

**Management Audit**  
**of the**  
**Office of the Sheriff**

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

Prepared by the  
Board of Supervisors Management Audit Division  
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# County of Santa Clara

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Contract Auditor: Harvey M. Rose Accountancy Corporation

December 18, 2003

Supervisor Pete McHugh, Chair  
Supervisor James T. Beall, Jr., Member  
County of Santa Clara  
Board of Supervisors Finance and Government Operations Committee  
County Government Center  
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Dear Supervisors McHugh and Beall:

Pursuant to direction received from the Board of Supervisors, we have completed a comprehensive management audit of the Santa Clara County Office of the Sheriff. This audit was conducted pursuant to the authority of the Board of Supervisors under the Board's power of inquiry, as provided in Article III, Section 302 (c) of the County Charter.

This audit was selected using the Management Audit Program Risk Assessment Tool that identifies areas of County government most appropriate for audit, according to risk criteria established by the Board of Supervisors. The Office of the Sheriff is responsible for providing law enforcement services to the unincorporated areas of the County and to certain other jurisdictions by contract; provides court security services by contract with the Superior Court; and, provides jail management services under contract with the Board of Supervisors. The Office of the Sheriff last received a comprehensive management audit in 1980.

The scope of this management audit included a review of all of the functions provided directly by the Office of the Sheriff, with the exception of those services related to the management of the County jail. The purpose of the management audit was to identify opportunities to increase the Department's efficiency, effectiveness and economy.

The management audit field work commenced on August 19, 2002, a draft report was issued on October 9, 2003 and an exit conference was held on October 27, 2003. The management audit was delayed when the Board redirected the work of the Management Audit Division to concentrate its efforts on budget related analysis.

Supervisor Pete McHugh  
Supervisor James T. Beall, Jr.  
December 18, 2003

The management audit was conducted in accordance with generally accepted government auditing standards issued by the United States General Accounting Office (GAO).

The management audit report includes eight findings pertaining to the activity reporting system used by the Office of the Sheriff, the management of cases by the Investigations Bureau, the costs related to collateral duties and special team assignments, the collection of civil process fees, the processing of warrants, the collection of extradition claims, the storage of evidence and the identification of grant opportunities.

Included are 32 recommendations that we believe will enhance services to the public, improve staff and resource utilization, and increase revenues. In its December 4, 2003 response, the Department indicated complete or partial agreement with 20 recommendations (74 percent), and disagreed with seven recommendations (26 percent). Three of the recommendations regarding the identification of grant opportunities are directed to the Office of the County Executive and one recommendation is directed to the Board of Supervisors. We estimate that full implementation of the report's recommendations would result in net savings and new revenues to the County of nearly \$ 1.0 million annually and other one-time savings. This estimate does not include the value of productivity improvements that would result from modifications to the Activity Reporting System (ARS) or improved management over collateral duty assignments.

We would like to thank the Sheriff and staff of the Office of the Sheriff for their cooperation during the management audit. We would like to extend particular thanks to the many commanders, captains and others from within the Office of the Sheriff who assisted us with the compilation of the documentation and data that was essential for our analysis.

Sincerely,



Roger Mialocq  
Board of Supervisors Management Audit Manager

- c. Supervisor Alvarado  
Supervisor Gage  
Supervisor Kniss

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**WRITTEN RESPONSE FROM THE OFFICE OF THE SHERIFF**

**WRITTEN RESPONSE FROM THE GENERAL SERVICES AGENCY**

**WRITTEN RESPONSE FROM THE SUPERIOR COURT**

**WRITTEN RESPONSE FROM THE CONTROLLER-TREASURER**



## Executive Summary

This *Management Audit of the Santa Clara County Office of the Sheriff* was authorized by the Board of Supervisors of the County of Santa Clara in August 2002, pursuant to the Board's power of inquiry specified in Section 302 (c) of the Santa Clara County Charter.

### Purpose and Scope

The purpose of the management audit was to examine the operations, management practices and finances of the Office of the Sheriff, and to identify opportunities to increase the Department's efficiency, effectiveness and economy. The scope of the management audit included a review of all of the functions provided by the Office of the Sheriff with the exception of custody related services, as these services had recently been examined as part of a separate study commissioned by the Board of Supervisors.

### Methodology

This management audit was conducted under the requirements of the Agreement for Services between the County of Santa Clara and the Harvey M. Rose Accountancy Corporation for Management Audit Services. That agreement states that management audits performed under the contract are to be conducted under generally accepted government auditing standards, as modified by the terms of the management audit contract.

In accordance with Sections 7.45 and 7.46 of the United States General Accounting Office Government Auditing Standards, certain issues identified during an audit may be brought to the attention of the Department being audited and the Board of Supervisors, even though a specific finding is not included in the report. These additional issues are discussed below:

- Court Services Contract – The County should strive to be reimbursed for all of the Office of the Sheriff costs incurred as a result of providing court security services to the Courts, including overhead. To accomplish this, California Rules of Court would need to be modified to identify as allowable these costs.
- Management Reporting System - The Office of the Sheriff should design its systems to collect essential data and should ensure the integrity of the data collected, even if the specificity required to do so results in a lesser quantity of data being collected.
- Relationship With the Parks and Recreation Department - it is important that the Office of the Sheriff, the Parks and Recreation Department and County management continue efforts to minimize friction, and to emphasize the importance of ensuring that the County parks system remains a safe environment for workers and the public.

In total, the management audit report includes 31 findings and associated recommendations, which, if implemented could produce an annual net savings of nearly \$1.0 million dollars for the Department and the county and produce additional one-time savings.

# 1. Activity Reporting System

The Activity Reporting System (ARS) is a time consuming and possibly unnecessary administrative function. Patrol staff spend as much as 24,000 hours each year recording, entering and uploading activity data into the system. This estimate does not include additional administrative time necessary to complete other required reports. Alternatives exist to reduce administrative duties for sworn personnel and make more hours available for direct law enforcement services.

The Office of the Sheriff ARS contains over 200 different procedure codes and requires patrol deputies to spend as much as 50 minutes each shift recording and entering data. The reports generated by ARS contain excessive information not regularly utilized by contract entities. Multiple other systems and management tools exist to monitor activity, including data regularly recorded by the GSA County Communications Dispatch Center. The staff time required each year to populate the Activity Reporting System may represent as much as 14 full-time deputies, equal to \$2.4 million dollars in staff costs, a portion of which could be converted to patrol time.

Negotiating changes and a standard format in the reports provided to contract entities to eliminate the ARS would increase available direct law enforcement time. As an alternative recommendation, the Sheriff should reduce the reporting requirements to the degree possible to increase patrol time and related revenue. Decreasing the amount of unnecessary information patrol staff are required to record will increase the integrity of the data that is collected, provide additional law enforcement hours and increase contract revenue.

The Sheriff should:

- 1.1 Develop standard activity reports for contract entities that could be created based on data sources other than the ARS; (Priority Three)
- 1.2 Present the uniform reporting data available to all contract representatives and negotiate a standard reporting system; (Priority Three)
- 1.3 Develop alternative methods of billing contract cities for law enforcement services that do not rely on ARS, in a manner consistent with recommendations 1.1 and 1.2; (Priority Two) and
- 1.4 Based on the results of 1.1, 1.2 and 1.3, discontinue the use of the Activity Reporting System or amend the system to include the least amount of data fields determined to be necessary. (Priority One)

The savings that would result from the implementation of the recommendations in this section of the report include some revenue that could be collected from contract entities given an increase in available patrol time. Additionally, while not quantifiable in the same manner as actual revenue, patrol staff would be able to patrol their assigned beats for at least thirty minutes more each shift. During the past two years the Office of the



Sheriff has repaid the cities \$240,000, and a total refund of \$409,000 is projected for FY 2002-03. The additional patrol staff hours available if the ARS were replaced, eliminated or streamlined would be available to apply towards this return and the freed up available staff could also perform other revenue generating activities such as serving warrants. Costs would include staff time to identify the essential data elements to be collected and the costs to develop the standard and enhanced reports described in the finding. The General Services Agency has indicated that providing the Office of the Sheriff with expanded CAD functionality to capture additional patrol activities or to modify data elements will require a feasibility and cost study for making necessary software modifications.

## **2. Investigations Bureau Case Management**

The Investigations Bureau has accumulated an estimated 10,000 cases since 1996 that are categorized as open, but are not assigned to current detectives, and therefore require review. The Office of the Sheriff has enacted procedures to prevent the accumulation of these types of cases henceforth and has begun to dispose of cases with related property items. However, the entire backlog of cases requiring review should be reviewed for possible closure, to identify cases requiring investigation, and to provide the Sheriff with accurate data necessary to staff the Bureau. Because the statutes of limitations related to many of the cases requiring review have passed, a strategy to screen the cases and identify those that should be assigned to current detectives and maintained as open is possible.

Previous caseloads that had been assigned to retired, terminated or transferred detectives, were not consistently transitioned to other detectives. Large numbers of misdemeanor cases are assigned to the court liaison section of the Investigations Bureau and have remained open in the system, regardless of the eventual outcome of the case. Costs to review cases for closure can be reduced by assigning initial statute of limitation and CJIC status review to civilian staff.

The Office of the Sheriff should develop a plan to review these cases over the next 12 months, identifying those that require further review and closing or inactivating the remaining cases. The set of cases requiring review should be transferred to the Captain of the Investigations Bureau. When appropriate, known victims should be contacted to inform them of the status of their case and to be reminded how to contact the Office of the Sheriff if they have new information. The procedures in place, to prevent subsequent accumulation of unassigned or improperly categorized cases should be formalized. Cases processed by the court liaison section should be assigned to an ID badge number created specifically for this purpose to segregate these cases in the incident library.

Implementation of the recommended course of action will identify solvable cases, promote victim contact and provide the Sheriff with accurate caseload statistics to set appropriate staffing levels in the Investigations Bureau.

The Sheriff should:

- 2.1 Direct the Captain of the Investigations Bureau to develop and submit a 12-month plan to address unassigned cases, to include the following components (Priority Two):
  - a) Transfer of court liaison cases to a unique ID Badge Number,
  - b) Transfer remaining unassigned cases to the Captain and Lieutenant of the Investigations Division,
  - c) Work with the Information Technology Department to devise filters to categorize the backlog cases for review,
  - d) Review of cases by civilian staff to determine whether the statute of limitations have expired, and CJIC review to confirm the case was not filed by the District Attorney,
  - e) Review by Detective staff of remaining cases, and possible re-initiation of investigations,
  - f) Victim contact on backlog cases when appropriate;
- 2.2 Draft a General Order to formalize review of the categorization of cases; and (Priority Two)
- 2.3 Direct staff of the Investigations Bureau and the Sheriff's IT Department to include discussions with CJIC staff to determine if CJIC can electronically route identifiable filing status information to the new RMS system or prompt the email notification of this information. (Priority Three)

The General fund costs that would be incurred to review the unassigned cases range from \$25,000 to \$50,000 based on the review being conducted by Sheriff Technician staff or sworn staff of the Investigations Bureau, under an assumption that case review costs are allocated appropriately.

Reviewing the unassigned cases and closing or appropriately inactivating the majority of cases has a number of benefits to the Office of the Sheriff and the County. These benefits include identifying those few cases that should be receiving investigative attention, increasing the integrity of the caseload size each detective carries, and providing reasonable law enforcement services to the contractual partners from which the unassigned cases originated. Implementation of the recommendations will reinforce existing strategies to prevent the accumulation of unassigned cases in the future and will increase the accountability and the continuity of Investigations Bureau Command staff in resolving the issue of the accumulated open cases not assigned to current staff. Staffing levels of the Bureau will be more discernable as case carrying counts become more accurate.

### **3. Collateral Duties**

In addition to providing routine law enforcement services, the Sheriff maintains special teams and completes projects and event assignments annually. The time and resources necessary to train and deploy these teams affects the activities of each division within the Office of the Sheriff. Special teams are not centrally managed or coordinated, and estimates of the annual cost vary. We estimate the annual cost of special teams and assignments to be approximately \$650,000.

An analysis of the Office of the Sheriff's sworn staff working in three core law enforcement units confirms that collateral duties represent significant staffing that must be backfilled when possible to continue providing the core mission of the various divisions of the Office of the Sheriff. While collateral duties provide essential services to the county's citizens, such as SWAT capability, each special team and assignment has a related cost in productivity and routine law enforcement services. Further, collateral duties reduce the amount of revenue realized by the Office of the Sheriff. Imprecise accounting of training time may cause the Office of the Sheriff's hourly rates and mandated reimbursement claims to be understated.

The Office of the Sheriff should centralize the administration of collateral duties in the Special Operations Division to more accurately record and track these costs, and maintain the current structure that assigns special team management to qualified command staff across the Office of the Sheriff. The Sheriff should analyze each special team and assignment to determine if the team's function can be shared with surrounding law enforcement entities, be reduced in size, eliminated, reassigned to civilian staff, or if additional reimbursement for deployment can be pursued. Appropriate collateral duty participation should be formally considered during promotions, transfers and performance evaluations of individual sworn staff.

The Sheriff should:

- 3.1 Conduct a review of all special teams and special assignments to determine the appropriate staffing and relative value of each to the Office of the Sheriff in meeting its mission as a law enforcement agency, (Priority Three)
- 3.2 Establish a revised list of special teams and special assignments with budgeted team size, training hours and annual expenditures; (Priority Two)
- 3.3 Centralize the coordination of special teams and the tracking of special team training staff and equipment costs in the Special Operations Division, including specific accounting of staff time allocated to special team duties; (Priority Two)
- 3.4 Budget special team staff costs, to be monitored by the Special Operations Division and the Accounting Division; and (Priority Three)
- 3.5 Work with County Counsel to develop a method by which collateral duty participation can be formally integrated into the decision-making processes of promotion, transfer and performance evaluation. (Priority Two)

The benefits related to implementation of the recommendations in this section of the report include increased monitoring of the expended staff and other resources for special teams and collateral duties and the possible assignment of a portion of these costs to contract entities. Improved decision-making regarding participation on special teams and collateral duty assignments will increase the ability of the Office of the Sheriff to maximize available revenue in its contractual divisions at no additional General fund cost.

## 4. Civil Process Fees

Counties cannot locally determine fees for civil process services that are performed by sheriff's departments. Instead, these fees are set in State law. The State does not consistently evaluate fee levels, and counties are prohibited from routinely adjusting fees for inflation. Because civil fees are not based on local government's cost of providing services, taxpayers in the County of Santa Clara are subsidizing services that generally benefit private businesses and individuals.

The Sheriff generates fees from 45 of the 100 civil process services mandated by law. Of these, evictions, bank levies, earnings withholdings, and "Eight-hour keepers" comprise nearly 85 percent of the total volume of civil process services performed by 46 percent of the Civil Unit staff. The County is subsidizing approximately \$814,000 per year of services, based on a comparison of the current fee revenues to costs.

The civil fee setting prohibitions imposed by the State are inconsistent with the latitude given in other areas, where it is permitted to charge users for the full cost of services. The County should advocate for legislation to allow counties to set fees for civil process services based on costs. If such legislation is approved, the County should incrementally increase fees to cost recovery levels within the next two fiscal years. This implementation schedule would result in additional County income of over \$840,000 per year by FY 2005-06.

The Santa Clara County Office of the Sheriff should:

- 4.1 Work with the Board of Supervisors, CSAC and the California Sheriff's Association, to obtain legislative authority from the State to base civil process service fees on costs. (Priority Two)
- 4.2 Once legislative authority is obtained, develop proposed fees that would recover 100 percent of the cost of providing civil process services. Establish and include a CPI adjuster that would go into effect during the year that the fees reach full-cost recovery and would be applied every two to three years thereafter to ensure fees remain at full-cost recovery. (Priority Two)

There would be no costs to implement the recommendations. Successful implementation will generate approximately \$840,000 in additional revenue, above FY 2002-03 estimated amounts. The growth in revenue will coincide with the staged increase in fees. In FY 2003-04, \$210,000 in additional revenue will be realized. Full-

cost recovery of approximately \$840,000 over FY 2003-04 levels, would be achieved by FY 2005-06.

## 5. Warrant Processing

The Office of the Sheriff process for processing warrants is unnecessarily time consuming and manual and results in warrant backlogs, old warrants that are more difficult to serve, and places deputies and police officers at risk.

In a sample of cases reviewed for this management audit, it took a median 14 days from the date Records received the warrant from the court until the Records Unit was able to activate it. It then took the Records Unit an additional median 12 days for the Records Unit to input the warrant data into the CLETS databases making it available to the County Communications and Law Enforcement Agencies, or 26 days from the date the warrant was received from the Court. Serious felony and misdemeanor warrants processed by the Civil/Warrant Unit take an additional 22 days after activation to prepare for the sworn officers to serve, or 36 days after activation. The main reasons for the extensive elapsed time is that warrants are processed sequentially by two different Units involved in three different parts of the process and each contributing to delays in the process.

Processing could be streamlined by placing a higher priority on activating all warrants not just the felonies in a timely manner. Currently, warrant processing is the lowest in priority when compared to the other tasks that the Records Unit is responsible for performing. Inputting warrants into CLETS at the time of activation, rather than placing the warrant in a queue where it currently remains for a median 12 days, should be implemented. In the long-run this could be done via an automated interface between CJIC and CLETS. However, in the short-run, it should be implemented into the activation tasks and accomplished for all new warrants received on a daily basis. When the long-run solution is implemented the staff member who would no longer be needed to input warrants into CLETS could be transferred to the Civil/Warrant Unit where she could assist with the processing of warrants there. This, in combination with automating most of the 11 processing and research steps would streamline the process and reduce the number of days warrants are kept back from the deputies who are in place to serve them. The goals of these changes would be to reduce the delay in getting warrants into the hands of deputies to serve and to make them available to County Communications who is requested to perform warrant checks for deputies and police officers in the field and Law Enforcement Agencies throughout the country who may encounter these individuals during the course of their work. Warrants that are in the hands of deputies sooner will have a better chance of being successfully served. More warrants served will result in increased revenues for the Office of the Sheriff.

The Santa Clara County Office of the Sheriff should:

- 5.1 Develop an automated interface between CJIC and CLETS that would enable new warrant data to be automatically transferred into CLETS on a daily basis and purged warrants to be automatically deleted. (Priority Two)

- 5.2 Reassign one FTE from Records, (no longer needed to manually input the warrant data into CLETS due to the automated interface mentioned above) to the Civil/Warrant Unit to assist with processing warrants there. (Priority One)
- 5.3 Automate the Civil/Warrant Unit warrant processing tasks to include an automated mapping package (implemented during the audit as a result of our suggestions) that would take the place of manually looking up geographical areas and locating mapping grids, automate CJIC and SLETS with the capability to handle multiple entries on one screen when running criminal history and prior address reports when running drivers license and registration reports. (Priority Two)
- 5.4 Research the costs and benefits of implementing a paperless warrant system. A paperless warrant system would allow for warrants issued in court to be received by the Office of the Sheriff the same or next day. (Priority Three)

Implementation of the above recommendations will result in greatly reduced elapsed time between when the court issues a warrant and when they can be served by a police officer or deputy sheriff, when deputies have a warrant packet for service of serious felonies and misdemeanors, and when warrants are visible to dispatch staff and other agencies. Though some lag time may still persist, the total elapsed time would be reduced. This would result in greater success in serving warrants since the opportunity to successfully serve warrants increases in direct proportion to the timeliness of the service attempts. The recommendations may also result in increased revenues for the Sheriff Department due to more warrants being served.

The costs to implement an automated interface between CJIC and CLETS is unknown. However, during our interviews with the CJIC Director, he estimated \$100,000 would enable him to complete the initial warrant investigation. The project is expected to take a total of eight months to complete. Once implemented it would generate annual savings as a result of staffing reductions in Records since it would no longer be necessary to manually update the CLETS or purge the warrants from these computer systems at the back end. This salary savings is estimated to be approximately \$78,375 annually based on the fully-loaded salary of a LERT level staff member. Perhaps more important is the liability issue that currently exists for the Sheriff which would be decreased through implementation of a system that would make warrant information visible to law enforcement officers in the field at the time of activation.

## 6. Extradition Claims

Penal Code Section 1557 requires the State Controller to audit and the State Treasurer to reimburse cities and counties for certain travel costs that are incurred for the express purpose of extraditing fugitives back to the State of California.

For FY 2001-02 and FY 2002-03, the Civil-Warrants Unit claimed and was reimbursed approximately \$98,000 and \$76,900 respectively, for extradition costs incurred by the Office of the Sheriff. However, the Office of the Sheriff could have received additional reimbursement if claims had been submitted on time and in proper order. Additional

reimbursements and lower costs would also have resulted from more frequent use of private extradition firms, since fees charged by private companies are reimbursed at 100 percent of cost.

Based on an analysis of the reimbursed FY 1999-2002 claims, the cost of an extradition averages approximately \$2,200. On March 14, 2003, a total of 111 extradition claims had not been reimbursed. Therefore, these claims total at least \$245,000, of which 34, or approximately \$75,000 are for claims that were not submitted to the BOC within the six-month timeframe required by law.

The extradition process is cumbersome, involving many steps that are performed by different people within the County and State. Constant tracking and monitoring of claims must be done to ensure that all claims are submitted in a timely manner, and that the Office of the Sheriff claims and receives all the reimbursement to which the County is entitled.

By developing and implementing extradition claiming procedures for the Civil Warrants Unit, the Sheriff can ensure that all claims are prepared accurately and submitted on a timely basis, and that organizational responsibility and accountability is strengthened. Furthermore, the Sheriff should consider restructuring the Unit and staffing it with clerical personnel who are equipped with the requisite skills for effectively managing claims through successful reimbursement. By increasing the use of private extradition firms, the Sheriff could also increase the proportion of eligible reimbursement and decrease reliance on the General Fund. Implementing these recommendations would result in one-time revenue of \$245,000. Approximately \$53,500 in savings would be realized from the increased use of private extradition firms. Personnel savings totaling \$38,340 as a result of combining the Extradition and Fugitive Units would also be realized, for total annual savings of \$91,850.

The Santa Clara County Office of the Sheriff should:

- 6.1 Develop comprehensive internal policy and procedures on submitting, tracking, and receiving reimbursements for extradition expenses. Begin following the guidelines established. (Priority Three)
- 6.2 Increase the use of private extradition firms so as to increase the amount of reimbursement revenues received by the State and reduce the non-reimbursed costs borne by the County. (Priority Two)
- 6.3 Restructure the Extradition Unit by combining it with the Fugitive Unit and staffing it with only one full-time sworn deputy and one full-time legal clerk. (Priority Two)
- 6.4 Delete one deputy sheriff position from the Civil/Warrant Unit and redeploy this deputy to another area within the Office of the Sheriff where there is a shortage of law enforcement personnel. (Priority One)

6.5 Add legal clerk position to the combined Extradition/Fugitive Unit. (Priority One)

There would be no costs to implement the recommendations. By implementing the above recommendations the Sheriff can expect to receive approximately \$245,000 in one-time revenue and annual cost savings associated with the use of private extradition firms and the reorganization of the Unit totaling \$91,850. The one-time revenue benefit would be partially realized through the full approval by the Control Board of the 34 claims totaling \$75,000 and the State's reimbursement of the backlog of 77 claims totaling \$169,400. The cost savings of \$91,850 would be realized from the increased use of private extradition firms, saving approximately \$53,510 in non-reimbursable extradition costs, and from personnel cost savings totaling \$38,340. The personnel cost savings would result from combining the Extradition and Fugitive Units and the corresponding difference between the salary of the eliminated deputy sheriff position and cost of the added legal clerk.

## **7. Evidence Storage**

The Office of the Sheriff and the Office of the District Attorney should explore opportunities to consolidate the storage of evidence and property and offer storage of evidence and exhibits to the courts and local law enforcement agencies as a contractual service. Through consolidation, future storage needs could be met and the integrity of evidentiary materials could be enhanced. Annual costs for evidence storage leases by the Sheriff and DA equal approximately \$380,000. Previous efforts to gain approval for the construction of an evidence storage warehouse have been unsuccessful, and opportunities to participate in other related capital and renovation plans have not been recognized or realized. A combined evidence storage facility could be supported by charges to local jurisdictions, reimbursement from the State under SB 90 and possible Trial Court funding if the Court was amenable to including evidence management and storage as part of the court Security contract with the Office of the Sheriff. Property related to crimes and investigations is also taken into custody by the Office of the Sheriff and returned or destroyed when cases are resolved.

Evidence plays a vital role in the investigation, prosecution and conviction of persons who have been accused and committed criminal acts. Significant property accumulates as a result of search warrant activity and the seizure of personal property during investigations. Maintaining a proper, well-documented chain of custody and ensuring integrity of evidence are crucial to successful law enforcement, prosecution and court operations. Pieces of evidence range from DNA and biological evidence that must be specifically stored at constant temperatures to large pieces of evidence such as vehicles. Previous and recently enacted legislation requires criminal justice agencies to maintain certain evidence for extended periods of time, sometimes for as long as the lifetime of a convicted murderer. Maintaining the integrity and chain of custody of evidence ensures that appeals and writs filed by guilty persons can be properly disputed in court, and that persons wrongly convicted can be exonerated.



Current lease costs approach the estimated capital costs of constructing or renovating an evidence warehouse on county-owned property. Designing and implementing a combined storage of evidence facility would require significant collaboration between the various agencies involved. The Sheriff, in concert with GSA Capital Programs, the Space Committee and the County-wide evidence workgroup, should explore the possibility of providing contractual evidence storage to the Office of the District Attorney, the courts and local law enforcement agencies in a shared facility. The development of a combined evidence storage function should include investigation into possible revenue, including SB 90 and Trial Court funding.

The Sheriff should:

- 7.1 Work with GSA Capital Programs and the Space Committee to explore the possibility of co-locating and/or providing contractual evidence storage to the Office of the District Attorney, the courts and local law enforcement agencies. (Priority Three)

The Board of Supervisors should:

- 7.2 Direct the County Executive to initiate planning to construct an evidence warehouse storage facility, either by renovating an existing County building or constructing a facility on County owned land. (Priority One)

The Sheriff and the Office of the County Counsel should:

- 7.3 Continue to investigate SB 90 test claims to the California Commission on State Mandates, including reimbursement for costs related to the storage of DNA, biological and other evidence; (Priority Three) and
- 7.4 Include for discussion in the next round of Court Security contract negotiations an amendment to include the securing, storage and handling of evidence and exhibits by Sheriff Technicians and Deputies, if allowable under the laws governing chain of custody and handling of court exhibits. (Priority Two)

The costs associated with constructing or renovating a warehouse as a combined evidence storage facility have been estimated at approximately \$8 million, and could reasonably be covered by the current annual lease costs. At the end of a thirty-year period the County will own and will have paid for an evidence warehouse, and realized approximately \$3.4 million dollars in savings as compared to escalating lease costs. The benefits associated with such a project include increased evidence and property storage capacity, enhanced maintenance of chain of custody of evidence and a collaborative system to ensure the integrity of evidence while it is the care of the County of Santa Clara. As a tangible benefit, law enforcement personnel, attorneys and members of the court will be able to access well-maintained evidence related to current and previous cases, in order to uphold convictions and consider appeals and other legal requests. As additional legislation is enacted increasing the burden of the County to store evidence for long periods of time, a project will be in place to efficiently accommodate these legislative requirements. The Sheriff will be provided with the analysis necessary to

properly present its evidence storage needs to the Administrative Capital Committee and the Board of Supervisors for consideration as a capital project.

## 8. Grant Identification

The Office of the Sheriff should reorganize grant identification and application responsibilities to enhance law enforcement services to the unincorporated areas and its contract partners such as Parks, VTA and the cities. Although departments are encouraged to pursue grant opportunities, the County Administration has not provided guidelines to assess potential grant opportunities or facilitate cooperation and collaboration across departments to identify and successfully apply for appropriate grants.

The function of grant identification and application has not been consistent in the Office of the Sheriff and at the time of the audit was a collateral duty of a sworn staff person in the Special Operations Unit, and then a collateral duty of a Management Analyst. No written procedures or guidelines have been drafted regarding specific responsibilities or criteria by which potential grant opportunities should be evaluated. Management reports have not been consistently required of the staff person fulfilling the grant function to ensure grant opportunities are recognized and pursued.

The position of grant and development manager should be a specific assignment of a civilian permanent position, reporting directly to the Director of the Administrative Services Bureau or Sheriff, and this person should provide an annual report to the Sheriff of the efforts to identify and apply for grants. The Office of the Sheriff should develop a set of procedures for the grant staff person that a specific grant matrix be written and provided each month to the Director of Administrative Services. The Office of the County Executive should consider subscribing to an online grant resource and should develop a "revenue focus" document to assist department heads in managing their grant efforts, and to facilitate communication across County staff assigned the responsibility to identify and pursue grants.

The Sheriff should:

- 8.1 Assign the grant function as a permanent assignment to a civilian coded position within the Administration of the Sheriff and include the following as assigned duties (Priority Two):
  - a. Annual Report including current grant awards and grant seeking activity
  - b. Monthly matrix of current grants and grant applications considered
  - c. Policies and procedures regarding grant function responsibilities; and

The Office of the County Executive should:

- 8.2 Develop and distribute a "Revenue Focus" document annually to assist department heads in managing their grant efforts; (Priority Two) and

- 8.3 Facilitate communication between staff across the County assigned the responsibility to identify and pursue grants, either by distributing a directory or by hosting an annual grant workshop; (Priority Three) and
- 8.4 Consider subscribing to an online service to automate the provision of grant opportunities; (Priority Three) and
- 8.5 Direct the Controller's Office to prepare and forward to the Finance and Government Operations Committee an annual list of grant awards, to include the amount of the annual award, amount of actual revenue earned by the respective department and an explanation of the grant revenue not realized. (Priority Three)

Costs to implement the recommendations in this section of the report are limited to the annual online grant identification subscription fee of approximately \$40,000, the staff costs to prepare an annual grant report and the costs to hold an annual half-day meeting of the grant seeking staff across the County. Implementing these recommendations will increase the ability of the Office of the Sheriff to identify and successfully apply for grants to enhance and support law enforcement services. Additionally, all county agencies and departments will receive clear direction from the Administration regarding what types of grant opportunities should be pursued and the manner in which grant applications should be constructed and presented to the Board of Supervisors. Finally, the Board of Supervisors will be provided the same grant information related to all departments that they have already begun to receive from the Santa Clara Valley Health and Hospital System and the Health and Hospital Committee.



# Introduction

This Management Audit of the Santa Clara County Office of the Sheriff was authorized by the Board of Supervisors of the County of Santa Clara in August 2002, pursuant to the Board's power of inquiry specified in Section 302 (c) of the Santa Clara County Charter.

## Purpose and Scope

The purpose of the management audit was to examine the operations, management practices and finances of the Office of the Sheriff, and to identify opportunities to increase the Department's efficiency, effectiveness and economy. The scope of the management audit included a review of all of the functions provided by the Office of the Sheriff with the exception of custody related services, as these services had recently been examined as part of a separate study commissioned by the Board of Supervisors.

As part of this management audit, we interviewed representatives from the majority of the Divisions, including Patrol, Court Security, Civil/Warrants, Investigations, Administration, Accounting, Administrative Services, Records, Special Operations, Internal Affairs and the West Valley Substation. To supplement our management audit activities, we interviewed representatives from each of the cities with whom the Office of the Sheriff contracts, the Parks and Recreation Department and the Valley Transportation Authority (VTA). We also interviewed other County Departments that provide services that are closely linked to those provided by the Office of the Sheriff, or support the Office of the Sheriff in its daily operations. Included were interviews with representatives from the Office of the District Attorney, GSA Capital Programs, GSA County Communications, the Office of the County Executive, Superior Court and County Counsel.

Recognizing the unique nature of law enforcement services provided by staff of the Office of the Sheriff, management audit staff spent time in the field to observe and understand the work that sworn and civilian staff undertake each day. In addition to riding along with deputies as they patrolled the unincorporated area and contract cities, audit staff observed call-outs by the Investigations Bureau to secure homicide and other crime scenes. We accompanied an Investigator assigned to the Sex Crimes Unit while she prepared for and met with a Deputy District Attorney, toured the various facilities where evidence is stored and maintained by the Sheriff, observed civil processing, and attended the Sheriff's annual "Best in the West" regional SWAT competition. Audit staff worked closely with line and command staff throughout the organization to identify audit areas, and methods by which to quantify and address these areas.

## Audit Methodology

This management audit was conducted under the requirements of the *Agreement for Services between the County of Santa Clara and the Harvey M. Rose Accountancy Corporation for Management Audit Services*. That agreement states that management audits performed under the contract are to be conducted under generally accepted government auditing standards issued by the United States General Accounting Office (GAO). In accordance with these requirements, we performed the following management audit procedures:

- Audit Planning – The 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 workplan was developed and provided to the Department.
- Entrance Conference – An entrance conference was held with the Sheriff and command staff, to introduce the management audit staff, describe the management audit program and scope of review, and respond to questions. A letter of introduction from the Board, a management audit work plan, and a request for background information about the Department's operations were provided at the entrance conference.
- Pre-Audit Survey – A preliminary review of documentation and interviews with managers from the involved departments were conducted to obtain an overview understanding of the Office of the Sheriff, and to isolate areas of operations which warranted more detailed assessments. Based on the pre-audit survey, the work plan for the management audit was refined.
- Field Work – Field work activities were conducted after completion of the pre-audit survey, and included: (a) interviews with sworn and civilian staff, supervisors and managers; (b) a further review of documentation and other materials provided by the Department; (c) analyses of data collected manually and from the Office of the Sheriff's automated systems; and, (d) survey contacts with other jurisdictions to measure performance, and to determine organizational and operational alternatives, which might warrant consideration by the County of Santa Clara.
- Status Reporting – Periodic status meetings were held with the Sheriff and management to describe the study progress and provide general information on our preliminary findings and conclusions.
- Draft Report – A draft management audit report was prepared and provided to responsible managers from the Office of the Sheriff. The draft report was also provided to County Counsel to obtain input regarding legal issues which surfaced during the course of the study and to internal and external organizations substantively described or discussed in the draft report.

- Exit Conference – An exit conference was held with responsible managers to collect additional information pertinent to our report, and to obtain their views on the report findings, conclusions and recommendations.
- Final Report – A final report was prepared after review and discussion of the report content with responsible managers and the Sheriff. Management was requested to provide a written response to the report, which is attached.

## **Description of Sheriff Services**

The Office of the Sheriff is responsible for enforcing the law and maintaining public safety in the unincorporated areas of the County, and serves as the municipal police department in three contract city jurisdictions: Cupertino, Los Altos Hills, and the City of Saratoga. In addition, the Sheriff has contracts to provide law enforcement services to the County Parks and Recreation Department, the County Department of Correction, the Superior Court, Stanford University, and the Santa Clara Valley Transit Authority.

In June of 2003, the Board of Supervisors authorized total operating expenditures of \$78 million in Budget Unit 230 for FY 2002-03. The County's cost, net of revenues, amounted to approximately \$40.2 million in FY 2002-03, according to the final budget document for FY 2002-03<sup>1</sup>.

In FY 2003-04, the Office of the Sheriff has been required to reduce its budgeted operating expenditures across budget units by \$8,465,473. This was accomplished by reducing approximately one management position and 45 sworn and civilian line level personnel in Budget Unit 230 and 11 sworn and two non-sworn positions in what was Budget Unit 231. In addition to those reductions, the Valley Transportation Authority (VTA) reduced its contract with the Office of the Sheriff by \$1,048,895, resulting in the deletion of 11 Deputy Sheriffs and one Sergeant. These changes to the Sheriff's approach to providing law enforcement services in the community may affect the ability of the Department to implement some of the recommendations in this report. However, implementation of the recommendations over time will ensure more efficient resource utilization and cost recovery. Also, Budget Unit 231 "Court Custody Operations" was eliminated for FY 2003-04 and the functions were returned to their respective budget units. Therefore, comparison of revenues and expenditures between the current and previous fiscal years are not easily drawn.

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<sup>1</sup> The Office of the Sheriff reports that approximately \$31.7 million dollars in Proposition 172 monies were also received by the County to support operations, accordingly if this funding is considered a revenue specifically earned by the county to support services, the net county cost of the services provided by Budget Unit 230 would be further reduced and equal \$8.5 million.

**Table 1**

**Santa Clara County Office of the Sheriff (BU 230)  
Authorized Expenditures by Cost Center and  
Computation of Net County Cost - FY 2002-03<sup>2</sup>**

| <b>Cost Center</b>        | <b>Amount</b>     |
|---------------------------|-------------------|
| Administration            | 5,290,670         |
| Fiscal Division           | 1,022,385         |
| Detective Division        | 4,940,921         |
| Patrol Division           | 12,082,258        |
| Personnel and Training    | 6,257,606         |
| Warrants and Fugitives    | 1,439,152         |
| Westside Station          | 10,940,680        |
| Records Section           | 5,079,436         |
| Sheriff Special Ops       | 911,928           |
| Internal Affairs          | 430,587           |
| Data Management           | 2,927,598         |
| Court Security            | 20,779,486        |
| Transit Patrol            | 3,750,455         |
| Reserves Unit             | 485,200           |
| Training                  | 1,041,074         |
| Parks Patrol              | (446,625)         |
| Civil Division            | 1,486,835         |
| <b>Total Expenditures</b> | <b>78,419,646</b> |
| <b>Estimated Revenues</b> | <b>38,183,869</b> |
| <b>Net County Cost</b>    | <b>40,235,777</b> |

The following organization chart illustrates the structure by bureau and division within the Office of the Sheriff, during the period of the audit.

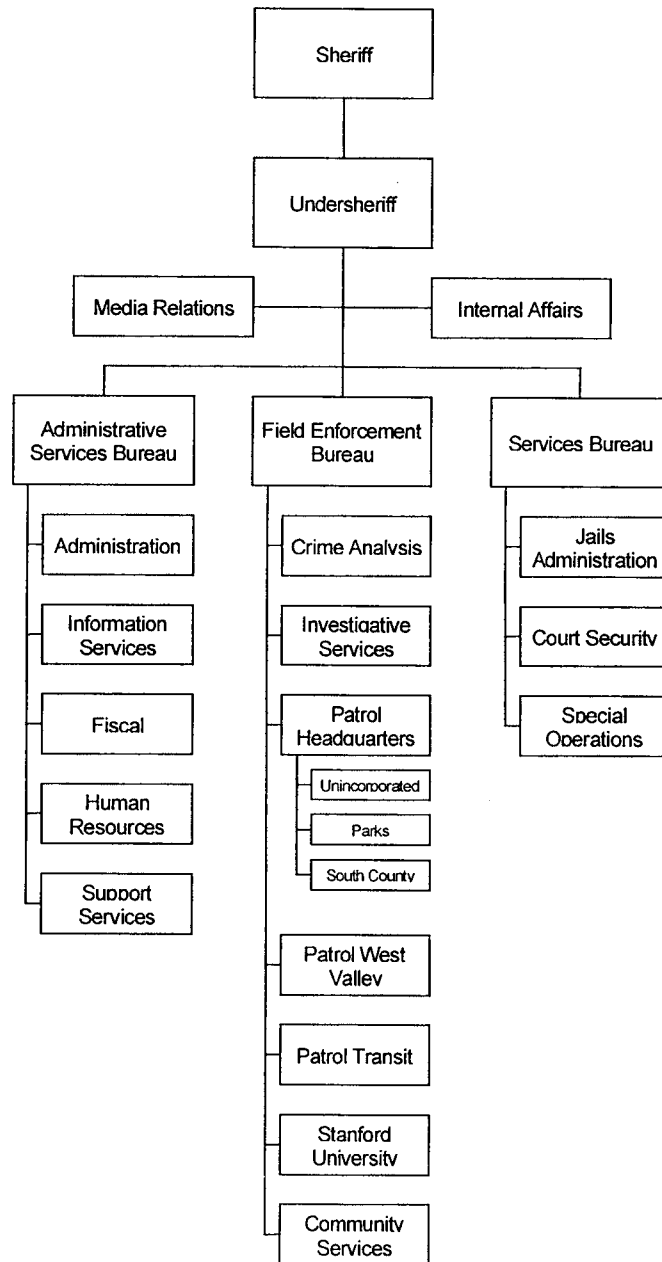
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<sup>2</sup> FY 2002-03 Final Budget



## Exhibit 1

### Santa Clara County Office of the Sheriff Organization as of January 2003



Note: The Undersheriff position was deleted in FY 2003-04.

A brief description of each of each primary organizational division is provided below:

Administration (3900)<sup>3</sup>

The Administration of the Office of the Sheriff includes the Sheriff, the Undersheriff, Commanders, Director of Administrative Services, support staff and a management analyst. Strategic, operational and budget decisions are made by staff in the Administration Division, and the office is the primary source of information and reporting to the Board of Supervisors. In FY 2002-03, the Administration Division was assigned 18 FTE positions.

Fiscal Division (3901)

The Fiscal Division staff prepare budget related documents, process receivables and payables and prepare contracts for signature, as well as maintaining proper payroll and other financial records. The Fiscal Division plays an important role given the many customers of the Office of the Sheriff and the required billing and reimbursement submissions, as well as the requirement to submit a Recommended Budget to the Administration each year. In FY 2002-03, the Fiscal Division was assigned 16 FTE positions.

Detective Division (3903)

The stated mission of the Detective Division is to “provide follow-up investigations of criminal activity, solve crimes, enable prosecution of criminals, recover property losses, and restore justice in our community in a professional, efficient, and compassionate manner.” This Division includes the Crime Processing Unit and various task forces, including the Regional Auto Theft Task Force (RATTF) and the Rapid Enforcement Allied Computer Team (REACT). In FY 2002-03, the Detective Division was assigned 42 FTE positions.

Patrol Division (3904)

The stated mission of the Headquarters Patrol division is to the “preservation of public safety by providing innovative and progressive service in partnership with the community.” The Patrol Division oversees law enforcement services in the unincorporated areas of the County, patrols the parks, and staffs the patrol desk 24-hours a day. In FY 2002-03, the Patrol Division was assigned 109 FTE positions. The Patrol Division also supports the South County Substation in San Martin, which provides unincorporated patrol, a detective unit, and other law enforcement services to the South County area. The Patrol Division also provides Livescan fingerprinting services.

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<sup>3</sup> Division descriptions were drawn from the FY 2002-2003 Final Budget, the 2002 Service Quality Annual Report, the Sheriff Budget Reduction Document and a memo to the Board regarding the history of the Office of the Sheriff Funding.

Personnel and Training (3905)

The Personnel and Training Division performs background check and other investigative checks on potential recruits, manages the human resources and training function in the Department and provides support and direction to recruits attending the Academy to maximize their success in graduating and becoming deputies. In FY 2002-03, the Personnel and Training Division was assigned 99 FTE positions. This total includes 75 training codes and 13 coded positions related to medical leave, leaving 11 staff who work in the Personnel and Training Division on a regular basis.

Warrants and Fugitives (3906)

The Warrants and Fugitives Division serves felony and certain misdemeanor warrants within the County, provides extradition transportation to out of state fugitives and provides dignitary protection when requested by the Secret Service. In FY 2002-03, the Warrants and Fugitives Division was assigned 14 FTE positions.

Westside Station (3907)

The Westside station provides law enforcement services to the cities of Cupertino, Los Altos Hills and Saratoga, certain unincorporated areas and assists in the contractual law enforcement services provided to the Parks and Recreation Department. Located in the city of Saratoga, the substation houses a Livescan fingerprinting unit and other enhanced law enforcement functions, including the traffic accident review and analysis team. In FY 2002-03, the Westside Station was assigned 88 FTE positions.

Records Section (3909)

In FY 2002-03, the Records Section was assigned 67 FTE positions. The Records Section maintains important paper and electronic records of criminal activity, warrants, statistical information regarding the incidence of crime in Santa Clara County and other documents. As a 24-hour operation, the Records Section includes primarily civilian staff available to patrol deputies to confirm warrants and otherwise support the provision of law enforcement activities.

Sheriff Special Ops (3910)

The Special Operations Division, has as its stated mission “ to serve as an asset to the Enforcement and Service Bureaus by providing special unit resources, training aids, intelligence information and the coordination of Mutual Aid and critical incident management.” In FY 2002-03, the Special Operations Division was assigned nine FTE positions.

