.
- d. Jail Staffing Shortages Coupled With Overcrowding. Many staff members complained in the narrative section of the assessment about jail staffing shortages and the increased volatility and aggressiveness of jail inmates. Respondents to the survey and personal interviews revealed a common concern about the increased level of violence and inmate sophistication that AB 109 (realignment) has caused in the jail, coupled with increased inmate population issues.

The Federal Consent Decree helps to maintain a cap on the number of inmates housed in the jail, but at the expense of an increase in forced releases. The survey revealed a concern that there has not been adequate staff training to deal with the new challenges that realignment has caused.

- e. Reliance On Statistics. There is a feeling among the staff that the Department suffers from over reliance on statistics to measure staff performance. While the Committee believes that statistics are an important measurement tool to compare performance among personnel in similar work situations, the current practices have been taken to an extreme. Sheriff's Office management indicated that the statistics are only used to compare an individual officer against the average production levels of his/her shift peers. However, Sheriff Prieto and command staff personally reviews individual officer statistics on a monthly basis. This can have the effect of reinforcing the perception that there is an over reliance on statistics to measure officer production. Staff members reported that their perception of the need for statistical driven results has produced an increased patrol of areas most likely to generate arrests and a reduced patrol and enforcement action of more rural areas. Staff has the general impression that the drive for statistics is primarily for the purpose of demonstrating a need for additional staffing.
- f. Financial Management. The perception of the staff is that the needs of the jail have been neglected during short fiscal times in favor of other divisions within the Department. The example cited was that Corrections staff were laid off while no cuts were made to the Deputy staff.

- g. Animal Control Uncertainty. Personnel from the Animal Control Division repeatedly shared their concerns with the instability of their division's funding and whether their positions would be removed from County service. The Sheriff is encouraged to communicate through the chain of command to provide honest and accurate information about the future options being considered for this division.