Internal Affairs (3912)

Internal Affairs conducts administrative investigations as assigned by the Sheriff or the Undersheriff. Further, citizen’s complaints of alleged misconduct by officers and civilian staff are investigated as are major incidents involving the officers such as officer

involved shootings. In FY 2002-03, the Internal Affairs Division was assigned four FTE positions.

#### Data Management (3913)

The Data Management Division maintains the entire set of computer and other technological systems in the Department, many of which are crucial to effectively providing law enforcement services, including the Sheriff's Law Enforcement Telecommunications System (SLETS) the Records Management System and the Department's Local Area Network. In FY 2002-03, the Data Management Division was assigned 11 FTE positions.

#### Court Security (3914)

The Office of the Sheriff maintains security in all Superior Court buildings in the County and Sheriff Deputies act as bailiffs in courtrooms. The contract relies on reimbursement by the State to the Courts under Trial Court funding. In FY 2002-03, the Court Security Division was assigned 237 FTE positions.

#### Transit Patrol (3919)

The Transit Patrol Division provides law enforcement services to the Valley Transportation Authority (VTA) on buses and light rail trolleys. These services are provided in collaboration with the Security Division of VTA and the private security firm to which VTA contracts on an ongoing basis. In FY 2002-03, the Transit Patrol Division was assigned 31 FTE positions but was reduced by eleven deputies and a sergeant in response to VTA budget decisions.

#### Civil Division (3929)

The Civil Division executes levies and serves civil bench warrants, as well as serving or executing all civil processes and notices given to the Sheriff by the Court and/or the public. In FY 2002-03, the Civil Division was assigned 18 FTE positions.

#### Community Services (3934)

This unit fosters partnerships with the community and develops long-term solutions to community problems. The unit facilitates and educates office personnel and the community on the principles of Community Problem Oriented Policing, and participates in community events, community education, youth events, and youth education (such as the DARE program). The Reserve Deputy Sheriff and Civilian Volunteer programs also operate from this unit. In FY 2002-03, the Community Services Unit was assigned six FTE positions.

#### Jail Administration Division (JAD)

The Jail Administration Division consists of two separate sections: (1) Supervision and Security, and (2) Transportation. Supervision and Security consists of 16 Sheriff's sergeants providing law enforcement and criminal investigations for the Department of

Correction, and a Perimeter Patrol section, which provides security of jail facility perimeters. The Transportation section of JAD is responsible for: the daily transportation of inmates to and from court and medical appointments, emergency transports, prison movement and any other necessary inmate movement,

In addition to the cost centers previously described, the Office of the Sheriff has a Reserves Unit (3922), a Training Unit (3923,3924) and a specific Parks Patrol (3927).

## **Office of the Sheriff Accomplishments**

Management Audits typically focus on opportunities for improvements within an organization. Therefore, Section 7.43 and Section 7.44 of the Government Auditing Standards, 1994 revision (GAS), published by the United States General Accounting office, require that the Management Audit report include “noteworthy management accomplishments” to provide a more balanced perspective on operations.

Accordingly, this section of the Introduction summarizes some of the current noteworthy accomplishments of the Office of the Sheriff. In order to allow the Sheriff to highlight those accomplishments she feels are the most noteworthy, audit staff requested and received a list of accomplishments from the Sheriff. This list of accomplishments is included with this report as Attachment I.1 to the Introduction.

Some of the more noteworthy Office of the Sheriff accomplishments are provided below:

- In the area of organizational leadership, the Office of the Sheriff has created and taught a Mission statement and set of Core Values to staff, completed a baseline and follow-up workforce inventory survey and revised the set of General Orders.
- In the area of Community Relations and Service Delivery, the Office of the Sheriff has focused on Community Oriented Policing, including School Resource Officers.
- In the areas of Fiscal Management and Employee Development, the Office of the Sheriff has been awarded grants and other outside revenues and successfully recruited and hired new staff.
- In the area of Critical Incident Preparedness, the Office of the Sheriff has provided First Responder Training for deputies and purchased equipment for use by all Department staff acting as First Responders.
- In interviews with representatives of other jurisdictions for whom the Sheriff provides contract law enforcement services, the Office of the Sheriff was praised for its professionalism and attention to the local priorities of each community it serves.
- The Office of the Sheriff continues to have strong fiscal management and has moved aggressively in recent years to enhance its information technology capabilities.

- During the period of the audit, the Office of the Sheriff successfully managed a significant number of retirements, and was able to hire and train approximately 200 deputy sheriffs (replacement personnel) in a timely manner.

## Topics Requiring Additional Review

In accordance with Sections 7.45 and 7.46 of the United States General Accounting Office Government Auditing Standards, certain issues identified during an audit may be brought to the attention of the Department being audited and the Board of Supervisors, even though a specific finding is not included in the report.

This report includes eight findings and associated recommendations that encompass major areas of Department operations. Included are findings related to the storage of evidence, the recovery of civil fees, activity reporting and the extradition process.

The report identifies nearly \$1.0 million in potential eventual cost savings and increased revenues, and focuses on methods for increasing patrol time, centralizing management and coordination of collateral duties, and other systemic improvements to the operations of the Office of the Sheriff. In addition, the report identifies potential cost savings related to the construction of an evidence warehouse versus the current leasing arrangement.

Discussed below are other operational issues for which we did not develop specific findings, but which present significant challenges to the Office of the Sheriff and the County. These issues should be strategically addressed in future years.

### Court Services Contract

Annually, the Santa Clara County Office of the Sheriff is allocated approximately \$4.7 million in indirect costs by the Controller's Office, as part of the County's Indirect Cost Allocation Plan. In addition, the Office of the Sheriff incurs internal administrative and support costs of approximately \$18.7 million. These two indirect cost components, amounting to approximately \$23.4 million of allocated costs, increase the direct costs of operations by 35.5 percent.<sup>4</sup>

However, the Sheriff is not charging any Countywide or department overhead costs to the Courts, due to limitations imposed by California Rules of Court 810. Because of Rule 810, we estimate that the County is subsidizing Court operations by \$1.5 million.

California Rules of Court Rule 810 clarifies the definition of "court operations," as broadly defined in Government Code § 77003 of the Trial Court Funding Act of 1985. Rule 810 identified eleven functional budget categories eligible for state funding under the Trial Court Funding Program. Rule 810 distinguishes between allowable and unallowable costs within these eleven functional categories in an attempt to ensure

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<sup>4</sup> Reported as a percentage of fiscal year 2001-02 budgeted salaries.

greater consistency in the treatment of counties. To this end, Function Eight, entitled "Court Security" addresses the Sheriffs' departmental overhead costs and Function 11, entitled "County General Services" (Indirect Costs) interprets the treatment of countywide overhead costs.

According to Function Eight, department overhead costs incurred by the Sheriff are unallowable under Rule 810 because these costs are not considered to be directly related to court security. However, the Sheriff, like all Agencies, requires a certain amount of infrastructure to be in place and staff to support that infrastructure so that they can have an ongoing operation capable of providing law enforcement services to the community, including the courts. It is unlikely that court security or other law enforcement services could be effectively provided without this administrative and management support. Additionally, the amount of infrastructure and departmental overhead costs incurred by the Office of the Sheriff is proportional to the size of its client base. For example, if the Sheriff did not provide court security services, the amount of indirect overhead costs that it incurs would be lower. In contrast to the Courts, the contract cities recognize that the Sheriff incurs a certain level of departmental overhead costs as a result of providing their city with law enforcement services and the contract cities reimburse the Sheriff for these costs. Function 11 recognizes that certain "General County Services" such as accounting, payroll, budgeting, personnel, purchasing, and county administration are rendered in support of court operations and therefore a portion of these costs should be charged to the courts. Consequently, Rule 810 considers these costs allowable, permits the County to charge the Courts and instructs the Courts to reimburse the County accordingly. However, Function 11 falls short of providing the Office of the Sheriff with full reimbursement because it does not address the portion of County Overhead costs that are allocated to the Sheriff but incurred on behalf of the Courts. For example, Function 11 does not explicitly state that a portion of county overhead costs allocated to the Sheriff are incurred as a result of providing court security services to the Courts and should therefore be reimbursed by the courts as well. We estimate this omission from Function 11 is costing the Sheriff approximately \$500,000 annually, as outlined below:

| <b>County Overhead Costs</b>   |             |
|--|-------------|
| Total FY 2001-02 county overhead costs allocated to the Sheriff via the County Allocation Cost Plan: | \$4,716,000 |
| Less: Unallowed County Dispatch, per Function 11   | -2,675,000  |
| Less: Unallowed Facilities costs, per Function 11  | -263,000    |
| Equals Total County Overhead incurred by the Sheriff and allowable under Rule 810:                   | \$1,778,000 |
| <b>Allocation</b>  |             |
| (a) Total Sheriff FTE based on 03-04 Recommended Budget:   | 819         |
| (b) Sheriff FTE assigned to Courts, per 03-04 Recommended Budget:                                    | 237         |
| (c) Percent of total Sheriff FTE assigned to Courts:   | 29%         |
| Proportion of county overhead costs allocated to the Sheriff that are in support of Court Security:  | \$515,000   |

The County should strive to be reimbursed for all of the Office of the Sheriff costs incurred as a result of providing court security services to the Courts, including overhead. Since Rule 810, Function 8 currently considers department overhead "unallowable," and Function 11 allows County Overhead but does not explicitly allow the County Overhead costs incurred by the Sheriff as a result of providing court security, Rule 810 would need to be modified to identify as allowable these costs. Modifying the Rule 810 would be accomplished by working with the Judicial Council, the policymaking body of the California trial and appellate courts.

## **Management Reporting Systems**

The Office of the Sheriff has complex and varied Management Information and reporting needs. As a County law enforcement agency, the Department must collect and report data related to the types of crimes that take place and the law enforcement services that it provides. As the contractual law enforcement agency for multiple cities and other governmental entities, including VTA and the Parks Department, the Sheriff must collect data and generate reports that are sufficient to bill these entities and satisfy the varied and changing reporting expectations of each customer.

The Office of the Sheriff should design its systems to collect essential data and should ensure the integrity of the data collected, even if the specificity required to do so results in a lesser quantity of data being collected. Our conclusion in Section One that the Activity Reporting System could be replaced by other existing systems to track what deputies do each shift and bill cities, freeing up deputies to provide direct law enforcement services, is an example of how the Office of the Sheriff could collect less data and still meet its reporting requirements.

Section One of the report also includes a discussion of the Field Interview (FI) cards. Deputies in the field fill out these cards when they interview persons not arrested in order to monitor contact with individuals who may eventually be sought for questioning or individuals other entities would like to locate and speak to. Improvements in the design of the FI cards have resulted in fewer cards being submitted for data entry. However, the integrity of the collected data has improved, and the resultant matches of interviewed persons to persons sought has been enhanced.

Section Two of the report describes the accumulation of thousands of cases in the Investigations Division that require review. The system, at the time of the audit, could not be efficiently utilized to filter these cases in order to determine which should be closed due to expired statutes of limitation. Therefore, case closure requires significant staff hours to accomplish.

## **Relationship With the Parks and Recreation Department**

As discussed previously, the Office of the Sheriff provides law enforcement services to the County Parks and Recreation Department under the terms of a Memorandum of Understanding (MOU), which expires on 6/30/2005. The MOU requires the Office of the Sheriff to (1) enforce laws, statutes, regulations and ordinances in the parks; (2) police the parks; and, (3) provide functional and immediate fill to County Park Rangers



to promote Park Ranger safety. Section 5.d of the MOU states that, "Park Patrol Deputies shall limit their enforcement activity to contacts related to Park patrol and Park safety, notwithstanding calls of an emergent nature." When responding to calls outside of the established Parks beats, the MOU requires that deputies "shall return to Park patrol functions as expeditiously as possible."

The Office of the Sheriff has recently provided services with eight deputies, 12-months per year. In FY 2003-04, this level of service has been reduced due to budget constraints, providing a base level of four deputies, 12-months per year, supplemented by an additional four deputies during the Parks and Recreation Department's busiest season of May through October. Total projected cost for the Office of the Sheriff services will be \$1.2 million in FY 2003-04.

According to Parks and Recreation Department personnel, the Office of the Sheriff has been inconsistently reporting activities related to parks law enforcement services. In addition, the quality of reporting that has been provided by the Office of the Sheriff has been inconsistent. The last report received by the Parks and Recreation Department during the period of the management audit was reportedly provided for the month of August 2000.

Relations between the Office of the Sheriff and Parks and Recreation personnel have been strained in recent years. The nature of these strained relations has been brought to the Board of Supervisor's attention both formally and informally over the past several years. The last formal notification was in June 2002, when the Board asked the County Executive to report on "Park Ranger and Park Deputy Relations." In November 2002, the County Executive reported that the Sheriff would work with the Parks and Recreation Department to provide improved reporting, increase patrol time within the parks, attract a greater pool of deputies with a stated interest in parks patrol, and jointly resolve of a concern regarding the rotation of deputies through the Parks and Recreation patrol program.

The concerns expressed by Parks and Recreation Department personnel, and the material provided to us regarding the existing MOU, are in striking contrast with the experiences reported by the city managers who contract with the Sheriff for law enforcement services. The causes for this discrepancy are varied. Individuals interviewed during this study indicate that a range of issues related to the public safety role of park rangers and the remote nature of the County's parks create a challenging law enforcement environment. Accordingly, it is important that the departments and County management continue efforts to minimize friction, and to emphasize the importance of ensuring that the County parks system remains a safe environment for workers and the public.

## Survey of Other Jurisdictions

One of the analytical approaches employed for this audit included a survey of the ten largest Sheriff's Departments in California, as well as Santa Clara County. Fresno, Riverside, and San Francisco Counties were contacted but refused to participate. The survey questionnaire was developed after interviews with Office of the Sheriff managers and staff, and a review of other Department records and documents. Accordingly, the questionnaire was limited to organizational and operational areas where key analytical efforts could be supplemented by the experiences and practices in other jurisdictions. The draft survey questionnaire was provided to the Sheriff for comment prior to distribution, and specific questions were added to the questionnaire and changes made to the questionnaire as suggested by the Sheriff. The counties who responded to the survey included Alameda, Contra Costa, Orange, San Bernardino, San Diego, Sacramento and Los Angeles

Where appropriate, information from the surveys has been included in various findings in this audit. It should be noted that the survey results were based exclusively on self-reported information by the various counties and the accuracy of the information reported was not audited by management audit staff. Complete survey results are provided as an Attachment to this Introduction. Copies of the full response by each jurisdiction are available upon request. Comparisons of interest from the survey include the following:

- The County of Santa Clara Office of the Sheriff had a significantly lower budget compared to the six counties that reported this information. This disparity is largely attributed to the unique law enforcement organizational structure in Santa Clara County. In Santa Clara County, a separate Department of Corrections was established to oversee operations in the County jail facilities.
- Each county department reported having a vehicle "take home" policy; an Accident Prevention Program and Accident Review Board; and a vehicle replacement policy. The details of the vehicle replacement policies varied from county to county. Four of the counties based their replacement policy on the mileage of the vehicle. Additionally, five of the seven counties established separate replacement criteria by type of vehicle. Only one county used the age of vehicle as its sole criteria for replacement.
- Five of the County departments reported that they purchase fuel from non-county private gas stations. Six of the counties allow vehicles to be taken home based on the rank of the employee. Two counties reported "take home" vehicles due to a Memorandum of Understanding. None of the counties require employees to pay for the commute costs of the take-home vehicles. Each of the counties reported providing law enforcement or security services by contract to municipalities, courts, or other governmental Agencies located within the county boundary. Each county provides tactical services to other jurisdictions as mutual aid. The Santa Clara County Office of the Sheriff contacted five of the responding jurisdictions to clarify the provision of tactical (SWAT) operations by other Sheriff offices. The respondents

confirmed that the provision of these services is either as a result of mutual aid or that the function has been integrated into the law enforcement contracts between the counties and cities as an expected service. None of the counties reported charging for these services on a fee-for-service basis. The respondents reflected a shared value of helping one another when emergencies arise. Additionally, when pre-planned events occur requiring tactical services, these costs are passed on to the entity holding the event as part of the overall cost.

- Although patrol schedules varied from county to county, each utilized non-traditional shift schedules ranging from nine to 12.5 hours per day.
- Each county reported that caseloads in the investigations division were assigned based on expertise. Of these counties, five reported that cases were also assigned on a rotating basis. Only one county reported that its cases were self-assigned by officers. Three of the counties also reported that detective cases were weighted based on the complexity of the case.
- Each of the counties reported storing evidence in a central storage facility. Five of these counties reported having multiple facilities as well. In each county, the majority of personnel working in the evidence facilities were civilian. In two of the counties, each of the positions was civilian. Each county also reported that county agencies store their evidence in a countywide storage space. One county indicated that the departments use both centralized and separate storage space.
- Six counties reported maintaining plan documents for county owned buildings in case of an emergency and/or SWAT deployment.
- Five of the counties reported that they employ civilian process servers in their civil or warrants units. Of these five counties, two indicated that the civil servers worked a flexible schedule, and one county indicated that the civil processors work weekends. Five counties reported that Deputy Sheriffs serve domestic violence restraining orders. The remaining two counties indicated that both deputies and technicians serve the restraining orders.

## **Acknowledgements**

We would like to thank the Sheriff and staff of the Office of the Sheriff for their cooperation and assistance throughout this management audit. In every part of the organization, audit staff were treated professionally by both sworn and civilian staff who participated in the audit process enthusiastically, often stating that they welcomed the opportunity to improve their performance and the overall effectiveness of the Department. In fact, audit staff worked collaboratively with sworn and civilian Office of the Sheriff staff to derive many of the complicated calculations in the report, avoiding much of the disagreement that is typically part of an exit conference and a department's response to the draft and final audit reports. Other county departments were also helpful to audit staff in carrying out audit activities and analysis.

## SHERIFF'S OFFICE ACCOMPLISHMENTS WITHIN THE PAST FIVE YEARS

In the last five years, the Sheriff's Office has completed a metamorphosis. Five years ago, we were struggling to maintain ourselves as a 20<sup>th</sup> Century law enforcement agency. Now, we are emerging into the 21<sup>st</sup> Century as a leader in the Bay Area law enforcement community. This change reflects the emphasis placed on employee development, training, and a commitment to the duties and responsibilities of the office.

### A. Organizational Leadership

- Sheriff's Leadership Development Succession
- New Working General Orders
- Reasserted Position in Search And Rescue/Mutual Aid and Homeland Security
- Morale Improvements shown through Workforce Inventory
- Integrated badge and non-badge management
- Created and taught Mission Statement and Core Values
- Task Force Participation with allied agencies

### B. Community Relations/Service Delivery

- Focus on Community Oriented Policing:
- School Resource Officers
  - Provided Teen Academies
  - Provided Community Academies
  - Revitalized Neighborhood Watch Programs
  - Established Community Service Centers
  - e-Community Alert Program
- Crime Statistics
  - Population has increased, But Crime Rates Have Decreased
- Efficiencies
  - Crime Analysis of Data for More Efficient Law Enforcement
  - Productivity Automation RMS/Radio Upgrade
  - School Site Survey for Emergency Responses
  - Time and Patrol Units Savings by Helicopter Responses

### C. Fiscal

- Increased Contracts for Policing and Security
- Fiscal Responsibility
  - Obtaining new Grants
  - New Sources of Revenues
  - Finding Alternative Funding

D. Employee Development

- Personnel and Training recruited 4,000+ and hired 200+
  - Created Mentoring Program for Development/Retention
- Sheriff's Leadership Development Program
  - Enhanced Succession Planning
- Progressive Discipline Training for all Supervisors
- Created New Appraisal System
- Early Warning System Grant
  - Risk Management
- Created Wellness Program to Reduce Employee Injuries and Illnesses

E. Critical Incident Preparedness

- First Responder Training for Deputies
- Increased Task Force Participation
- Re-established Our Position of Leadership Role for Search And Rescue, Mutual Aid and Homeland Security
  - Selected and Purchased New Equipment with Grant Funding for the Benefit and Use of all First Responders

**Survey of County Sheriff Departments  
(In order of unincorporated population size)**

|  | Santa Clara   | Alameda  | Contra Costa  | Orange   | San Bernardino   | San Diego   | Sacramento   | Los Angeles  |
|--|---|--|---|--|--|---|--|--|
| <b>1. Law Enforcement</b><br>Do you presently provide law enforcement or security services, by contract, to any municipalities, the courts, or other governmental agencies within your county?<br>Total Contracts Revenue (FY 2003)  | Yes<br>\$34,743,368   | Yes <sup>14</sup><br>\$23,007,657  | Yes <sup>15</sup><br>\$25,297,253   | Yes <sup>16</sup><br>\$92,987,934  | Yes <sup>18</sup><br>\$52,427,276  | Yes <sup>19</sup><br>\$52,892,141   | Yes <sup>17</sup><br>\$48,586,000  | Yes<br>\$323,446,148   |
| What is the size of your unincorporated area? Is overtime approved by a supervisor before overtime work occurs, or is overtime approved by a supervisor after overtime work occurs?  | 1,315 sq miles<br>102,638 population<br>Before and After                                    | 813 sq miles <sup>20</sup><br>138,400 population<br>Before   | 147,000 population<br>Before  | 162,700 population<br>Before and after   | 19,256 sq miles<br>292,600 population<br>Before  | 3,417 sq miles<br>442,519 population <sup>31</sup><br>Before and After  | 854 sq miles<br>593,910 population<br>Before and After                         | 3,162 sq miles<br>1.2 million population<br>Before and After   |
| Do you presently provide tactical services to other jurisdictions (e.g. Search and Rescue, SWAT, aerial surveillance, bomb squad, canine, and etc.)?<br>What is the primary scheduling structure (i.e. 8/10/12 shift) under which patrol services are provided?                                | Yes<br>4/110  | Yes<br>4/12 every other week and 4/10  | Yes<br>3/12 and 9/80  | Yes<br>3/12  | Yes<br>5/B, 4/10, 3/12   | Yes<br>12.5 hr/day<br>85 hour pay period  | Yes<br>4/10  | Yes<br>8/10/12   |
| 1) How do you track the activity of Sheriff Deputies while on patrol and 2) how is this information used to generate charges to contract cities and other entities?<br>Are staff overlaps (hours or days) scheduled to correspond with days or hours of high crime activity/calls for service? | 1) Activity Reporting System 2) Total hours reconciled against estimates<br>Yes             | 1) CAD center creates daily unit history 2) Contract cities are charged agreed-upon annual fee for services per contract 1) CAD system 2) monthly reports<br>Yes | 1) CAD center creates daily unit history 2) Contract cities are charged agreed-upon annual fee for services per contract<br>Yes | 2) Contract city charges based on annual position costs, information on actual patrol activity not used to calculate charges.<br>Yes | 1) CAD System tracks activities 2) Entities charged on a minute-by-minute basis. Contract services are flat rate.<br>Yes                                   | 1) CAD track beat factor 2) Contract compliance by hour<br>Yes  | 1) CAD System<br>Yes   | 1) Patrol units complete daily work sheet generated by computer in each radio car 2) Department charges service time to "reporting districts."<br>Varies according to needs of patrol station<br>Yes |
| 1) How do Officers' record time away from their primary duties when they are in training and/or field deployment for specialized units such as bomb squad work, dive squad, off road motorcycle work, etc. and 2) how are these staff costs allocated?   | 1) Varies 2) Varies   | 1) Recorded using timesheet entries/ overtime cards. 2) Costs allocated to member's assigned unit.<br>No   | 1) Recorded on an overtime or release time basis. 2) Costs allocated per budget.<br>Yes   | Varies depending on number of factors, including whether overtime is being charged.<br>Yes   | 1) Assignments to other duties beyond patrol function are coded by pre-assigned numbers 2) Budget transfers are completed by station payroll clerks<br>Yes | 1) Payroll codes, patrol logs denote variations in primary duties. Specialized staff are staffed with deputies. It is not a collateral duty.<br>Yes | 1) On-duty hours or overtime if appropriate<br>Yes                             | 1) Specialized positions are full-time positions<br>Varies by assignment   |
| <b>2. Investigations Division</b><br>How are caseleads managed in the Investigations Division of your Sheriff's Department?<br>Assigned on a rotating basis<br>Assigned based on expertise<br>Self-assigned by Officers<br>Other   | Varies by assignment<br>Yes<br>Yes<br>Yes   | No<br>Yes<br>No  | Yes<br>No<br>No   | Yes<br>Yes<br>No   | Yes<br>Yes<br>Yes <sup>21</sup>  | Yes<br>Yes<br>No  | Yes<br>Yes<br>No   | Yes<br>Yes<br>Yes  |
| How many active and inactive cases does each detective typically carry and how often do cases receive supervisory review?  | Depends on Unit 138 (average)   | 50   | Depends on unit 1-3 homicide 25-50 property   | Depends on unit 1-2 homicide 250-400 economic crimes/fraud   | Varies by assignment <sup>23</sup>   | 15 a month  | Varies by assignment 25-35 per month   | Varies by assignment   |
| Active   | Depends on Unit 412 (average)   | 150  | Property detectives have many cases that are reactivated by arrest or working lead  | at beginning and end. Homicide and sex crimes cases reviewed throughout case.  | Varies by assignment <sup>24</sup>   | 2 1   | 50+ clearance. One stationhouse Sgt. reviews approximately 500 cases per month | No   |
| Inactive   | Reviewed when change in case status is requested, prior to closure, and on a regular basis. | Daily  | ---   | ---  | Varies by assignment <sup>25</sup>   | Monthly   | Yes, by complexity   | No   |
| Supervisory Review<br>Are detective cases weighted or categorized according to complexity or according to the expected time necessary to investigate the case?   | Yes   | No   | No <sup>26</sup>  | Yes  | No   | Yes, by complexity  | Yes  | No   |

**Survey of County Sheriff Departments  
(In order of unincorporated population size)**

|  | Santa Clara   | Alameda       | Contra Costa                          | Orange         | San Bernardino  | San Diego              | Sacramento     | Los Angeles              |
|--|---------------|---------------|---------------------------------------|----------------|---|------------------------|----------------|--------------------------|
| <b>3. Facilities</b><br>Does your Sheriff's Department provide facility security assessments on county owned or operated buildings?  | Yes           | Yes           | No                                    | Yes            | The Office of County Safety and Security provides security/vulnerability assessments of county facilities, investigates workplace threats, and oversees county security guard contract. | Yes                    | No             | No                       |
| How do you store your evidence?<br>In a central storage facility?  | No            | Yes           | Yes                                   | Yes            | Yes   | Yes                    | Yes            | Yes                      |
| In multiple facilities?  | Yes           | No            | Yes <sup>67</sup>                     | Yes            | Yes   | Yes                    | No             | Yes                      |
| Please provide evidence facility staffing detail (sworn and civilian) showing staff positions, rank, FTE, and job classification title.  | 3<br>0        | 3<br>0.25     | 8.5<br>0                              | 7<br>1         | 5<br>4  | 26<br>0                | 9<br>3         | 28<br>1                  |
| Does your Sheriff's Department maintain plan documents for any County owned buildings in case of an emergency and/or SWAT deployment?<br>Do County Agencies or Department store their evidence in a countywide centralized storage space or does each maintain its own separate evidence storage facility? | No            | Yes           | Yes, floorplan<br>No, full blueprints | Yes            | Yes   | Yes                    | Yes            | No                       |
| <b>4. Warrants/Civil</b>   | Separate      | Separate      | Separate                              | Separate       | Separate and Centralized  | Separate <sup>68</sup> | Separate       | Separate and Centralized |
| <b>NO. OF ANNUAL WARRANTS ISSUED:</b>  |               |               |                                       |                |   |                        |                |                          |
| <i>Bench</i>   |               | 30,912        |                                       |                |   | 32,721                 |                |                          |
| Felony   |               |               |                                       |                |   |                        |                |                          |
| Misd. Over \$5.0K  |               |               |                                       |                |   |                        |                |                          |
| Misd. Under \$5.0K   |               |               |                                       |                |   |                        |                |                          |
| Traffic & other infractions  |               |               |                                       |                |   |                        |                |                          |
| <i>Arrest</i>  |               | 5,597         |                                       |                |   | 9,893                  |                |                          |
| Felony   |               | 2,335         |                                       |                |   | 18,057                 |                |                          |
| Misd. Over \$5.0K  |               | 3,262         |                                       |                |   | Not Tracked            |                |                          |
| Misd. Under \$5.0K   |               | 18,989        |                                       |                |   | 3,133                  |                |                          |
| Traffic & other infractions  |               |               |                                       |                |   |                        |                |                          |
| <i>Total</i>   | 5,410         |               | 2,275                                 | 11,026         | 6,852   |                        | 12,304         |                          |
| Felony   | 7,644         |               | 17,210                                | 58,062         | 6,675   |                        |                |                          |
| Misd. Over \$5.0K  |               |               | Included above                        | Included above | 176   |                        |                |                          |
| Misd. Under \$5.0K   |               |               | 4,515                                 | 2,515          | 0   |                        |                |                          |
| Traffic & other infractions  | 12,183        |               | 24,000                                | 71,603         | 13,703  | 63,804                 | 142,436        | 108,000                  |
| <b>TOTAL NO. OF ANNUAL WARRANTS:</b>   | <b>25,237</b> | <b>61,095</b> | <b>24,000</b>                         | <b>71,603</b>  | <b>13,703</b>   | <b>63,804</b>          | <b>142,436</b> | <b>108,000</b>           |
| <b>NO. OF OUTSTANDING WARRANTS:</b>  |               |               |                                       |                |   |                        |                |                          |
| <i>Bench</i>   |               | 33,388        |                                       |                | Not reported  | 45,286                 |                | 217,824                  |
| Felony   |               |               |                                       |                |   |                        |                |                          |
| Misd. Over \$5.0K  |               |               |                                       |                |   |                        |                |                          |
| Misd. Under \$5.0K   |               |               |                                       |                |   |                        |                |                          |
| Traffic & other infractions  |               |               |                                       |                |   |                        |                |                          |
| <i>Arrest</i>  |               | 5,277         |                                       |                |   | 17,147                 |                | 81,208                   |
| Felony   |               | 1,450         |                                       |                |   | 24,559                 |                |                          |
| Misd. Over \$5.0K  |               | 3,827         |                                       |                |   | Not Tracked            |                |                          |
| Misd. Under \$5.0K   |               | 29,900        |                                       |                |   | 3,035                  |                |                          |
| Traffic & other infractions  |               |               |                                       |                |   |                        |                |                          |
| <i>Total</i>   | 6,741         |               | 3,104                                 | 20,687         |   |                        | 4,745          | 76,393                   |
| Felony   | 36,283        |               | 23,487                                | 102,087        |   |                        |                | 186,270                  |
| Misd. Over \$5.0K  |               |               | Included above                        | Included above |   |                        |                | Included Above           |
| Misd. Under \$5.0K   | 32,108        |               | 6,162                                 | 3,797          |   |                        |                | 90,585                   |
| Traffic & other infractions  |               |               | 32,753                                | 126,571        | Not reported  | 90,027                 | 76,948         | 355,248                  |
| <b>TOTAL NO. OF OUTSTANDING WARRANTS:</b>  | <b>75,132</b> | <b>73,842</b> | <b>32,753</b>                         | <b>126,571</b> | <b>Not reported</b>   | <b>90,027</b>          | <b>76,948</b>  | <b>355,248</b>           |

**Survey of County Sheriff Departments  
(In order of unincorporated population size)**

|  | Santa Clara   | Alameda                              | Contra Costa                  | Orange   | San Bernardino  | San Diego   | Sacramento   | Los Angeles   |
|--|---|--------------------------------------|-------------------------------|--|---|---|--|---|
| Do you employ civilian process servers or technicians in your civil and warrants units?  | Yes   | No                                   | No                            | Yes  | Yes   | Yes   | Yes  | Yes   |
| If yes, for what functions?<br>schedule?   | Single process/non-enforcement  | ---                                  | No                            | Single process/non-enforcement                                 | Civil papers only, not warrants   | For subpoenas & non-confrontational processes             | For subpoenas, wage and bank levies, and any other documents not required by law to be served by a sworn officer <sup>22</sup> | Yes   |
| Do civil processors work weekends?   | No  | ---                                  | No                            | No   | Yes   | No  | Yes  | No  |
| Who serves all your domestic violence restraining orders for the entire county?  | Civil Section Deputy Sheriffs   | Civil Section Deputy Sheriffs        | Deputy Sheriffs <sup>30</sup> | Sheriff's Department - both deputies and technicians           | Civilian technicians, if no threat of violence. Otherwise, Sheriff's Deputies | Deputy Sheriffs   | Civil Division Deputies  | Deputies  |
| <b>5. Fleet</b>  |   |                                      |                               |  |   |   |  |   |
| Do you have a vehicle "take home" policy?  | Yes   | Yes                                  | Yes                           | Yes  | Yes   | Yes   | Yes  | Yes   |
| Are any sworn personnel provided with take home vehicles as a part of an employment agreement or other benefit packages?                 | Yes   | No                                   | No                            | Yes  | Yes   | No  | Yes  | Yes   |
| Please specify the number of vehicles currently assigned to your Sheriff's Department, by the following categories:                      |   |                                      |                               |  |   |   |  |   |
| Marked Patrol Vehicles   | 146   | 59                                   | 115                           | 191  | 285   | 469   | 319  | 1,742   |
| Unmarked Patrol Vehicles   | 106   | 123                                  | 14                            | 251  | 366   |   | 18   | 743   |
| Trucks (Patrol Vans, On-Scene Investigations, RV's, etc.)  | 7   | 80                                   | 19                            | 489  | 143   | 17  | 197  | 300   |
| Motorcycles  | 18  | 6                                    | 9                             | 25   | 29  | 21  | 19   | 112   |
| Bicycles   | 14  | 6                                    | 5                             | 20   | 30  |   | 45   | 150   |
| Other (please specify type)  | 12 (Misc)   | 63 <sup>4</sup>                      | 0                             | 77 <sup>5</sup>  |   |   | 391 <sup>6</sup>   | Decoy 28<br>Reliev 309                                |
| Does your County's Sheriff Department have a vehicle Accident Prevention Program and Accident Review Board?                              | Yes   | Yes                                  | Yes                           | Yes  | Yes   | Yes   | Yes  | Yes   |
| Does your County have a policy regarding vehicle replacement?  | Yes   | Yes                                  | Yes                           | Yes  | Yes   | Yes   | Yes  | Yes   |
| If yes, what is the actual replacement cycle of your vehicles?   | Patrol - 5yrs/95,000 miles, sedan - 8yrs/90,000, passenger vans - 8yrs/90,000, cargo vans - 10yrs/95,000, buses - 10yrs/100,000 miles | 2 years Patrol<br>5 years All others | 3 years or 90k miles          | 95k-105k Patrol & Invest.<br>200k Statewide vans<br>600k Buses | 80k miles Unmarked vehicles<br>80k-100k miles Marked vehicles                 | Varies according to use and type of vehicle, <sup>8</sup> | 100k miles Patrol<br>65k-100k miles U/C vehicles   | 100k miles black & white<br>120k miles solid vehicles |
| Please provide the number of vehicles deployed by Division, Unit, District, and/or Stations:   |   |                                      |                               |  |   |   |  |   |
| Division/Unit  | Total 356 - numbers vary by division  | 186<br>49                            | 318                           | 793  | Number of vehicles vary from station/division                                 | 573<br>128  | 618  | Current count unavailable                             |
| District   |   | 102                                  |                               |  |   | 576   |  |   |
| Stations   | Yes, in emergencies   | No                                   | Yes                           | Yes  | Yes   | Yes   | No   | Yes   |
| Does your Department purchase fuel from non-county, private gas stations?  |   |                                      |                               |  |   |   |  |   |
| Please provide the numbers, and reasons vehicles are permitted to be taken home:   |   |                                      |                               |  |   |   |  |   |
| On Call Response Requirement   | 37  | 10 <sup>9</sup>                      | 2                             | 20   | 30  | 421   | Yes  | 328   |
| MOU Agreement  | 14  | 0                                    | 37                            | 6  | Yes <sup>10</sup>   | 48  | Yes  | 125   |
| Rank   | 12  | 24                                   | 31                            | 20   | 11 <sup>11</sup>  | 89 <sup>12</sup>  | Yes  | 118   |
| Other  |   |                                      |                               |  |   |   |  |   |
| Does your County require employees to pay for the commute costs of take-home vehicles?   |   | No                                   | No                            | No   | No  | No  | No   | No  |
| <b>6. General Information</b>  |   |                                      |                               |  |   |   |  |   |
| Department Budget FY 2002-2003 <sup>30</sup>   | \$38,183,869  | \$106,100,938                        | \$90,248,581                  | \$294,727,052  | \$159,288,512   | \$393,494,445   | \$142,568,890  | This has occurred in the past, but not recently.      |
| Has the Board authorized positions, without providing corresponding funding, to provide your department with greater hiring flexibility? | No  | No                                   | No                            | No   | Yes   | Yes, depending on circumstances                           | Yes <sup>2</sup>   | Yes   |
| If funded, does the funding cover all academy and field training costs?  | No <sup>3</sup>   | ---                                  | ---                           | No   | N/A   | Yes   | Yes  | No  |



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|--|-------------|-------------------|--------------|-------------|----------------|--------------------|-------------------|--------------|
| What amount of funding did your Department receive in grant revenue during FY 2002?                          | \$1,677,244 | \$4,808,000       | ---          | \$5,304,346 | \$6,023,308    | \$14,271,252       | \$13,864,702      | \$12,077,942 |
| Does your Sheriff's Department own and operate a Livescan machine(s) or other digital fingerprinting device? | Yes         | Yes               | Yes          | Yes         | Yes            | Yes                | Yes               | Yes          |
| If yes, please provide the following information:  |             |                   |              |             |                |                    |                   |              |
| Number of devices:   | 5           | 31                | 3            | 30          | 42             | 17                 | 11                | 83           |
| Number of fingerprints annually collected:   | 30,021      | 79,540            | 25,000       | 96,000      | 136,700        | 80,079             | 16,783            | 350,000      |
|  | 327,474     | Less than \$5,000 | \$95,000     | \$33,434    | \$53,000       | None <sup>13</sup> | Approx. \$195,000 | \$19,000     |
| <b>Checklist of Documents</b>  |             |                   |              |             |                |                    |                   |              |
| Organizational Chart   | Yes         | Yes               | Yes          | Yes         | Yes            | Yes                | Yes               | Yes          |
| Budget Revenue for FY 2001-2002 and 2002-2003  | Yes         | Yes               | Yes          | Yes         | Yes            | Yes                | Yes               | Yes          |
| Actual expenditures for FY 2001-2002   | Yes         | Yes               | Yes          | Yes         | Yes            | Yes                | Yes               | Yes          |
| Policies and Procedures and General Orders - T&C   | Yes         | Yes               | Yes          | Yes         | Yes            | Yes                | Yes               | Yes          |
| Policies and Procedures - Civil Process Servers  | Yes         | No                | No           | No          | Yes            | No                 | Yes               | Yes          |
| Home   | Yes         | Yes               | Yes          | Yes         | Yes            | Yes                | Yes               | No           |

**Notes:**

- 1) Documents provided:
  - a) Detailed organizational chart with authorized staffing by division and functional unit
  - b) Budgeted revenue for FY 2001-2002 and 2002-2003
  - c) Actual expenditures for FY 2001-2002
  - d) Table of contents from General Orders and/or Administrative Policies and Procedures manuals
  - e) Policy regarding the use of civilian personnel to serve papers
  - f) Any policies or collective bargaining agreements, which allow personnel to take home County vehicles
- 2) Sacramento County has 50 unfunded Deputy Trainee positions used for law enforcement academies.
- 3) Alameda County's funding does not cover academy and field training costs. The County does not budget training into cost of individual positions. For instance, the academy is funded through the community college district.
- 4) Figure includes buses and vehicles for Emergency Vehicle Operations Course (EVOC)
- 5) Figure includes water tenders, generators, light towers, boats, and buses
- 6) Figure includes 313 undercover vehicles and 78 boats, air craft, special department vehicles, and buses
- 7) Figure includes Citizen on Patrol vehicles
- 8) San Diego utilizes the following estimated vehicle life for Sheriff's vehicles: 1) Patrol sedan - 4 yr/90,000 mi.; 2) Traffic motorcycle - 5 yr, 50,000 mi.; 3) Patrol 4x4 - 5 yr, 100,000 mi.; 4) U/C, Detective, and Full-size sedans; Compact and Full-size SUV; and U/C and Prisoner Van - 7 yr/100,000 mi.; 5) CSO, Compact, and Cargo Van - 10 yr/100,000 mi.; and 6) 50 passenger bus - 15 yr/500,000 mi.
- 9) The On-Call Response vehicles are included in the Rank vehicles total
- 10) The information varies by station and division.
- 11) Other categories of reasons in Contra Costa include: Civil, OES, and Tech Svs
- 12) Other categories of reasons in San Diego include: K9, motors, efficiency.
- 13) San Diego does not use its livenesscan equipment for external fingerprinting requests
- 14) Alameda contracts services to the following entities: hospital, city, transit, community college, airport, and various county departments.
- 15) Contra Costa County contracts services to the following entities: cities, transit, and courts.
- 16) Orange County contracts services to the following entities: cities, transit, airport, harbor, fairgrounds, parks, and county departments.
- 17) Sacramento County contracts services to the following entities: airport, cities, transit, county departments, and courts.
- 18) San Bernardino County contracts services to various cities within its jurisdiction
- 19) San Diego County contracts services to the following entities: cities, reservations, transit, and districts.
- 20) Information derived from supplemental document (Alameda County Vital Statistics) submitted by Alameda County.
- 21) This division contains five diverse details (Homicide, Crimes Against Children, High Tech Crimes, Polygraph, and Bombs/Arson). As such, all answers cannot pertain to all details in all situations.
- 22) In Contra Costa County, cases are categorized and assigned based on the nature of the crime and considered primary in importance. "A" cases require personal follow-up. "B" cases consist of those under \$10,000 or have little information to proceed. "C" cases are those under \$10,000 and no leads or information.
- 23) Homicide investigator caseloads averages 8-10 new cases each year plus all unsolved cases from the previous year. Additionally, the investigator assists team with an averages 25-30 cases a year. Crimes Against Children Investigator caseloads average 70 cases per year, anywhere from 15-20 cases at one time. Polygrapher conducts 250-300 examinations per year. High-tech Investigator caseloads are approximately 200 active cases. Bomb/Arson Investigators average 105 caseloads.
- 24) Homicide, Hi-Tech, and Bomb/Arson cases are never inactivated.
- 25) Homicide cases receive ongoing supervision from sergeant. Crimes Against Children cases are spot supervised depending on priority, seriousness, and complexity and thoroughly reviewed upon completion. All polygraph examinations are reviewed. Hi-tech and Bomb/Arson cases are sporadically reviewed on an as needed basis, with final work being reviewed.
- 26) Each case is assigned by the unit supervisor taking into consideration a balance of area of responsibility and caseload
- 27) In Contra Costa County, five (5) contract cities store some evidence/property at their location.
- 28) In San Diego, evidence is sent to the Sheriff's Evidence facility if needed for analysis; after analysis, then it is sent back to other agencies
- 29) Contra Costa County does not maintain annual records for individual warrants.
- 30) Deputy Sheriffs serve domestic violence restraining orders for a fee or no charge if protective party has a fee waiver.
- 31) Information derived from 2000 Census, Demographic Profile, U.S. Census Bureau. Tabulated by SANDAG/SourcePoint. June 13, 2001.
- 32) Information derived from Sacramento County Sheriff's Department - Civil Division - Mission and Staffing.  
<http://www.sacsheriff.com/divisions/civil/mission.cfm>

# 1. Activity Reporting System

- The Activity Reporting System (ARS) is a time consuming and possibly unnecessary administrative function. Patrol staff spend as much as 24,000 hours each year recording, entering and uploading activity data into the system. This estimate does not include additional administrative time necessary to complete other required reports. Alternatives exist to reduce administrative duties for sworn personnel and make more hours available for direct law enforcement services.
- The Office of the Sheriff ARS contains over 200 different procedure codes and requires patrol deputies to spend as much as 50 minutes each shift recording and entering data. The reports generated by ARS contain excessive information not regularly utilized by contract entities. Multiple other systems and management tools exist to monitor activity, including data regularly recorded by the GSA County Communications Dispatch Center. The staff time required each year to populate the Activity Reporting System may represent as much as 14 full-time deputies, equal to \$2.4 million dollars in staff costs, a portion of which could be converted to patrol time.
- Negotiating changes and a standard format in the reports provided to contract entities to eliminate the ARS would increase available direct law enforcement time. As an alternative recommendation, the Sheriff should reduce the reporting requirements to the degree possible to increase patrol time and related revenue. Decreasing the amount of unnecessary information patrol staff are required to record will increase the integrity of the data that is collected, provide additional law enforcement hours and increase contract revenue.

The Activity Reporting System (ARS) database was created to replace the County Patrol Activity Network Analysis (COPANA) mainframe. Managing ARS was assumed by the Sheriff in the early 1990's from the County's Data Management System (now ISD). Interviews confirm that the primary intended use of the system is, and has been, to provide a database of information for billing contract cities for law enforcement services. Patrol staff are required to record data that categorizes activity according to a set of procedure codes, along with other data describing what they did during their shift. Deputies enter the data into a laptop computer and subsequently upload the data into the Department's ARS database after each shift using a diskette. During interviews, Sheriff staff almost unanimously indicated that they would like to see the use of the ARS discontinued. However, management advised us that doing so would require agreement by the contract cities and some alternative method to record hours of law enforcement provided to each jurisdiction and other management information. In a draft Business Impact Analysis Report a ranking of the most critical each computer application was made. Applications were ranked as *critical*, *essential* or *important*. The CJIC system, SLETS, CLETS and the Records Management System (RMS) discussed elsewhere in the report were ranked as *critical*, meaning that these applications would have to be restored within one day or less. Other applications, such as STARS and

PeopleSoft were ranked as *essential*, denoting that these applications would need to be restored within two to three days. No applications received the *urgent* ranking denoting the application should be restored within four to five days. The lowest ranking of *important*, based on availability of alternate processing methods, potential loss in revenue and productive hours and regulatory or statutory impact, was assigned to the Activity Reporting System, along with Norton AntiVirus and Microsoft Office. This finding refines this assessment of the relative importance of ARS and quantifies the time and costs to populate the system with data. The recommendations provide an opportunity for the Office of the Sheriff to renegotiate standard reporting of service and activity data to its customers, thereby freeing up additional patrol staff at no cost, and decreasing the amount of unnecessary information patrol staff are required to document each shift.

### **Use of the Activity Reporting System**

ARS and the data contained in the system are used in a variety of ways to meet contractual requirements, provide required reports to the Department of Justice or as a tool in the monitoring and evaluating employee performance.

#### *Contract Cities (Cupertino, Saratoga and Los Altos Hills)*

Each of the three contract cities reimburse the Office of the Sheriff and the County for a portion of the contract total on a monthly basis, based in part on recommendations included in a previous management audit of the Office of the Sheriff. The Director of Administrative Services has constructed a method to calculate hourly rates that are then applied to a documented set of law enforcement services provided to each contract city. At year-end, total charges are reconciled to the total hours of services provided, and the Office of the Sheriff refunds each city an amount representing the difference between the amount received and the actual amount due. City managers and city councils are provided monthly reports from the Office of the Sheriff per contract language that such reports will include the incidence both of "crime and 'activity' and 'patrol' hours expended" each month. These reports include multiple pages of activity data and a narrative of the significant events. Each city manager also receives a weekly report that includes a narrative of major events that occurred in their community. The Office of the Sheriff staff contact city managers immediately when a major injury or death occurs in their city. Audit staff met with each of the contract city managers to ascertain their overall satisfaction with the Sheriff Department as their local law enforcement agency. City managers all reported definite and certain satisfaction with the law enforcement services being provided to them by the Office of the Sheriff, both in terms of service delivery and value. The city managers reflected a shared desire to manage the contracts functionally, but not as specifically as reviewing the number of minutes each deputy spent each shift, in each city, on each day of the year. The section of the monthly report most useful to the city managers is the narrative log of significant events that took place and a weekly narrative account of events. While ARS is presently used to aid in the preparation of these reports, such reports could be provided without the ARS using alternative sources discussed later in this finding. The Office of the Sheriff has focused its efforts on providing excellent law enforcement and customer service to its contract city partners, and managers related confidence the Office of the Sheriff has, and would respond to each and every request made by the city. The provision of consistent

customer service and professional law enforcement has engendered trust between the Office of the Sheriff and the contract cities that was obvious in each of the city manager interviews. Because of this trust, we believe an opportunity exists for a change in the billing structure, the reporting of data and discontinuation of the ARS. It is reasonable to conclude that the managers and council members of the Sheriff's contractual partners would be willing to consider changes that would increase patrol time available to their jurisdictions. The process recommended at the conclusion of the finding includes a provision for contract cities to request and receive reports in addition to the standard set of reports the Department will develop, and to be charged for the costs to collect, analyze and present the data requested.

The Department relies on ARS information to make deployment decisions in the contract cities, adjusting patrol staff assignments according to the current and projected amount of service and contract revenue. Staff interviewed questioned the accuracy of the data reported to each contractual entity and reported that the system was too complicated and cumbersome to provide data to the degree that it is applied. Staff at the West Valley substation displayed an excellent knowledge of the specific deployment needs of the cities and other beats and appear capable of providing contracted services without relying on the data provided by the ARS.

#### *Department of Justice*

The Office of the Sheriff submitted a demographic contact report to the California Highway Patrol for the period May 1, 2001 to April 30, 2002 in which Sheriff traffic contacts were compared to population demographics, and the demographics of different types of drivers was stratified by ethnicity. Information Technology staff of the Office of the Sheriff indicate the report relies on data from ARS, but that no auditing of the data is performed to validate its accuracy.

#### *Parks and Recreation Department*

Recent changes in the calculation of charges to the Parks Department by the Sheriff prompted Parks to request more specific and detailed information regarding activity of Parks Deputies. Specifically, Parks staff sought to confirm that deputies were providing adequate coverage of the parks and responding to calls in a timely manner. The Parks Memorandum of Understanding (MOU) with the Sheriff, executed on September 3, 2002, covers the period July 1, 2002 through June 30, 2005 and specifies that Parks will be provided crime reports and reports "denoting types of patrol and contact activities." The Parks Department reported that as of January 7, 2003 they had not received reports in accordance with this section of the MOU. Reports that were provided by the Office of the Sheriff to the Parks Department in 2000 included individual daily activity summary sheets for Park Deputies. While these reports may have been helpful to profile the individual activity, the data from ARS was not presented in a manner that summarily quantified the activity by the Office of the Sheriff for the Parks Department in the reporting period. Each of the reports we examined did contain a cover memo with a summary of criminal activity, similar to the Sergeant's log, including significant events in the Parks during the reporting period with names of sworn staff involved, as well as any arrests that took place. Patrol staff assigned to Parks are recording activity data currently, although these practices have not been consistent over the past several years.

We assume that the Parks Department, as another county agency, would be willing to consider alternative standard reporting methods, so long as such methods ensured Office of the Sheriff patrol personnel would spend sufficient and specified time patrolling and responding to the Park calls for service.

#### *Valley Transportation Authority*

The contract between the Office of the Sheriff and VTA is fundamentally different in its structure than the contract between the Sheriff and its other contractual partners. VTA purchases FTE positions not hours, and a general understanding between the two parties is that Transit assigned deputies will spend, on average, 85 percent of their time patrolling VTA areas and responding to VTA calls for service. In FY 2003-04 VTA has reduced its contract with the Sheriff by five deputy sheriff positions effective July 2003 and elimination of six deputy sheriffs and one sergeant effective October 2003. Regardless of the size of the contract, we presume VTA will continue the contracting structure that maximizes patrol time and minimizes administrative tasks. Command staff of Transit Patrol indicate they have begun to fully record their activity in the ARS at the request of Sheriff Administration, and that they previously had not collected and recorded activity reporting system data. The decision to not fully record activity using the ARS was made because alternative information is available from the County Communications CAD system and because of other special transit reporting that is conducted by the Sheriff using VTA's system. The VTA Security Chief expressed satisfaction with the law enforcement services provided by the Office of the Sheriff and described the efforts of VTA to supplement law enforcement related functions, such as County Communications and incident reporting. We conclude that VTA would argue for recognition of the infrastructure and their own processes already in place to record activity, and the continued use of the methodology based on full-time dedicated officers, a system that is not based on ARS data.

#### *Crime Analysis Unit*

A Senior Management Analyst works in the capacity of crime analyst in the Investigations Bureau of the Office of the Sheriff, providing tactical and strategic analyses to identify crime patterns, provide synthesized information to command, investigative and patrol staff and to be available to perform specific analyses as requested. One focus of the crime analyst has been to increase the integrity of the data collected across the Department, including the standardization and normalization of information gathered by deputies in the field. An example of this effort is the improvement in Field Interview cards, as discussed later in this finding. The crime analyst uses multiple data sources when conducting analyses to confirm the accuracy of the data. She does not believe the Activity Reporting System data alone is specific enough to use for beat or deployment analysis.

## Marginal Cost of the ARS Data Collection

Patrol staff are allocated a half hour at the beginning and end of each shift to gather and prepare their field equipment, fuel their vehicles and perform various administrative duties, including recording and entering data into the activity reporting system. The contracts with cities include language that 10 percent of direct law enforcement time will be dedicated to meals, beat preparation and administrative duties necessary at the conclusion of each shift. Department staff most familiar with the ARS confirmed that there was no data available to specifically analyze the historic time spent by patrol staff to populate ARS. Audit staff rode along with deputies for a portion of their shift to better understand the responsibilities and perceptions of patrol staff. To analyze the specific time spent entering and recording data into the activity reporting system a short questionnaire was administered to 32 patrol staff across four shifts at the West Valley Substation and Patrol Headquarters, during shifts suggested by command staff. The questionnaire asked staff to report the amounts of time they spent during their previous shift recording, entering and uploading the data into the system.

Patrol staff typically use a ruler to draw lines on a notebook, on which they record summary activity information such as the time they started an activity, the address and nature of the activity. Patrol staff then use their laptop computers to enter such data into the Activity Reporting System while in the field. At the end of each shift staff will then complete the data entry process and upload the data into the system using diskettes containing the information from the shift. Some staff may even have one notebook to record information initially, from which they then write on their formal notebook, which is eventually used to enter data into their laptop for uploading to the database. Additionally, staff may be asked to provide activity information from previous shifts if such data was not provided at that time or if the shift sergeant identifies deficiencies. Finally, staff report that the uploading system sometimes malfunctions, requiring them to re-upload the data multiple times. A specific code has been established in the payroll system to capture "Laptop Related Problems."<sup>1</sup> The survey response data is presented in the table below. Six outlying responses were excluded to provide a reasonable estimate of the patrol time dedicated to the ARS:

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<sup>1</sup> PCA Code D91CR

**Table 1.1**

**Survey Responses Regarding Time to Record and  
Enter Data Into the Activity Reporting System (N=26) <sup>2</sup>**

| TIME IN MINUTES                               | AVE       | PERCENT<br>OF TOTAL | MEDIAN    | MODE      |
|---|-----------|---------------------|-----------|-----------|
| Recording data in the field in notebook       | 19        | 29%                 | 15        | 15        |
| Entering data in the field in laptop          | 19        | 28%                 | 20        | 20        |
| Entering data at the end of shift into laptop | 15        | 23%                 | 15        | 15        |
| Follow up to correct activity report data     | 4         | 6%                  | 5         | 0         |
| Uploading data into the library               | 10        | 16%                 | 10        | 10        |
| <b>INDIVIDUAL TOTALS</b>                      | <b>66</b> |                     | <b>60</b> | <b>50</b> |
| <b>SUM</b>                                    | <b>68</b> |                     | <b>65</b> | <b>60</b> |

Based on the mode of 50 minutes, the total annual time required to enter data into the activity reporting system equals 24,333 hours. Applying the supplied hourly law enforcement opportunity cost of \$100 per hour, patrol staff time equates to a total annual cost of \$2.4 million dollars to populate the ARS system with data. Dividing total hours by the Office of the Sheriff's productive hour calculation of 1680 hours, the equivalent of 14.5 full time staff are dedicated to this activity annually.

**Table 1.2**

**Annual Cost of Activity Reporting System Data Entry**

|    |   |                    |
|----|---|--------------------|
| A) | Minutes per shift to populate system with data (mode) | 50                 |
| B) | Average number of patrol shifts per day               | 80                 |
| C) | Daily Minutes expended (A * B)                        | 4000               |
| D) | Annual Minutes (C * 365 days)                         | 1,460,000          |
| E) | Hours per year (D/60)                                 | 24,333             |
| F) | FTE cost using productive hour total (E/1680)         | 14.5               |
| G) | FTE cost using total annual hours (E/2080)            | 11.7               |
| H) | <b>Annual Calculated Cost (E * \$100)</b>             | <b>\$2,433,333</b> |

<sup>2</sup> Median is defined as the value with an equal number of values below and above it; mode is the most frequently occurring value in a set of values.



Sheriff staff informally polled deputies in the past, concluding that a deputy typically enters ARS data in about 30 minutes, a number significantly lower than the mode, median and average response from our survey responses. To some extent, the differences in the estimates are immaterial to a comparison of the costs and benefits of the ARS. Whether the equivalent of seven full-time patrol staff based on a 30 minute estimate, or 14 full-time deputies, based on the 50 minute estimate, can be freed up, the system's relative value should be carefully examined by the Sheriff.

The \$2.4 million dollar figure is not an estimate of additional revenue that could be earned by the County if the ARS system was eliminated. The figure represents the patrol time cost dedicated to the function, a portion of which would presumably be made available as direct law enforcement time, rather than administrative time, if the system was reduced in scope or replaced by a system that uses other data which is already being collected and which could be compiled by administrative or management personnel.

### Alternative Data Sources

Multiple sources of activity and law enforcement service data exist other than the ARS:

**Table 1.3**

**Alternative Data Sources to the Activity Reporting System**

| <b>Data Source</b>          | <b>Department</b>               | <b>Data Description</b>                            |
|-----------------------------|---------------------------------|--|
| CAD System                  | GSA County Communications       | Event specific location, time and disposition      |
| Sergeant's Log              | Sheriff Patrol                  | Narrative of shift events                          |
| Field Sergeant Observation  | Sheriff Patrol                  | Major event details and sworn staff performance    |
| Kronos Timeclock System     | Sheriff Accounting              | Hours worked by staff at specific location         |
| Patrol Staff Self-Reporting | Sheriff Patrol                  | Hours worked per shift in each location            |
| Crime Reports               | Sheriff                         | Complaint/incident specific information            |
| Field Interview Cards       | Sheriff Patrol & Crime Analysis | Details regarding persons interviewed in the field |
| Transit Incident Reports    | VTA                             | Details regarding VTA incidents                    |

#### *County Communications Computer Aided Dispatch (CAD) System*

GSA County Communications provides dispatch services to the Office of the Sheriff, County Fire, EMS and other local government agencies such as the Parks Department and the Coroner. The costs of this service to the Sheriff are included in the County's Cost Allocation Plan, which includes the direct costs to provide these services to VTA and the contract cities. Essentially, County Comm provides the computer and radio

system and staff to dispatch and monitor patrol staff, and to maintain communication between sworn staff to ensure the safety of officers and proper allocation of patrol resources during each shift. Calls for service are assigned event numbers when Dispatch staff answer calls or when patrol officers request event numbers for self-initiated activity. For these events, detailed information regarding the location of the event, the staff involved and the disposition of the event are recorded by County Communications. County Comm provides data to the Office of the Sheriff on a regular basis regarding response time and specific details of each event. GSA County Communications reports that regular reports include five daily summary reports and two monthly reports containing information that requires significant time and expertise to extract from raw CAD data. Some data, used by Communications staff to prepare reports, is currently provided to the Sheriff's Office. GSA County Communications reports that the preparation of these reports and provision of the data to the Sheriff's office will soon be limited, based on budget reductions. Sheriff staff periodically request data files from which they construct call for service summaries, in order to report the average response time to calls being provided. The CAD system precisely records specific information for a small subset of the law enforcement activity performed by the Sheriff in the County.

Dispatch officers also respond to requests by patrol staff to check the status of individuals in terms of warrant or DMV license status. During patrol ride-alongs, management audit staff observed patrol staff calling the Sheriff's Records Division on their cell phones, rather than going through the County Comm Dispatch system. In this instance and others, Sheriff staff acknowledged the limitation of the number of radio lines and the need to keep the lines open for more urgent needs, and because they knew that calls to Dispatch would require eventual verification by Records anyway. Ideally, sworn staff will eventually be able to perform initial warrant checks on individuals and run license plates directly from laptops in their patrol cars.

The costs of GSA Dispatch are allocated across County Departments in the annual cost allocation plan; the total costs of the service per the 03-04 cost plan equal \$11,236,556. In the FY 2003-2004 cost plan, the Office of the Sheriff was allocated \$3.8 million dollars in dispatch costs. The cost share for each contract city and VTA is determined based on the proportion of dispatch activity associated with providing the dispatching service, which relates not only to time but also to complexity and degree of effort involved. The Office of the Sheriff integrates these costs into its overall hourly rate calculations, and subsequently charges the cities based on minutes of law enforcement service recorded in the Activity Reporting System.

Both County Communications and the Office of the Sheriff reported a positive and productive working relationship with the other, maintained through a monthly meeting and collaboration on technological improvements in each department. While a newer CAD system that could include Mobile Data Terminals (MDT's) and other peripheral products would be ideal, County Communications is prepared to integrate any improvements implemented by the Sheriff into the current CAD system to the extent this is possible, given workloads and schedules of programming and other key staff. Because the CAD system relates to only a subset of the activity that takes place, the two departments may be discounting the value of the precise, but limited data that is

available. This data may be one of many sources that could be used to reduce or eliminate the collection of information in the ARS.

### *Sergeant's Log*

Patrol Procedures #A2-2.1 and A2-3.2 outline the duties of sergeants and lieutenants in the Field Enforcement Bureau, including the recording of events during the shift in an "activity log." The contents of this narrative report are outlined in the procedures and include inspections performed, notable activities and meetings, as well as other events. Command staff of the Patrol Division indicated late in the field work phase of the audit that the sergeants' activity report was being discussed to better define the audience of the report and to provide more specific direction to sergeants and lieutenants regarding how to draft these reports. Given the new attention and supervision being provided to these documents, they could provide the type of information needed by city managers to monitor the law enforcement activity being provided to their jurisdictions.

### *Field Sergeant Observations*

Equipping shift sergeants with vehicles and directing them to spend time in the field allows for observation of patrol staff activity and deploys sergeants for on-site supervision of sworn staff during major events. Ironically, the move to the computerized activity report system without the wireless network reduced the time field sergeants could spend in the field. When activity reports were completed on paper, sergeants could take stacks of the reports into the field with them for review. Review of the reports under the computerized system requires sergeants to remain at Headquarters. Absent the requirement to review activity reports, field sergeants would presumably be able to spend more time in the field and provide written information regarding activity and attention to the contract cities. Included in the current review by command staff of the Patrol Division described above is the need to encourage sufficient time in the field by sergeants while recognizing the fact that some of their other duties require them to stay at Headquarters or the Westside substation.

### *Kronos Timeclock System*

The Office of the Sheriff has purchased a new time clock system to more accurately record the time and location staff arrive and leave work each shift. The system is reported to have an enhanced ability to provide and present work time data and the eventual wireless network may provide an opportunity to integrate the two systems. For example, patrol staff could potentially enter the number of hours they spent during their shift in each possible billing center – unincorporated, contract city, Parks or Transit and this information could be fed to the Kronos system to allocate the hours. While seemingly not as precise as the minute by minute activity reporting system, this hourly division of hours under staff self-reporting may be acceptable to contract entities, given verification of the information by other systems, random auditing and the related freed up patrol time realized if the ARS were discontinued.

### *Crime Reports*

In addition to the recording of information for the ARS, patrol deputies also must complete various other forms when they take complaints or respond to calls for service, such as forms related to taking juveniles into custody and paperwork to hold someone against their will because of self-destructive behaviors. Taking an inventory of these forms and determining the information being collected twice would lessen the required duplicative efforts of patrol staff.

### *Field Interview Cards*

In addition to the patrol stops and interventions that result in formal action such as an arrest or citation, patrol staff interview individuals who have not committed a crime or violated any laws. Patrol staff are instructed to complete Field Interview (FI) Cards in such instances, requesting an event number for the activity and submitting the FI card to the Crime Analysis Unit for entry into a database. The revised FI card includes fields such as address, distinguishing characteristics (tattoos, scars, etc), race, the appropriate agency to whom the FI card should be forwarded and the basis for the interview. The form also includes a space for patrol staff to obtain the thumbprint of the person interviewed. Each completed FI card includes the date and time the interview took place and the location of the interview. Completed FI Cards, if consistently completed and attached to an event number, could help integrate the County Comm CAD system and the wireless network previously described.

### *Transit Incident Reports*

The Valley Transportation Authority utilizes three separate documents for the collection of management information from the Sheriff's Office. The first document is the Sheriff's Office Criminal Incident Report, which reflects actual crimes that have occurred on or to VTA property and to employees or passengers while on-board VTA coaches and/or light rail equipment. The second document is the VTA Transit Incident Report, which reflects non-criminal information relative to an incident that has already occurred on VTA property, to include coaches and light rail. These reports are also utilized for Risk Management purposes, such as recording vehicle accident information, passenger falls and injuries, and non-criminal behavioral issues that relate to operator and passenger safety. The third document utilized is the internal VTA Security Incident Report, which can be utilized by any VTA employee to pass on security related information directly to the VTA Protective Services Unit. All Security Incident Reports are acknowledged by written confirmation of receipt from Protective Services. After evaluation of the information provided in this report, the Chief of VTA Protective Services can assign the matter to either the Sheriff's Office or to the private security firm for follow-up. This allows for open communication between VTA employees and VTA Protective Services and a more focused resource utilization process, and helps to bring security-related issues to the attention of VTA Management. VTA also has brought new digital communication systems on-line, that provide GPS vehicle location functionality. This system is staffed by VTA dispatchers and has reduced response times by providing more specific location information to the responding agency.

## Information Technology Innovations in the Department

The Office of the Sheriff has been active in upgrading its Information Technology infrastructure and the application of technology to analyze, prevent and solve crimes over the past several years. Two specific examples of these types of efforts relate secondarily to the ARS and merit discussion – the Mobile Computer System and Records Management System project, and the Field Interview Card Database project.

### *Mobile Computer System and Records Management System*

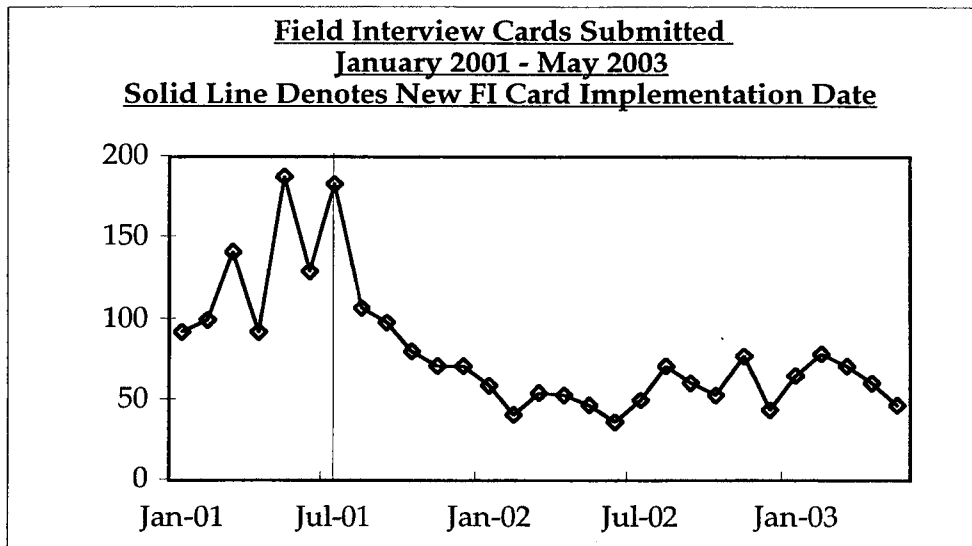
A February 27, 2003 Quarterly Status Report on Active Technology Projects presented to the Finance and Government Operations Committee includes the following description of this IT project of the Office of the Sheriff:

This project has three phases to upgrade the Sheriff's radio system. Phase I/II are complete. This proposal covers Phase III which is a two fiscal year project. There are two segments of Phase III; the first will deal with implementing a new Records Management System, the second will implement the wireless remote access to the various application systems. The FY03 ITEC funding request was not recommended for the wireless remote access portion at this time.

The new Records Management System (RMS) will have a direct impact on the Investigations Bureau Database discussed in section nine of the report. The second phase of the project, the implementation of a wireless network, would have affected the Activity Reporting System as well. First, patrol staff would be able to enter data into their laptops as they do now and subsequently transmit such information to the main database, thus making it available immediately for review by the field sergeant. Ideally, as discussed previously, the Field Sergeant would then be notified electronically that new reports had been submitted and he/she would be able to review the activity reports in the field as well. The wireless remote network would have eliminated the time patrol staff spend uploading ARS data at the end of their shift. The sample data in Table 1.1 indicate this specific task comprised only 16 percent of the total time expended, or about ten minutes, suggesting that a wireless network in and of itself would not resolve the inefficiencies inherent in the Activity Reporting System. The second efficiency that would be gained via the wireless network would be the ability of the patrol staff to easily check the status of license plates and license numbers via a wireless networked laptop in their patrol vehicle. In the field we did observe and hear from deputies who would prefer the wireless and permanently installed laptop computers used by other law enforcement agencies such as the San Jose Police Department. While funding shortfalls may have made approval of this project by the ITEC Committee not possible in the current fiscal year, the eventual approval and implementation of a wireless remote system should be assumed and considered in the planning process outlined in this finding. Such improvement is consistent with the Sheriff Department's goal of providing state of the art and cost-effective law enforcement services to the county and its contractual partners.

### *Field Interview (FI) Card Database Project*

A decrease in the number of FI Cards submitted by field deputies after the form was changed in 2001 provides an example of the reaction patrol staff may have to directives to collect what they perceive as more detailed information. The graph below depicts the number of cards submitted prior to and after the introduction of the new format and supports our contention that a review of the data available across the Department to eventually lessen the collection of unnecessary information would be advantageous.



The Crime Analysis Unit has focused its efforts over the past few years on standardizing and normalizing data so that the data collected can be used effectively to identify crime patterns and provide useful information to patrol staff. One of these efforts was amending the FI Card to include more detailed geographic information, to collect demographic information and to prompt deputies to check boxes rather than subjectively recording information in narrative form. The collection of fewer cards with standardized and valid data is better than collecting many cards with data that is not standardized to a degree to make it useful. Crime Analysis staff report that while fewer cards have been submitted, the matching of card data to suspects has improved because of the increased integrity of the data collected. The lesson to be learned from the FI Card collection data is that a smaller amount of more accurate and precise data is more valuable than large amounts of inaccurate data.

### **Recommended Course of Action**

Decreasing the amount of information collected or discontinuing the use of the ARS are both significant business practice and business model changes in the Department. Therefore, the Office of the Sheriff should proceed with a step-by-step process to develop an alternative data method and consider discontinuing its use of the Activity Reporting System. Such a process may include convening a workgroup, developing a set of standard data reports available from sources other than the ARS, presenting these standard reports to contract entities and developing additional reports available to contract entities on a request basis.

Discontinuing the use of the Activity Reporting System will result in many hours of patrol time becoming available, increasing productivity of patrol staff, increasing available revenue and recognizing the core service provided by the Office of the Sheriff.

## CONCLUSIONS

The Activity Reporting System (ARS) is a time consuming and possibly unnecessary administrative function. Patrol staff spend as much as 24,000 hours each year recording, entering and uploading activity data into the system. This estimate does not include additional administrative time necessary to complete other required reports. Alternatives exist to reduce administrative duties for sworn personnel and make more hours available for direct law enforcement services.

The Office of the Sheriff ARS contains over 200 different procedure codes and requires patrol deputies to spend as much as 50 minutes each shift recording and entering data. The reports generated by ARS contain excessive information not regularly utilized by contract entities. Multiple other systems and management tools exist to monitor activity, including data regularly recorded by the GSA County Communications Dispatch Center. The staff time required each year to populate the Activity Reporting System may represent as much as 14 full-time deputies, equal to \$2.4 million dollars in staff costs, a portion of which could be converted to patrol time.

Negotiating changes and a standard format in the reports provided to contract entities to eliminate the ARS would increase available direct law enforcement time. As an alternative recommendation, the Sheriff should reduce the reporting requirements to the degree possible to increase patrol time and related revenue. Decreasing the amount of unnecessary information patrol staff are required to record will increase the integrity of the data that is collected, provide additional law enforcement hours and increase contract revenue.

## RECOMMENDATIONS

The Sheriff should:

- 1.1 Develop standard activity reports for contract entities that could be created based on data sources other than the ARS; (Priority Three)
- 1.2 Present the uniform reporting data available to all contract representatives and negotiate a standard reporting system; (Priority Three)
- 1.3 Develop alternative methods of billing contract cities for law enforcement services that do not rely on ARS, in a manner consistent with recommendations 1.1 and 1.2; (Priority Two) and
- 1.4 Based on the results of 1.1, 1.2 and 1.3, discontinue the use of the Activity Reporting System or amend the system to include the least amount of data fields determined to be necessary. (Priority One)

## **COSTS AND BENEFITS**

The savings that would result from the implementation of the recommendations in this section of the report include some revenue that could be collected from contract entities given an increase in available patrol time. Additionally, while not quantifiable in the same manner as actual revenue, patrol staff would be able to patrol their assigned beats for at least 30 minutes more each shift. During the past two years the Office of the Sheriff has repaid the cities \$240,000, and a total refund of \$409,000 is projected for FY 2002-03. The additional patrol staff hours available if the ARS were replaced, eliminated or streamlined would be available to apply towards this return and the freed up available staff could also perform other revenue generating activities such as serving warrants. Costs would include staff time to identify the essential data elements to be collected and the costs to develop the standard and enhanced reports described in the finding. The General Services Agency has indicated that providing the Office of the Sheriff with expanded CAD functionality to capture additional patrol activities or to modify data elements will require a feasibility and cost study for making necessary software modifications.



## 2. Investigations Bureau Case Management

- The Investigations Bureau has accumulated an estimated 10,000 cases since 1996 that are categorized as open, but are not assigned to current detectives, and therefore require review. The Office of the Sheriff has enacted procedures to prevent the accumulation of these types of cases henceforth and has begun to dispose of cases with related property items. However, the entire backlog of cases requiring review should be reviewed for possible closure, to identify cases requiring investigation, and to provide the Sheriff with accurate data necessary to staff the Bureau. Because the statutes of limitations related to many of the cases requiring review have passed, a strategy to screen the cases and identify those that should be assigned to current detectives and maintained as open is possible.
- Previous caseloads that had been assigned to retired, terminated or transferred detectives, were not consistently transitioned to other detectives. Large numbers of misdemeanor cases are assigned to the court liaison section of the Investigations Bureau and have remained open in the system, regardless of the eventual outcome of the case. Costs to review cases for closure can be reduced by assigning initial statute of limitation and CJIC status review to civilian staff.
- The Office of the Sheriff should develop a plan to review these cases over the next 12 months, identifying those that require further review and closing or inactivating the remaining cases. The set of cases requiring review should be transferred to the Captain of the Investigations Bureau. When appropriate, known victims should be contacted to inform them of the status of their case and to be reminded how to contact the Office of the Sheriff if they have new information. The procedures in place, to prevent subsequent accumulation of unassigned or improperly categorized cases should be formalized. Cases processed by the court liaison section should be assigned to an ID badge number created specifically for this purpose to segregate these cases in the incident library.
- Implementation of the recommended course of action will identify solvable cases, promote victim contact and provide the Sheriff with accurate caseload statistics to set appropriate staffing levels in the Investigations Bureau.

Management Audit staff had the opportunity to observe Investigations Bureau staff secure and analyze homicide crime scenes during the fieldwork phase of the audit. Audit staff were present as a detective prepared and met with District Attorney staff to devise strategies to solve sex crimes and successfully prosecute perpetrators. The work performed by detectives is complex, difficult and requires staff to be focused on the task at hand. This finding is intended to help resolve a longstanding issue that pulls staff away from their current assignments and contributes to an observed and reported attitude in the Bureau of not being able to catch up with the workload assigned.

Throughout the finding the term unassigned cases will be used to describe open cases not assigned to a current detective. These cases may have been investigated in the past by previous sworn staff, and the cases can be easily accessed if a victim contacts the Office of the Sheriff with new information. Regardless, the cases should be reviewed to identify those that require investigation, and to accurately reflect the actual number of cases each detective is carrying.

## Data Analysis

The Incident Library Database includes all cases that have been initiated in the field and have resulted in some level of investigation since 1997, as well as older cases that have been determined to merit inclusion. The nature of the cases and level of investigation ranges from the acceptance of the report by a deputy in the field with no further investigation to those high priority homicide cases that have required an Office of the Sheriff wide coordinated effort for investigation and eventual conviction. Data provided by the Office of the Sheriff indicates that there were nearly 63,000 total cases in the Incident Library system as of November 26, 2002 stratified in the following manner:

**Table 2.1**

**Incident Library Status - All Cases, November 26, 2002**

| Status          | Count  | Percentage |
|-----------------|--------|------------|
| Open            | 17,554 | 28.0%      |
| Closed          | 41,417 | 66.2%      |
| Inactive        | 2,530  | 4.0%       |
| Reopened        | 79     | 0.1%       |
| Not Categorized | 1,018  | 1.6%       |
|                 |        |            |
| Total           | 62,598 | 100%       |

The focus of this finding is the open category of cases that is comprised of 17,554 cases. Given the current staffing of the Investigations Bureau, each of the 32 staff would be carrying 550 cases, far more than a detective could reasonably investigate and manage if these cases were all currently assigned.<sup>1</sup> However, a subsidiary report detailing the activity of the Investigations Bureau indicated that detectives carried a total of 4,927 cases during 2001, leaving approximately 12,000 unassigned open cases. Although Department staff provided theoretical estimates of the cases in the open category that require review, we were not provided with specific data. We have attempted to estimate the number of unassigned cases in order to devise a strategy for the Office of the Sheriff to efficiently dispose of these cases. To better understand the assignment status and history of these open cases, a random sample of all cases was drawn. These cases were generally similar in classification as the total population of cases in Table 2.1.

<sup>1</sup> Case Carrying Detective Count from Monthly Case Statistics Report

A sample of 100 open cases were measured against a test of whether the assigned staff member was assigned to the Investigations Bureau at the time the sample was drawn.

**Table 2.2**

**Assignment Status of 100 Case Random Sample of Open Cases**

| Status             | Count | Percentage |
|--------------------|-------|------------|
| Current Detectives | 20    | 20%        |
| Court Liaison      | 29    | 29%        |
| Other              | 5     | 5%         |
| Not Current        | 46    | 46%        |
|                    |       |            |
| Total              | 100   | 100%       |

Of the 100 open cases in the sample, 54 percent are attached to staff currently actively serving in the Investigations Bureau. The remaining 46 percent, or almost half of the open cases, are assigned to staff who have moved on to a different unit of the Detective's Bureau, a different unit of the Office of the Sheriff or to staff who have left the Office of the Sheriff. An initial determining factor of the relevance of the unassigned cases is whether or not the statute of limitation has expired. Investigations Bureau staff reviewed the crime type field of the 100 open case sample and noted whether the crime(s) appeared to be felonies or misdemeanors. Using general statute of limitations assumptions of three years for felonies and one year for misdemeanors, the age of each case was extracted from the case number and compared against the statute threshold. As the table below indicates, 64 percent of the cases were misdemeanors, 34 percent were felonies, and two percent did not contain sufficient information to determine the type of crime. Of these cases, 56 percent of the felony cases, or 19 percent of the entire sample were more than three years old. Approximately 84 percent of the misdemeanors, or 54 percent of the entire sample, were more than one year old. Combined, it appears that 73 percent of the 100 case sample represent cases for which the statute of limitation expired. A simple check of CJIC would determine if charges had been filed on any of these cases. If charges have not been filed on these cases, which represent the majority of the unassigned cases, they could be closed.

**Table 2.3**

**Felony Misdemeanor Stratification and Statute of Limitation Status**

**100 Case Random Sample of Open Cases\***

| Status               | Count     | Percent of Case Type | Percent of Total Cases |
|----------------------|-----------|----------------------|------------------------|
| Felonies             | 34        |                      |                        |
| 3 years or older     | 19        | 56%                  | 19%                    |
| Misdemeanors         | 64        |                      |                        |
| 1 year or older      | 54        | 84%                  | 54%                    |
| <b>Total Expired</b> | <b>73</b> |                      | <b>73%</b>             |

\* Two cases did not contain sufficient information to categorize by crime type

The cases that were not assigned to a current detective were stratified by type of offense, resulting in the identification of 11 cases that appeared to be related to potential major crimes. These 11 cases were reviewed by sworn staff of the Investigations Bureau in conjunction with management audit staff to determine if any of the cases required additional investigation and to analyze the steps necessary to properly dispose of open cases. Based on the statute of limitation test, only three of the 11 cases were not older than the general statute of limitation threshold, and these three cases were judged as needing to be closed upon review, as described below. Of the 11 cases, nine of them should have been closed, two should have been inactivated, and none of the cases appear to be cases that should remain open or have current detectives assigned to reinstate the investigations. One case included property that would need to be assessed for return to its owner, destruction or auction prior to the case being closed. One case was reviewed and closed by staff of the bureau between the time the sample was drawn and management audit staff and sworn staff reviewed the cases. The disposition of these cases is based on whether or not the case information was provided to the District Attorney and after a review of CJIC information to verify that the DA had not filed charges on the case. While the review of the sample did not identify any cases requiring follow-up, staff reported that they believe there are unassigned cases that should be reopened and that the Investigations Bureau is prepared to investigate these cases when they are identified. Recommendations in this section describe how such a process should be structured to limit costs and recognize the current and active caseload of each member of the Investigations Bureau.

To determine the case status in the CJIC system, staff must open the system, find the CJIC unique number of any named suspect in the case using name and date of birth (PFN) and match the crime on CJIC to the case. Staff must then determine the court docket number in order to conclude whether the Office of the District Attorney filed charges on the case. Current procedures require the Office of the Sheriff to close cases as soon as the DA indicates they will not file. This procedure suggests that much of the

unassigned case inventory may have accumulated because previous court liaison detective staff concluded that it would be better to keep cases open, rather than applying some criteria to categorize cases as information was received. Staff of the Sheriff's Department should work with Information Technology and CJIC staff to develop automated systems for filing decisions and case status to be routed from CJIC to the Investigations Bureau for inclusion in the Records Management System (RMS). If an electronic transfer of case status from CJIC to the RMS is not possible, an email notification system between the District Attorney or through CJIC should be implemented. Such a system will ensure cases are properly categorized as closed when a decision is made by the Office of the District Attorney to not file criminal charges.

### **Unassigned Case Estimate**

Based on the number of open cases in the system and the results of the examination of assignment in the two random samples, we estimate that 8,075, or 46 percent of the 17,554 open cases are unassigned (meaning the cases are not assigned to current staff of the Investigations Bureau and require review). Further, we estimate that approximately 29 percent of the open cases, or 5,091 cases have been assigned to the court liaison section of the Investigations Bureau and are therefore misdemeanor cases for which the statute of limitations has likely expired. Combined, these estimates suggest that over 13,000 cases require review for disposition and proper categorization and assignment.

Patrol staff may initiate an investigation in the Incident Library in the field and in fact, may serve as the primary investigators during the entire duration of the case. Additionally, certain staff in the substations have been given authority to carry cases in the Incident Library in order to follow up on traffic related cases. Finally, detectives who leave the Investigations Bureau but stay in the Office of the Sheriff may retain a case that they have a particular interest in solving. RATTF and Patrol staff also enter cases into the database. Therefore, we have adjusted our estimate of the combined backlog of cases to equal approximately 10,000 cases.

It is important to note that if a victim of any of these 10,000 cases were to call the Sheriff's Department with new information, any detective could access the case information in the Incident Library System and speak with the victim. The detective would document the information provided and subsequently present the case to the Lieutenant or Captain so that the case could be transferred to a current staff member. Command staff would reassign the case to a current detective who would contact the victim and reinitiate the investigation. Resolving as many of the backlog cases as possible would minimize the number of cases that are open without a current detective, and meet the expectation of the public that crimes committed are investigated and assigned to current detectives.

Based on the statute of limitation test and the results of the specific case-by case follow-up performed, it appears that as many as 75 percent of the 10,000 cases could be easily closed after limited civilian review, leaving approximately 2,500 cases requiring additional review by sworn staff. The recommendations at the end of this section of the report direct the Captain of the Investigations Bureau to work with the Sheriff's IT Department to refine the estimate of unassigned cases and develop specific filters to

apply to all cases in the database.

### *Affect of the Case Backlog*

The unassigned cases presumably include at least some cases that would benefit from new investigation and might have prevented future crimes had they been actively investigated while the leads were fresh or in relation to subsequent similar crimes. No policies or procedures regarding communication with victims were identified during the audit and Investigations Bureau staff indicated that while victim contact is important, it is not consistently monitored, and copies of letters or documentation of contact with victims may not be retained in the files of closed cases. Given the ease and widespread use of email, victims should be provided with a central email address of the Investigations Bureau to encourage contact and the provision of new case information.

### *Efforts by the Department to Address Backlog*

The Office of the Sheriff is currently installing a new Records Management System (RMS). This new system should include many tools that will decrease the accumulation of cases and enhance the ability of command staff to access management information. Staff report that there has been considerable discussion of whether or not to import the 65,000 previous cases into the new RMS system, and that other jurisdictions that have implemented the system recommend not doing so. The opportunity to segregate the previous cases that include 11,000 cases for review is timely. The Office of the Sheriff should take advantage by not importing the old data into the new system, instead operating parallel systems until such time as the backlog is addressed and any current cases are re-entered in the new system. This strategy will make the previous database static and allow the reviewers to systematically reduce the number of unresolved cases.

In July 2002 the Captain of the Investigations Bureau issued a memo to all Sheriff Personnel in which specific definitions of case closure, inactivation, reopening and transfer were provided, as well as explanations of the specific categories of case closures. One of the closure categories, DA Refused Complaint, was the primary unrecorded issue in the follow up of open cases from the 100 random open case sample. When the Office of the District Attorney makes a decision to file on a case, it is reasonable to assume that the assigned detective is aware of this decision. However, a decision to not file would not necessarily take place initially, as the DA might decide to wait and see if any additional evidence or information is discovered. As the sample revealed, many cases have been presented to the DA but have not resulted in a DA filing, and have subsequently remained open in the Incident Library Database.

The development of specific operational definitions for case closure and inactivation is an important first step in preventing incorrectly categorized open cases from accumulating, but such an effort must recognize the staff that will be required. As discussed later in the finding, civilian staff should be assigned to review the unassigned cases, freeing up detectives to investigate current cases. Investigations Bureau staff have been told to categorize case status using the definitions above, and each detective has

been given a list each week of previous cases with related property to review and categorize and possibly close, according to the definitions above. Staff confirm that while some progress has been made under this strategy, only about 20 cases per month are being categorized and resolved.

### *Case Solvability Ranking*

At the completion of the field work phase of the audit, Investigations Bureau Command staff developed and introduced a ranking system to prioritize investigations. Team Sergeants and the Lieutenant in most of the Investigative Units have been directed to rank felony cases based on a clear and explicit ranking sheet, and to inactivate cases that did not meet the threshold score of 20 points. The documentation attached to the new process indicates that inactivating cases using the ranking system would better organize the prioritization of cases and caseloads for detectives and promote better notification of complainants that their case has been inactivated. The system appears reasonably well designed. It should be provided to the IT Department so that they can integrate it into the new RMS System, as the forms lend themselves to a spreadsheet or database application. Successful implementation of the system will promote the expedient inactivation of cases that will decrease the previous accumulation of open unassigned cases from happening in the future.

### *Strategy to Resolve Backlog of Cases*

Addressing the backlog of unassigned cases is a difficult task. The cases have accumulated over time while the Bureau has been under the command of various staff, all of whom focused primarily on solving current cases rather than reviewing historic cases. Previous command staff probably presumed the backlog cases were primarily related to misdemeanor crimes for which the statute of limitation had expired, or cases that had no suspects, no leads and were not solvable. Regardless, properly categorizing the backlog of cases, returning evidence and property to its rightful owner and identifying cases that require additional investigation is an important responsibility of the Office of the Sheriff in its capacity as a law enforcement agency.

One strategy suggested by staff during the field work of the audit that would help to segregate the misdemeanor court liaison cases would be to create a unique ID badge number and assign all court liaison cases to this badge number. Typically, new detectives are assigned to the court liaison function and process hundreds of misdemeanor cases prior to the time that they move on to a more specific assignments in the bureau such as homicide or property crimes. The cases that these detectives initiate and open follow them to their next assignment and these cases often languish as little follow up takes place and the department places more priority with major crimes that more dramatically affect victims. Assigning these cases to a unique ID badge number rather than the detective that opened the case would make the percentage of these types of cases discrete and provide a first step in resolving the backlog.

In a manner consistent with the strategy above, after the court liaison cases have been identified and assigned to the created unique badge number, all remaining unassigned cases should be transferred, en masse, to the current Captain and Lieutenant of the

Investigations Bureau. Such transfer would emphasize the responsibility of the command staff to resolve the backlog and would place the cases in the hand of the command staff who could close them if the initial civilian review described below provides sufficient information to close or inactivate a case. This strategy also provides for continued accountability when the command staff transfer or are promoted out of the Investigations Bureau, as they would then transfer the remaining backlog cases to the new Investigations command staff. The following list includes all identified tasks required to review unassigned cases:

| Step  | Description   |
|-------|---|
| One   | Open the Incident Library System.   |
| Two   | Search the system by case number to bring up a case for review.   |
| Three | Review the basic information to determine the date of the crime and the nature of the crime.  |
| Four  | Determine whether the statute of limitations for the crimes listed has expired.   |
| Five  | Search the CJIC system to determine if the District Attorney did or did not file on the case.   |
| Six   | Determine if there is any property and/or evidence related to the case and process such items for return to owner, destruction or auction.                      |
| Seven | Obtain approval to transfer the case to the Lt. or Cpt. of the Bureau who can initiate the closure or inactivation of the case.                                 |
| Eight | Forward appropriate cases to the Captain or Lieutenant to close or inactivate.  |
| Nine  | Refer the case to a current Detective if review does not clearly indicate closure should take place or review suggests that further investigation is warranted. |

We estimate each case would require, on average, about 10 minutes to review, as up to 75 percent of the cases can be quickly resolved and the remaining 25 percent may require a lengthier review. Given the backlog estimate of 10,000 cases, reviewing all the cases would require approximately 100,000 minutes, or 1,666 hours, and require one detective to dedicate a full year to the review, assuming 1,680 hours of productive time per year and no collateral duties. The annual cost of a Detective is approximately \$99,844. Under the proposed recommendations, the Captain of the Investigations Bureau would be provided an opportunity to estimate the civilian staffing required for the review, as part of the 12-month review plan prepared for the Sheriff.

The cost to conduct the recommended review should not exceed \$50,000 and may be as low as \$25,000. The screening of cases can be conducted by a Sheriff Technician at a cost of \$48,254 annually. Screened cases that require review by sworn staff can be forwarded to a Detective. The cost to review and dispose of unassigned cases can be shared by the Office of the Sheriff's contract cities, Parks, VTA and the General fund, as the unassigned cases include cases from all jurisdictions. Such distribution of costs will result in a General fund cost of approximately half the total amount, or \$25,000 during the 12 months. The assignment of the screening and review of cases should be assigned specifically to a Sheriff Technician and a Detective to ensure continuity and completion of the task.



## **CONCLUSIONS**

The Investigations Bureau has accumulated an estimated 10,000 cases since 1996 that are categorized as open, but are not assigned to current detectives, and therefore require review. The Office of the Sheriff has enacted procedures to prevent the accumulation of these types of cases henceforth and has begun to dispose of cases with related property items. However, the entire backlog of cases requiring review should be reviewed for possible closure, to identify cases requiring investigation, and to provide the Sheriff with accurate data necessary to staff the Bureau. Because the statutes of limitations related to many of the cases requiring review have passed, a strategy to screen the cases and identify those that should be assigned to current detectives and maintained as open is possible.

Previous caseloads that had been assigned to retired, terminated or transferred detectives, were not consistently transitioned to other detectives. Large numbers of misdemeanor cases are assigned to the court liaison section of the Investigations Bureau and have remained open in the system, regardless of the eventual outcome of the case. Costs to review cases for closure can be reduced by assigning initial statute of limitation and CJIC status review to civilian staff.

The Office of the Sheriff should develop a plan to review these cases over the next 12 months, identifying those that require further review and closing or inactivating the remaining cases. The set of cases requiring review should be transferred to the Captain of the Investigations Bureau. When appropriate, known victims should be contacted to inform them of the status of their case and to be reminded how to contact the Office of the Sheriff if they have new information. The procedures in place, to prevent subsequent accumulation of unassigned or improperly categorized cases should be formalized. Cases processed by the court liaison section should be assigned to an ID badge number created specifically for this purpose to segregate these cases in the incident library.

Implementation of the recommended course of action will identify solvable cases, promote victim contact and provide the Sheriff with accurate caseload statistics to set appropriate staffing levels in the Investigations Bureau.

## **RECOMMENDATIONS**

The Sheriff should:

- 2.1 Direct the Captain of the Investigations Bureau to develop and submit a 12-month plan to address unassigned cases, to include the following components (Priority Two):
  - a) Transfer of court liaison cases to a unique ID Badge Number,
  - b) Transfer remaining unassigned cases to the Captain and Lieutenant of the Investigations Division,

- c) Work with the Information Technology Department to devise filters to categorize the backlog cases for review,
  - d) Review of cases by civilian staff to determine whether the statute of limitations have expired, and CJIC review to confirm the case was not filed by the District Attorney,
  - e) Review by Detective staff of remaining cases, and possible re-initiation of investigations,
  - f) Victim contact on backlog cases when appropriate;
- 2.2 Draft a General Order to formalize review of the categorization of cases; and (Priority Two)
- 2.3 Direct staff of the Investigations Bureau and the Sheriff's IT Department to include discussions with CJIC staff to determine if CJIC can electronically route identifiable filing status information to the new RMS system or prompt the email notification of this information. (Priority Three)

## **COSTS AND BENEFITS**

The General fund costs that would be incurred to review the unassigned cases range from \$25,000 to \$50,000 based on the review being conducted by Sheriff Technician staff or sworn staff of the Investigations Bureau, under an assumption that case review costs are allocated appropriately.

Reviewing the unassigned cases and closing or appropriately inactivating the majority of cases has a number of benefits to the Office of the Sheriff and the County. These benefits include identifying those few cases that should be receiving investigative attention, increasing the integrity of the caseload size each detective carries, and providing reasonable law enforcement services to the contractual partners from which the unassigned cases originated. Implementation of the recommendations will reinforce existing strategies to prevent the accumulation of unassigned cases in the future and will increase the accountability and the continuity of Investigations Bureau Command staff in resolving the issue of the accumulated open cases not assigned to current staff. Staffing levels of the Bureau will be more discernable as case carrying counts become more accurate.

### 3. Collateral Duties

- In addition to providing routine law enforcement services, the Sheriff maintains special teams and completes projects and event assignments annually. The time and resources necessary to train and deploy these teams affects the activities of each division within the Office of the Sheriff. Special teams are not centrally managed or coordinated, and estimates of the annual cost vary. We estimate the annual cost of special teams and assignments to be approximately \$650,000.
- An analysis of the Office of the Sheriff's sworn staff working in three core law enforcement units confirms that collateral duties represent significant staffing that must be backfilled when possible to continue providing the core mission of the various divisions of the Office of the Sheriff. While collateral duties provide essential services to the county's citizens, such as SWAT capability, each special team and assignment has a related cost in productivity and routine law enforcement services. Further, collateral duties reduce the amount of revenue realized by the Office of the Sheriff. Imprecise accounting of training time may cause the Office of the Sheriff's hourly rates and mandated reimbursement claims to be understated.
- The Office of the Sheriff should centralize the administration of collateral duties in the Special Operations Division to more accurately record and track these costs, and maintain the current structure that assigns special team management to qualified command staff across the Office of the Sheriff. The Sheriff should analyze each special team and assignment to determine if the team's function can be shared with surrounding law enforcement entities, be reduced in size, eliminated, reassigned to civilian staff, or if additional reimbursement for deployment can be pursued. Appropriate collateral duty participation should be formally considered during promotions, transfers and performance evaluations of individual sworn staff.

California State Law, the County Charter and the County's Ordinance Code establish the Sheriff as an elected official with specific authority and responsibilities to provide law enforcement services and maintain public safety in the County. The Office of the Sheriff has established special teams to fulfill some of these obligations and to carry out other functions. These functions are staffed and carried out by Sheriff sworn and civilian staff as "collateral duties", that is, duties that supplement their primary assignments. The General Orders of the Office of the Sheriff includes a section that outlines transfers and promotions, including a discussion of membership and participation on special teams and special assignments. This finding will focus on the special teams and certain special events/projects that are beyond the normal scope of a county department. Each team and project is assigned a primary and secondary supervisor based on the experience and expertise of individuals related to the type of

activity carried out by each team. The number of staff assigned to each team and name of the special teams are listed below. The numbers provided initially by special team supervisors in response to the survey in some instances contained reserve and volunteer special team members. The Office of the Sheriff does not incur costs as a result of these persons serving as members of the special teams and provided revised team member counts reflected below.

**Table 3.1**

**Office of the Sheriff Special Teams**

| Special Team                                    | Members |
|---|---------|
| Bomb Squad                                      | 7       |
| Crowd Control                                   | 85      |
| Dive Team                                       | 6       |
| Hostage Negotiations (HNT)                      | 10      |
| Search and Rescue (SAR)                         | 2       |
| Emergency Response Team/Tactical Command (SERT) | 26      |

The list of special teams, projects and events provided by the Office of the Sheriff included the following additional events and projects:

**Table 3.2**

**Office of the Sheriff Projects and Events**

|   |  |
|---|--|
| "Best in the West" SWAT Competition     | Mobile Data and RMS                            |
| CJIC Security                           | Radio Data Interoperability                    |
| Communication Devices                   | Chaplaincy                                     |
| CPM/Year-End Report                     | Honor Guard/Funerals                           |
| Fleet Coordinator                       | Mutual Aid/OES                                 |
| Radio Steering                          | Officer in Crisis                              |
| Juvenile Detention Reform               | Safety Committee                               |
| Los Gatos-Saratoga Diversity Task Force | Technical Assistance and Resource Team (START) |
| Annual Report                           | Off Road Enforcement Team (SORE)               |
| Awards & Recognition                    | Risk Assessment                                |
| Combined Giving                         | Sheriff's Advisory Board                       |
| DV Gun Project                          | Sergeant's AOT                                 |
| EEOC                                    | SLD Project Review                             |
| Gifts for Guns                          | Special Events Team                            |
| Master Training Plan                    | State Sheriff's Assoc Mtg                      |
| Mentoring Program                       | Teen Academy                                   |
| Monthly Newsletter                      | Toys for Tots                                  |
| Office Professional Day                 | Website  |
| Peace Officer Memorial                  | Weed and Seed                                  |
| Public Service Recognition              | Workforce Inventory                            |

The Office of the Sheriff's canine unit is not included as a special team in our analysis. The provision of canine services has been integrated into the regular law enforcement beats and the canine unit was not included in the list of special teams provided by the Office of the Sheriff. Presumably, staff time spent training canines is supported by the assigned patrol unit or city contract. In addition to the special team assignments discussed in this finding, the Office of the Sheriff actively participates and leads task forces that include members of various law enforcement agencies, such as the Regional Auto Theft Task Force (RATTF). Office of the Sheriff staff are also members of other task forces that combine multi-disciplinary members such as the elder abuse prevention team with County Counsel. These task forces regularly include funding to pay for at least a portion of the costs. Therefore, the primary division does not also incur the costs of the assigned staff.

Special teams provide vital law enforcement services during emergency situations. Regular training ensures that team members are prepared to respond when the need arises in the County's unincorporated areas, its contract cities or other jurisdictions seeking mutual aid. Therefore, this analysis focuses on quantifying the training and deployment costs of the teams, and the subsequent affects on the Office of the Sheriff's to primary functions, such as patrol and investigation. Decisions to curtail special team training or disband special teams should be made by the Sheriff only, who has both the authority and the expertise to do so in a manner that minimizes the impact on public safety and considers the overall mission of the Office of the Sheriff. We were told that special team members often contribute their own time in order to train and that exempt staff work extra hours after to ensure the readiness of special teams.

Sheriff staff volunteer for special teams through various application processes, depending on their skill set, expertise and knowledge, and the available slots on the team. In survey responses and during interviews, staff reported pride in their involvement and participation on special teams. The extended Memorandum of Understanding between the County of Santa Clara and the Deputy Sheriff's Association delineates the assignment differentials that Sheriff staff are compensated. These differentials include a biweekly differential of \$138.46 to members of the bomb squad, combination of a biweekly differential payment of \$94.11 and biweekly incidental expense differential of \$50 to Deputy Sheriff or Sheriff Sergeants assigned full-time as canine officers.

The Board of Supervisors approved the expenditure of approximately \$1.3 million General fund dollars by the Sheriff for the development of terrorism preparedness in FY 2002-03. The Sheriff utilized the funds to create the Special Operations Division as a discrete organizational unit for activities related to terrorism attack preparedness and response, and other functions including Intelligence and Vice. This Division did not become the central organizational unit for all special teams. The Special Operations organizational chart as of early 2003, indicates that while this division includes the Bomb Unit, OES/Mutual Aid, Search and Rescue, and other functions, including Vice and Criminal Intelligence, the remaining special teams are not included. Based on total expenditures related to special teams and associated revenue of more specifically tracking these costs, we recommend coordination of all special teams in the Special Operations Division. The current sworn staff assigned to lead each special team possess

unique skills, education and training to do so, and the centralized administration of the special teams is not intended to change this structure. The centralized administration of special teams will improve the accuracy of tracking staff time and costs related to each team.

Despite the significant number of staff involved, the inordinate amount of law enforcement hours dedicated to the function, and the heightened attention to terrorism preparedness by the Board of Supervisors, the use of the Office of the Sheriff’s resources by its special teams is not known or well-tracked. The use of these resources both complements and challenges the Office of the Sheriff providing patrol and other law enforcement services to the unincorporated areas of the county and the contract cities.

**Special Team Internal Survey Results**

The Office of the Sheriff provided a list of special teams and special projects/events including the names of the supervisory staff for each team and project or event. Previous monthly reports from special team supervisors did not contain sufficient information for our analysis and were not consistently provided to the Administration. We developed a short survey of nine questions and obtained responses from the special team and project supervisors. Spreadsheets summarizing the responses are included as Attachments 3.1 and 3.2. This information can be used to compare the utility of teams and make decisions regarding the allocation of resources to each special team and special assignment. The Office of the Sheriff clarified the number of special teams, the number of sworn staff assigned to each team and the annual hours expended for deployment and training by each team. Based on survey data and the subsequent information provided by the Office of the Sheriff, the estimated annual costs of the special teams equals \$614,852:

**Table 3.3**  
**Special Team Training and Deployment Survey**  
**Hours Expended and Estimated Total Costs<sup>1</sup>**

|                                | <b>Hours</b> | <b>Staff Costs</b> | <b>Equipment Costs - Ongoing</b> | <b>Equipment Costs - One Time</b> | <b>Six Month Total</b> | <b>Annual Estimate</b> |
|--------------------------------|--------------|--------------------|----------------------------------|-----------------------------------|------------------------|------------------------|
| <b>Special Team Training</b>   | 2,944        | 220,800            | -                                | -                                 | 220,800                | 441,600                |
| <b>Special Team Deployment</b> | 733          | 54,975             | -                                | -                                 | 54,975                 | 109,950                |
| <b>Equipment</b>               |              |                    | 17,622                           | 228,400                           |                        | 63,302                 |
| <b>TOTAL</b>                   | <b>3,677</b> | <b>275,775</b>     |                                  |                                   | <b>275,775</b>         | <b>614,852</b>         |

<sup>1</sup> Annual Costs are calculated by annualizing the training and deployment hours, applying a \$75 hourly rate, amortizing the one time equipment costs over five years, and including the estimated ongoing equipment costs.

The table discounts the Office of the Sheriff's \$100 hourly cost of a deputy to \$75 to account for reduced overhead during special team training and deployment, such as vehicle costs. While deputies receive differential payment for overtime hours, the Office of the Sheriff does not incur additional benefits costs. The Office of the Sheriff was previously reimbursed for a portion of the training and overtime included in the table above. POST certified training has been reimbursed by the State previously, although such reimbursement was initially suspended in FY 2002-03 and future reimbursement is uncertain, as discussed later in this finding.

### Collateral Duties in Three Divisions of the Office of the Sheriff

To examine the impact of collateral duties, we worked with command staff of three units to estimate actual full-time dedication to the unit of each sworn staff, given collateral duties of each assigned person. In the analysis we did not discount an employee's full time contribution based on collateral duties that contribute to the core mission of the Division when these differences were identified. As an example, in the Investigations Bureau some staff provide on-call crime scene investigation services at homicides and other events, in addition to whatever types of crimes the staff regularly investigates. These CSI hours were not considered collateral duties in our analysis since the work contributes to the overall investigation of cases in the Division. The deployment of canine units outside their regular beats was included in the calculation. Table 3.4 presents the hours and costs expended on collateral duties in three units, based on information provided by command staff, and selected estimates of time commitments for special duties. The discounted \$75 hourly cost as applied to the survey hours is also used in this calculation. The use of overtime resources for special team training within a unit creates additional challenges for that unit's Captain to successfully accomplish the unit's goals of providing patrol services, solving crimes or serving warrants in the community. The annual projected estimate applies the percentage of collateral duties from the three units to the set of sworn staff, minus the vacancies as of September of 2002.

**Table 3.4**

#### Collateral Duty Hours and Costs Based on Three Units

|                        | CIVIL  | INVEST. | WEST VALLEY | TOTAL   | DEPT WIDE ESTIMATE |
|------------------------|--------|---------|-------------|---------|--------------------|
| STAFF                  | 17     | 30      | 73          | 120     | 489                |
| COLLATERAL FTE         | 0.8    | 1.3     | 2.8         | 4.9     | 20                 |
| NET TOTAL FTE          | 16.2   | 28.7    | 70.2        | 115.1   | 469                |
| PERCENT COLLATERAL     | 4.5%   | 4.5%    | 3.8%        | 4.1%    | 4.1%               |
| TOTAL COLLATERAL HOURS | 1,295  | 2,259   | 4,770       | 8,324   | 33,918             |
| FTE Equivalent         | 0.8    | 1.3     | 2.8         | 5.0     | 20.2               |
| Adj. Hourly Rate (\$)  | 75     | 75      | 75          | 75      | 75                 |
| TOTAL COST             | 97,090 | 169,425 | 357,750     | 624,265 | 2,543,880          |

Collateral duties directly impact the ability of the Office of the Sheriff to provide primary law enforcement services, as staff leave their assigned post and spend time training for possible deployment, and at times, actually being deployed. This impact on three units within the Office of the Sheriff is described below and it is reasonable to conclude that other units in the Office of the Sheriff also experience the impact.

#### *Investigations Bureau*

An organizational chart from January 6, 2003 indicates 45 positions and \$5,174,296 rest in the Investigations Bureau. Three positions are carved out under Investigations as RATTF related with costs of \$377,478. Information was provided and combined with estimates of the required collateral time for special times indicating 1.3 full-time equivalents, or 4.5 percent of the sworn staff in the Investigations Bureau are dedicated to collateral duties, primarily training and deployment on special teams. As discussed in section nine of the report, the Investigations Bureau has accumulated a backlog of property, evidence and unassigned cases that have not been closed. The reduction of the actual staff available to investigate and solve cases as a result of collateral duties further contributes to the continual backlog of cases not investigated and inability of Detective staff to adequately attend to cases that are current, active and have good leads. In FY 2002-03, Investigative services provided to the contract cities had not met the contract levels, and a return of revenue to the cities was expected at year-end.

#### *West Valley Patrol*

An organizational chart from January 6, 2003 indicates that 88 positions and approximately \$11 million dollars rest in the West Valley Patrol Division. The West Valley Patrol Division is responsible for contract law enforcement services to three cities as well as certain unincorporated areas of the county. In addition, this Division provides patrol services to the Roads and Airports Division in the Santa Cruz Mountains, under an informal cooperative understanding, and enhanced patrol services to certain unincorporated areas of Cupertino per previous Board requests. According to the reported special team duties and other assignments, we estimate that 2.8 full-time equivalents, or 3.8 percent of the 73 positions examined are expended each year. Applying the adjusted hourly rate of \$75, the lost patrol related revenue equals approximately \$350,000. In the previous four years, \$1.3 million in contract revenue has been refunded to the cities of Saratoga, Los Altos Hills and Cupertino, including \$240,000 in FY 2001-02. The Office of the Sheriff has asserted that each contract contains contingency revenue and that the return of funds represents an expected reconciliation of services that were not provided. The Office of the Sheriff's projected return of contract revenue for FY 2002-03 is \$409,000. Therefore, in this unit of the Office of the Sheriff, time expended on collateral duties has a direct impact on the ability of the Office of the Sheriff to provide requested services and realize some additional revenue.

An example of the challenge the Sheriff faces in meeting both its primary mission of patrol and other functions it has decided to undertake is staffing the Sheriff's helicopter. We were informed during the audit that because the pilot was activated for military duty, a professional service agreement was executed to continue to provide law enforcement services with the helicopter. Because piloting the aircraft requires a sworn



officer to be present, a TAC officer position has been dedicated by placing this officer in a beat under the Westside Patrol Station, to which it is estimated he will provide only 50 percent coverage. The assignment of the specific beat was made based on that area most easily covered by other patrols. However, such allocation of staff time illustrates the effect of collateral duties on the home or primary division to which these staff are assigned. In this instance, any backfill overtime charges should be recorded as payable to the grant funds obtained for helicopter operations, but such accounting relies on proper documentation of these costs by the assigned staff and West Valley command.

### *Civil Division*

The Civil Division executes levies, serves bench warrants, serves and executes civil papers and notices given to the Sheriff by the Court and/or the public. Command staff provided information related to 17 employees of the Office of the Sheriff in the Civil Division.<sup>2</sup> The collateral information of individuals provided for Civil included certain special assignments described later in the finding, such as hours dedicated to the "Best in the West" SWAT competition. The collateral duties and special assignments of the civil staff require the allocation of 80 percent of a full time staff person, or approximately 1,300 hours per year. Each hour not available to civil staff equals fewer civil warrants executed and served, and an undetermined amount of revenue unearned by the Office of the Sheriff.

### *Conclusion*

The three units discussed above contribute approximately 8,324 productive hours per year, or about five full-time sworn staff to special teams and collateral duties. These hours represent 4.1 percent of the total staff analyzed. Applying \$75 hour to the total hours, approximately \$624,000 in opportunity cost is incurred as a result of the redeployment of staff in these three units, to maintain special teams and fulfill special assignments. Across the Office of the Sheriff, the estimated staff cost related to all collateral duties approaches \$2.5 million dollars. A significant portion of this estimate represents staff time not incurred as a cost to the Office of the Sheriff or the county as the time is provided by command staff paid as salaried employees and are therefore not reimbursed specifically for overtime. However, even this time represents a cost to the primary division each Lieutenant and Captain is assigned to, as he/she could be dedicating this time to their primary duties. Additionally, command staff within the three units included some mandatory training and primary activities as collateral duties in the information provided.

## **Training and Deployment Time Tracking in the Office of the Sheriff**

The Personnel and Training (P&T) Division maintains individual personnel and training files. P&T also maintains a training database of formal training staff attend and any special training for which staff submit documentation. A specific set of payroll codes have been established to track and allocate special team deployment and training

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<sup>2</sup> Office of the Sheriff Fiscal Year 2003-2004 Requested Budget document

costs, either when staff attends training, or when staff provide backfill overtime when special staff attend training. Overtime "blue slips" that are completed are supposed to include the code indicating this allocation of costs. Staff report that within the overtime index code of \$2.6 million annually, \$90,000 has typically been set-aside for special teams. Accounting staff confirm that they do not track the hours in each code, but that they have encouraged staff to better track the exact nature of their training in the payroll system. A memo to the Division Commanders (Captains) of the Office of the Sheriff from the Fiscal Officer reinforced the importance of staff properly recording all training hours on overtime slips and the relationship of these hours on "billing for contracts and the productive work hours for our operating units."

To test the accuracy by which staff have previously recorded time expended on special team training and deployment, audit staff reviewed a STARS report that included all staff time expended in the previous calendar year, by PCA code. The table below presents the 12-month total hours and costs recorded under the codes of each team, to which we added an overhead by doubling the calendar year total cost to account for benefits and other costs of a deputy not included in actual pay:

**Table 3.5**

**Hours and Costs Allocated to Special Teams and Functions**

**Based on Personnel Reports Calendar Year 2002<sup>3</sup>**

| <b>TEAM/FUNCTION</b>                                      | <b>Hours</b> | <b>Cost</b>    |
|---|--------------|----------------|
| SERT (Emergency Response Team)                            | 1,737        | 108,661        |
| SAR (Search & Rescue)                                     | 3            | 173            |
| DIVE  | 37           | 2,500          |
| HNT (Hostage Negotiation Team)                            | 40           | 2,435          |
| CCU (Crowd Control)                                       | 237          | 15,022         |
| SORE (Off Road Enforcement)                               | 13           | 872            |
| CANINE  | 437          | 25,883         |
| BOMB  | 353          | 23,603         |
| UVAS CANYON FIRE  | 584          | 35,810         |
| MISCELLANEOUS   | 454          | 27,607         |
| ADV TRG BACKFILL  | 197          | 11,593         |
| FIRST RESPONSE  | 47           | 2,567          |
| Natural Disaster  | 19           | 1,117          |
| <b>TOTAL</b>  | <b>4,158</b> | <b>257,843</b> |
| <b>Estimated Annual Costs,<br/>Including 50% Overhead</b> |              | <b>386,764</b> |

<sup>3</sup> Source – DAFR 5390, BU 230 YTD totals from the 12/22/02 report

The numbers in the report are significantly lower than those reported in the survey by special team supervisors, even after we applied an overhead assumption of 50 percent to the annual cost from the report. The three units included in the more detailed cataloging of collateral duty hours equal an amount double the 12-month total Department-wide in the payroll system. Either the survey and the recording by individual of the collateral duties in the three divisions significantly overstate the hours expended or staff are not accurately recording the time they dedicate to the teams in a manner consistent with the memo distributed to the Captains from the Accounting Division. Regardless, the discrepancy confirms that the Office of the Sheriff has not precisely tracked the hours expended or managed to a budgeted amount of training hours and overtime expenditures. The SERT team has a sergeant specifically assigned to track costs and staff time dedicated to the team, and specific effort is made to ensure that SERT staff accurately record the appropriate PCA code when they participate in training. The captain currently assigned to the SERT team informed audit staff that the approach taken by SERT to accurately record training time has been shared recently with the other special team leaders.

#### *Suspension of POST Training Reimbursement*

In a January 2003 bulletin to law enforcement agencies California Peace Officer Standards and Training (P.O.S.T.) informed the Sheriff that reimbursement for almost all training would be suspended and possibly not be available in FY 2003-04. The reimbursement of these costs was eventually restored in the enacted State budget. According to an August 2, 2002 Training Unit Status Report, the Office of the Sheriff was reimbursed for \$116,352 from P.O.S.T. during FY 2001-02. A portion of the staff costs related to SERT training is appropriately submitted for POST reimbursement. Therefore, accurately recording training hours is important not only in the internal monitoring of expenditures, but also in capturing external revenue when appropriate.

#### *Revenue Effect of Special Teams*

There are also direct revenue losses that may occur if the training time expended by Sheriff staff is not properly recorded and included in calculations used to charge contract entities and submit for reimbursement to the State of California under the mandate reimbursement process. These charges are calculated based on the Office of the Sheriff's understanding of the productive hours provided by staff each year, or the net hours after deducting the time spent in training, on breaks, and off work for various reasons. The Office of the Sheriff's general badge productive hour calculation of 1680 hours and the specific 2002-2003 calculation of the hours a West Valley deputy will work equals 1,854 and applies only 3.05 hours of training in a year. Each contract entity benefits from special team capacity and availability and should be charged costs proportionate to the size of their contract with the Office of the Sheriff. Doing so relies on the Accounting Division of the being able to segregate the hours expended by each team to train and be deployed.

## Special Assignment Internal Survey Results

The executive sworn staff of the Office of the Sheriff at the Commander level assign special projects to various Captains and Lieutenants, such as coordinating the annual “Best in the West” SWAT competition. We selected 11 of the 36 assignments from a list provided by the Office of the Sheriff, based on our conclusion that the functions appeared to represent efforts in addition to those that every County Department or agency must complete in addition to its regular operations. Attachment 3.2 includes the responses to a set of seven questions forwarded to each individual. It is important to note that most of the staff assigned, as exempt employees at the Lieutenant or Captain level, are not reimbursed for overtime hours expended. Regardless, the hours presented in the table below represent time high ranking sworn staff are not able to dedicate to their primary or secondary duties in their respective organizational assignments. Responses for five of the 11 assignments indicate that these assignments are an appropriate part of the work regularly performed by the IT Director, and we did not receive a response regarding the special assignment of CJIC Security. The remaining five special assignments, including fleet coordination and the SWAT competition, require staff to spend a total of 1770 hours annually, approximately equal to the total productive hours of one full time sworn staff person.

Two special assignments comprise the majority of the total hours – fleet coordination and the Best in the West event. A sworn staff member of the Office of the Sheriff works closely with GSA fleet management to ensure that the purchase, maintenance and servicing of vehicles are consistent with the specific law enforcement use of the vehicles. The assigned staff member reports that this assignment requires at least 500 hours annually. This assignment should be reviewed to determine if it could be carried out by a civilian employee and the dedicated hours should be reduced to recognize a reduction in the purchase of vehicles in the coming years, given a reduction in the funds available. Much of the work performed by the Fleet Coordinator is administrative in nature, as confirmed by the survey response that suggested the position be assigned to a Lieutenant with access to an Administrative Sergeant and/or a clerk.

Audit staff had an opportunity to attend the Santa Clara County Sheriff hosted “Best in the West” SWAT competition. This annual multi-day event draws law enforcement teams from the Western region of the United States and beyond, showcases the talents of the county’s tactical officers, and offers dignitaries an opportunity to observe the work performed by members of the Office of the Sheriff. Staff report that the event is largely supported by donations. However, based on our observations at the event and the special assignment survey response, this event alone requires the dedication of approximately 1,100 staff hours annually, almost the entire productive total hours of a single deputy.

### *Variation in Estimates*

The three methods utilized to quantify the annual costs dedicated to training and deployment of special teams, and the fulfilling of special assignments, vary considerably.

**Table 3.6****Range of Estimated Annual Collateral Duty Costs Under Three Methods**

| <b>Estimate Method</b>                    | <b>Annual Estimate</b> |
|---|------------------------|
| <b>Payroll Report for a Calendar Year</b> | <b>386,764</b>         |
| <b>Special Team Survey</b>                | <b>614,852</b>         |
| <b>Review of Three Units</b>              | <b>2,543,880</b>       |

There are multiple reasons why the estimates of annual costs vary. The Payroll report relies on staff properly documenting specific PCA codes on both their regular time sheets and any overtime slips that are submitted. Some of the codes are relatively new and special team staff may not all have been specifically instructed on how to record their time. The review of the staff in three specific units offers the most precise estimate for those specific staff of all collateral duties, but the application of the collateral percentage to the adjusted sworn staff total may dilute the precision of this estimate. Staff in the three units may disproportionately participate in special teams and assignments and the reported collateral duties include some required training and other unavoidable activities. Applying an adjusted hourly cost of \$75 to the survey results is believed to be the most precise of the three methods. This data was provided by Office of the Sheriff staff with the most knowledge about the training and deployment of each team, the special team supervisors. Therefore, \$650,000 a number that represents the special team estimate plus an adjusted special assignment estimate, appears to be the best estimate of the annual cost of special teams and assignments, based on the survey hours for special teams and special assignments.

Implementing the recommendations at the conclusion of this finding will provide the Office of the Sheriff with an accurate accounting of the actual costs of special team training and deployment and the variation of the actual expenditures from the established budget. Events that require special teams to be deployed are unpredictable and often not preventable, such as bomb threats, riots and missing persons. However, determining the appropriate size of each team, establishing budgeted staff time for training and budgeting equipment expenditures are reasonable management activities given the limited General Fund resources available to the county to provide a full set of services to the citizens of Santa Clara County.'

## **Recommended Strategies Regarding Collateral Duties**

### *Financial and Organizational Segregation of Special Teams*

The Special Operations Division is the logical organizational location for the centralized coordination and administration of special teams and the related staff and equipment expenses. The role of the Special Operations Division should be expanded to include the following:

- a) Coordinate all special team training, management and deployment in a manner that continues to recognize the individual expertise to supervise special teams across the Office of the Sheriff,
- b) Segregate the costs related to special teams in order to improve the tracking of such information, and
- c) Centrally store the records and manage the storage and maintenance of vehicles and equipment related to all special teams.

This expansion of the role of the Special Operations Division in supporting special teams would allow the costs related to special teams to be spread across contractual entities for which the Sheriff provides law enforcement services in the same way that the costs of other functions are distributed. The structure will ensure that any one team does not inordinately expend special team training hours and that the Sheriff is provided precise information related to the costs of special teams. While staff in the Office of the Sheriff assert that the Accounting Division is fully aware of the ongoing spending related to special team training, this assertion was not confirmed by Accounting managers, despite their efforts to encourage staff to document special teams training hours under the established process. Section eight of the report includes changes in the seeking of grant opportunities that may assist the Office of the Sheriff in identifying funding for the function, given the national attention on terrorism and disaster preparedness.

Many of the clerical and administrative functions that we recommend be established under the Special Operations Division can be carried out by civilian staff, and managed by sworn staff. While these functions would require significant collaboration with both the Personnel and Training Division and the Accounting Division, the ideal organizational unit is Special Operations because of the complimentary nature of each special team with the overall focus of Special Operations as described to audit staff during our fieldwork.

#### *Review of Special Teams and Special Assignments*

The Office of the Sheriff should analyze each special team and assignment to determine if the team's function can be shared with surrounding law enforcement entities, be reduced in scope or eliminated; or if additional reimbursement for deployments can be pursued. Such review is timely given the budget reductions being implemented in the Office of the Sheriff. The data collected through the internal survey instruments can be useful in examining the special teams and assignments. As previously stated in the report, decisions regarding the appropriateness of continuing special teams and setting team size and training hour budgets are all decisions that require the authority to provide law enforcement and ensure public safety entrusted to the Sheriff alone. We have intentionally not made conclusions regarding the relative value of any of the special teams, and instead recommend that the Sheriff conduct the analysis, setting such budgets and making decisions regarding the use of resources for the continued provision of special team services. This review must include increased tracking of

training costs and increased accountability of command staff in the use of sworn staff time for each assigned function and assignment.

### *Consideration of Collateral Duties in Promotions, Transfers and Evaluations*

The Sheriff and command staff should provide clear guidance to sworn staff regarding the expected level of participation on special teams. Sworn staff must balance volunteering to fulfill collateral duties on special teams, with the responsibility to be productive members of their primary division assignment. Therefore, the processes to promote, transfer or evaluate sworn staff must consider the success of staff in striking this balance. The MOU between the County and the Deputy Sheriff's Association indicates that evaluations shall be conducted and can be "considered in approving transfers, promotions, salary increases, etc." Promotion decisions and performance evaluations should include a consideration of how well each officer is balancing his/her primary assignment and any collateral duties that have been assigned or he/she has volunteered to participate in such as special teams. Performance evaluations of staff are inherently sensitive matters, and the Office of the Sheriff has made significant efforts to ensure promotions and transfers are considered and implemented fairly. The formal inclusion of collateral duty participation should take place over time and be assigned to the Personnel and Training captain, an attorney, to ensure the Office of the Sheriff's policies are considered and appropriately amended as necessary. The attorney assigned to the Office of the Sheriff by the Office of the County Counsel should also participate to ensure any changes are consistent with current labor law and County policy. The eventual formal implementation of the recommendation will require discussions with the DSA and may be appropriately delayed for discussion until the next round of contract negotiations.

## **CONCLUSIONS**

In addition to providing routine law enforcement services, the Sheriff maintains special teams and completes projects and event assignments annually. The time and resources necessary to train and deploy these teams affects the activities of each division within the Office of the Sheriff. Special teams are not centrally managed or coordinated, and estimates of the annual cost vary. We estimate the annual cost of special teams and assignments to be approximately \$650,000.

An analysis of the Office of the Sheriff's sworn staff working in three core law enforcement units confirms that collateral duties represent significant staffing that must be backfilled when possible to continue providing the core mission of the various divisions of the Office of the Sheriff. While collateral duties provide essential services to the county's citizens, such as SWAT capability, each special team and assignment has a related cost in productivity and routine law enforcement services. Further, collateral duties reduce the amount of revenue realized by the Office of the Sheriff. Imprecise accounting of training time may cause the Office of the Sheriff's hourly rates and mandated reimbursement claims to be understated.

The Office of the Sheriff should centralize the administration of collateral duties in the Special Operations Division to more accurately record and track these costs, and maintain the current structure that assigns special team management to qualified command staff across the Office of the Sheriff. The Sheriff should analyze each special team and assignment to determine if the team's function can be shared with surrounding law enforcement entities, be reduced in size, eliminated, reassigned to civilian staff, or if additional reimbursement for deployment can be pursued. Appropriate collateral duty participation should be formally considered during promotions, transfers and performance evaluations of individual sworn staff.

## **RECOMMENDATIONS**

The Sheriff should:

- 3.1 Conduct a review of all special teams and special assignments to determine the appropriate staffing and relative value of each to the Office of the Sheriff in meeting its mission as a law enforcement agency, (Priority Three)
- 3.2 Establish a revised list of special teams and special assignments with budgeted team size, training hours and annual expenditures; (Priority Two)
- 3.3 Centralize the coordination of special teams and the tracking of special team training staff and equipment costs in the Special Operations Division, including specific accounting of staff time allocated to special team duties; (Priority Two)
- 3.4 Budget special team staff costs, to be monitored by the Special Operations Division and the Accounting Division; and (Priority Three)
- 3.5 Work with County Counsel to develop a method by which collateral duty participation can be formally integrated into the decision-making processes of promotion, transfer and performance evaluation. (Priority Two)

## **COSTS AND BENEFITS**

The benefits related to implementation of the recommendations in this section of the report include increased monitoring of the expended staff and other resources for special teams and collateral duties and the possible assignment of a portion of these costs to contract entities. Improved decision-making regarding participation on special teams and collateral duty assignments will increase the ability of the Office of the Sheriff to maximize available revenue in its contractual divisions at no additional General fund cost.





ATTACHMENT 3.1 - SPECIAL TEAMS SURVEY (July, 2002 - December, 2002)

| 1. Name of the Team                                       | 7a. Team Member Selection Process and Time on Team  | 8. Method to Record Training and Deployment Hours  | 9. Membership on Team by Local Law Enforcement Agency Staff  | Additional Information Provided by Survey Respondent  |
|---|---|--|--|---|
| Bomb Squad  | Sheriff approval after a practical exercise, oral examination, Bomb Commander Review, medical examination and subsequent five-week FBI hazardous Device School  | Bomb Squad Call Out Report with overtime recorded only. Supervising, planning and training not previously recorded.  | NO   | Training hours based on national standards. The Squad has expanded from 2 to 7 members  |
| Chaplaincy  | Appointed by the Undersheriff   | NA   | NA   |   |
| Crowd Control   | No specific selection process. Applicants generally accepted unless there are physical/medical restrictions, recent suspensions or other serious disciplinary issues pending.   | Training is pre-planned and documented but not recorded on time sheets or overtime slips. Supervisors and Assistants keep the time not recorded separately from primary assigned duties.   | No   | Crowd Control is the oldest of the Special teams having been deployed in the 1960's, 1970's and more recently at Stanford for Cal games. Possible deployment related to Y2K and 9/11 fueled interest in the team and regular training began.  |
| Dive Team   | No medical restrictions, dive certification, be able to dive in difficult conditions, not be on probation with Department and pass application, review, oral interview, pool and ocean dives and final approval. At least ten and as many as over 20 years.   | Recorded on team rosters.  | Two Santa Clara County Department of Correction Officers.  | The team (started in 1985) assists other Bay Area Counties when requested, assists local agencies with training and attends public events to display equipment and answer questions.  |
| Honor Guard/Funerals                                      | Interviews are conducted after receiving interest memorandums when the unit is rotating additional members. Members are asked to make a three year commitment. Three years is typical membership duration.  | The unit is authorized twelve hours of training each year, usually at the overtime rate for training.  | No   | The unit just received ten ceremonial rifles on permanent loan from the US Army. The cost of shipping was paid by the Sheriff's Office for the rifle team. We will spend a minimum of six hours as they have been for this training before May's Peace Officer Memorial.  |
| Hostage Negotiations                                      | Submission of a memo of interest and completing an oral board process. As long as they desire to do so and are completing the job.  | Training and deployment are recorded on OT slips or if on straight time, the "comments" section of the sign-in sheet. HMT training records are maintained by team supervisor.  | No   | The team seeks to meet generally accepted statewide training hour standards and sends members to the CA Association of Hostage Negotiations conference.   |
| Mutual Aid/OES (Assignment, not Team)                     | The OES/Mutual Aid Sergeant is selected by the Sheriff and Special Operations Captain after submitting a detailed resume of qualifications and experience.  | The Sheriff's Department Training Division records all formal training.  | Mutual Aid/OES works closely with other law enforcement and federal law enforcement agencies necessary to carry out any task assigned.                               | The position is required of the Sheriff by the CA Government Code and the position of OES/Mutual Aid Sergeant was established after the World Trade Center bombing on 9-11-01. The funding for this position will expire in June of 2008.   |
| START (Sheriff's Technical Assistance and Resource Team)  | Volunteer members are selected by application review. As long as members desire so long as they remain active and interested in the team.   | Special ICS forms to record deployment hours, overtime slips and sign-in rosters record training sessions. Supervision and planning activities are not tracked.  | No   | The Operations Section of START consists of technical response to an incident, including civil defense, search and rescue, and other services and search and rescue operations in a manner that does not supplant other special team deployment. The START Team can be a valuable resource during major department-wide assignments and subunit exercises will be scheduled and updated as roster. After which time the team will take place. |
| Officer in Crisis   | As vacancies occur, an announcement is placed by the Sheriff's Office. Interviews are conducted with application review and oral interview process follows. Selections are made by the Commander, Liaison and supervising Sgt assigned to the unit. Members currently serving on the team from 1-5 years and no interest in re-assignment.  | No official department training or deployment records are kept unless the hours are overtime, for which OT slips are completed and signed by the team supervisor. Supervisory information is limited partially because of the highly confidential nature of the team's activity.                                 | No, although County Comm Dispatchers are invited to attend training and seminars.  |   |
| Safety Committee  | Members are selected by assignment and location in the building. The team makeup is divided between management and labor in order to provide a balanced approach towards safety issues. The selection process is left up to each individual division to select their own safety officer.  | Time is listed on time sheets as training, which is generally conducted during their normal work hours.  | No   |   |
| Search and Rescue   | Volunteers go through a formal process and attend an Academy prior to joining the team.   | Sign in sheets record volunteer attendance at trainings and deployments. Sign in sheets record incidents should be recorded in the incident action plan of each member. This time is recorded in SEIT office and tracked there. The information is kept in order to provide training records for SEIT personnel. | No other law enforcement agencies currently participate in search and rescue activities. SEIT's cooperation with the Sheriff's Department is in the Government code. | Team was formed in 1989 and has provided assistance in the past. Last by in the Sheriff's Office region northwest of Lake Tahoe for the 1993 season for Polly Kulus in Sonoma county as well as the Alameda State Park search for a Paraholic murder investigation evidence/remain search effort.   |
| SEIT (Sheriff's Emergency Response Team/Tactical Command) | Team members are selected via a lottery/review process which includes an application, physical test, oral board, shooting review and personnel file review. Currently there is no cap on length of time on the team other than probation.   | Time on actual assignments are recorded on OT slips at each division and listed on the SEIT sign-in sheet. The Officer also tracks the time spent training. The information is kept in order to provide training records for SEIT personnel.   | No   | Over the years SEIT has been utilized in several high-risk or violent situations and has completed the assignments in a manner that has protected the community and reduced the risk to other personnel. Some have received minimum standards training is necessary to meet these standards.  |
| SORE (Sheriff's Off Road Enforcement Team)                | Members selected through a process that includes the submission of an interest memo and a riding skills test. Typically members remain on the team as long as they desire to ride. Members are asked to be removed from the team if they do not desire to ride. Promotions, if desired to be removed from the team. No new members have been added for at least five years, and it is anticipated that new members will be added this year. | Deployment is documented on activity sheets when it is a regular part of an annual function. Overtime sheets are filled out. Supervising Sgt. records time spent managing team on primary assignment activity sheet. Lt. supervisory time not recorded.  | No   | Team has been an integral part of the Sheriff's Office for many years. The team has been successful in many assignments and has received numerous commendations. The team has been successful in many assignments and has received numerous commendations. The team has been successful in many assignments and has received numerous commendations.  |

ATTACHMENT 3.2 – SPECIAL ASSIGNMENT SURVEY (July, 2002 – December, 2002)

| 1. Nature of the Assignment     | 2. How long have you had the assignment?   | 3. How many hours annually have you spent fulfilling the assignment?   | 4a. Do you track the time you spend on the assignment?  | 4b. How is this time recorded/charged?  | 5. What is the total time that other staff spend annually to fulfill the assignment?  | 6. If other staff assist you in the assignment, how is their time recorded/charged?  | 7. Is the assignment directly related to your current primary assignment in the Department, and therefore an assignment you would normally have given your position and related responsibilities?   |
|---------------------------------|--|--|---|---|---|--|---|
| Best in the West                | Five Years   | Approximately 60 hours annually  | Sometimes - see response below  | Time is tracked based on the time sheets that are submitted and submitted to the Sheriff's Office. The Sheriff's Office does not track this time as it is not a primary assignment. | Not applicable  | All on duty work hours are tracked and paid, either as straight time or overtime, depending on the assignment. Any overtime or backfill costs are billed to the regular SERT budget. | Best in the West is an exciting, fast paced, and challenging assignment. It is a primary assignment of the Sheriff's Office.  |
| Communications Devices          | One year   | Initially 5% of total work time for a few months; fluctuates about 3 hours per month.  | No  | Not tracked   | Unknown although each division was required to coordinate cellular phone change and all personnel at HQ attended a two hour training.   | Not tracked  | Yes   |
| CPM/Year End Report             | Since January of 2001  | Assigned 60 hours a year   | Time on the project is recorded in a personal calendar. It is not charged to any specific budget but special assignments are reported as regular duties of an assistant division commander. | See response above  | NA  | NA   | No  |
| Fleet Coordinator               | Approximately 2 years  | A maximum of 600 hours annually  | The time is not recorded separately   | See response above  | No other staff assist with the assignment   | Not tracked  | No and the assignment may be best suited for a Lt who has an Admin Sergeant and a clerk available for use to complete the duties related to the assignment.   |
| Juvenile Detention Reform       | Since August of 2001   | One Captain reports he spends about 12 hours a month on the project. The Sheriff's Office reports an estimated 10 hours annually.  | Time on the project is recorded in a personal calendar. It is not charged to any specific budget but special assignments are reported as regular duties of an assistant division commander. | Not tracked   | See response above  | No   | One sub-committee deals with adult law enforcement committee and resolutions. This committee also deals with the assignment of the participating sworn staff.   |
| LG-Saratoga Diversity Taskforce | Since January 2001   | Approximately 25 hours annually  | The time is not recorded or charged. The task force is considered a participation in the Sheriff's Department and not facilitated by the School District.                                   | Not tracked   | See response above  | The School Resource Officer (SRO) is not tracked as it is a Sheriff's contact with the City of Saratoga.   | The assignment was specifically related to the previous assignment. The task force was established to address the needs of the community. The task force was to continue to meet that need until the next school year, another staff person will be assigned. |
| Mobile Data and RMS             | One year   | 150 hours in the past year; expected to maintain this level of required time until implementation after which time required will fluctuate between 10-15 hours a week initially and then fluctuate between 10-15 hours a week. | No  | IT Director - item by project not tracked; Commander - except employee  | Each member of the Executive Team (Sheriff, Sheriff's Office, Director of Adult Services and IT Director) may have spent approximately 300 hours each during the selection process. | Not tracked  | There are appropriate assignments for the IT Director.  |
| Radio/Data Interoperability     | IT Director since mid-year 2001; Commander staff has also been involved since the beginning. | IT Director - has about 60 hours over past year; Commander - approximately 50 hours a year   | IT Director - no; Commander - recorded on calendar and participation listed in minutes  | IT Director - item by project not tracked; Commander - except employee  | IT Director - only IT staff involved; Commander - Captain and Lt also participating in committee.   | Not tracked  | The assignment is believed to be appropriate for the IT Director and the assignment is believed to be appropriate for the IT Director and provides ongoing potential funds available for radio improvement.   |
| Communications Devices          | One month for sworn staff; IT Director - approximately one year.                             | 8 hours annually for sworn staff; 10 hours per month for IT Director.  | No  | Time not tracked by project   | Each Division will have their own implementation.   | Not tracked  | The assignment is appropriate and funds are on the IT Department.   |



## 4. Civil Process Fees

- **Counties cannot locally determine fees for civil process services that are performed by sheriff's departments. Instead, these fees are set in State law. The State does not consistently evaluate fee levels, and counties are prohibited from routinely adjusting fees for inflation. Because civil fees are not based on local government's cost of providing services, taxpayers in the County of Santa Clara are subsidizing services that generally benefit private businesses and individuals.**
- **The Office of the Sheriff generates fees from 45 of the 100 civil process services mandated by law. Of these, evictions, bank levies, earnings withholdings, and "Eight-hour keepers" comprise nearly 85 percent of the total volume of civil process services performed by 46 percent of the Civil Unit staff. The County is subsidizing approximately \$840,000 year of services, based on a comparison of the current fee revenues to costs.**
- **The civil fee setting prohibitions imposed by the State are inconsistent with the latitude given in other areas, where it is permitted to charge users for the full cost of services. The County should advocate for legislation to allow counties to set fees for civil process services based on costs. If such legislation is approved, the County should incrementally increase fees to cost recovery levels within the next two fiscal years. This implementation schedule would result in additional County income of over \$840,000 per year by FY 2005-06.**

The Santa Clara County Office of the Sheriff performs close to 100 statutorily defined civil process services. However, the Sheriff is only able to charge fees for 45 of these services. As part of this management audit, we reviewed all civil process services performed by the Sheriff between 12/24/2001 and 11/24/2002. This analysis revealed that the most numerous civil process services performed by the Sheriff are evictions, bank levies and earnings withholdings. Additionally, although activity is much less, "Eight-Hour Keepers" (i.e., cash seizures from businesses) demand a disproportionately large amount of Office of the Sheriff time and resources to accomplish.

Based on analysis conducted for this study, nearly 15 percent of the total annual volume of civil process services are performed free of charge, in accordance with statute or local policy of the Board of Supervisors (e.g., domestic violence restraining orders). The remaining 85 percent is comprised primarily of evictions (23 percent), bank levies (19 percent) and earnings withholding orders (36 percent). As stated earlier, although Eight-Hour Keepers comprise only two percent of the annual civil process service volume, each order requires a disproportionately large commitment of staff. The

following table displays the annual volume of civil process activity for the Office of the Sheriff based on data collected for the period December 24, 2001 through November 24, 2002.

**Table 4.1**

**Annual Number of Civil Process Services Performed By the  
Santa Clara County Office of the Sheriff  
Based on the Period 12/24/2001 through 11/24/2002**

| <u>Civil Process</u>         | <u>Annual Volume</u> | <u>Percent of Annual Volume</u> |
|------------------------------|----------------------|---------------------------------|
| <u>For Fee Services:</u>     |                      |                                 |
| Evictions                    | 2,695                | 22.6%                           |
| Execution - Bank Levy        | 2,254                | 18.9%                           |
| Execution – EWO              | 4,256                | 35.6%                           |
| Bench Warrants               | 254                  | 2.1%                            |
| Keepers – Eight Hour         | 235                  | 2.0%                            |
| Third Party Levy             | 71                   | 0.6%                            |
| Writ of Attach               | 154                  | 1.3%                            |
| Other                        | <u>249</u>           | <u>2.1%</u>                     |
| <b>Subtotal:</b>             | <b>10,168</b>        | <b>85.1%</b>                    |
| <u>No Fee Services</u>       | <b>1,775</b>         | <b>14.9%</b>                    |
| <b>TOTAL – All Services:</b> | <b>11,943</b>        | <b>100.0%</b>                   |

Source: Civil Monthly Report CSP-M650-I650 for the periods 12/24/01-11/24/02.

**Legal Basis for Civil Process Fees**

Certain civil process must be performed by sheriff’s departments, such as evictions, earnings withholdings and property seizures. Yet fees for civil process services are set in law by the State Legislature and are not based on any objective assessments of costs. Instead, fees have been periodically revised from historical levels in accordance with the priorities of the Legislature. Any costs that have not been recovered by fees are borne by counties from discretionary resources. This net cost to counties can be substantial, particularly in jurisdictions where the cost of providing services is highest.

In addition to the Legislature’s inconsistent approach to adjusting civil process fees, it has not established any mechanisms to pace changes in fees with inflation, or provided counties with the flexibility to locally determine appropriate fees based on costs. Since civil fees were last set by the Legislature, salaries and other associated costs of

providing services have risen significantly with no financial relief provided by the Legislature.

In 2000, Assembly Bill 1768 was introduced to adjust some civil fees. The justification for the proposed fee increases was to more fully fund the costs incurred by sheriffs' departments for the services they provide. The expectation was that the fees would be established at levels which would more fully recover costs, thus increasing revenues derived from civil process services.

Included in Assembly Bill 1768 were proposed fee increases for three of the civil process services that have been examined as part of this management audit - bank levies, earnings withholdings, and Eight-Hour Keepers. The legislative history associated with each of these fee categories is discussed below.

Bank Levies: The fee for executing a bank levy is specified by Government Code § 26721. Originally added in 1947, the mandated fee for this service was revised several times by the Legislature through 1991. In January 2000, Assembly Bill 1768 proposed increasing these fees to more fully recover costs. The bill also would have implemented automatic annual cost of living adjustments to the fee beginning in 2001. However, none of these provisions were adopted by the Legislature, and the chaptered bill only resulted in an increase from \$28.00 to \$30.00 (a 7.1 percent increase in 10 years, which was significantly less than the County's annual cost increases for providing services during that period). There have been no further increases, or proposals to increase this fee since that time.

Earnings Withholdings: The fee for executing earnings withholdings are specified under Government Code § 26750. The fee for serving an earnings withholding order was originally added to the Wage Garnishment Law in 1978. In January 2000, as part of Assembly Bill 1768, the fee was increased from \$21.00 to the current \$25.00 per execution, a lesser fee than was proposed at the time. As with the fee for bank levies, there have been no further increases, or proposals to increase this fee since that time.

Eight-Hour Keepers (Cash Seizures): The fee for serving, executing, or processing eight-hour keepers is specified under Government Code § 26722. The fee for providing this service was originally set in law in 1947, and was revised several times through 1991. Included in the proposed AB 1768, the fee was increased from \$75.00 to \$85.00 in 2000. It has remained unchanged since that time.

Under the original version of AB 1768, it was recognized that civil fees should be regularly adjusted to keep pace with the inflationary cost of doing business. Consequently, The original bill established a two-year staged increase in fees to base levels (January 2001 and January 2002), and then automatic annual increases tied to the percentage change in the Consumer Price Index (CPI) to account for cost-of-living increases from 2003 forward. This proposed provision was not approved by the Legislature.

The following table compares the adjustments to the fees, as proposed in AB 1768, to those which were authorized in the final chaptered bill.

Table 4.2

## Assembly Bill 1768 – Proposed Fees vs. Chaptered Fees

|                           | <u>Govt. Code</u> | <u>Jan. 1, 00</u> | <u>Jan. 1, 01</u> | <u>Jan. 1, 02</u> | <u>Jan. 1, 03</u> |
|---------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| <b>PROPOSED AB 1768:</b>  |                   |                   |                   |                   |                   |
| Bank Levy                 | 26721             | \$28.00           | \$30.00           | \$32.00           | \$32.77           |
| Earnings Withholding      | 26750             | \$21.00           | \$30.00           | \$32.00           | \$32.77           |
| Eight-Hour Keeper         | 26722             | \$75.00           | \$85.00           | \$85.00           | \$87.04           |
| <b>CHAPTERED AB 1768:</b> |                   |                   |                   |                   |                   |
| Bank Levy                 | 26721             | \$28.00           | \$30.00           | \$30.00           | \$30.00           |
| Earnings Withholding      | 26750             | \$21.00           | \$25.00           | \$25.00           | \$25.00           |
| Eight-Hour Keeper         | 26722             | \$75.00           | \$85.00           | \$85.00           | \$85.00           |
| <b>DIFFERENCE:</b>        |                   |                   |                   |                   |                   |
| Bank Levy                 | 26721             | \$0.00            | \$0.00            | (\$2.00)          | (\$2.77)          |
| Earnings Withholding      | 26750             | \$0.00            | (\$5.00)          | (\$7.00)          | (\$7.77)          |
| Eight-Hour Keeper         | 26722             | \$0.00            | \$0.00            | \$0.00            | (\$2.04)          |

Note: The proposed 2003 fee (estimated) is calculated using the January 1, 2002 fee specified in the proposed AB 1768, plus a 2.4 percent increase based on the percentage change in the CPI from December 2001 to December 2002, as reported by the U.S. Department of Labor.

The 2001 fee increases for the Bank Levy and Eight-Hour Keeper were approved as initially proposed in AB 1768. However, the Year 2001 fee for earnings withholdings was not increased to the recommended levels. Additionally, the automatic increases proposed for each of the services in 2002 and the annual cost-of-living increases were not approved in the Bill for any of the three services, and the fees remain at the 2001 level today.

The fee for serving or executing an eviction is specified in Government Code § 26733.5. However, a proposed fee increase for eviction process services was not included in AB 1768, even though the need to raise this fee to more fully recover costs has been recognized by others and introduced in different bills over the years. The fee for evictions was originally established in law in 1985, but has been amended only two times since then - in 1987 and again in 1991. The last amendment in 1991 increased the fee by 200 percent, from \$25.00 to the current fee of \$75.00.



## Civil Process Work Flow

As stated earlier, evictions, earnings withholdings, and bank levies comprise almost 80 percent of total process services performed by the Sheriff. The Eight-Hour Keepers, although low in number, require a disproportionately large amount of Sheriff resources to accomplish. Of the 28.0 FTE staff assigned to the Civil Unit, approximately nine of the civilian staff and four of the sworn staff are required to perform these civil process services.

Serving civil process is very labor intensive requiring the resources of both civilian and sworn staff. Legal clerks, office specialists, sheriff technicians, and deputies all contribute time and effort to providing these services as mandated by law.

**Table 4.3**

### Staff Requirements for High Activity Civil Process Services

| Civil Process Service FTEs | Civilian | Sworn | Total |
|----------------------------|----------|-------|-------|
| Evictions                  | 3.9      | 3.6   | 7.5   |
| Earnings W/H               | 3.4      | 0.0   | 3.4   |
| Bank Levies                | 1.8      | 0.0   | 1.8   |
| 8-Hour Keepers             | 0.47     | 0.12  | 0.59  |
| Total:                     | 9.57     | 3.72  | 13.29 |

Source: FTE allocation estimates provided by Civil Unit supervisory personnel.

The following discussion outlines the processes the Office of the Sheriff must follow for each of these four high activity civil process services:

**Evictions:** When tenants have not complied with their rental agreements, the property owners have the legal right to initiate a formal process of eviction. The process involves three separate steps. At each step the tenant has the opportunity to rectify the situation, if they choose.

The eviction process is initiated by the property owner, who issues the tenant a three-day notice if the rent is delinquent, or a 30-day notice for any other reason. At the conclusion of the notification period, if the tenant has not responded, the property owner may begin a formal legal process of eviction by filing an unlawful detainer (summons and complaint) with the courts. Upon receipt of this document, the tenant has five days to contest the action with the court, ask for a stay, file bankruptcy, cancel the case, or initiate a claim of right of possession. If none of these actions are taken, the property owner requests that the courts issue a writ of possession, or formal eviction notice.

By law, the writ of possession must be served by the Sheriffs' Civil Unit. The writ is generally delivered to the Sheriffs' Civil Unit by an outside process server, along with a fee of \$75.00. Upon receipt of the writ, a Civil Unit legal clerk reviews the documentation for accuracy, assigns a file number, enters the record into the computer, and prints the eviction notice.

The Sheriff has three days from the date of receiving the writ, to send a technician to post the writ, eviction notice, and claim of right of possession on the property. After the postings have been made, the tenant has five days to file a response or vacate the property. If the tenant does not respond or does not vacate the property within this timeframe, then the landowner will request that the Sheriff send sworn officers to the property to physically remove the person. In practice, only 40-50 percent of the evictions require the use of sworn officers. However, when sworn officers are required, the landowner must be on the premises and is advised to have a locksmith with them to change the locks.

Performing a civil process eviction is very labor intensive, requiring the resources of civilian and sworn staff within the Civil Unit. Legal Clerks manage the paperwork, sheriff technicians post the notices on the property, and the sworn deputies physically remove the tenants from the premises. In total, we have estimated that an average of 4.5 hours of labor is required to complete each eviction from the point the writ is delivered by the process server to removal of the person from the property.

**Table 4.4**  
**Sheriff Staffing for Evictions**

| <b>Sheriff Staff Involved</b> | <b>Task Performed</b>                             | <b>Minutes Per Eviction</b> |
|-------------------------------|---|-----------------------------|
| Legal Clerk                   | Assigns case number, enters into computer, tracks | 55                          |
| Legal Clerk – Supervision     | Troubleshoots when required                       | 10                          |
| Sheriff Technician            | Posts eviction on property                        | 68                          |
| Deputy Sheriff (a)            | Physically removes tenant, takes calls, prepares  | 135                         |
| Average Minutes Per Case      |   | 268                         |

*Source: Each of the civil staff directly involved (e.g. legal clerk, sheriff technician, and deputies) provided time estimates in response to our inquiries.*

*Note: (a) The Sheriffs time includes 200 minutes spent by 2 deputies for on-site evictions (42 percent of the annual 2,695 evictions), 100 minutes of travel time, and 15 minutes of sheriff time spent working on evictions that do not require sworn personnel to physically remove the tenant (58 percent of the 2,695 evictions).*

*Earnings withholdings and bank levies* are writs of attachment. A writ of attachment takes the designated property, such as a bank account or earnings, and places it into the legal custody of the Sheriff according to orders received from the Court. Prior to 1993, these writs were served by deputies. Today, the Sheriff relies primarily on outside process services to serve these documents. Nevertheless, the Sheriffs' involvement continues to be extremely high, and civilian staff in the Civil Unit devote a great deal of time assisting with these services. In 2002, earnings withholdings civil process services accounted for 36 percent of the total annual volume of services provided by the unit, while bank levies accounted for 19 percent.

Earnings withholdings and bank levies result from a court judgment ordering a defendant to pay for damages. An earnings withholding is ordered by the Court to attach the wages of an individual to satisfy a debt or obligation. It is distinct from a bank levy garnishment, which is the procedure used to seize personal property of a debtor (other than wages) which is in the possession of a third party, such as a bank.

An earnings withholding order does not have an automatic termination date. The withholding period commences ten days after the date the order is served, and continues until the writ is satisfied or the levy is terminated by court order or the creditor's instructions. The levy may continue for years under one writ or one resulting earnings withholding order.

After receiving the judgment for an earnings withholdings or bank levy, the plaintiff will contact a process server to serve the order at the defendant's place of employment, in the case of a wage withholding, or to a financial institution, in the case of a bank levy. However, before the process server can proceed, the order and supporting documentation must be delivered to the Civil Unit of the Sheriff, along with the mandated fee of \$25.00 for earnings withholdings and \$30.00 for bank levies. The Civil Unit legal clerk reviews the paperwork for accuracy. If all is correct, they will accept the fee and provide the process server with an official file number.

After reviewing the paperwork for accuracy and assigning the file number, the legal clerk places the order into a queue, until one of the four office specialists retrieves it and inputs the information into the computer. After the order is input into the computer, it is placed in another upright file where it waits for "Proof of Service" from the process server. When that is received, an office specialist updates the case in the computer, noting that service has been completed. Afterwards it is placed in another queue, the "Active" file, where it remains until information from the employer (in the case of a earnings withholdings) or from the bank (for bank levies) has been received. All of these steps are necessary to appropriately record and track the orders.

In total there are four office specialists who are assigned to process the earnings withholdings and bank levies. In addition, a legal clerk will review the case that is delivered to the Civil Unit for accuracy, and will assign the case number, which is used to track the case through to completion. The Civil Unit manager assists with any trouble shooting or complicated cases, when necessary.

**Table 4.5****Sheriff Staffing for Earnings W/H and Bank Levies**

| Sheriff Staff Involved    | Task Performed                         | Minutes Per Case |
|---------------------------|--|------------------|
| Legal Clerk               | Assigns case number, takes money       | 20               |
| Legal Clerk – Supervision | Troubleshoots when required            | 5                |
| Office Specialist         | Inputs into computer, tracks to close. | <u>45</u>        |
| Total Min. per case       |  | 70               |

Source: (a) Time was provided initially by directly involved Civil Unit staff (i.e., legal clerk, office specialist) and was then reviewed by the sergeant in charge of the Civil Unit. (b) Time reflects what is needed for each case.

Recently the Civil Unit has transitioned to a new computer system. According to several people we interviewed during this management audit, this computer system is cumbersome, which in combination with the inherent learning curve with the system, has increased the time involved performing these services.

***Eight-Hour Keepers:*** Keepers are private contractors utilized by local agencies to help obtain custody of money or property. They are paid by the beneficiaries of the keeper orders, usually a plaintiff who has obtained a judgment. Keepers require deputies to accompany them to the locations where the order is to be executed. Keepers remain at the location, with the deputy, until the court order is satisfied.

There are approximately 60 to 70 keepers in California. Many keepers are retired law enforcement officers. The service which is now being performed by the keepers was originally performed by marshals and sheriff's departments in the State, but these needs are now performed by those in the private sector. Keeper fees are set by statute and can only be changed by the Legislature.

Eight-Hour Keepers require significant involvement by Office of the Sheriff staff. Legal clerks must process the paperwork, create and maintain files, create a computer record and perform other administrative tasks to support sworn personnel. Deputies must serve the order and accompany the keeper to the property seizure location. The following table describes the role of Sheriff's personnel during the Eight-Hour Keeper process.

**Table 4.6****Sheriff Staffing for Keepers**

| <b>Sheriff Staff Involved</b> | <b>Task Performed</b>  | <b>Minutes Per Case</b> |
|-------------------------------|--|-------------------------|
| Legal Clerk                   | Assigns file number, takes money, creates files for Defendant, Deputy, Keeper, updates computer, creates tape of all information | 45                      |
| Legal Clerk – Supervision     | Troubleshoots when required  | 5                       |
| Deputy Sheriff                | Serves the order, accompanies the Keeper   | 190                     |
| <b>Total Min. per case</b>    |  | <b>240</b>              |

*Source: Initial estimates were provided by the staff performing the service. This was then reviewed by the sergeant in charge of the Civil Unit.*

**COST ESTIMATES**

As part of this management audit, we developed cost estimates for each of the four civil process services based on time estimates from the staff who directly perform the tasks (see above). In every case, these time estimates were reviewed by the sergeant in charge of the Civil Unit, who provided some additional adjustments as well as a reasonability check.

Labor rates were developed in three steps. First, straight-time labor rates were obtained from the "County of Santa Clara Salary Ordinance" for Fiscal Year 2003 using Step five for each of the labor categories. We believe that Step five is reasonable because the people working on the cases have been with the Sheriff for many years and therefore have advanced to a higher step. Second, a fully-loaded labor rate was derived by increasing the straight-time rate by the percentage for benefits obtained from the County Brass Report for Fiscal Year 2001-2002. Finally, the productive labor rate reflecting actual time worked, was developed by using the annual productive hours received from the Controllers office for civilian staff and the annual productive hours developed by the fiscal manager for Office of the Sheriff deputies. To arrive at total labor dollars, the dedicated time per case was multiplied by the total volume and this was in turn multiplied by the applicable productive hourly rate.

Total direct costs were increased by an additional 38.1 percent reflecting indirect costs of the Office of the Sheriff applicable to these services. The rate of 38.1 percent was

obtained from the Sheriff's Indirect Cost Rate Proposal for FY 2001-2002. The rate includes an allocation of costs for supplies, equipment and automobiles.

As the table below shows, the total estimated costs to provide these four civil process services was \$1,211,000, compared to fee revenue of \$397,000, based on the current allowable fees the sheriff can charge. Accordingly, during the period reviewed during this management audit, the General Fund subsidized these services by nearly \$814,000.

While required by State law, this practice is inconsistent with those exercised in other departments where the County is permitted to charge users for the full cost of services that are received (e.g., planning and building fees, etc.). While this practice is dictated by State law, it is unfair to taxpayers because they are subsidizing services that generally benefit private businesses and individuals, and for which the cost should be borne by the persons against whom the judgment has been ordered.

**Table 4.7**

**Cost Estimates for Civil Process Services in 2002**

| <i>(Figures are 2002 annual)</i>                | <u>Evictions</u> | <u>Bank Levies</u> | <u>Earnings Withholdings</u> | <u>Keepers</u>  | <u>Total</u>     |
|---|------------------|--------------------|------------------------------|-----------------|------------------|
| No. of Annual Cases                             | 2,695            | 2,254              | 4,256                        | 249             | 9,454            |
| Labor Hours                                     | 12,125           | 2,749              | 5,253                        | 1,115           | 21,180           |
| Dedicated FTE                                   | 7.50             | 1.80               | 3.40                         | 0.59            | 13.29            |
| Labor Costs                                     | \$571,237        | \$78,963           | \$171,687                    | \$55,265        | \$877,152        |
| Indirect Costs                                  | <u>\$217,641</u> | <u>\$30,085</u>    | <u>\$65,413</u>              | <u>\$21,056</u> | <u>\$334,195</u> |
| Total Costs:                                    | \$788,878        | \$109,048          | \$237,100                    | \$76,321        | \$1,211,347      |
| Annual Revenue:                                 | \$202,091        | \$67,615           | \$106,391                    | \$21,140        | \$397,237        |
| Annual Shortfall:                               | (\$586,787)      | (\$41,433)         | (\$130,709)                  | (\$55,181)      | (\$814,110)      |
| Mandated Fee:                                   | \$75             | \$30               | \$25                         | \$85            |                  |
| Fee @ full-cost recovery:                       | \$293            | \$49               | \$56                         | \$307           |                  |
| Percent increase to achieve full-cost recovery: | 291%             | 63%                | 124%                         | 261%            |                  |

As the table illustrates, evictions resulted in the largest total costs and represented 70 percent of the total shortfall. In order to fully recover 100 percent of the costs of providing eviction process services the fee would need to be increased by 291 percent from its current level of \$75.00 to \$293.00. Earnings withholdings represent 16 percent of the \$814,000 shortfall and required \$131,000 of General Fund subsidy during 2002. To fully recover the costs of providing this service the fee would need to be increased 124 percent from the \$25.00 currently permitted in law to \$56.00. Bank levies and Eight-Hour Keepers both resulted in a shortfall of about \$50,000. However, the fee for bank

levies would require an increase of 63 percent over the current price, while Eight-Hour Keepers would need to be increased almost 261 percent over the current price of \$85.00.

Although Bank Levies only require a 63 percent increase in order to fully recover the costs, as noted above evictions, earnings withholdings, and 8-Hour Keepers would require increases of 291 percent, 124 percent, and 261 percent, respectively. Consequently, it would be appropriate to increase these fees in stages so that the full increase is not felt by the users in one year. The table below provides one alternative to be considered by the Board of Supervisors, if enabling legislation can be obtained.

**Table 4.8**

**Proposed Implementation of Fee Changes to Recover Full Cost**

|                       | Fee at 100%<br>FY 2002-03 | Current Fee | Jan. 2004 | Jan. 2005 |
|-----------------------|---------------------------|-------------|-----------|-----------|
| Bank Levy             | \$48.38                   | \$30.00     | \$50.00   | \$50.00   |
| Earnings Withholdings | \$55.71                   | \$25.00     | \$60.00   | \$60.00   |
| Evictions             | \$293.00                  | \$75.00     | \$155.00  | \$295.00  |
| 8-Hour Keeper         | \$294.00                  | \$85.00     | \$150.00  | \$295.00  |

Under the recommended increases, the fees for bank levies and earnings withholdings could be increased to levels capable of recovering 100 percent of the costs during the first year. The evictions and Eight-hour keeper fees would be increased to levels capable of recovering 100 percent of the costs by January 2005. After the initial adjustments, the fees should be increased every two to three years to ensure full-cost recovery, based on the CPI.

If successful, the County would realize approximately \$210,000 in additional revenue in FY 2003-04, and over \$820,000 additional revenue by FY 2004-05. Full cost recovery of \$840,000 (excluding any adjustments for inflation), would be achieved by FY 2005-06. The estimated total revenue and incremental revenue by fee is displayed in the table, below.

**Table 4.9**

**Annual Incremental Revenue Under  
Proposed Fee Implementation Schedule**

|                       | FY 2002-03 | FY 2003-04 | FY 2004-05   | FY 2005-06   |
|-----------------------|------------|------------|--------------|--------------|
| Bank Levy             | \$ 67,615  | \$ 90,155  | \$ 112,700   | \$ 112,700   |
| Earnings Withholdings | 106,391    | 180,871    | 255,360      | 255,360      |
| Evictions             | 202,091    | 309,891    | 792,375      | 795,025      |
| Eight-Hour Keeper     | 21,140     | 29,233     | 56,897       | 76,443       |
| Total                 | \$ 397,237 | \$ 610,150 | \$ 1,217,332 | \$ 1,239,528 |
| Incremental Revenue   |            | \$ 212,913 | \$ 820,095   | \$ 842,291   |

As shown, by FY 2005-06 the County would realize \$842,291 annually in revenue over the FY 2002-03 expected amount.

## UPDATE

Given the seriousness of the FY 2003-04 budget outlook we requested Board permission to begin working with the Sheriff and the County Executive to obtain legislative approval to increase civil fees to recover costs, prior to publicly releasing the Audit report. The Legislative Committee granted approval. Initial efforts to include this in existing legislature sponsored by the Los Angeles Sheriffs Department were unsuccessful. However, the Los Angeles Sheriffs Department did express interest in co-sponsoring a new bill with Santa Clara County in the next Legislative session that would increase civil fees to recover costs. Consequently, Intergovernmental Relations will include this in the "2004 Legislative Policies & Priorities Statement" and Intergovernmental Relations staff will begin pursuing this in December 2003.

## CONCLUSIONS

Counties cannot locally determine fees for civil process services that are performed by sheriff's departments. Instead, these fees are set in State law. The State does not consistently evaluate fee levels, and counties are prohibited from routinely adjusting fees for inflation. Because civil fees are not based on local government's cost of providing services, taxpayers in the County of Santa Clara are subsidizing services that generally benefit private businesses and individuals.

The Sheriff generates fees from 45 of the 100 civil process services mandated by law. Of these, evictions, bank levies, earnings withholdings, and "Eight-hour keepers" comprise nearly 85 percent of the total volume of civil process services performed by 46 percent of the Civil Unit staff. The County is subsidizing approximately \$814,000 per year of services, based on a comparison of the current fee revenues to costs.

The civil fee setting prohibitions imposed by the State are inconsistent with the latitude given in other areas, where it is permitted to charge users for the full cost of services. The County should advocate for legislation to allow counties to set fees for civil process services based on costs. If such legislation is approved, the County should incrementally increase fees to cost recovery levels within the next two fiscal years. This implementation schedule would result in additional County income of over \$840,000 per year by FY 2005-06.

## RECOMMENDATIONS

The Santa Clara County Office of the Sheriff should:

- 4.1 Work with the Board of Supervisors, CSAC and the California Sheriff's Association, to obtain legislative authority from the State to base civil process service fees on costs. (Priority Two)



- 4.2 Once legislative authority is obtained, develop proposed fees that would recover 100 percent of the cost of providing civil process services. Establish and include a CPI adjuster that would go into effect during the year that the fees reach full-cost recovery and would be applied every two to three years thereafter to ensure fees remain at full-cost recovery. (Priority Two)

## **COSTS AND BENEFITS**

There would be no costs to implement the recommendations.

Successful implementation will generate approximately \$840,000 in additional revenue, above FY 2002-03 estimated amounts. The growth in revenue will coincide with the staged increase in fees. In FY 2003-04, \$210,000 in additional revenue will be realized. Full cost recovery of approximately \$840,000 over FY 2002-03 levels, would be achieved by FY 2005-06.



## 5. Warrant Processing

- In a sample of cases reviewed for this management audit, a median of 26 days passed between the day warrants were received from the court and the day the Records Unit activated and entered them into CLETS where information on them would be available to law enforcement agencies and county communications. A median 36 days elapsed until the serious felony and misdemeanor warrants were processed by the Civil/Warrant Unit and placed in the hands of the deputies to formally serve.
- The current method for processing warrants received from the courts consists of three major processes performed by two separate Units within the Office of the Sheriff. Processing delays during each step contribute to the extensive elapsed time in the process, resulting in backlogs, older warrants which are more difficult to serve and placing officers unnecessarily at risk when unknowingly encountering wanted felons.
- Streamlining this process requires automation of tasks in both Units involved in the warrant processing. This automation would free up at least one FTE that could be placed in the Civil/Warrant Unit to assist with the warrant processing backlog that exists there enabling them to move warrants into the hands of deputies more quickly.
- Streamlining the processing of warrants would result in more warrants being served since the opportunity to successfully serve warrants increases in direct proportion to the timeliness of the service attempts. Faster processing of warrants would also decrease risk to the officers and the public at large since warrant data would be made available sooner. Automation would free up resources enabling them to be utilized to process more warrants and eliminate backlog. The added benefit of serving more warrants would be increased revenue for the Office of the Sheriff.

The Santa Clara County Office of the Sheriff is responsible for processing and serving approximately 27,000 new warrants per year. Under current procedures, the Office of the Sheriff directly serves felony and serious misdemeanor warrants using sworn deputies, and notifies individuals of less serious warrants by mail. Successfully serving warrants can be difficult, and can become more difficult as the warrant ages. As of October 31, 2002, 75,132 outstanding active warrants were being managed by the Office of the Sheriff.

Warrants are used by the courts as a tool for notifying law enforcement of the need to make an arrest or secure property. Warrants can be issued for relatively minor reasons

or for very serious reasons. In the field, law enforcement officers rely upon the warrant record for critical information about individuals who they may be questioning, detaining or considering for arrest. Unless these police officers and deputies have immediate and full access to pertinent warrant information, they could be placing themselves or others in danger; or, may release individuals who are wanted by the courts and threaten public safety. Therefore, warrant processing is a critical function, which should be given the highest priority by law enforcement agencies within the County. There should be no processing backlogs or, if backlogs are unavoidable, they should be managed so that the most serious warrants are processed expeditiously.

Approximately 40 percent of the warrants issued by the courts are received by the Office of the Sheriff Records Unit, where they are reviewed and activated. The remaining warrants are processed by the San Jose Police Department (38 percent of the total), with the remainder (22 percent of the total) processed by the other police departments within the County.

Warrant preparation activities are performed in two separate units within the Sheriff's Department. The function is comprised of three significant, and somewhat time consuming tasks, which are described below.

1. When a warrant is issued, it is entered into the Criminal Justice Information Control (CJIC) system by the issuing court and transferred to the Sheriff's Department for service. Once the Office of the Sheriff obtains the warrant, Records Unit personnel review the documentation for completeness and "activate" the record in the CJIC system. Activation indicates to all CJIC users that the warrant has been received by a law enforcement agency and may be served. While warrants that are not activated can technically be served, it is difficult for law enforcement officers to know that the warrant has been received by the Office of the Sheriff if it has not been activated by the Records Unit in the CJIC system. The CJIC system can only be accessed by other criminal justice agencies within the County, and is not available to County Communications dispatchers or to law enforcement agencies outside of the County. Therefore, warrant information is invisible to dispatchers or to law enforcement agencies outside of the County, until later processing steps are completed.
2. After initial review and activation, warrants must be entered into the California Law Enforcement Tracking System (CLETS) collection of databases, as well as the Federal Bureau of Investigation (FBI) National Criminal Information Center (NCIC) database, as well as other databases described more fully, below. Entering warrant information into these databases is critical, because both the CJIS and NCIC systems are accessed by County Communications dispatchers, as well as by other law enforcement agencies outside of the County. Dispatchers and law enforcement officers in other California counties will be unaware that a warrant is outstanding unless data is entered into the CLETS databases in a timely manner and kept accurate.

3. The Civil/Warrant Unit, which is responsible for serving serious felony and misdemeanor warrants, conducts significant tasks to prepare the warrant for service. These tasks include searching the criminal history of the person named in the warrant, attempting to obtain information on the physical location of the person named in the warrant and other research.

### **Warrant Processing Work Flow**

Initially the court administrator enters all warrants except for traffic, body attachment, and juvenile warrants into the CJIC database, where these warrants continue to reside until resolved or purged. As stated previously, law enforcement clerks (LEC) from the Records Unit pick up completed warrants from the courts daily, review the documents for accuracy, and activate the warrants in CJIC.

After the LECs have activated the warrants, they make copies of felonies and serious misdemeanors and create a "warrant package," which they deliver to the Civil/Warrant Unit. The original activated warrant is filed alphabetically in a drawer marked "Active," where it remains until a LEC pulls the record and enters the warrant data into the CLETS system databases.

As discussed previously, CLETS is comprised of databases hosted by a variety of state and federal agencies, and include:

- CJIS, hosted by the State Department of Justice. CJIS contains data on felony warrants, misdemeanor warrants greater than \$5,000 and no bail warrants. It also contains data on missing persons, wanted persons, and missing property;
- DMV, hosted by the State Department of Motor Vehicles. The DMV system contains data on vehicle registration and driver licenses;
- NCIC and NLETS, hosted by the Federal Bureau of Investigation. NCIC contains all felony warrants, while NLETS contains data on interstate crimes; and,
- LEDS, hosted by the State of Oregon. This system contains data on vehicle and boat registration, driver license, guns, wanted persons, and stolen vehicles registered within the State of Oregon.

Outside of CLETS and hosted by Alameda County, is the Automated Warrant System (AWS). This system provides access to local warrant data for the select bay area counties of San Francisco, Alameda, Santa Clara, and San Mateo. In addition, misdemeanors less than \$5,000, traffic warrants, body attachments, and juvenile warrants are all entered into AWS.

**A table illustrating the hosting and data input responsibilities for the major warrants related systems utilized by the Sheriff is provided on the next page:**

Table 5.1

**Warrant Populated Computer Networks  
Hosting and Data Input Responsibilities**

| <u>Database</u> | <u>Host</u>                | <u>Felony</u> | <u>Misdem.<br/>&gt;r \$5.0K</u> | <u>Misdem.<br/>No Bail</u> | <u>Misdem<br/>&lt;\$5.0K</u> | <u>Traffic</u> | <u>Body<br/>Attach<br/>(a)</u> | <u>Juvenile<br/>(a)</u> |
|-----------------|----------------------------|---------------|---------------------------------|----------------------------|------------------------------|----------------|--------------------------------|-------------------------|
| CJIC            | Santa Clara County         | Court         | Court                           | Court                      | Court                        |                |                                |                         |
| CLETS:          |                            |               |                                 |                            |                              |                |                                |                         |
| CJIS(b)         | DOJ                        | Records       | Records                         | Records                    |                              |                | Records                        | Records                 |
| NCIC            | FBI                        | Records       |                                 |                            |                              |                |                                |                         |
| AWS             | Alameda County             |               |                                 |                            | Records                      | Records        | Records                        | Records                 |
| RMS             | Santa Clara County Sheriff |               |                                 |                            |                              | Records        | Records                        | Records                 |
| Civil System    | Santa Clara County Sheriff | Warrants      | Warrants                        |                            |                              |                |                                |                         |

Source: Records Unit Management – 2002 and CLETS Network Handout.

(a) Body attachments and juvenile warrants are entered into AWS when there are insufficient descriptors (i.e. height/weight of the individual) or when juveniles are under the age of 9 and won't be accepted in WPS.

(b) Warrants are entered into the WPS system by Records staff which is part of the CJIS system.

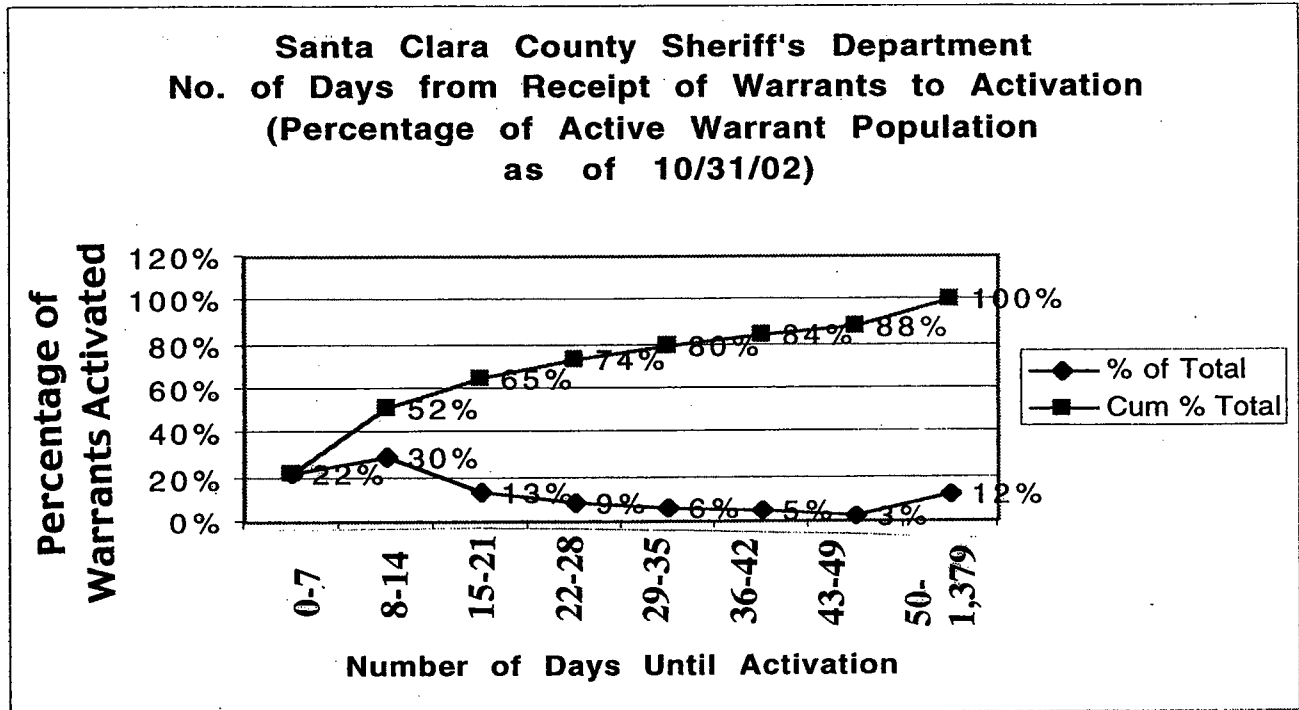
When the LEC in the Civil/Warrant Unit receives the warrants, she ensures that the charges and bail amounts meet the criteria for service by a sworn officer. Once these warrants have been identified, the LEC conducts extensive research and processing to prepare the packet for service by sworn staff. This process includes locating current and prior addresses, reviewing criminal history, obtaining drivers license and vehicle registration information and producing a photograph from the Department's database, if available.

The three sequential transfers between Office of the Sheriff units, and within the Records Unit described thus far, contribute significantly to delays identified during this study.

While felony warrants appear to be given priority and are activated more quickly than other warrant categories, a review of all 19,569 warrant records in the CJIC system file as of October 31, 2002 indicates that there has been a history of placing all categories of warrants into queues and activating them at later times. Even after warrants are activated, they are transferred to another queue until Records Unit staff have a chance to enter warrant information into the CLETS databases. New warrants that are received by the Civil/Warrant Unit are not processed by the Civil/Warrant until work is completed on warrants that are already in their queue, awaiting processing.

As part of this study, we quantified the processing delays for the 19,569 active warrants residing in the CJIC system on October 31, 2002. The following table displays the elapsed time, in days, between the point that warrants were approved by the Court and the date of activation.

Exhibit 5.1



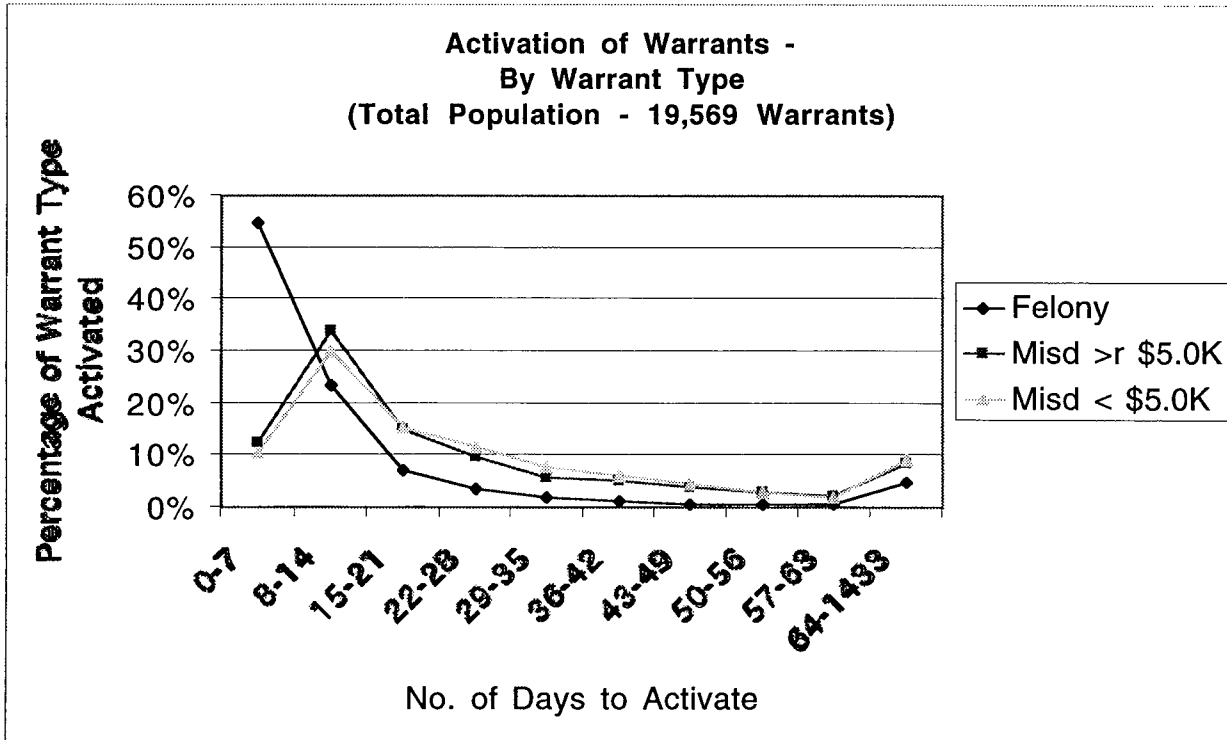
Source: All warrants in the CJIC file as of 10/31/02.

The median number of days to activate all 19,569 warrants was 14 days. However, as the chart above shows, roughly one quarter (26 percent) of the warrants took longer than three weeks to activate, 16 percent took longer than five weeks and 12 percent took longer than seven weeks to be activated. Although not shown in the chart, nearly 200 warrants took longer than one year to be activated.

Of the 19,569 warrants in the CJIC file, 5,060 were felony warrants. Comparing the timing to activation between felony warrants and other types of warrants, confirms that the Sheriff places a higher priority on activating felony warrants during the first 14 days. However, if not processed in 14 days, there does not appear to be any distinction between felony and misdemeanor warrant processing, with delays following the same general timeframe patterns.

The results of this analysis are displayed in the chart, below:

Exhibit 5.2



Source: All warrants in the CJIC file as of 10/31/02.

As the chart shows, over 50 percent of the felony warrants were activated within seven days compared to only 10 percent of misdemeanors greater than \$5,000 during the same timeframe. By the time felony warrants were 14 days old, 70 percent of them had been activated compared with only 40 percent of the misdemeanors greater than \$5,000.

When a misdemeanor warrant becomes three years old it is eligible to be purged. When a felony warrant record becomes five years old, it is eligible to be purged. Warrants are purged quarterly. At the start of each quarter, the State Department of Justice mails the Records Unit a list of all warrants eligible for purging, as reflected in the State's "Wanted Persons System," which resides in CJIS. This listing covers all felonies, misdemeanors greater than \$5,000 and "no bail" misdemeanors.

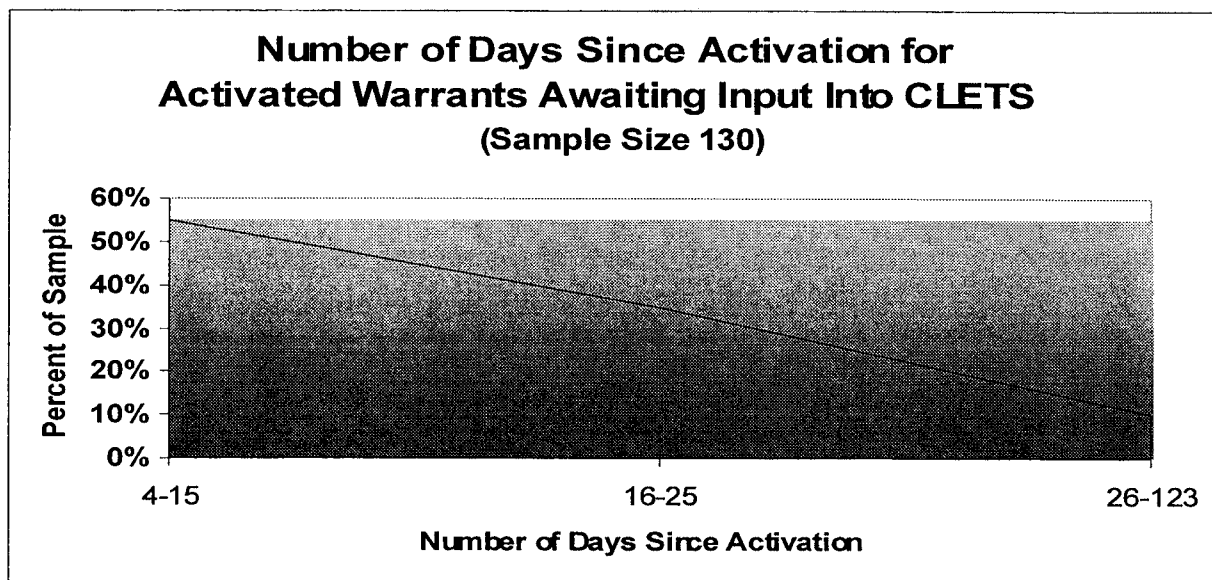
The District Attorney ultimately determines which warrants may be purged from the Sheriff's systems, and which ones should continue to be active. However, because of the amount of time it takes the DA to complete its review of the DOJ list, the Sheriff's Records Unit manually extends the activation dates for all warrants under review to ensure they are not purged from the system. Accordingly, we adjusted our analysis to reflect only case activation delays that occurred prior to reactivation by the Records Unit, which was required as part of the purging process.



After warrants are activated they are placed in a queue, in alphabetical order, until staff is available to enter their data into the CLETS databases. Since warrants are simply filed together, in alphabetical order, felonies lose their priority standing next to other warrants. Again, while warrants are in this queue and not in CLETS, they remain unavailable to County Communications and other law enforcement agencies which do not have access to CJIC information.

To quantify the time delay from activation to entry into CLETS, we sampled 130 warrants from a total of 497 warrants that were in the queue waiting to be input into CLETS as of January 27, 2003. The results are graphed below:

**Exhibit 5.3**



Source: Warrants residing in the "Active File" waiting to be input into the CLETS on 1/27/03.

As the graph illustrates over 50 percent of the 130 warrants sampled had been in the file for 4-15 days, over 30 percent of the sample had been there 16-25 days and 10 percent had been in the file for over 25 days. The average number of days these sample warrants were in the queue, and not yet entered into CLETS, was 12 days. However, because there are no processing distinctions for this workload, it is probable that many warrants take much longer than 12 days to enter into CLETS. On April 15, 2003 and subsequent to our audit research, the DOJ conducted their biennial audit review of selected on-line records that the Sheriff Records Unit maintains in the DOJ's CJIS and the FBI's NCIC systems in CLETS. In their completed report, which was published on May 19, 2003, they too identified that the Records Unit was taking too long to enter new warrants into the CLETS systems. They further highlighted the importance of ensuring warrants were entered into these systems within three days of receipt and stated that "to ensure maximum system effectiveness, records must be entered immediately when the conditions for entry are met – not to exceed three days upon receipt by your

agency". Their findings, which were based on a sample of 38 warrants, revealed that 39.5 percent or 15 of these warrants took 30 or more days to be entered into the CLETS systems after receipt of the warrant. These results support our finding that it takes a median 26 days from the time the warrant is received from the courts until it is entered into the CLETS systems (i.e. 14 to activation plus 12 to entry into CLETS). It further clarifies the importance of entering these warrants more quickly so that law enforcement officers have access to the information sooner.

The fragmented approach to processing warrants also appears to create some inefficiencies for LECs who "confirm" or verify the existence of an activated warrant for field deputies. During our observations, LECs searched through the new warrant desk, the "active file", and the completed warrant drawers, to verify that a warrant was or was not in the Records Unit before confirming a warrant for officers who had contacted the Unit from the field. Procedurally, this is called "performing a hand check" by the Unit and is a time consuming process that does not provide complete assurance that all active warrants are discovered.

After warrants are activated (and simultaneous with when they are entered into CLETS) the Records Unit LEC delivers them to the Civil/Warrant Unit where service is attempted by deputies. On average, 50 new warrants are delivered to this Unit each day. Once delivered, these warrants are placed in a third queue until the Unit's law enforcement records technician (LERT) is able to process them and assemble a warrants packet for the deputies. As discussed previously, these warrants will undergo an extensive, time consuming and highly manual process of review and research in order to prepare them for the deputies.

To quantify the time delay involved at this final point of processing, we reviewed the active warrant database as of January 10, 2003. We found significant time elapses between the date the warrants were received by the Civil/Warrant Unit, and the time they were fully processed and available for service. The results also revealed a progressive deterioration in processing timeliness since 1999. This is illustrated in the table, below:

**Table 5.2**

**Efficiency of Warrant Processing by Civil/Warrant Unit**

|  | <u>2002</u> | <u>2001</u> | <u>2000</u> | <u>1999</u> | <u>Total</u> |
|--|-------------|-------------|-------------|-------------|--------------|
| No. of Warrants Prepared for service by sworn officers | 4,015       | 4,010       | 5,374       | 2,958       | 16,357       |
| Median no. of days to complete                         | 36          | 23          | 21          | 13          | 22           |

*Source: Extract of the data from the Civil/Warrant computer system on 1/10/03 provided by the I/S group. Number of days to process equals number of days from activation date to civil processed date.*

As the table illustrates, the processing time has increased significantly since 1999, from approximately 13 days in 1999 to 36 days in 2002. The median number of days to complete warrant processing for all of the 16,357 warrants filed since 1999 was 22 days.

During our interviews with the LERT responsible for processing warrants, we were told that the increased amount of time to process warrants is partly the result of new warrant checks requested by the FBI and Social Security Administration. Beginning in 2002, these Agencies began sending notifications to the Civil/Warrant Unit when warrant holders were seeking government assistance. These notifications took precedence over regular processing because, within 90 days, these Agencies were required to notify the warrant holders that a claim had been denied due to outstanding warrants. Upon receipt of the notifications, the LERT would reprocess the warrants and prepare new packets for the deputies to serve before the federal notification was made. The LERT estimates that during 2002 she received between 20 and 50 of these notifications every other month, which caused delays in processing other workload.

Another reason for the large backlog of warrants in the Civil/Warrant Unit may be explained by some efficiencies that have been incorporated into earlier stages of warrant processing that have been implemented by the Records Unit. As discussed previously, the Records Unit activates warrants and then delivers the felonies and serious misdemeanors to the Civil/Warrant Unit for processing. At the end of 2001 the Records Unit began putting warrants into clear plastic holders, which eliminated the need to type a paper cover for each. This increased productivity, and resulted in more warrants being delivered to the Civil/Warrant Unit each day.

To better understand the warrant processing performed by the Civil/Warrant Unit, we observed and timed each of the eleven steps performed by the LERT. The process is excessively manual, resulting in a significant amount of "dead time" while she waits for the computer to run various reports that she must request one at a time. In total we calculated that it takes just over 13 minutes to process each warrant, making that warrant available for service.

Because the Civil/Warrant Unit receives an average of 50 new warrants each day and can only process a total of 37 (based on 13 minutes per warrant during an eight hour work day), the current manual process does not enable her to remain current with new warrant workload, or reduce the current backlog which stood at 515 on January 16, 2003. In our conversations with the Sergeant of the Unit on February 19, 2003, he expected the backlog to be closer to 1,000. In the absence of any changes in the process, this backlog would have grown to at least 616 in just five days. This is illustrated in the table below:

Table 5.3

**Growth in Backlog of Warrants in Civil/Warrant Unit**

| <u>Day</u> | <u>Beginning Backlog</u> | <u>No. of Warrants Processed in 8 Hours</u> | <u>New Warrants Received</u> | <u>Ending Backlog</u> |
|------------|--------------------------|---|------------------------------|-----------------------|
| 1          | 551                      | (37)  | 50                           | 564                   |
| 2          | 564                      | (37)  | 50                           | 577                   |
| 3          | 577                      | (37)  | 50                           | 590                   |
| 4          | 590                      | (37)  | 50                           | 603                   |
| 5          | 603                      | (37)  | 50                           | 616                   |

*Source: Current count of backlog on 1/16/03, timing of each step of the warrant process, and estimate of new warrants received by Records from their monthly statistical report. New warrants from Records daily log. No. processed in an 8 hour day is based on one civilian performing processing 8 hours a day at a rate of 13.27 minutes per warrant.*

However, deputies within the Unit have all been trained to process the warrants and often assist with the processing of the warrants. Because deputies work in teams of two when one of the team members is out on vacation, sick leave, or other duties, the remaining deputy cannot serve warrants and instead is assigned to assist with the warrant processing. Additional processing help has also come from a Reserve Deputy assigned to the Unit. Without this additional processing assistance the backlog would stand at a much greater number than what it is today.

To summarize, a review of the warrant process confirmed that significant time elapses between warrants being received by Records and warrants being available to the sworn officers in the Civil/Warrant Unit to serve occurs due to inefficiencies in these three major work processes. The results were as follows:

Table 5.4

## Elapsed Time Between Milestones Of Processing New Warrants

| Median number of days from:  | To:  |     |
|--|--|-----|
| Warrant received from court  | Warrant can be served by a law enforcement officer   | 14  |
| Records Unit activates warrants  | Warrant deputies have packet for service             | 36  |
| Records Unit activates warrants  | Warrant visible to dispatch staff and other agencies | 26  |
| Percent of warrants served by Sheriff (during calendar year 2002 out of 13,582 warrants cleared) |  | 26% |

*Source: CJIC file of warrants as of 10/31/02. Court delay was calculated by comparing "entered" date with "printed" date. Activated delay was calculated by comparing "printed" date with "activated" date. Days to put warrants into the computer systems was calculated by comparing "activated" with the date at time I was reviewing the warrants in the drawer. Civil/Warrant delay based on Civil/Warrant Computer System data as of 1/10/02 and comparing the "activated" date with date the civil/warrant process was completed.*

Reviewing the three major segments of time, total elapsed time from the day Records' receives the warrant until it is activated by Records is a median of 14 days, time until the Civil/Warrant Unit sworn officers have obtained required documentation for serving the more serious felony and misdemeanor warrants is a median of 36 days, and time until the warrants are visible to dispatch staff and other non-county agencies is a median of 26 days. The warrant process, starting with activation and ending with Civil/Warrant Unit processing, could be potentially streamlined through automation, staff reallocation and process revisions.

Timeliness of activating warrants should be improved from the median 14 days to same day processing and activation. Currently the Records Unit recognizes the importance of activating felonies immediately but this same sense of urgency does not appear to be transferred to the remaining warrants they receive. A dedicated staff member should be assigned to ensure that all warrants received from the courts are activated in the same day.

New data should be entered into CLETS immediately upon activation to reduce unnecessary lag time. If the County Communication and law enforcement agencies are not receiving access to this new warrant data until 26 days after the warrant has been issued, it is reasonable to assume that fewer warrants are served than might otherwise be, and that officers and the public at large will remain at risk during this window of time. In addition, because warrants are not immediately processed, additional workload

is created as Records Unit personnel search for evidence of warrants when a law enforcement agency, deputy or dispatcher calls for verification.

To streamline this process and begin providing the information instantaneously, an automated interface between the CJIC system and CLETS should be considered. Such a system would automatically transfer warrant data into CLET on a daily basis. Although there would be initial costs to establish the system, once it is established the system would be self-maintaining and would require minimal staffing. Staff savings would be realized both at the front end, where warrant data is input into CLETS, and at the back end, when purging requires warrant data to be deleted. Staffing that is no longer needed to manually update CLETS could be re-deployed to assist with the warrant processing in the Civil/Warrant Unit and eliminate the backlog which exists there.

The CJIC Unit has been working on implementing an interface between CJIC and CLETS with some progress. Board approval was received several years ago to proceed with the project and an appropriation of \$100,000 was provided for the Initial Investigation phase.

Recently, the CJIC Department made significant progress in moving forward with their project by gaining approval from the DOJ to access the CLETS via CJIC. However, the DOJ is determining how CJIC could act as an agent for multiple warrant service agencies in the County (i.e. the 13 Police Departments, DOC, DA, FBI, Post Office, and other Agencies who serve warrants and input information into CJIC) and the project cannot move forward until this determination is made. According to the CJIC Director, this is a critical, primary piece of the application and CJIC could not proceed with design and development work until receiving guidance on that issue from the DOJ. The Director also noted that in retrospect, with the hindsight information now at hand, they should have been more aggressive working with the DA or the DOC to obtain a solid contact within the DOJ that could help move the project along more quickly.

Since receiving the project funding for this interface, it has rolled over at least two times. Because the money has not been spent, this year at the February 11<sup>th</sup> Board Meeting, the Board of Supervisors pulled the unused funding from CJIC, putting it back into the General Fund. However, the additional information from this Finding points out the importance of moving forward with the project at this time and that doing so could result in significant costs savings for not only the County, but possibly Statewide if a similar interface were implemented. Cost savings from the reduction in staff is estimated to be equivalent to one FTE at the LERT level. Risk to field officers and the public would be decreased significantly with warrant data available at the time the warrant is activated.

The processing of warrants within the Civil/Warrant Unit should be automated where ever it is possible to reduce the backlog and enable the LERT to keep on top of the new warrants received each day. Several of the eleven steps involved in the processing can and should be automated. We brought this up to the Office of the Sheriff Information Systems Manager during some discussions on the topic, and one of our suggestions--an automated mapping program--has already been implemented with productivity

improvements noted by the LERT and Sergeant in charge of the Unit. Specifically, the use of this CAPSS system has reportedly decreased the time to perform this task to under 30 seconds per warrant, a 50 percent improvement from our timing of the task. Further automation should also be done to enable the CJIC and SLETS terminals to accept multiple entries on one screen, so that several reports can be requested at a time for criminal history, prior address reports and drivers license and registration. As noted earlier, the current process allows requests to be made only one at a time, resulting in significant "dead" time for the LERT. Warrant processing could be further improved by transferring the one FTE from the Records Unit to the Civil/Warrant Unit. This staff person would be made available following implementation of the automated interface between CJIC and CLETS. Together with the automation improvements, warrants will become available for service more quickly, and enable the Unit to stay current with new warrant workload.

Implementing a paperless warrant system would generate significant efficiencies for the warrant processing. According to the Records Department, a paperless warrant system would allow for warrants issued in court to be received the same or next day by the Records Unit. Agencies such as Los Angeles County and Sacramento have had a paperless automated warrant system since the early 1990's. San Diego County also has a paperless warrant system in place. More review would be needed to identify the costs of such a system but it appears that this is an expense that many Agencies have been willing to incur. Additionally, such a system would require collaboration with the courts since they have primary responsibility for issuing the warrants.

## CONCLUSION

The Office of the Sheriff process for processing warrants is unnecessarily time consuming and manual and results in warrant backlogs, old warrants that are more difficult to serve, and places deputies and police officers at risk.

In a sample of cases reviewed for this management audit, it took a median 14 days from the date Records received the warrant from the court until the Records Unit was able to activate it. It then took the Records Unit an additional median 12 days for the Records Unit to input the warrant data into the CLETS databases making it available to the County Communications and Law Enforcement Agencies, or 26 days from the date the warrant was received from the Court. Serious felony and misdemeanor warrants processed by the Civil/Warrant Unit take an additional 22 days after activation to prepare for the sworn officers to serve, or 36 days after activation. The main reasons for the extensive elapsed time is that warrants are processed sequentially by two different Units involved in three different parts of the process and each contributing to delays in the process.

Processing could be streamlined by placing a higher priority on activating all warrants not just the felonies in a timely manner. Currently, warrant processing is the lowest in priority when compared to the other tasks that the Records Unit is responsible for performing. Inputting warrants into CLETS at the time of activation, rather than placing the warrant in a queue where it currently remains for a median 12 days, should be implemented. In the long-run this could be done via an automated interface between

CJIC and CLETS. However, in the short-run, it should be implemented into the activation tasks and accomplished for all new warrants received on a daily basis. When the long-run solution is implemented the staff member who would no longer be needed to input warrants into CLETS could be transferred to the Civil/Warrant Unit where she could assist with the processing of warrants there. This, in combination with automating most of the 11 processing and research steps would streamline the process and reduce the number of days warrants are kept back from the deputies who are in place to serve them. The goals of these changes would be to reduce the delay in getting warrants into the hands of deputies to serve and to make them available to County Communications who is requested to perform warrant checks for deputies and police officers in the field and Law Enforcement Agencies throughout the country who may encounter these individuals during the course of their work. Warrants that are in the hands of deputies sooner will have a better chance of being successfully served. More warrants served will result in increased revenues for the Office of the Sheriff.

## **RECOMMENDATIONS**

The Santa Clara County Office of the Sheriff should:

- 5.1 Develop an automated interface between CJIC and CLETS that would enable new warrant data to be automatically transferred into CLETS on a daily basis and purged warrants to be automatically deleted. (Priority Two)
- 5.2 Reassign one FTE from Records, (no longer needed to manually input the warrant data into CLETS due to the automated interface mentioned above) to the Civil/Warrant Unit to assist with processing warrants there. (Priority One)
- 5.3 Automate the Civil/Warrant Unit warrant processing tasks to include an automated mapping package (implemented during the audit as a result of our suggestions) that would take the place of manually looking up geographical areas and locating mapping grids, automate CJIC and SLETS with the capability to handle multiple entries on one screen when running criminal history and prior address reports when running drivers license and registration reports. (Priority Two)
- 5.4 Research the costs and benefits of implementing a paperless warrant system. A paperless warrant system would allow for warrants issued in court to be received by the Office of the Sheriff the same or next day. (Priority Three)

## **COSTS AND BENEFITS**

Implementation of the above recommendations will result in greatly reduced elapsed time between when the court issues a warrant and when they can be served by an police officer or deputy sheriff, when deputies have a warrant packet for service of serious felonies and misdemeanors, and when warrants are visible to dispatch staff and other agencies. Though some lag time may still persist, the total elapsed time would be reduced. This would result in greater success in serving warrants since the opportunity to successfully serve warrants increases in direct proportion to the timeliness of the



service attempts. The recommendations may also result in increased revenues for the Sheriff Department due to more warrants being served.

The costs to implement an automated interface between CJIC and CLETS is unknown. However, during our interviews with the CJIC Director, he estimated \$100,000 would enable him to complete the initial warrant investigation. The project is expected to take a total of eight months to complete. Once implemented it would generate annual savings as a result of staffing reductions in Records since it would no longer be necessary to manually update the CLETS or purge the warrants from these computer systems at the back end. This salary savings is estimated to be approximately \$78,375 annually based on the fully-loaded salary of a LERT level staff member. Perhaps more important is the liability issue that currently exists for the Sheriff which would be decreased through implementation of a system that would make warrant information visible to law enforcement officers in the field at the time of activation.



## 6. Extradition Claims

- Penal Code § 1557 requires the State Controller to audit and the State Treasurer to reimburse cities and counties for certain travel costs that are incurred for the express purpose of extraditing fugitives back to the State of California.
- For FY 2001-02 and FY 2002-03, the Civil-Warrants Unit claimed and was reimbursed approximately \$98,000 and \$76,900 respectively, for extradition costs incurred by the Office of the Sheriff. However, the Sheriff could have received additional reimbursement if claims had been submitted on time and in proper order. Additional reimbursements and lower costs would also have resulted from more frequent use of private extradition firms, since fees charged by private companies are reimbursed at 100 percent of cost.
- Based on an analysis of the reimbursed FY 1999-2002 claims, the cost of an extradition averages approximately \$2,200. On March 14, 2003, a total of 111 extradition claims had not been reimbursed. Therefore, these claims total at least \$245,000, of which 34, or approximately \$75,000 are for claims that were not submitted to the BOC within the six-month timeframe required by law.
- The extradition process is cumbersome, involving many steps that are performed by different people within the County and State. Constant tracking and monitoring of claims must be done to ensure that all claims are submitted in a timely manner, and that the Office of the Sheriff claims and receives all the reimbursement to which the County is entitled.
- By developing and implementing extradition claiming procedures for the Civil Warrants Unit, the Sheriff can ensure that all claims are prepared accurately and submitted on a timely basis, and that organizational responsibility and accountability is strengthened. Furthermore, the Sheriff should consider restructuring the Unit and staffing it with clerical personnel equipped with the requisite skills for effectively managing claims through successful reimbursement. By increasing the use of private extradition firms, the Sheriff could also increase the proportion of eligible reimbursement and decrease reliance on the General Fund. Implementing these recommendations would result in one-time revenue of \$245,000. Approximately \$53,500 in savings could be realized from the increased use of private extradition firms. Personnel savings totaling \$38,340 as a result of combining the Extradition and Fugitive Units would also be realized, for a total annual savings of \$91,850.

Each year, the Sheriff is notified that many persons with outstanding Santa Clara County warrants are residing in other states. Despite the large number of notifications, only a small number of these persons are extradited. Although the U.S. Constitution mandates that the Sheriff extradite fugitives, not all notifications brought to their attention result in extraditions. For example, in a review of extradition notifications between calendar year 1999 and 2002, the Sheriff received an average 172 annual notifications but extradited an average of only 50.

**Table 6.1**  
**County of Santa Clara**  
**Annual Extradition Activity**

| <i>(Calendar Year)</i>    | 1999 | 2000 | 2001 | 2002 | Average |
|---------------------------|------|------|------|------|---------|
| Extradition Notifications | 121  | 109  | 133  | 323  | 172     |
| Extraditions Performed    | 47   | 54   | 43   | 54   | 50      |

*Source: Extradition data in the civil computer module as of 1/1/03 provided by the Civil I/S.*

Notifications began to rise significantly after the events of September 11, 2001 as law enforcement agencies throughout the country increased security checks and located more felons. This sharp increase in extradition notifications continued through fiscal year 2002, but there was little effect on the number of fugitives who were actually extradited.

While the number of notifications received after the events of September 11, 2001 rose sharply, the Sheriff found that many Agencies who contacted the Sheriff did not have the suspect in custody but only knew where the suspect might be living. In these cases, an extradition is really an “attempt to serve” – not extradition – and the District Attorney chose not to pursue it. Some notifications pertained to persons with medical issues, causing them to be immobile, or with severe mental health problems. Many of these individuals were also not extradited. Proposition 36, which passed in 2000 also reduced the number of extraditions because it gave persons charged with a first or second simple drug offense the option of receiving treatment in lieu of incarceration.

Upon notification, the Sheriff will take the case to the District Attorney who will carefully evaluate whether to extradite the person. This decision involves several determining factors, including whether the case has sufficient evidence to secure a conviction once the fugitive is returned to the County and whether the crime is serious enough to justify the time, expense, and resources required to extradite the person back to Santa Clara County.

As noted earlier, the Constitution and the laws of the United States mandate that any person who has been charged with treason, felony, or other crimes and who has fled from justice be extradited. The responsibility for carrying out the extradition is given to the Sheriff who works with the DA to fulfill the mandate. Per California Penal Code Section 1557, the Sheriff is entitled to be reimbursed for the expenses incurred in an extradition. In California, the Department of Corrections (DOC) has the authority to approve extradition claims for reimbursement submitted by the cities and counties and receives an annual appropriation from the State to do so. Payments are made in accordance with the rules of the Board of Controls (BOC).

While the Sheriff is entitled to receive reimbursement for extradition expenses, we found that because of processing delays, weak controls and other factors, the Office of the Sheriff has not successfully received full reimbursement for claimable expenses. Specifically, according to the rules of the BOC, the Sheriff is required to submit reimbursement claims to the Department of Corrections within six months after the end of the month during which the expenses were incurred. Claims that miss this deadline are no longer eligible for approval by the DOC.

However, the Sheriff is permitted to submit delinquent claims to the Victim Compensation and Government Claims Board (also known as the State Board of Controls). This process, which goes through a legislative process that is lengthy, does not guarantee approval. Nonetheless, there is a chance that some reimbursement will be forthcoming. Therefore, claims that were not submitted to the DOC within the established timeframe should be submitted through this process. During this management audit, we found a total of 34 claims had missed the six-month deadline but had still not been forwarded to the Victim Compensation and Government Claims Board. When we brought it to the Sheriffs attention, the Fiscal Officer in charge of submitting the claims submitted two of them to determine if they would be paid. These two were paid and the Office of the Sheriff is now in the process of submitting the remaining 32 outstanding claims to the Victim Compensation and Government Claims Board. In total, based on an average cost of extradition of \$2,200, these claims represent approximately \$75,000 in missed revenue opportunity for the County of Santa Clara. While the Sheriff claims this estimate overstates the amount due to the County, no evidence was submitted during this audit which substantiated that claim.

Secondly, funding appropriated to the State DOC for extradition reimbursement to cities and counties is not sufficient, reducing the likelihood of reimbursement if the filing deadline is missed. A review of the funding shows that for the past three years, funding has not been adequate to reimburse expenses included in the number of claims annually approved by the DOC. Therefore, any claims approved after funds are exhausted are held over until the next fiscal years' funding is received. Statewide funding for extradition reimbursement has not increased from \$2,593,000 for the past three years, despite the fact that there currently exists a \$4,000,000 backlog of approved but unpaid claims. Additionally, according to the DOC accountant, approximately \$132,000 of this unpaid balance represents claims reimbursement due to the County of Santa Clara. This funding shortfall, and the DOC's process of reimbursing on a "first in first out" basis, underscores the importance of the Sheriff submitting claims for reimbursement in a timely manner. The DOC attempted to increase the level of their

funding for fiscal year 2003-04 from \$2,593,000 to a level that would enable them to pay all claims they approve annually, but were unsuccessful. Consequently, funding for fiscal year 2003-04 remains unchanged and the backlog will continue to exist. This management audit also revealed that during fiscal years 2002 and 2003 the Sheriff received extradition reimbursements through July and June, respectively. Reimbursements approved after those dates were held over until the next year and new funding was received. If we consider that in fiscal year 2002 the Sheriff received payments of \$97,691 (for 7 months) and in 2003 \$76,888 (for 6 months) we see that an estimated \$69,800 and \$76,000 in additional reimbursements was not received for 2002 and 2003, respectively. Although the Sheriff cannot control the inadequate funding of the State, they can increase the amount of annual reimbursements they receive by submitting their claims in a timely manner. This will place them first in line to be reimbursed where they have a greater chance of being reimbursed while there is still available funding.

Thirdly, as noted earlier, guidelines for extradition reimbursement are established by the BOC and must be adhered to by the Sheriff. When we reviewed these guidelines we found many of the allowable costs, such as the meal allowance, had not been revised since 1989 and consequently were inconsistent with the current cost of living. This, of course, is out of the Sheriffs' control.

Because in some instances the Office of the Sheriff is eligible to be compensated according to the current costs, the Department should strive to submit claims in accordance with existing guidelines. However, our review of the extradition files revealed memos from the DOC, returning claims because they were not submitted properly and within guidelines. For example, it was common for the Sheriff to submit a claim for three days of travel when only two days were allowable per the guidelines, and not provide the DOC an explanation for the extra day. Additionally, on occasion the Sheriff failed to submit the required form (the Nunc Pro Tunc form) to the Governor's Office verifying that the extradition had actually occurred – a form that is required before the State will pay on a claim. In the case of the three day travel, it is policy per Santa Clara County Sheriff's Office to allow three days when the travel is East of the Mississippi River. This is to allow one-day travel east, one contact and rest day, and one-day return travel west. According to the Office of the Sheriff, this policy has been adopted for officer safety reasons. Since the Santa Clara County Policy is not consistent with the State's policy, and since the State always holds claims until they receive an explanation of why a policy was violated, it is reasonable and would save time if the explanation was simply included with the original extradition submittal.

Because the Nunc Pro Tunc form must be signed by several individuals within the Office of the Sheriff, it is sent to the State Extradition Office after the extradition reimbursement forms are sent to the State Controller. Since the Unit does not have a system in place to track when the form has been sent to the Governor's Extradition officer, it is often overlooked until they receive a notice from the State indicating that it has not yet been received. To avoid this delay, the County extradition deputy should monitor and track all forms to ensure that the extradition reimbursement forms are all submitted in accordance with the guidelines. Failing to follow the guidelines only delays the possibility of reimbursement. Claims are more likely to get pushed to the

following year for payment and become harder to track, making them more susceptible to falling through cracks and possibly never getting reimbursed.

## **Tracking Outstanding Claims**

The claiming process is time consuming and involves many different people from various State and County agencies. Therefore, it is important that the Sheriff keep track of extradition claims from the point of submittal to DOC to receipt of payment, to ensure that the County receives all the money to which it is entitled. Our review of the tracking methodology used by both the Sheriffs' extradition unit and the Sheriff's fiscal unit was found instead to be unorganized, unnecessarily manual, and did not provide reliable data from which we could determine precisely just how many of the Office of the Sheriff claims remain unpaid. Staffing changes in the case of the extradition deputy and staffing shortages in the case of the Sheriffs' Fiscal Unit were the reasons given for an inability to precisely account for the whereabouts of claims in the process. Neither department was able to provide a thorough account of the status of claims. For example, when we asked the deputy-in-charge of extraditions for an account of claims outstanding she did not have the information readily available, and instead was required to compile this for us manually. As she attempted to do this she was unable to confirm whether a claim on her list designated as outstanding, had yet been paid. This is because the Sheriffs' fiscal unit tracked payments, but regular communication on which claims had been paid had not occurred between the two units. When we tried to confirm which claims had been paid, the fiscal unit staff person was unable to provide us with data because such data had not been consistently tracked.

This lack of coordination between the two units was also evident with respect to the claims that were resubmitted to the Victim Compensation and Government Claims Board. Although the Fiscal Unit believed they were responsible for submitting these claims to the Claims Board for approval, when we asked them for a list of the ones they would be submitting, they said they did not know and that the Extradition Unit had record of that. However, because the Extradition deputy was not submitting the claims, they did not track them and could not give us this information either.

Faced with an inability to quantify the number of outstanding claims and the corresponding status, we sought help from the State DOC. The DOC accountant had a methodology for tracking received claims and was able to quickly provide a tally of claims. When we asked for the number of outstanding claims pertaining to the County of Santa Clara, the DOC accountant was able to provide a comprehensive list of extradition claims, along with the corresponding status. Additionally, the State answered questions about the process and provided us with data the same day we requested it and with more detail than either of the two Office of the Sheriff units with which we spoke.

Accordingly, for purposes of quantifying the number of outstanding claims as of March 14, 2003, this management audit relies on activity and financial data provided by the DOC, rather than the internal tracking provided by the Sheriff. However, because the DOC doesn't track rejected claims, we were required to use information received from

the Sheriff's Department to determine cases that had missed their deadline and should have been re-submitted to the BOC. The table below summarizes our findings:

**Table 6.2**  
**Santa Clara County Office of the Sheriff**  
**Unpaid Extradition Reimbursements**  
**As of March 14, 2003**

| STATE RECORDS:  | No. of Claims | \$ Amount        |
|---|---------------|------------------|
| (a) Current year funds exhausted – waiting for next year to pay | 73            | \$160,600        |
| (b) Awaiting State Extradition Officer approval                 | 4             | 8,800            |
| <b>Total Pending Reimbursements per State:</b>                  | <b>77</b>     | <b>169,400</b>   |
| <b>PLUS:</b>  |               |                  |
| (c) Claims to be re-submitted to BOC by Sheriff Fiscal          | 34            | 75,000           |
|   |               |                  |
| <b>TOTAL UNPAID REIMBURSEMENTS:</b>                             | <b>111</b>    | <b>\$244,400</b> |

*Source: State DOC figures, Sheriff's Department fiscal unit and extradition deputy in charge of tracking and submitting extradition claims provided deputy figures.*

### Using Private Extradition Firms

The Sheriff can also increase the amount of reimbursement and decrease General Fund costs by more frequently using private extradition firms. Using extradition firms increases reimbursement because 100 percent of the extradition firms' costs are reimbursed by the State. Using these firms also reduces General Fund cost because the Office of the Sheriff cannot receive reimbursement for the salary expense for the two deputies performing the extradition. These two deputies could be performing other functions in the Department. Further, our review of extraditions performed during the past four calendar years 1999-2002 exhibited a pattern of relying less on private extradition firms and more on departmental personnel.

The table below summarizes the Sheriffs' use of private extradition firms for calendar year 1999 through 2002.



**Table 6.3**

**Santa Clara County Office of the Sheriff  
Extradition by Private Extradition Firms**

|   | 1999   | 2000   | 2001  | 2002   |
|---|--------|--------|-------|--------|
| Extraditions Performed                    | 47     | 54     | 43    | 54     |
| No. Performed by private firms            | 40     | 21     | 4     | 9      |
| Percent performed by private firms        | 85%    | 39%    | 9%    | 17%    |
| Total Cost of Private Firm Extraditions   | 30,548 | 15,607 | 3,759 | 13,057 |
| Average Cost of Private Firm Extraditions | 764    | 743    | 940   | 1,451  |

*Source: Data extract of all extraditions as of 1/1/03 from the Civil computer system-Extradition module. This was provided to us by the Sheriff's I/S Unit.*

As table 6.3 illustrates, in 1999, about 85 percent of all extraditions were performed using private extradition firms. This declined to 39 percent in 2000, 9 percent in 2001 and has risen slightly to 17 percent in 2002. One explanation offered by the Sheriff related to concerns regarding the bad publicity the firms received as a result of some pending lawsuits filed by the fugitives they transferred. When we did a literature search, we found several instances where well-known private extradition firms had faced charges made by the fugitives they were transporting. However, the number of instances did not seem to justify the sharp reduction in usage. Since deputies in the Warrant Department are selected to perform the extradition when a firm is not used it could also be a desirable activity that enables the deputies to get away from their day-to-day activities if only for a couple of days. In the absence of additional information this possibility must be considered. But regardless of the Office of the Sheriff justification, it is clear from our analysis that the cost benefit to the Sheriff and County is significant enough that using private firms should be increased. This is illustrated further in the table below:

**Table 6.4**

**Santa Clara County Office of the Sheriff  
Annual Extradition Expenses**

| Cost             | 1999   | 2000    | 2001    | 2002    | Average |
|------------------|--------|---------|---------|---------|---------|
| Reimbursable     | 60,118 | 128,319 | 115,499 | 125,020 | 107,239 |
| Non-reimbursable | 12,488 | 58,872  | 69,576  | 80,280  | 55,304  |
| Total Costs:     | 72,606 | 187,191 | 185,075 | 205,300 | 162,543 |

*Source: Data extract from the civil computer system extradition module provided by Sheriff's I/S Unit.*

As the table above illustrates the amount of incurred expenses for which the Sheriff does not receive reimbursement increased steadily from 1999 to 2002, and is the result of the Sheriff's decrease in using private extradition firms and increase in relying on deputies to extradite.

## Staffing and Responsibilities

Most of the work involved in processing an extradition reimbursement claim is clerical. To be effective, persons involved in this process need to have a strong attention to detail, strong organization skills, and the ability to track claims through the myriad of steps in the claim process. Persons involved in the process must also have a desire and ability to work with other civilian staff within the Sheriff's offices and at the State since, with the exception of the Governor's Extradition Officer and the Sheriffs' Extradition Deputy all individuals involved in this process are civilian clerks. Although the Sheriffs Deputy assigned to extradition is a law enforcement official, the only task she performs requiring a sworn officer is that of seeking a governors' warrant. Most of the other tasks she performs are essentially clerical. Because of this, an argument could be made for restructuring the function and staffing it with a civilian who possesses clerical skills and training.

Such an arrangement would not be unusual either. In a survey conducted by the deputy in charge of the Sheriffs' Fugitives Specialty Department, it was found that three of the nine County Sheriffs' surveyed used civilians to perform the extradition function, including Los Angeles. The results of the survey are summarized in the table below:

**Table 6.5**

### **Santa Clara County Office of the Sheriff Assignment of Responsibility for County Extraditions**

| <b>County Sheriff Department</b> | <b>Responsibility</b>     |
|----------------------------------|---------------------------|
| Alameda County Sheriff           | Deputy                    |
| Contra Costa County Sheriff      | Deputy                    |
| Fresno County Sheriff            | Deputy                    |
| Los Angeles County Sheriff       | Civilian                  |
| Monterey County Sheriff          | Sergeant                  |
| Sacramento County Sheriff        | Civilian                  |
| San Bernardino County Sheriff    | Civilian                  |
| San Mateo County Sheriff         | Deputy                    |
| Santa Cruz County Sheriff        | Jail Correctional Officer |
| Santa Clara County Sheriff       | Deputy                    |

*Source: Survey results provided by SCC Sheriffs' Fugitive Specialty Deputy*

In fact, the Fugitive Unit, which is the department that assists out-of-state agencies when they want to extradite a fugitive the Santa Clara County Office of the Sheriff has in custody on a warrant, is faced with a similar staffing situation. According to the deputy in charge of this unit, with the exception of performing arraignments, most other tasks he performs do not require a sworn officer to perform. And even when performing all tasks – clerical and sworn – there is not enough work to keep the deputy

occupied full-time and he is routinely assigned to also work on a warrant team serving warrants.

Given the significant need for clerical and administrative support inherent in both of these specialties, and also the less than full-time work for the deputy in the Fugitive Unit, combining them into one Specialty Fugitive/Extradition department would enable the Department to more efficiently allocate scarce labor resources. The deputy assigned to run the combined unit would be responsible for performing the law enforcement tasks for both of the preexisting units, such as seeking Governor's warrants previously done by the Extradition Unit and arraigning fugitives.

The staff should be augmented with a full-time Legal Clerk responsible for submitting claims and tracking submissions through the reimbursement process as well as the other numerous clerical tasks performed for the fugitive process. Staffing the unit in this manner would result in a proper matching of skills and training with the unique requirements of these law enforcement functions and would consequently result in more revenue for the Sheriff and County. Since this arrangement would free up one full-time deputy, that person could be redeployed to an area of the Office of the Sheriff where their law enforcement skills and training are in demand. This would benefit the employee by enabling them to keep their training up to speed. One such area to consider is serving outstanding warrants.

## **Conclusions**

Penal Code Section 1557 requires the State Controller to audit and the State Treasurer to reimburse cities and counties for certain travel costs that are incurred for the express purpose of extraditing fugitives back to the State of California.

For FY 2001-02 and FY 2002-03, the Civil-Warrants Unit claimed and was reimbursed approximately \$98,000 and \$76,900 respectively, for extradition costs incurred by the Office of the Sheriff. However, the Office of the Sheriff could have received additional reimbursement if claims had been submitted on time and in proper order. Additional reimbursements and lower costs would also have resulted from more frequent use of private extradition firms, since fees charged by private companies are reimbursed at 100 percent of cost.

Based on an analysis of the reimbursed FY 1999-2002 claims, the cost of an extradition averages approximately \$2,200. On March 14, 2003, a total of 111 extradition claims had not been reimbursed. Therefore, these claims total at least \$245,000, of which 34, or approximately \$75,000 are for claims that were not submitted to the BOC within the six-month timeframe required by law.

The extradition process is cumbersome, involving many steps that are performed by different people within the County and State. Constant tracking and monitoring of claims must be done to ensure that all claims are submitted in a timely manner, and that the Office of the Sheriff claims and receives all the reimbursement to which the County is entitled.

By developing and implementing extradition claiming procedures for the Civil Warrants Unit, the Sheriff can ensure that all claims are prepared accurately and submitted on a timely basis, and that organizational responsibility and accountability is strengthened. Furthermore, the Sheriff should consider restructuring the Unit and staffing it with clerical personnel who are equipped with the requisite skills for effectively managing claims through successful reimbursement. By increasing the use of private extradition firms, the Sheriff could also increase the proportion of eligible reimbursement and decrease reliance on the General Fund. Implementing these recommendations would result in one-time revenue of \$245,000. Approximately \$53,500 in savings would be realized from the increased use of private extradition firms. Personnel savings totaling \$38,340 as a result of combining the Extradition and Fugitive Units would also be realized, for total annual savings of \$91,850.

## Recommendations

The Santa Clara County Office of the Sheriff should:

- 6.1 Develop comprehensive internal policy and procedures on submitting, tracking, and receiving reimbursements for extradition expenses. Begin following the guidelines established. (Priority Three)
- 6.2 Increase the use of private extradition firms so as to increase the amount of reimbursement revenues received by the State and reduce the non-reimbursed costs borne by the County. (Priority Two)
- 6.3 Restructure the Extradition Unit by combining it with the Fugitive Unit and staffing it with only one full-time sworn deputy and one full-time legal clerk. (Priority Two)
- 6.4 Delete one deputy sheriff position from the Civil/Warrant Unit and redeploy this deputy to another area within the Office of the Sheriff where there is a shortage of law enforcement personnel. (Priority One)
- 6.5 Add legal clerk position to the combined Extradition/Fugitive Unit. (Priority One)

## Costs and Benefits

There would be no costs to implement the recommendations.

By implementing the above recommendations the Sheriff can expect to receive approximately \$245,000 in one-time revenue and annual cost savings associated with the use of private extradition firms and the reorganization of the Unit totaling \$91,850. The one-time revenue benefit would be partially realized through the full approval by the Control Board of the 34 claims totaling \$75,000 and the State's reimbursement of the backlog of 77 claims totaling \$169,400. The cost savings of \$91,850 would be realized from the increased use of private extradition firms, saving approximately \$53,510 in

non-reimbursable extradition costs, and from personnel cost savings totaling \$48,340. The personnel cost savings would result from combining the Extradition and Fugitive Units and the corresponding difference between the salary of the eliminated deputy sheriff position and cost of the added legal clerk.



## 7. Evidence Storage

- Evidence plays a vital role in the investigation, prosecution and conviction of persons who have been accused and committed criminal acts. Maintaining a proper, well-documented chain of custody and ensuring integrity of evidence are crucial to successful law enforcement, prosecution and court operations. Pieces of evidence range from DNA and biological evidence that must be specifically stored at constant temperatures to large pieces of evidence such as vehicles. Legislation requires criminal justice agencies to maintain certain evidence for extended periods of time, sometimes for as long as the lifetime of a convicted murderer. Proper evidence storage ensures that appeals and writs filed by guilty persons can be properly disputed in court, and that persons wrongly convicted can be exonerated. Property related to crimes and investigations is returned or destroyed when cases are resolved.
- Designing and implementing a combined storage of evidence facility would require significant collaboration between the various agencies involved. The Sheriff, in concert with GSA Capital Programs, the Space Committee and the County-wide evidence workgroup, should explore the possibility of providing contractual evidence storage to the Office of the District Attorney, the courts and local law enforcement agencies in a shared facility. The development of a combined evidence storage function should include investigation into possible revenue, including SB 90 and Trial Court funding.
- The Sheriff should consolidate evidence and property storage with the District Attorney in a new facility, and offer storage to the courts and local law enforcement agencies as a contractual service. Through consolidation, future storage needs could be met and the integrity of evidentiary materials could be better assured. Annual costs for evidence storage leases by the Sheriff and DA currently equal approximately \$380,000. Amortized costs of constructing or renovating an evidence warehouse on county-owned property indicate that such a project would produce estimated savings of \$3.4 million dollars and would reach a break even point in eight years. A combined evidence storage facility could be supported by charges to local jurisdictions, future reimbursement from the State under SB 90 and possible Trial Court funding, if the Court was amenable to including evidence management and storage as part of the court security contract with the Office of the Sheriff.

The Board of Supervisors FY 2003-04 adopted budget strategies include the following:

“Develop a plan to evaluate every major service provided by Santa Clara County in terms of effectiveness and source of funds and identify areas where consolidations can occur in order to increase efficiency and save money...

Identify opportunities for public or private partnerships in delivering services where collaboration can generate economies of scale and efficiencies.”

To define the importance of proper evidence handling and storage, the following quote is drawn from a Facility Needs Assessment of the District Attorney’s Crime Lab, completed in 2000 by McClaren, Wilson and Laurie Inc.:

...If lost or stolen, this evidence translates into far more than a fiscal loss. It would result directly in lost court cases, thousand of lost hours of investigative time, and the potential for criminals returning to society to commit the same crime all over again.

General Order #17.01 **Evidence and Property** was issued on January 1, 2002. The General Order (GO) provides comprehensive directions to staff on the submission, storage and disposition of evidence and property, including recording and auditing procedures when evidence or property is monetary, or contraband such as drugs, weapons or ammunition. The following excerpt illustrates the general approach of the Office of the Sheriff to the function:

A goal of the Sheriff’s Office is the safeguarding and proper disposal of all property coming into its custody. The Sheriff’s Office strives to maintain property in the same condition as received and to preserve evidentiary integrity of property that is contraband or held for preservation in court.

The GO includes a section on release of property, indicating that such release requires authorization by the Investigative Services Captain and in some instances, a court order. The GO includes sections covering the disposal of property after statutory and ordinance code specified periods of time. County Ordinance Code Section A20-6, entitled Disposition of Unclaimed Property in Sheriff’s Custody, sets a three-month waiting period before the Sheriff can dispose of unclaimed property. Unclaimed currency is to be deposited with the County Treasurer and property forwarded to the Public Administrator for auction, other than bicycles provided to juvenile probation and other items not worth auctioning. In July 2002, the Board of Supervisors approved the transfer of lost or unclaimed property to an on-line electronic auctioneer. Lastly, the GO includes a section describing how contraband will be destroyed and the safeguards in place to ensure that such destruction is documented and carried out by at least two Sheriff staff members.

Physical evidence plays an important role in the investigation of crimes, the eventual conviction of guilty persons, exoneration of the innocent and as a means to ensure that persons convicted of a crime have recourse to appeal their case. Evidence can be as small as a human hair or as large as a pick-up truck and can vary in nature from something as obscure as a single sheet of paper with hand written notes to a weapon used in a crime. Evidence and property can assist in the investigation of suspects and events peripheral to the original crime that resulted in the evidence or property being taken into the custody. Because evidence can consist of cash or illegal drugs and because the compromise of evidence can jeopardize its future use, establishing and



maintaining a chain of custody is imperative and detailed procedures have been established by the Sheriff.

## **Evidence and Property Storage across Criminal Justice Agencies**

The storage of evidence by multiple agencies in Santa Clara County has evolved over time and each agency has developed individual methods, locations and procedures related to evidence storage. The consideration of a combined evidence storage facility requires an examination of the location, space and specific requirements of each County agency, as well as the court system.

### *Sheriff*

The Office of the Sheriff receives, acquires and maintains evidence from the point when patrol staff arrive at a crime scene through the entire investigation period. Sheriff's substations and Headquarters have "one-way lockers" into which patrol staff insert evidentiary materials in a manner consistent with the procedures previously described. The locker system secures evidence until such time as Sheriff technicians process the evidence or it is picked up and transported to Headquarters for processing and storage. When major crimes occur, the Crime Scene Investigation Unit is activated and reports to the scene to ensure that all evidence is properly secured and treated. This process may include bringing evidence back to the Investigations Division for examination and analysis. Clothing may be dried, paperwork completed and other evidence is examined prior to being forwarded to the evidence room. Staff report that the area used to dry evidence when large items are secured is inadequate, and that additional space for this function would be helpful.

Long-term storage and vehicle analysis/storage takes place at a leased facility on Junction Avenue. This warehouse space also holds records and includes a small area that is subleased to the District Attorney's Office. The space is not staffed, requiring civilian record staff to be accompanied by sworn staff to access the building. This space includes indoor and outdoor vehicle storage space. The Regional Auto Theft Task Force (RATTF) leases vehicle storage space and the Office of the Sheriff has also been seeking space to store seized vehicles, most recently at a Department of Correction space.

The evidence and property storage function in the Office of the Sheriff is an assigned full-time duty of three Sheriff Technicians. Detectives also spend significant time on the function and require access to evidence as they investigate crimes and work towards convictions in concert with the Office of the District Attorney. Patrol staff also participate in investigations, interviewing victims and witnesses and providing evidence and property. As discussed in the Investigations Case Management section of this report, many cases should be reviewed to determine if the statute of limitation has expired and, if appropriate, the cases should be closed. A subset of these cases include evidence and/or property that will be returned to the owners, destroyed or auctioned at the time that Investigations staff are able to review the case for closure.

### *Local Law Enforcement Agencies*

Local law enforcement agencies also receive, process and manage evidence and property. In addition to storing this evidence, local law enforcement staff must frequently bring evidence back and forth between their jurisdiction and the courts, the Crime Laboratory and the Office of the District Attorney. The Office of the Sheriff includes evidence/property storage and disposition as part of its contract with the Parks Department, the Valley Transit Authority and the cities of Cupertino, Los Altos Hills and Saratoga. Limited evidence may be stored at the contract site, such as a very large and comprehensive graffiti photographic database maintained at VTA. Other items, such as property found in the courts and evidence related to crimes at Stanford and in connection with the Regional Auto Theft Task Force (RATTF) are reportedly stored in the Sheriff's Evidence room at Headquarters.

### *District Attorney*

The Office of the District Attorney stores evidence in four locations - the basement and third floor of the Office of the District Attorney in the West Wing of the County Administration building, a small storage space at Devcon, and through a sublease of the Sheriff's Junction Avenue warehouse. The DA's office has indicated that the staffing necessary to adequately manage and process evidence is two full-time evidence technicians. Previously the Office of the Sheriff had a half-time Sheriff Technician performed this function, aided by peace officer investigators, as their primary duties allowed. Evidence processing and management is currently being carried out only by DA Investigators as a collateral duty since the half-time Tech has left and has not been replaced. District Attorney's Office staff indicate that 30 percent of all evidence in their custody is post conviction, or long-term evidence. This evidence is received from the courts after such time as the courts determine that they are no longer required by statute to hold evidence and the evidence is prepared for transfer to the Office of the District Attorney. While the Office of the District Attorney asserts that active evidence needs to be in their control and easily accessible to DA staff, there appears to be conceptual agreement that post-conviction evidence could be co-located, as it is now, within an evidence storage facility managed by the Office of the Sheriff.

DA staff report that by carefully retrofitting their storage space, purchasing efficient shelving units and maintaining the minimum required walkways between shelving units, they have been able to maximize their space and even create a workspace for investigators who travel to the Junction Avenue facility to review evidence. As part of its ongoing participation with the Santa Clara Regional Association for Property and Evidence (S.C.R.A.P.E.) the Office of the District Attorney has begun to develop countywide protocols related to maintaining a proper chain of custody for evidence across all the criminal justice agencies in the County. The Office of the District Attorney operates a computer lab in the West Wing to examine computers and their contents for use in investigations and convictions. The Crime Lab operated by the District Attorney is currently located at the County's Berger Drive campus and construction of a new crime lab has been approved. Both the Crime Lab and the computer lab receive and hold evidence on a temporary basis and are therefore not directly related to evidence and property storage. However, as is discussed later in the finding, the construction of a

new Crime Lab may provide for complementary functions such as evidence storage and vehicle storage and analysis to be considered.

The Office of the District Attorney does not possess freezer or refrigerator space to store evidence that is biological in nature, including DNA evidence, other than the small space allocated for this function in the existing and planned crime labs. As stated above, the crime lab is designed and intended for the short-term analysis of evidence, after which time the evidence is returned to the law enforcement agency that provided it to the Crime Lab. In total the Office of the District Attorney has 2,800 square feet of evidence and property storage, comprised of four different locations, including shared leased space at the Office of the Sheriff Junction Avenue facility:

### *Court System*

The Administration of the Court has the full prerogative to continue to manage evidence itself or to consider collaborating with the County in doing so. The Court is under no obligation to participate in the planning of such a facility or to amend the court security contract to include this function, if this function could be legally provided by the Office of the Sheriff. However, the addition of evidence management in the Court's contract with the Office of the Sheriff should be discussed as an amendment or as part of the next contract negotiation. The recommended inclusion of the Courts as user of the new evidence storage facility is not based on any conclusions regarding the ability of the Court to properly store exhibits and other evidentiary materials, but rather on the realization of economies of scale for all participants

The Court System of Santa Clara County also receives and manages a great deal of evidentiary materials (exhibits) used during hearings and trials. Each courtroom has a locker and three of the regional courts also have small and limited space for evidence storage. The San Jose Room located in the Hall of Justice is the central evidence storage facility for the Courts. This room is 800 square feet and holds evidence for the term required under appeal rules, after which the evidence is processed for disposal or auction. Court Administrative staff report they keep evidence related to death penalty cases until such time as the convicted person dies or is executed, obviously resulting in storage for many years into the future. As a result of a strong working relationship between the court and DA staff, the DA has begun to receive homicide, domestic violence and DNA related case evidence.

Evidence related staffing by the courts includes a Legal Process Clerk at the Hall of Justice, clerk staff at each regional court and Sheriff staff who assist clerks in the handling of certain sensitive evidence. Occasional additional staff time is used to review and transfer evidence to the DA's Office. Court staff provided data indicating that a single case takes, on average, almost four hours total to move evidence out of the custody of the courts<sup>1</sup>. This work is performed by a combination of Legal Process Clerk, Legal Process Supervisor and Deputy Court Manager staff.

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<sup>1</sup> 2.25 hours to identify and qualify cases and 1.6 hours to dispose or transfer evidence

Court staff report that the majority of the evidence that they are storing in the Hall of Justice San Jose Room is long term in nature, and not evidence that is currently being used in trials or hearings. A 1999 Strategic Plan for Courts, Related Criminal Justice Agencies and Other Court Related County Departments, included future space requirements in each court facility, Exhibit Storage Rooms and Exhibit Storage Vaults. This design is consistent with the current needs of each court to temporarily retain and store evidence during trials and hearings, although the report did not include the current 800 square foot central exhibit storage room at the Hall of Justice in its analysis. The combination of exhibit storage would still require there to be some storage space at each courtroom, although the staffing of these rooms and the related functions may be transferable to Sheriff Technician or Sheriff Deputy staff as part of the court security contract with the Office of the Sheriff, if laws regarding chain of custody allow for the management of exhibits by persons other than court personnel. The courts may hold exhibits that would ideally be kept in a freezer or at a constant temperature in a refrigerator, given their biological nature.

*Medical Examiner/Coroner*

The Coroner reported that virtually all evidence is returned to the controlling law enforcement agencies. Items, including weapons, are kept for 90 days after which they are given to next of kin, disposed of or forwarded to the Public Administrator for auction or sale. Such items are stored in an evidence locker. The Coroner indicated that the current storage capacity is adequate. Specimens from cadavers are maintained between one and five years and then incinerated. Bodies of the deceased are frozen while staff search for next of kin, or cremated when staff do not locate next of kin.

**Estimated Project Costs**

We identified total annual costs of \$765,144 for evidence and property storage:

**Table 7.1**

**Evidence Storage Costs in Santa Clara County**

|                       | Primary Locations                                       | Secondary Locations                               | Estimated Square Feet (primary) | Annual Lease Costs | Annual Staff Costs | Total Costs    |
|-----------------------|---|---|---------------------------------|--------------------|--------------------|----------------|
| Sheriff               | Younger, Junction*, Berryessa, Brokaw                   | None  | 27,457                          | 345,025            | 170,604            | 515,629        |
| District Attorney**** | Hedding Basement, Hedding Third Floor, Junction, Devcon | Crime Lab and Computer Lab**                      | 2,792                           | 34,547             | 113,736            | 148,283        |
| Courts***             | Hall of Justice San Jose Room                           | Sunnyvale, Palo Alto and South County Courthouses | 800                             | -                  | 101,232            | 101,232        |
| <b>TOTALS</b>         |   |   | <b>31,049</b>                   | <b>379,572</b>     | <b>385,572</b>     | <b>765,144</b> |

\* The Junction Avenue facility also includes records and Accounting storage.

\*\* The DA Crime and computer Labs are designed to analyze evidence, after which it is returned to a law enforcement agency.

\*\*\* The Court is not part of the county and would participate in the project only if it chose to do so. The Court currently transfers evidence (exhibits) to the DA after statutory holding periods expire and Court staff are able to identify, qualify and prepare evidence to be transferred.

\*\*\*\* Cost figure reflects two Sheriff Technicians, the staffing reported by the DA as necessary for the function.

Note - The Brokaw storage space, although not approved by the Fire Marshal, was included to represent the estimated costs and square feet of vehicle storage space required for the planned asset seizure program.

The current 27,500 Sheriff evidence storage space is roughly equal to the projected evidence, records, accounting and exterior space that will be needed by the Office of the Sheriff alone by 2021, as projected in the feasibility study (25,300 square feet). In order to estimate the annual costs to construct a new evidence warehouse, we assumed that a warehouse of 35,000 square feet would accommodate the set of users discussed in the finding and allow for increased capacity over time. An interest rate of 4.66 percent was applied to the costs, taken from an October 22, 2002 memo to the Board of Supervisors regarding the proposed Bond-funded projects. A cost per square foot of \$225 was applied. The feasibility study includes an estimated 2004 square foot cost of \$228, and GSA Capital Programs provided a preliminary range of square foot cost of \$225 to \$300 to renovate or build a warehouse. This number, although preliminary includes costs for design, construction management, CEQA process, Project Management, Construction Inspection, etc. Finally, an additional capital equipment expenditure of \$300,000 to purchase and install the freezer and refrigeration units, important parts of proper DNA and biological evidence storage. This number is an estimate and would need to be refined as part of the formal project.

Based on these assumptions, the estimated annual cost of constructing a facility on county-owned land or renovating an existing county-owned building equals \$470,666 compared to the current estimated lease costs of \$379,572, based on a total construction/renovation cost of \$7,875,000. In the amortization table (Attachment 7.A) lease inflation costs of 2 percent are assumed, and staffing efficiencies realized by combining the storage of evidence are not included in the estimated long-term savings.

**Table 7.2**

**Estimate Warehouse Capital Costs**

|   |                  |
|---|------------------|
| Warehouse Square Feet                             | 35,000           |
| Cost per square foot                              | 225              |
| Total Construction Costs                          | 7,875,000        |
| Annual Cost (30 year term)                        | 470,666          |
| Capital Equipment Costs                           | 300,000          |
| Annual Cost (15 year term)                        | 26,985           |
| Total Annual Debt Service (Year One)              | 497,650          |
| First Year of Savings                             | Year Eight       |
| <b>Estimated Savings at End of 30-year Period</b> | <b>3,403,082</b> |

Attachment 7.A provides a 30-year amortization of the construction costs and the specific assumptions made in the analysis. Even though the analysis is conservative in the revenue projected, a break even point is reached in the eighth year and total savings at the end of the 30-year term equal \$3.4 million dollars, after which the County still possesses an evidence warehouse as opposed to continued lease costs. While the analysis does not examine staff costs, it should be noted that the Sheriff and DA incur transportation and staff costs traveling back and forth to the Junction Avenue facility. These costs would be avoided if the evidence and property warehouse were located in proximity to the Civic Center complex. In the case of Records staff traveling to the Junction facility, a sworn staff person must leave his/her post to accompany the Records staff for safety.

**Santa Clara Regional Association for Property and Evidence (S.C.R.A.P.E)**

A longstanding countywide group of law enforcement and criminal justice agency representatives already exists related to evidence storage in Santa Clara County. S.C.R.A.P.E. (Santa Clara Regional Association for Property and Evidence) meets bi-monthly and includes representatives from 20 various law enforcement agencies. This group has existed in some form for at least five years and collaboration between law enforcement and criminal justice agencies in the county has occurred for at least 15 years. The S.C.R.A.P.E. group is currently working with the Office of the District Attorney to develop procedures and guidelines for the handling and storage of DNA Evidence to ensure the DA is provided with evidence by the various law enforcement agencies that can be effectively used in conviction of guilty persons. The group reports having accomplished a great deal since 1997, including a process to take photos and then release evidence to victims, faster disposition in relation to juvenile offenders and the aforementioned work with the DA regarding the collection and handling of DNA evidence.

## Evidence Storage Warehouse Project

The County has established a Space Request Policy to provide a consistent method for departments to submit requests for additional space or to renew current leases through GSA Property Management. In both instances the Space Committee reviews the request, either approves or denies the request, and subsequently works with the department to identify the new space or negotiate the lease. A review of the requests to the Space Committee submitted by the Office of the Sheriff since 1997 indicates that the Office of the Sheriff submitted only 11 such requests. However, the Office of the Sheriff reports that it has requested the construction of a warehouse since 1993. Four of the requests dealt directly with evidence storage space. Two of the four were renewals of an existing evidence storage lease that has since been ended by the lessor, and a third had to do with a lease for vehicle storage for a task force (RATTF) dedicated solely to car theft funded by AB 183. The final evidence related space request provides an example of the optimal processing and outcome of these requests. In order to store vehicles the Sheriff intends to seize as part of a new asset seizure program, the Office of the Sheriff requested 600 square feet of indoor vehicle storage space at Berger Drive. The Space Committee concluded that the Berger Drive facility was not appropriate for the requested use and the Fire Marshal recently rejected potential space at a Department of Corrections facility on Brokaw Road.

### *Evidence Warehouse Feasibility Study*

In November of 2001 the Forensic, Evidence, Records and Storage Facility Feasibility Study was released. This study was conducted under the management of the Office of the Sheriff in order to approach the Board of Supervisors for financial support of construction of a four-story warehouse behind the Younger Drive Headquarters building. It includes a summary of why building a new facility would be a better strategy than continuing to lease remote evidence storage space and continuing to use current space at the Sheriff's Headquarters:

In addition, space needs for evidence storage will continue to increase, due to upgraded requirements related to storage environment. As evidence technology advances, the possibility of future investigation mandates that more and more evidence must be retained for longer periods of time. For example, any fingerprinted items obtained as evidence in a "cold case" (with no active leads) must be kept on file indefinitely, along with the fingerprints obtained from those items. Legislation has just been signed which mandates that all biological evidence in every crime case must now be stored for the presumed lifespan of the perpetrator or for the duration of the convicted person's sentence, in order to allow potential DNA testing in the future. As years pass and more crimes are committed, much more evidence will be accumulated, exponentially increasing the department's need for freezer space.

The initial plan included 64,000 square feet but was scaled down to 41,000 square feet. It included a number of functions other than evidence storage, including vehicle processing, storage of records and some patrol equipment storage space, but did not address the Office of the Sheriff's storage of evidence and property-related vehicles. In

total, the study proposed 22,000 square feet of evidence related storage space to meet the projected space needs in 2021. A subsequent memo from the Investigations Captain suggested that an additional 1,200 square feet be added to the proposal to accommodate a large walk-in evidence freezer. The feasibility study did not include a specific estimate of the total costs to construct the proposed facility, and the facility included enhanced functions than the proposed evidence and property warehouse storage.

Although the proposed evidence warehouse is visible on the current Civic Center Master Plan scenarios, the warehouse project has not received any approval from the Administrative Capital Committee (ACC) or the Board of Supervisors and its construction is therefore, not planned. There does appear to be confusion regarding when a department should request a project to replace a leased facility. While the Office of the Sheriff has asserted that they have made requests since 1993 and that they believe it is prudent to begin the project now in preparation of the Junction lease expiring in 2006, GSA Capital Programs has pointed to the lease as a primary reason not to move forward with the project at this time.

In summary, the Office of the Sheriff has identified evidence and property storage needs that they are not able to meet, including storing vehicles for criminal investigation, as evidence and as part of a new asset seizure initiative. Other criminal justice agencies within the county, specifically courts and the Office of the District Attorney also store evidence and do so in a number of different locations. The storage of evidence is a function that lends itself to the type of consolidation adopted by the Board of Supervisors as a strategy in approaching the budget and future County expenditures.

### **Combined Evidence Storage**

There are a number of compelling facts supporting the combining of evidence storage across the County's criminal justice agencies and departments. The Junction Ave lease establishes precedence of the willingness and the ability of Sheriff and District Attorney staff to share evidence storage space and costs. A workgroup is already in place (SCRAPE) to bring all law enforcement and criminal justice agencies together to discuss and plan the combined storage of evidence at a staff level. A combined, multi-agency evidence warehouse project with potential revenue sources identified below would presumably be more easily approved by the Administrative Capital Committee and the Board of Supervisors than the evidence warehouse storage facility previously proposed by the Office of the Sheriff. Economies of scale realized by combining the function would be realized, and providing adequate infrastructure and staffing would enhance the integrity of evidence. The current leasing of Junction Avenue would no longer be necessary and the storage of evidence would take place on county-owned land, the preferred strategy of the Board of Supervisors. Combining the storage of evidence at a new location would free up significant office space for the Sheriff and the DA. Working with GSA Capital Programs would facilitate design of a new space that would better meet the needs of the users and incorporate current evidence storage warehouse design and technology. Finally, the combination of evidence storage provides the Sheriff with an opportunity to create a new niche law enforcement service and to provide county and State leadership in the storage of evidence. Combined, these advantages support



the exploration of combined evidence storage by the Office of the Sheriff and GSA Capital Programs.

### *Records Storage*

The feasibility study commissioned by the Office of the Sheriff included space in the warehouse structure for the storage of records. Records are currently stored at the Sheriff's Headquarters on Younger, at the leased Junction Avenue facility and in storage sheds behind the Headquarters building. While this finding focuses on evidence and property storage, the storage of records in an off-site county owned and Sheriff operated facility would appear to be a complementary function to the storage of evidence. The planning process as recommended at the conclusion of the finding should include records storage to the degree possible and the Office of the Sheriff should periodically submit space requests for additional records storage space. The courts recently moved out of the Berger Drive warehouse and left behind an area equipped to securely store Sheriff records, but other county agencies were considered and given the space as tenants.

### *Location*

Locating the evidence storage function in close proximity to the staff who regularly access evidence (Sheriff Detectives and DA staff) is preferable. However, space in the Civic Center Complex is at a premium given the plans to integrate retail and housing with county operations. The construction of a new Crime Lab in the Civic Center may provide an opportunity for Sheriff managed evidence storage to be co-located as a complimentary function. This project has already been approved with a preliminary design in mind. Given the advantages of having exhibits, evidence and property centrally located close to the Sheriff, DA and courts, integration of the evidence warehouse facility in the Civic Center complex planning and implementation should take place. Further analysis of the location of the combined evidence storage warehouse should consider the travel time of its primary users as a related cost. Finally, the location should also consider whether sufficient space exists to house not only the evidence warehouse, but also the vehicle storage function of the Sheriff, including vehicles that are evidence, seized vehicles and RATTF vehicles.

### *Short and Long Term Storage*

Evidence can be bifurcated according to whether it pertains to cases pre and post conviction, and whether it is short or long term in nature. Easy access to evidence is necessary for short term, active evidence, while post conviction and long term evidence could more reasonably be stored at a county-owned off-site location. The planning process recommended at the conclusion of the finding must include a decision whether the project will assume one centralized storage facility in a central and accessible location, or both a short term storage facility centrally located and an off-site facility for long term and post conviction evidence storage.

In order to derive an estimate of the percentage of evidence and property held by the Office of the Sheriff that is long-term in nature, we requested data on the receipt date of

each piece of evidence and property held by the Office of the Sheriff. While receipt date data was not available, of the 34,526 pieces of evidence in the database, 19,980 pieces, or 79 percent of the evidence/property relate to incident dates at least 12 months ago. Adjusting the percentage to recognize case duration of greater than 12 months, we estimate that at least 50 percent of evidence and property in the custody of the Sheriff is long-term in nature and could reasonably be stored off-site in an evidence warehouse.

### *Refrigeration*

Interviews with criminal justice staff reinforced documentation from the Office of the District Attorney and the Office of the Sheriff indicating that the proper storing of evidence should include both a large freezer unit and a constant temperature refrigerator unit. In August 2002, the city of Sunnyvale purchased a 552 square foot freezer because the 120 square foot existing freezer was at capacity. The related transmittal cites the Office of the District Attorney's mandates regarding the storage of biological evidence. The inclusion of freezer and refrigeration units, along with a state of the art inventory and tracking database might attract local jurisdictions to contract with the Sheriff to store biological evidence, either prior to conviction or after conviction. Currently, the Office of the Sheriff relies on many small, inefficient refrigerators and freezers both at its Headquarters evidence room and the leased Junction Ave facility. The cost estimate analysis includes an additional \$300,000 to account for the purchase of refrigeration equipment.

### *Capacity*

Capacity necessary to store evidence and property is dynamic because it is based on multiple variables, including legislation requiring evidence to be stored for long periods of time and the efficiency with which staff can identify evidence and property that can be returned to its owner, destroyed or auctioned. The number of crimes committed and investigated, the amount of evidence associated with each case and the nature and size of the evidence are all factors beyond the control of the criminal justice staff and agencies. The 35,000 square foot figure included in our estimate would be refined as part of the design project, and the determination of the most accurate projected capacity would include input and information from the set of intended users, aided by a professional warehouse design firm and GSA Capital Program staff.

### *Revenue to Fund the Combined Evidence and Property Warehouse*

The amortization schedule (Attachment 7.A) includes three sources of revenue for the construction costs of the evidence warehouse facility:

- SB 90 Revenue of \$20,000 annually
- Trial Court Funding of \$11,837 annually
- Increased City Contract Revenue of \$40,000 annually

A memo from the Captain of the Investigations Bureau in September 2001 described the additional storage capacity required under SB 83 by stating "We know that the amount of material to be stored will be great and that the volume will increase exponentially as DNA technology is further developed." SB 1391, enacted by the Legislature and approved by the Governor in September 2002, requires local jurisdictions to maintain evidence, including DNA evidence, to be made available to persons convicted and sentenced to death or life in prison, when properly requested. The bill specifically includes language that as a state mandate, "if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions." This reimbursement applies not only to the County's costs, but also to the costs of local cities who also must retain and store such evidence, creating the possibility of cities contracting with the Office of the Sheriff at no additional local cost, submitting SB 90 claims for their evidence storage costs.

A February 2003 SB 90 Status Report submitted to the Finance and Government Operations Committee stated the County is currently considering the submission of a test claim for the "costs of retaining all of the biological evidence for DNA testing, Penal Code 1417.9 and 1405 (m)". SB 90 staff in the Controller's Office report that Los Angeles County has filed a test claim with the Commission on State Mandates regarding Post conviction DNA Court Proceedings and that San Bernardino County has filed a test claim regarding the costs related to establishing and maintaining a DNA database. Regardless of the current suspension of payments, reimbursement of costs deemed to meet the mandate reimbursement category must eventually be repaid, and the County should fully explore filing a test claim or claiming such costs if another county has already filed such a claim.

Rule 810 Court Operations of the California Rules of Court specifies which court-related costs are reimbursable. Included as allowable under Rule 810 are the contractual services provided to the courts by the Sheriff currently, and the amendment of the existing contract to include management and storage of court evidence and property may be allowable as a reimbursable cost. Specifically, Rule 810 states that indirect costs specifically attributable to court services are allowable, and that costs to "store surplus property and facilitate public auctions" are allowable. Rule 810 excludes facility-related costs other than those that relate to record storage. It may be the case that evidence could be interpreted to fall under the records definition, providing additional financial support of an off-site evidence storage facility managed by the Office of the Sheriff as well as facility-related costs of evidence storage rooms within existing and future court rooms and buildings. Determining the appropriateness of such reimbursement would require collaboration with the Court Administration and favorable interpretation by County Counsel, the Administrative Office of the Court and the State Department of Finance. The handling of evidence and the storage of such evidence after the day's court operations conclude can continue under the current structure, or be considered for inclusion in the court security contract, to be provided by deputies or Sheriff technicians, per the desire of the Court Administrator as the client if such an arrangement is allowable under the laws that govern chain of custody of exhibits and evidence. The amount of revenue assumed in the amortization table equals the

percentage of the annual costs times the percentage of total evidence and storage space, three percent, determined during our analysis

Increased contract city revenue of \$40,000 was included in the amortization schedule. It is reasonable to assume that at least two or three local jurisdictions would take advantage of an opportunity to have their evidence and property stored and maintained a state of the art county facility in proximity to the Civic Center complex, the Main Jail and the court buildings. The Sheriff has begun to forward property and evidence to an on-line auction house, as approved by the Board of Supervisors on August 27, 2002.<sup>2</sup> The DA and Courts are currently forwarding unclaimed items to the GSA Property Disposal Unit that accumulates materials of any value and then forwards these items to a contract auction company. Therefore, the centralized auctioning of property by the on-line service through the Sheriff's office may be helpful to the departments. The centralized processing and disposition of evidence will provide an opportunity for the current donations of unclaimed bicycles to Juvenile Probation, per County Ordinance and the W & I Code, be generalized to include other items from the Office of the Sheriff and the other participating criminal justice agencies.

The combined storage of evidence and property would prompt increased collaboration among criminal justice agencies and such centralization would assumedly prompt the lead agency to devise and implement a new database tracking system that would enable participants to identify and locate each piece of evidence and property. The combining of evidence storage can occur completely or to a lesser degree, based on the willingness of the Sheriff and the District Attorney to collaborate and comfortably entrust another agency to maintain and store evidence, and the decisions of other separate entities such as the court. While the total combination of evidence and property storage may result in the highest efficiencies, each participating agency and its appointed or elected representative must weigh the exposure and participate to the degree determined to be appropriate. Implementation of the recommendations will initiate a formal process to determine the feasibility of such combination and ensure that the Board's budget strategy is carried out.

Approval of the recommendations in this section of the report should prompt the Office of the Sheriff to submit a request to the Space Committee so that County owned land and/or facilities can be identified. The Sheriff should initiate the process with GSA Capital Programs to develop a concept paper for the project. The Sheriff or her designee should call a meeting of the planned participants to receive feedback and test the willingness of each to assist in the planning and implementation of the project. If the Sheriff and the other parties are able to gain approval from the Administrative Capital Committee for a budget to proceed with the design of the building, GSA will contract with a design firm possessing related experience and expertise, and the participating County Departments will determine what revenues could be generated to cover the ongoing costs of the warehouse. Finally, the Sheriff working with County Counsel can begin to approach contract cities and other potential customers to determine their

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<sup>2</sup> Keyboard Transmittal LJ04 082702, Agenda Item 58

interest in storing evidence under the supervision and security of the Office of the Sheriff.

## **CONCLUSIONS**

The Office of the Sheriff and the Office of the District Attorney should explore opportunities to consolidate the storage of evidence and property and offer storage of evidence and exhibits to the courts and local law enforcement agencies as a contractual service. Through consolidation, future storage needs could be met and the integrity of evidentiary materials could be enhanced. Annual costs for evidence storage leases by the Sheriff and DA equal approximately \$380,000. Previous efforts to gain approval for the construction of an evidence storage warehouse have been unsuccessful, and opportunities to participate in other related capital and renovation plans have not been recognized or realized. A combined evidence storage facility could be supported by charges to local jurisdictions, reimbursement from the State under SB 90 and possible Trial Court funding if the Court was amenable to including evidence management and storage as part of the court Security contract with the Office of the Sheriff. Property related to crimes and investigations is also taken into custody by the Office of the Sheriff and returned or destroyed when cases are resolved.

Evidence plays a vital role in the investigation, prosecution and conviction of persons who have been accused and committed criminal acts. Significant property accumulates as a result of search warrant activity and the seizure of personal property during investigations. Maintaining a proper, well-documented chain of custody and ensuring integrity of evidence are crucial to successful law enforcement, prosecution and court operations. Pieces of evidence range from DNA and biological evidence that must be specifically stored at constant temperatures to large pieces of evidence such as vehicles. Previous and recently enacted legislation requires criminal justice agencies to maintain certain evidence for extended periods of time, sometimes for as long as the lifetime of a convicted murderer. Maintaining the integrity and chain of custody of evidence ensures that appeals and writs filed by guilty persons can be properly disputed in court, and that persons wrongly convicted can be exonerated.

Current lease costs approach the estimated capital costs of constructing or renovating an evidence warehouse on county-owned property. Designing and implementing a combined storage of evidence facility would require significant collaboration between the various agencies involved. The Sheriff, in concert with GSA Capital Programs, the Space Committee and the County-wide evidence workgroup, should explore the possibility of providing contractual evidence storage to the Office of the District Attorney, the courts and local law enforcement agencies in a shared facility. The development of a combined evidence storage function should include investigation into possible revenue, including SB 90 and Trial Court funding.

## **RECOMMENDATIONS**

The Sheriff should:

- 7.1 Work with GSA Capital Programs and the Space Committee to explore the possibility of co-locating and/or providing contractual evidence storage to the Office of the District Attorney, the courts and local law enforcement agencies. (Priority Three)

The Board of Supervisors should:

- 7.2 Direct the County Executive to initiate planning to construct an evidence warehouse storage facility, either by renovating an existing County building or constructing a facility on County owned land. (Priority One)

The Sheriff and the Office of the County Counsel should:

- 7.3 Continue to investigate SB 90 test claims to the California Commission on State Mandates, including reimbursement for costs related to the storage of DNA, biological and other evidence; (Priority Three) and
- 7.4 Include for discussion in the next round of Court Security contract negotiations an amendment to include the securing, storage and handling of evidence and exhibits by Sheriff Technicians and Deputies, if allowable under the laws governing chain of custody and handling of court exhibits. (Priority Two)

## **COSTS AND BENEFITS**

The costs associated with constructing or renovating a warehouse as a combined evidence storage facility have been estimated at approximately \$8 million, and could reasonably be covered by the current annual lease costs. At the end of a thirty-year period the County will own and will have paid for an evidence warehouse, and realized approximately \$3.4 million dollars in savings as compared to escalating lease costs. The benefits associated with such a project include increased evidence and property storage capacity, enhanced maintenance of chain of custody of evidence and a collaborative system to ensure the integrity of evidence while it is the care of the County of Santa Clara. As a tangible benefit, law enforcement personnel, attorneys and members of the court will be able to access well-maintained evidence related to current and previous cases, in order to uphold convictions and consider appeals and other legal requests. As additional legislation is enacted increasing the burden of the County to store evidence for long periods of time, a project will be in place to efficiently accommodate these legislative requirements. The Sheriff will be provided with the analysis necessary to properly present its evidence storage needs to the Administrative Capital Committee and the Board of Supervisors for consideration as a capital project.







## 8. Grant Identification

- **The Office of the Sheriff should reorganize grant identification and application responsibilities to enhance law enforcement services to the unincorporated areas and its contract partners such as Parks, VTA and the cities. Although departments are encouraged to pursue grant opportunities, the County Administration has not provided guidelines to assess potential grant opportunities or facilitate cooperation and collaboration across departments to identify and successfully apply for appropriate grants.**
- **The function of grant identification and application has not been consistent in the Office of the Sheriff and at the time of the audit was a collateral duty of a sworn staff person in the Special Operations Unit, and then a collateral duty of a Management Analyst. No written procedures or guidelines have been drafted regarding specific responsibilities or criteria by which potential grant opportunities should be evaluated. Management reports have not been consistently required of the staff person fulfilling the grant function to ensure grant opportunities are recognized and pursued.**
- **The position of grant and development manager should be a specific assignment of a civilian permanent position, reporting directly to the Director of the Administrative Services Bureau or Sheriff, and this person should provide an annual report to the Sheriff of the efforts to identify and apply for grants. The Office of the Sheriff should develop a set of procedures for the grant staff person that a specific grant matrix be written and provided each month to the Director of Administrative Services. The Office of the County Executive should consider subscribing to an online grant resource and should develop a "revenue focus" document to assist department heads in managing their grant efforts, and to facilitate communication across County staff assigned the responsibility to identify and pursue grants.**

Grant revenues can be broadly defined as non-General fund support of the services delivered to residents of Santa Clara County, including categorical aid and block grant funds that agencies such as SSA and other County agencies receive each year, based on legislative formulas. This finding addresses those grant opportunities for which public entities must competitively bid and for which specific staff resources are required to develop proposals, construct budgets and operationalize the services eventually funded by grant awards. The Office of the Sheriff provided information indicating that six different grants had been awarded and were active at the time of the audit. An additional grant related to Marijuana Suppression was brought to the Board during the course of the audit. These seven grants totaled \$1,677,244 in potential annual revenue for the fiscal year and are presented in Table 8.1.

**Table 8.1**

**Grant Revenue in the Office of the Sheriff**

| <u>Grant Name</u>                  | <u>FY 2002-03</u> | <u>FY 2001-02</u> |
|------------------------------------|-------------------|-------------------|
| State COPS                         | 200,000           | 215,346           |
| Local Law Enforcement Grant        | 75,000            | 120,431           |
| Office of Traffic Safety Grants    | 60,000            | 61,500            |
| State High Technology Grant*       | 630,780           | 561,177           |
| Federal COPS Universal Hiring      | 200,000           | 200,000           |
| Federal COPS in Schools            | 375,000           | New Grant in 01   |
| Marijuana Suppression Grant        | 136,464           | New Grant in 02   |
| <b>Total</b>                       | <b>1,677,244</b>  | <b>1,158,454</b>  |
| <b>Total Revenue</b>               | <b>38,252,795</b> | <b>34,067,068</b> |
| <b>Percentage of Total Revenue</b> | <b>4.4%</b>       | <b>3.4%</b>       |

\* - Average of previous two year amounts as future State funding is uncertain

**History and Status of Position**

There are four primary activities related to grants in a department: grant identification, application, fiscal management and operational management. Accounting staff play a necessary role in the development of budgets for grant applications and the eventual fiscal management of grants that are awarded. Operational management of grants awarded is delegated to the related divisions of the Office of the Sheriff. However, primary responsibility to identify potential grants and develop successful proposals has not been staffed consistently and has moved around the organizational structure of the Office of the Sheriff, as depicted below.

**TABLE 8.2**

**OFFICE OF THE SHERIFF GRANT IDENTIFICATION AND MANAGEMENT**

| <u>Time Period</u>                           | <u>1/00 - 11/00<br/>(11 Months)</u> | <u>1/01 - 7/02<br/>(18 Months)</u>    | <u>7/02 - 1/03<br/>(6 Months)</u> | <u>1/03 to present<br/>(Undetermined)</u> |
|--|-------------------------------------|---------------------------------------|-----------------------------------|---|
| <b>Physical Placement</b>                    | Administration                      | Administration                        | Special Operations                | Administration                            |
| <b>Supervision</b>                           | Undersheriff                        | Internal Affairs Lt.                  | Special Operations Lt.            | Sheriff/ Admin. Svs Dir.                  |
| <b>Organizational Levels from Sheriff</b>    | Two                                 | Three                                 | Four                              | One                                       |
| <b>Civilian/sworn</b>                        | Sworn - Sgt.                        | Sworn - Deputy Sgt.                   | Sworn - Sgt.                      | Civilian - Management Analyst             |
| <b>% of Time Dedicated to Grant Function</b> | 75 percent                          | 20 percent                            | Less than 20 percent              | Undetermined                              |
| <b>Regular Reports</b>                       | Regular matrices                    | Annual Progress Reports               | Monthly reports                   | Plan to provide matrices                  |
| <b>Reason Left</b>                           | Promoted to Lt                      | Function terminated by Administration | Decision by Administration        | NA  |

In addition to the assignment of grant identification, above, the Office of the Sheriff had a contractual agreement with an individual during the beginning of the period in the table to identify and apply for grants. The focus of the contract changed from grant identification to developing an overall strategic plan, and the contract was not renewed in FY 2003-04.

Considering the history of the position's placement in the organization and the optimal placement of the position, the grant identification function and position should be organizationally as close as possible to the Sheriff, with access to the Administrative Services Director and the Accounting Division. The method of reporting grant seeking and application activity has varied over the past three years. The clearest and best organized method used by former grants staff in the was a set of two matrices, one depicting the grants considered in a given time period and the grant application disposition, and second matrix depicting the status of the Office of the Sheriff's current grant awards. The clearest dilution of the position took place in July 2002, when a decision was reportedly made to end the Community Planning and Resource Coordinator coded position. Subsequently the grant assignment was resurrected in the Special Operations Division. This move caused the grant function to be assigned to a Sergeant with supervisory duties in the Special Operations Division, making proper attention to the grant function difficult. Additionally, this move caused the position to be physically and organizationally removed from the Sheriff's Administration and Executive Management team.

At the conclusion of the field work phase of the study the grant function was moved once again by the Administration, this time as a duty of a Management Analyst in the Administration Division. This action is consistent with our observations and conclusions regarding the function, so long as the management analyst is afforded sufficient time to carry out the function and the reporting matrices recommended and previously provided by grant staff are reinstated and required. Sheriff Administration staff report that the identification of grant opportunities is also being supplemented as a collateral duty of an Executive Assistant. The management analyst position is organizationally and physically located in the Administration Division of the Office of the Sheriff, reporting directly to the Sheriff and taking direction from the Director of Administrative Services. The position requires the individual to have proven writing skills and a working knowledge of the process by which grant applications and other items are considered by the Board through its Committee and agenda process. The assignment to the management analyst promotes collaboration across County agencies as management analysts at the executive level already know one another and communicate as needed. An important departure of the Office of the Sheriff's most recent assignment of the grants function is the fact that the person carrying out the function will now be a civilian rather than sworn staff. Of the five jurisdictions that responded to the survey, three indicated that the grant function is assigned to a civilian position within the Office of the Sheriff.

An opportunity exists to strengthen the grant function, given the recent new assignment. The Sheriff should do so, by defining the percentage of time generally expected to be spent on the grant function and drafting a set of policies and procedures for the grant function to include the regular provision of the two matrices previously

discussed. Continuity in the organizational placement of the function and in the actual person providing the service will be established under the Sheriff's current assignment of the function to a Management Analyst in the Administration.

### **County Coordination of Grant Identification and Pursuit**

A somewhat informal process exists for departments to identify and apply for grants. Intergovernmental Relations regularly forwards federal grant bulletins to county departments and encourages departments to provide information when they apply for grants so county lobbyists can be informed. The Office of the County Executive has begun a list of the staff across departments who identify and apply for grants. The Office of Intergovernmental Relations may advocate for the enactment of legislation that authorizes funding at the state and federal level through the County's Legislative Committee and Legislative priorities process. While this office provides support to agencies in their grant applications when agencies provide such information, this office is not designed or staffed to be the clearinghouse for grant opportunities, nor should it be considered a primary support to agencies in applying for grants that are offered. The recommendations presented in this section of the report will assist the Sheriff and other Department and Agency Heads in understanding the role and the current vision for grant funding by the Administration, and will promote more of the collaboration across departments that has been successful in the past.

Departments discuss potential grant opportunities with their assigned Budget Analyst who may offer information as to the appropriateness of the grant application, given the analyst's understanding of the Administration's current perspective on the County's ability to provide matching funds. The authority of the Office of the County Executive to approve or deny grant applications moving forward depends on whether the head of the applying agency is an elected official, a Board appointed manager or a hired Department head. Regardless, support from the Office of the County Executive is an important asset as Agency and Department Heads seek Board support of grant applications and assurance of required matching funds. Therefore, clear expectations by the Office of the County Executive and a shared understanding of what grants should be applied for are important, as General fund resources grow scarce and departments more aggressively seek outside revenues.

The third budget strategy adopted by the Board for consideration in the development of the FY 2003-04 Budget is to "Pursue ideas that would allow the County to generate new revenues – assure the annual review of fees and trust fund balances." Board members often ask Department representatives seeking additional General fund support if State, federal or private grant funding exists to support the requested function and the Board generally expects departments to seek outside funds prior to requests for additional or new General Fund support being made.

The ideal grant is one that replaces General fund support of an existing service, requires no County matching funds, does not expire and does not place administrative burden on the receiving department to report outcomes, statistics or detailed financial information. Few, if any such grants exist. Instead, grants often require matching funds, sunset after a given number of years and require the grantee to provide services in a

manner specified by the grant award. The Board and the Administration must therefore balance the attractiveness of grant revenue with grant requirements and the eventual discontinuance of the award. At the time the grant expires, the Board will be left with the difficult decision of either providing ongoing General fund support to continue the service, or not provide the General fund support and discontinue the service. San Diego County prepares and presents a grant inventory document twice a year to its Board of Supervisors. This document summarizes grants that have been awarded to the County, reports the potential and earned revenue from each grant and indicates the function of the grant service as well as the department and individual managing the grant. San Diego County has established definitions of grant projects and Federally Funded Subventions in order to differentiate between the two. The definition of grants is stated in the San Diego County Grant Inventory Report:

Grant Projects

- a. Grants are specifically requested, they are not routinely distributed, and acceptance of the grant award is a discretionary matter for the Board of Supervisors.
- b. Allocations are determined by the granting administration generally based on an evaluation of the County grant application information.
- c. Grants are generally limited in time duration – one to five years.
- d. The grant funds are used to defray costs of projects that are non-mandated by other governmental entities.<sup>1</sup>

A February 2003 Los Angeles Times article reported that Los Angeles County failed to realize \$10 million dollars in grant revenue related to public health awards over a three-year period and was forced to divert grant funds intended for direct service to the purchase of computers and other equipment.<sup>2</sup> The conclusions of the article were not based on a summary report provided to the Board of Supervisors. Instead the article stated that conclusions were based on “documents and interviews with county health officials.” In Santa Clara County, the Board has begun to receive summary information detailing the amount of grant awards and the earning of these revenues in the Health and Hospital System. At the request of the Committee Chair, the Health and Hospital System began providing an annual update on grants in September of 2002. This report includes all grant awards, the projected and actual revenue earned in the prior fiscal year and the reasons for any underspending that occurred. The report reflected expenditure of approximately 75 percent of grant award amounts and provided reasonable explanations of the underspent amounts, such as changes in the grants, difficulty hiring staff and lower than expected service provision by contract agencies. This type of information is helpful to Board members in monitoring the expenditure of grant revenues. The County Executive should direct the Controller’s Office to prepare such a report detailing the same information for all County Departments, and provide this report to the Board of Supervisors through the Finance and Government Operations Committee annually. The ASAP accounting system currently being

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<sup>1</sup> Notes to San Diego Grant Inventory Report – June 30, 2001.

<sup>2</sup> “County Out Millions for Health Care”, Los Angeles Times, February 16, 2003, Charles Ornstein.

implemented may provide much of the information necessary automatically, and the provision of this report should be included in its implementation.

Within each county agency, the identification of grant opportunities and development of successful proposals is performed by staff with expertise in the type of service delivered by the agency (Health, Social Services, etc.) Given the depth and variety of grant opportunities that each department grant person may encounter, a system for sharing grant opportunities across departments is important and should be established. The collaborative efforts that have taken place between various agencies, often led by the Office of the County Executive, such as the Children's Health Initiative and joint Health-Probation projects, illustrate the importance of grant staff across departments communicating and working together to secure outside funds and provide coordinated services.

The County Executive's Office should develop an email list or directory of staff across agencies and departments seeking and applying for grants, given its role in preparing the budget through OBA and in advocating for various State and federal legislation through Intergovernmental Relations. Another aspect of grant application that could be aided by centralized direction by the Office of the County Executive is the manner by which Departments measure grant opportunities and decide which grants should be pursued. Grant opportunities identified by department or agency staff may not be consistent with the overall view by the County Executive and the Board of Supervisors. Grant applications may require a signature by a Board member and may require an actual resolution documenting the elected body's support of the application. In these and other cases, the resources necessary to develop a grant application are significant. Therefore, the application of standard "tests for reasonableness" by staff to screen grants is prudent. This process would be facilitated by the annual development and distribution of a "Revenue Focus" statement by the Office of the County Executive, essentially creating standards and detail to the budget strategies already developed by the County Executive's Office and approved by the Board.

The proposed revenue focus document could provide information on the following points as they relate to grant opportunities:

- A hard match General fund limit that will not be exceeded, either as a percentage of grant awards or as an actual dollar amount.
- Clear language on the manner in which positions funded, **temporarily**, by grant revenues will be reported during the last year of the grant award, and the responsibility of the respective Department to seek and obtain continued funding from sources other than the General Fund first. The positions should be explicitly described as having been grant funded previously if proposed for continuation in the Recommended Budget.
- The willingness of the County Executive's Office during the coming year to support grant opportunities that **enhance** the services provided by an Agency, rather than only supporting the core mission of an Agency, given the County's overall financial position.

- The specific process by which grant applications should be brought forward to the Board through the County Executive's Office, either to the assigned OBA analyst or through the related policy Committee or Board agenda.
- A consistent set of budgetary assumptions to be made in every grant application in terms of administrative overhead, productive hours, salary and other overhead costs.
- Specific direction to Agencies to collaborate on grant opportunities that require or encourage such collaboration and the support that will be provided by the Office of the County Executive to the lead agency. In some instances, the Office of the County Executive may have priorities for which it is willing to act as the lead agency. Such priorities should be made clear in the revenue focus document so that grant staff across the county will be aware and flag any grant opportunities they encounter.

While exceptions to the guidelines above will occur, and appointed and elected officials will continue to have the prerogative to place grant applications on Committee and Board agendas, the guidelines will focus the efforts of grant staff, providing tests by which County departments should evaluate grant opportunities. The delivery of the information outlined above in the recommended revenue focus document could take place at a county-wide grant workshop, during which grant staff could meet one another, network and exchange resources and contact information. Audit staff identified consultant groups specializing in public sector grant identification and application assistance who offer to travel and provide free workshops in anticipation of, but not obligation for, future contracts.

Such an event would promote the sharing of grant information between agencies and across jurisdictions, an important strategy in maximizing knowledge regarding grants that each agency possesses without creating a duplicative centralized function in the county. Additionally, subscriptions and user licenses are available for sophisticated on line database programs that can quickly identify relevant and available grants, and provide the needed information without inordinate hours of research being required. At least two California Sheriff offices and 90 California local government agencies use an online system reviewed during the management audit. Subscription to such a service countywide would cost approximately \$40,000 annually and would reportedly include training, technical support, unlimited licenses and the development of an action plan to comprehensively manage the grant identification and application process. This service or another similar service selected by the Administration would have three efficiencies. It would free up the time that Intergovernmental Relations staff spend receiving and forwarding federal grant bulletins to agency representatives. Secondly, it would reduce the time that each grants person in the County's various departments spend seeking grant opportunities. Finally, such a service would presumably provide relevant and new grant opportunities to be identified and pursued by County Departments. The Office of the Sheriff reports that they subscribe to IACPnet, an on-line information network designed for law-enforcement professionals. Staff of the Office of the Sheriff report that the network provides information from other agencies on policies, ordinances, programs and innovations. This website community is specifically designed for law enforcement agencies to receive and share grant information and other

information regarding best practices in terms of policies and procedures, training and other law enforcement functions.

## **CONCLUSIONS**

The Office of the Sheriff should reorganize grant identification and application responsibilities to enhance law enforcement services to the unincorporated areas and its contract partners such as Parks, VTA and the cities. Although departments are encouraged to pursue grant opportunities, the County Administration has not provided guidelines to assess potential grant opportunities or facilitate cooperation and collaboration across departments to identify and successfully apply for appropriate grants.

The function of grant identification and application has not been consistent in the Office of the Sheriff and at the time of the audit was a collateral duty of a sworn staff person in the Special Operations Unit, and then a collateral duty of a Management Analyst. No written procedures or guidelines have been drafted regarding specific responsibilities or criteria by which potential grant opportunities should be evaluated. Management reports have not been consistently required of the staff person fulfilling the grant function to ensure grant opportunities are recognized and pursued.

The position of grant and development manager should be a specific assignment of a civilian permanent position, reporting directly to the Director of the Administrative Services Bureau or Sheriff, and this person should provide an annual report to the Sheriff of the efforts to identify and apply for grants. The Office of the Sheriff should develop a set of procedures for the grant staff person that a specific grant matrix be written and provided each month to the Director of Administrative Services. The Office of the County Executive should consider subscribing to an online grant resource and should develop a "revenue focus" document to assist department heads in managing their grant efforts, and to facilitate communication across County staff assigned the responsibility to identify and pursue grants.

## **RECOMMENDATIONS**

The Sheriff should:

- 8.1 Assign the grant function as a permanent assignment to a civilian coded position within the Administration of the Sheriff and include the following as assigned duties (Priority Two):
  - a. Annual Report including current grant awards and grant seeking activity
  - b. Monthly matrix of current grants and grant applications considered
  - c. Policies and procedures regarding grant function responsibilities; and



The Office of the County Executive should:

- 8.2 Develop and distribute a “Revenue Focus” document annually to assist department heads in managing their grant efforts; (Priority Two) and
- 8.3 Facilitate communication between staff across the County assigned the responsibility to identify and pursue grants, either by distributing a directory or by hosting an annual grant workshop; (Priority Three) and
- 8.4 Consider subscribing to an online service to automate the provision of grant opportunities; (Priority Three) and
- 8.5 Direct the Controller’s Office to prepare and forward to the Finance and Government Operations Committee an annual list of grant awards, to include the amount of the annual award, amount of actual revenue earned by the respective department and an explanation of the grant revenue not realized. (Priority Three)

## **COSTS AND BENEFITS**

Costs to implement the recommendations in this section of the report are limited to the annual online grant identification subscription fee of approximately \$40,000, the staff costs to prepare an annual grant report and the costs to hold an annual half-day meeting of the grant seeking staff across the County. Implementing these recommendations will increase the ability of the Office of the Sheriff to identify and successfully apply for grants to enhance and support law enforcement services. Additionally, all county agencies and departments will receive clear direction from the Administration regarding what types of grant opportunities should be pursued and the manner in which grant applications should be constructed and presented to the Board of Supervisors. Finally, the Board of Supervisors will be provided the same grant information related to all departments that they have already begun to receive from the Santa Clara Valley Health and Hospital System and the Health and Hospital Committee.



# County of Santa Clara

Office of the Sheriff

55 West Younger Avenue  
San Jose, California 95110-1721  
(408) 808-4900



Laurie Smith  
Sheriff December 4, 2003

TO: Supervisor Pete McHugh, Chairperson  
Supervisor Jim Beall, Vice Chairperson  
Finance and Government Operations Committee

Roger Mialocq, Audit Director, Harvey M. Rose Accountancy Corp.

FR: Laurie Smith, Sheriff *Laurie Smith*

RE: Response to Management Audit by Harvey M. Rose Accountancy Corp.

## Purpose and Scope:

In August 2002, the Board of Supervisors authorized a management audit, conducted by the Harvey Rose Accountancy Corporation (HRAC). It was recommended pursuant to the Board's power of inquiry specified in Section 301(c) of the Santa Clara County Charter. The purpose of this management audit was to examine the operations, management practices and finances of the Office of the Sheriff and to identify opportunities to increase our efficiency, effectiveness and economy. The scope of the audit included a review of all of the functions provided directly by our office with the exception of custody related services.

The management audit included a review of the majority of divisions within the Sheriff's Office, including Patrol, Court Security, Civil/Warrants, Investigations, Administration, Accounting, Administrative Services, Records, Special Operations, Internal Affairs and the West Valley Patrol Substation. Additionally, they reviewed the law enforcement services we provide on a contract basis including, the City of Cupertino, the Town of Los Alto Hills, the City of Saratoga, the County of Santa Clara Parks and Recreation Department and the Valley Transportation Authority. They also interviewed other County departments that provide services that are closely linked to those we provide or provide support to our office, including the Office of the District Attorney, GSA Capital Programs, GSA County Communications, Office of the County Executive, Superior Court and County Counsel.

This HRAC audit was large and varied in scope because of the extent of responsibilities and mandates required to be performed by the Sheriff's Office. The audit evaluates all services within budget unit 230 and the corresponding \$78 million budget.

The recognition by HRAC that the Sheriff's Office was required to reduce the overall FY 2003-2004 budget by \$8,465,473 plus an additional reduction of \$1,048,895 is of importance. Several of the Sheriff's Office functions evaluated no longer exist or have been reduced in scope. The HRAC appropriately notes this in the final audit, "These reductions may affect the ability of the Office of the Sheriff to implement some of the report recommendations."

### General Comments

HRAC interviewed representatives from the majority of the Sheriff's Office Divisions including Patrol, Court Security, Civil/Warrants, Investigations, Administrative Services, Records, Special Operations, Internal Affairs, and the West Valley Substation.

These interviews and subsequent reviews resulted in eight findings and associated recommendations for implementation. This report includes our responses to the recommendations.

Additionally, HRAC identified other operational issues that did not include specific findings or recommendations. The issues include the Court Services Contract, Management Reporting Systems, and the relationship with the Parks and Recreation Department. The audit states that each of these areas, "should be strategically addressed over the course of the next several years." This report also includes our responses to these findings.

The extent and thoroughness of this management audit compared to the depth and quantity of the areas requiring improvement verifies the quality of services provided by the Santa Clara County Sheriff's Office. It is important to note that the entire organization was reviewed and the low number of improvement recommendations demonstrates our "efficiency, effectiveness and economy" in those areas.

I remain proud of the Sheriff's Office men and women who often place their life on the line in the interest of public safety for Santa Clara County. Every person in this organization should be commended for his or her truly dedicated service.

### Sheriff's Office Mission and Vision

Our Mission:

The Santa Clara County Sheriff's Office is dedicated to the preservation of public safety by providing innovative and progressive service in partnership with the community.

The Sheriff's Office has recently developed and adopted our mission, vision and core values. However, I have one sincere personal vision for this organization. Given the quality of employees, I believe the Santa Clara County Sheriff's Office can achieve recognition for our excellence and become one of the most highly revered law enforcement agencies in the nation. To achieve this goal we must highlight our successes publicly and resolve our disagreements internally.

### Functions Mandates

Government Code Section 26400 mandates the Office of the Sheriff. Additionally, the administrative functions of the office are necessary to fulfill the duties of the Sheriff as specified in various government, civil procedure and penal code sections.

The County Sheriff is distinguishable from virtually all other district, city, county, and state officers by her/his much wider scope of varied, mandated duties, responsibilities, and obligations, which are found in the California Constitution, almost every California code, a large number of California court decisions, various California codes mandated rules and regulations, opinions of the California Attorney General and the County's Charter, Ordinance Code and Procedures Manual.

### Organizational Description

The Sheriff's Office is the 5<sup>th</sup> largest County agency employing 897 people. Our staff serves in 53 different job classifications and is represented by 6 unions or groups.

The FY 2003-2004 expenditure budget is \$89,308,189 and approximately half (\$43.8 million) is reimbursed from various contract sources and fees. In addition, the Sheriff's Office has a number of trust funds that generate approximately \$11,500,000 in annual receipts, some of which must be paid out to third parties. Approximately \$31.1 million in Public Safety Sales Tax is generated and restricted in use to public safety programs. General Fund expenditures for the Sheriff's Office are approximately \$14.4 million.

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A recent study was conducted to provide an "Analysis of County Functions Funded From General Fund Resources To Determine Minimum Legal Funding Requirements." This study was designed to evaluate all County functions and –

- Determine if each function was legally mandated by federal, state or local law.
- If mandated, determine if the service level was at the minimum permitted by law.
- If the service was in excess of legal minimum, quantify the service component in excess of the legal minimum.

The study findings reveal the following information concerning the Sheriff's Office:

- Throughout the County, the general fund discretionary expenditures are \$347,866,778.
-

- Of the \$89,308,189 Sheriff's Office annual budget, \$396,240 is allocated for functions that are not legally mandated.
- Of the 749 authorized Sheriff's Office positions only 6 positions perform functions not legally mandated. (one in crime analysis, three in the volunteer program and two in special operations)
- Throughout the County, mandated functions that are provided at levels in excess of minimum legal requirements cost \$174,845,699 more than legal requirements mandated.
- Throughout the County, 102 functions are funded in excess of the minimum legally required.

Within the Sheriff's Office, no functions are funded in excess of the minimum legally required.

Benchmarking county agencies were critical components of HRAC's County Mandate Study and this Sheriff's Office Management Audit. These indicators demonstrate that the Santa Clara County Sheriff's Office staffing is generally at or below levels of other agencies. Prior to the implementation of our unit, we conducted the following benchmarking and comparison of air support functions:

| <u>Agency</u>      | <u>Air Support Budget</u>    | <u>County Population</u> | <u>County Square Miles</u> |
|--------------------|------------------------------|--------------------------|----------------------------|
| Los Angeles S/O    | \$6,500,000                  | 9,900,000                | 3,161                      |
| San Diego S/O      | \$2,235,000                  | 2,813,833                | 4,281                      |
| Orange S/O         | \$2,700,000                  | 2,722,200                | 785                        |
| San Bernardino S/O | \$5,300,000                  | 1,800,000                | 20,164                     |
| Santa Clara S/O    | \$ 388,000 (all grant funds) | 1,700,000                | 1,312                      |
| Riverside S/O      | \$2,900,000                  | 1,600,000                | 7,200                      |
| Kern S/O           | \$1,300,000                  | 660,000                  | 8,073                      |
| Ventura S/O        | \$4,700,000                  | 742,000                  | 1,873                      |
| Sonoma S/O         | \$1,019,237                  | 471,000                  | 1,605                      |

Another recent study compared worker to supervisor ratio for all County departments. The Sheriff's Office span of control is a ratio of 7.9 compared to the median for all county departments of 6.85. The study did not take into account the number of volunteers, temporary employees, the 24-hour, 7-day per week operation, the high-risk nature or the geographical area requiring employee supervision. If the factor of volunteer supervision is in the calculation, the ratio of employee to supervisor (including all management) is 12.3. This ratio does not take into account the 650 plus Sheriff's Correctional Officers or the 35 Stanford University Department of Public Safety Officers that must be supervised by our department.

We manage eight distinct major contracts for public safety services. Approximately half of our services are provided to entities that choose to contract with the Sheriff's Office for their public safety needs. It is the quality of service we provide and the relationship

with our partners that is our greatest source of pride. We are able to provide the highest quality service because of the exceptional men and women of the Sheriff's Office.

The Sheriff's Office serves in multi-agency task forces in compliance with twelve Memorandum of Understandings. These task forces have included, the Sexual Assault Felony Enforcement Team (SAFE), the Regional Auto Theft Task Force (RATTF), the Joint Terrorism Task Force (JTTF), the Drug Enforcement Administration Task Force (DEA), Santa Clara Valley Water District, NASA, Stanford University Department of Public Safety and Rapid Enforcement Allied Computer Team (REACT). Other law enforcement agencies we have worked with or managed in these task forces include, FBI, Secret Service, Customs, Alcohol Tobacco and Firearms, State Department of Justice, Parole, Probation, District Attorney's Office and local law enforcement agencies within the Bay Area.

Additional services are provided to other County agencies on a contract basis, including County Counsel (civil liability investigations), the Social Services Agency (Children's Shelter) County Counsel (elder financial abuse investigations), Department of Correction (criminal investigations) Juvenile Probation (criminal investigations), and the Employee Services Agency – Risk Management Division (County vehicle accident review). We maintain our commitment to all County agencies to provide any assistance requested at no cost. These services have included special investigations, protection details, surveillance, security, crime prevention, honor guard, video and photography, facility security and enumerable others.

#### Scale of Operation

The Patrol Divisions are involved in approximately 10,000 events (calls for service and self initiated activity) annually.

The Records Division holds over 75,000 active bench/arrest warrants and an additional 120,000 criminal warrants are issued annually.

Reserve Deputies serving as on-duty peace officer volunteers who perform many functions including patrol and community service functions. These 55 volunteer deputies are projected to contribute 12,631 hours this year. One reserve deputy sheriff has volunteered over 22,000 hours in 20 years of service.

Volunteers perform a variety of functions including law enforcement, search and rescue, and youth cadets. The total annual hours worked by the 205 volunteers exceeds 18,000.

#### Annual statistics –

- Served approximately 6,000 warrants.
- Transported 196,539 prisoners statewide.
- Served over 1,400 restraining orders free of charge.
- Maintain 450,000 criminal history files.
- Received \$1,229,259 from grants and private donations.

- Recruited 3,996 applicants for deputy Sheriff Office.
- Hired 185 deputies (since May 2001), including 11% female, 22% Hispanic, 11% Asian, 5% African-American and 2% Middle Eastern.
- Court Services screened approximately 2.5 million people at facility entrances.
- Fiscal Division issued \$14,796,941 in civil payments.
- Revenue for the firing range is projected to be \$70,000 this year.
- The accident rate (number of auto claims/million miles driven) for the Sheriff's Office is 16.24, considerably lower than the total county accident rate of 19.99.
- Investigative Services is assigned for follow-up over 11,000 cases.
- 10 different languages are spoken by 111 employees.
- Purchase, track and maintain over \$10,000,000 in fixed asset inventory.

### Accomplishments

In the last five years, the Sheriff's Office has completed a metamorphosis. Five years ago, our department was stagnate and struggling to maintain ourselves as a lead law enforcement agency. Now, we are emerging as a cutting edge leader in the Bay Area law enforcement community. This change reflects the emphasis placed on organizational development, training, service to contact agencies, and law enforcement leadership.

### *Organizational Development*

One of the greatest accomplishments of the Sheriff's Office has been the internal organizational development that has occurred. The office has created and disseminated a new Mission Statement, developed succession training, updated its General Orders, and integrated badge and civilian staff. These activities have contributed to improved morale in the office.

The Sheriff's Office adopted a new Mission Statement and Core Values. Our statement was developed by staff at all levels in the organization to reflect the values and goals of the office. It provides a platform for long range planning and development of the office.

For many years, the office was not able to hire new deputies or offer promotions and morale was low. When this period of dormancy ended, we were in a state of flux due to a large number of retirements. In preparation of the large turnover and rapid promotions, the office developed and implemented a training program to help develop employees' leadership skills and abilities and provide the office with future leaders.

Along with individual employee development, the Sheriff's Office has reviewed its operational policies – the General Orders. The General Orders provide the standards of conducts by which employees are expected to perform their duties. The previous orders were several years old and required updating in a number of areas. The updated General Orders help strengthen the organization and solidify the office's expectations of its entire staff.

Each Division is responsible for submitting a quarterly management report. These reports are standardized, automated and available to all divisions. The reports contain the



division's mission statement, goal and objectives, measurement data, comments on objectives, highlights/problems, staffing, fiscal, strategy, plans and accomplishments.

A new management philosophy of integrating badge and civilian staff within the office is in practice. Previously, civilian staff was hired only for clerical support functions. The addition of non-badge employees in some management functions results in reviewing issues from varying perspectives and provides continuity in a number of functions. The integration also results in a cohesive staff that works as a team regardless of rank or position.

The new internal strengths of the Sheriff's Office along with the increased opportunities in the office have drastically improved employee morale. In 1996, a Workforce Inventory of all employees was conducted. The survey results indicated that attitudes about morale, promotions, training, and public service were very low and required change. After a number of initiatives and programs were implemented to address these problem areas, another survey was conducted in 2002. The results of the second survey demonstrated increased satisfaction in many issue areas and overall improvement in morale.

#### *Community Relations/Service Delivery*

The Sheriff's Office has implemented a Community Oriented Policing philosophy in our operations. The resulting partnerships with the community has improved our ability to focus on issues and concerns which affect the quality of life in the neighborhoods we serve. We have also developed programs to help residents better understand the Sheriff's Office to include a Teen Academy and a Citizen Community Academy. Community Service Centers have been established in Burbank, East San Jose, and Moffett Field as well as local offices in Cupertino and Los Altos Hills to improve citizen access to the department. The Neighborhood Watch Program has also been revitalized, further strengthening our partnership with the community.

Another way in which we strive to achieve and maintain public trust and community support is through the collection of car stop demographic information. Our office was one of the first to collect an extensive amount of data related to car stops. We collect and analyze the following information: reason for stop, ethnicity, age and gender of all occupants, and outcome of stop (warning, citation, search, arrest). We also collect the date, time and location of all car stops.

Volunteer contributions to the Sheriff's Office are another area in which our community relation activities have grown. A number of opportunities to work with the office exist. They include Sheriff Reserves, Search and Rescue, Mounted Parade Unit, Sheriff's Cadets, Sheriff's Volunteers, SERT doctors, and the Sheriff's Advisory Board. Over 400 hundred people donate their time, energy, and expertise to the Sheriff's Office. Their assistance is invaluable.

One of our newest programs is the tactical medic program, which is recognized as one of the finest in the nation. The SERT doctors is a team of reserve deputies comprised of medical personnel with on-duty peace officer powers who have completed specialized training to operate in the unique tactical environment. A tactical medic is able to provide “medicine across the barricade” during operations involving hostages or a Columbine type incident. Our volunteers are highly respected local physicians and include the Medical Director – Pediatric Intensive Care Unit at San Jose Medical Center and Good Samaritan Hospital, the Chief – Department of Anesthesia at Salinas Valley Memorial Hospital, an Orthopedic Surgeon at San Jose Medical Center and Medical Director, the Trauma Surgeon & Medical Director of Intensive Care Unit at San Jose Medical Center, the Chief – Division of Emergency Medicine at Stanford University Medical Center and the Director of OB Anesthesia and Chairman of Ethics, Kaiser Santa Teresa Hospital.

Of particular note is the transformation of the Sheriff’s Advisory Board (SAB). The SAB is an independent 501c3 corporation whose mission is to provide funding for equipment or programs not covered by the County budget. The SAB organization has had a recent change in leadership, increased its membership and has raised its donations to the department. In less than two years, it has over \$130,000 in equipment to the Sheriff’s Office. A one-night fundraiser in November 2003 raised more than \$150,000.

An overhaul of the technology used by the department has improved our efficiency and productivity. The office previously used a McIntosh based system, which limited the use of standard software and the exchange of information between agencies that are PC based. The switch to PCs has brought the department to the County’s standard and improved computer system access. Another technological improvement is the use of laptops in patrol cars to prepare crime reports. This improves productivity since deputies spend additional time in the community as opposed to inside the station house. Crime data is also collected electronically and analyzed to detect and address crime trends. The Sheriff’s radio upgrade project will further enhance deputies’ ability to complete crime reports as well as access criminal data information while on patrol.

### *Fiscal/Operational Management*

The Sheriff’s Office fiscal responsibility and operational management are in good order. The Sheriff’s Office has operated within its approved budget since 1987, even returning money to the County General Fund. Last year we returned \$3,114,473 (plus an additional \$2,789,284 from the disability retirement allocation) for a total of \$5,903,757 to the general fund. In 2002 we returned \$2,858,951 to the general fund. We also collected 99% of our FY2003 budgeted revenues. The department has also searched for and obtained alternative sources of funds to include grants, donations, and additional service contracts.

The operational management of the department is a contributing factor to the high satisfaction levels of our contract agencies. The contract cities of Cupertino, Los Altos Hills, and Saratoga are pleased with the police services they receive. The Superior Court is also happy with the court security services it receives from the Sheriff’s Office. The

department has also established new contracts with Stanford University and the Santa Clara County Fair Management Corporation.

Another operational accomplishment of the department is in the area of risk management. Sheriff employees drive a large number of miles, often during high-risk situations. These circumstances increase the potential for employees to be involved in collisions. In order to minimize the risk of accidents, the office provides drivers training and re-established an Accident Review Board to provide follow-up training when necessary. Our efforts has resulted in a low accident rate, most of which have been classified as unpreventable.

A second risk management tool is the establishment of an Early Intervention System (EIS) in the Office of Professional Standards and Compliance. EIS is funded through a U.S. Department of Justice Office of Community Oriented Policing Services grant. The EIS program will review and track the performance and actions of deputies which have the potential to result in a complaint to Internal Affairs. This tool will provide supervisors and managers the ability to monitor employee performance to determine if a review is warranted, or if appropriate, intervene in circumstances that may have negative consequences for the employee, other employees, the Sheriff's Office, County, and/or the public.

#### *Employee Development*

A core value of the Sheriff's Office is that employees are our most valued assets. The Sheriff's Office has implemented a number of projects to enable our employees to develop and succeed. Recruitment of new employees has been a major activity in the recent years. Employee development and retention have also been areas of focus.

The Personnel and Training Unit has hired over 200 new employees out of more than 4000 applicants in the past two years. This is an extraordinary accomplishment considering a law enforcement agency's hiring process. An in-depth background check and polygraph must be completed on all employees; badge personnel must also undergo physical and psychological examinations.

A new employee appraisal form and process was developed in early 2001. The intent of the new process is to provide an employee with clear, objective, and measured information. The revised document can be used by both the employee and the supervisor to chart and document an employee's overall career development. The appraisal can provide motivation for an employee to seek training, concentrate on performance issues, and build upon accomplishments. All Sheriff's supervisors have received training on the new form and how to conduct performance appraisals.

The beginning of a person's career in the field of law enforcement can be a very stressful time. Along with attending and graduating from the training academy, a new recruit must also successfully complete the field-training program. A mentoring program has been established to help new employees meet the professional and personal challenges they face during training. Current employees serve as mentors to the new hire to provide them

with guidance and support. The Sheriff's Office anticipates that this program will help new recruits succeed during training and improve employee retention.

### *Critical Incident Preparedness*

The Sheriff's Office continues to be a leader in the county's law enforcement community. We participate on countywide task forces, provide search and rescue in the county, and serve as mutual aid coordinator. In addition, the Sheriff's Office has taken the lead in homeland security funding and related programs.

Sheriff's staff is assigned to the Sexual Assault Felony Enforcement (SAFE) team and the Regional Automobile Theft Task Force (RATTF). Additionally, the Sheriff's Office provides support to the Drug Enforcement Agency's South Bay Transportation Task Force.

In our role as the Search and Rescue Coordinator, the Sheriff's Office has recently restructured and strengthened the volunteer organization that works with the office when conducting searches. Another role that has been strengthened is that of Mutual Aid Coordinator. We have recently updated the contact information for each agency in the county. Training on mutual aid protocol and procedures has also been conducted.

Finally, the Sheriff's Office has been the lead agency to prepare our county for homeland security issues. The Sheriff chairs the Approval Authority, which oversees how funding is used in the county. The Special Operations Division has coordinated a plan to use federal grant funds to purchase equipment that can serve as mutual aid assets for all county residents. The Sheriff's Office has also been instrumental in developing and holding training for all first responder agencies.

### Topics Requiring Additional Review

This management audit included eight findings and associated recommendations. The responses to the eight findings are contained in charts included in this report. In addition to these findings, there were operational issues that "should be strategically addressed over the course of the next several years."

### Court Services Contract

HRAC states the following:

"The County should strive to be reimburse for all of the Office of the Sheriff costs incurred as a result of providing court security services to the Courts, including overhead. Since Rule 810, Function 8 currently considers department overhead "unallowable," and Function 11 allows County Overhead but does not explicitly allow the County Overhead costs incurred by the Sheriff as a result of providing court security, Rule 810 would need to be modified to identify as allowable these costs. Modifying the Rule 810 would be accomplished by working with the

Judicial Council, the policymaking body of the California trial and appellate courts.”

In the interest of maintaining the exceptional relationship that the Sheriff has with the local court, it would be in the County’s best interest to honor the current Court Services contract. Even upon its expiration, a thorough review of revenues, expenses, and associated surpluses is highly recommended, as we believe a fixed price contract with a relief factor would continue to serve the best interests of the Sheriff, the Court, and the County.

At the point of transition to state funding of trial courts in 1997, the counties and courts were asked to identify all Rule 810 (Rules of the Court) allowable costs and report any discrepancies, plus or minus, to the state, which then made the final determination on each county’s maintenance of effort (MOE) payment. The state funding legislation fixed the reference to allowable costs at the Rule 810 definition level at the point of transition. The intent was to provide a cost-neutral transition for the counties. It also specified the costs that would be incurred by the county and the costs that would be incurred by the courts then the corresponding revenue was transferred.

Since the transition, Senate Bill 1396 was adopted that made changes to Rule 810 to allow some overhead cost recovery. However, these changes were designed for counties that did not have the fixed price contract including a relief factor structure that we have in this county. All of the appropriate overhead charges allowable under changes to Rule 810 are included in our relief factor rate. Conceivably, our county could modify the contract terms and adopt the overhead rate model; however, the impact would be to eliminate the relief factor in lieu of overhead. Upon adoption of our initial contract, we explored all of the options from a cost/benefit perspective and we believe we have the best possible model.

We have established an extremely positive relationship with the Santa Clara County Superior Court. As a direct result of this relationship, the two entities have agreed on a multi-year, fixed price contract with built-in cost escalators that meet the needs of the Court as well as ensures adequate compensation to the Sheriff’s Office for services rendered. While this particular contract does not have overhead costs built in, it does reflect a generous personnel relief factor in the “Salaries and Benefits” area. This relief factor accounts for all unanticipated costs to include training, vacation, sick calls, etc. It also creates an incentive for the Sheriff to manage overtime costs, resulting in reduced expenditures, which can then be retained by the Sheriff’s Office. In effect, this contract arrangement provides for a significant recovery of funds beyond expenses, far exceeding the dollar amount that HRAC cites as additional revenues owed due to overhead. For example, in FY02/03, revenues from the Court Services contract totaled \$20,204,764. Expenses were only \$19,321,759 resulting in an \$883,005 difference, which exceeds the \$515,000 Harvey Rose estimate of county overhead costs in support of Court Security by \$368,005. In short, the County is, in fact, being reimbursed for all of the costs incurred as a result of providing court security services to the Courts, including overhead.

The contract that we developed in Santa Clara County has been replicated in many other counties and serves as a statewide model.

As with other legislation, the Sheriff's Office through the California State Sheriffs' Association remains abreast of opportunities for revenue enhancement or cost reimbursement. One recent example is legislation that provides reimbursement to our agency for the service of restraining orders (AB2030).

### Management Reporting System

HRAC states the following:

"The Office of the Sheriff should design its systems to collect essential data and should ensure the integrity of the data collected, even if the specificity required to do so results in a lesser quantity of data being collected."

This statement from HRAC does not recognize that a significant amount of the data collected is in response to contractual obligations. Any change in the amount and/or type of data collected would need to be negotiated with the contract agencies. If an entity wanted to modify its data requirements, our office would need to estimate the amount of programming work necessary to change the system and collection procedures to meet the new requirements.

### Relationship with the Parks and Recreation Department

HRAC states the following:

"Accordingly, it is important that the departments and the County management continue efforts to minimize friction, and to emphasize the importance of ensuring that the County parks system remains a safe environment for workers and the public."

This audit found that there were "strained" relationships and poor reporting by the Sheriff's Office, in violation of the MOU. This finding was particularly troubling because the Sheriff's Office prides themselves in positive relationships and quality service. The audit supports this and states the following:

"The concerns expressed by Parks and Recreation Department personnel, and the material provided to us regarding the existing MOU, are in striking contrast with the experiences reported by the city managers who contract with the Sheriff for law enforcement services."

Because these assertions are of a serious nature, I received a thorough report on the particulars of the claims. The specific allegations presented by the Parks Department and our responses are as follows:

Allegation:

“According to parks and Recreations Department personnel, the Office of the Sheriff has been inconsistently reporting activities related to parks law enforcement services.”

Allegation:

“In addition, the quality of reporting that has been provided by the Office of the Sheriff has been inconsistent.”

Allegation:

“The last report received by the Parks and Recreations Department during the period of the management audit was reportedly provided for the month of August 2000.”

Response:

There is disagreement between the Sheriff’s Office and the Park’s Department concerning whether the weekly oral reports were the agreed upon mechanism. The contract calls for “summaries of crime”, but does not specify manner of delivery. However, the contract also clearly calls for “copies of all patrol logs” which can only be in a written form. I acknowledge the lack of total compliance with the contract in providing these reports monthly. Written reports as well as verbal reports were provided. Written reports were not consistent from May of 2000 to June of 2002 and the Sheriff’s Office believed we were presenting the information in the manner consistent with their requests.

In September of 2002 we were notified that we were not in compliance with the MOU because we were not provided with monthly written reports. Because of this admonition, we compiled an extensive 300-page report covering the entire year. When the report was presented, we were told that the report was of no use to them because it did not show the amount of time the deputies were not in Park’s areas which was apparently their primary concern.

Similar statistical reports were compiled over the next 4 to 6 months and presented to Parks. In either April or May of 2003, Parks requested a meeting with our Data Management so that a better reporting system could be developed. This reporting system required modifying our existing system to meet their format requests. We were told to discontinue providing monthly reports until the system could be modified. These modifications have not been completed, so we asked Parks if we should submit back reports to be in compliance. We were told that they did not want the reports because the information we would provide wouldn't do them any good.

Allegation:

“Relations between the Office of the Sheriff and Parks and Recreation personnel have been strained in recent years. The nature of these strained relations has been brought to the Board of Supervisor’s attention both formally and informally over

the past several years. The last formal notification was in June 2002, when the Board asked the County Executive to report on "Park Ranger and Park Deputy Relations." In November 2002, the County Executive reported that the Sheriff would work with the Parks and Recreation Department to provide improved reporting, increase patrol time within the parks, attract a greater pool of deputies with stated interest in parks patrol, and jointly resolve a concern regarding the rotation of deputies through the Parks and Recreations patrol program."

Response:

The "strained relationship" with County Parks and Recreation Department has existed since at least November 1986, when the Santa Clara County Board of Supervisors recommended adoption of the Park Safety Alternatives study. The study proposed Sheriff's deputies should be the primary law enforcement agency for the County Parks and Park Rangers assume more traditional roles such as interpretation and conservation. Local 715 and the County Park Rangers' Association opposed this at a public hearing and in documents submitted for consideration.

On June 3, 2002, I met with Paul Romero, Parks Director and Lisa Killough, Deputy Director, Parks Administration concerning developing a new model for parks service. In the past we had billed the Parks for the basic cost of our deputies and County overhead through the contract. However, effective July 1, 2003 we were required to increase our charges to include department overhead costs since the Parks Department is funded through a special fund, not the County general fund. The purpose of this meeting was that Parks was looking for contract alternatives in staffing due to the cost increase. We reached agreement that the hours of service to Parks would be decreased.

We had another meeting on June 26, 2002 and the revised contract was signed on August 27, 2002. During these meetings and subsequent meetings with Park's administration there was never a mention of dissatisfaction with our performance to contract standards.

On June 12, 2002 there were public comments to the Board of Supervisors concerning the Sheriff's Office providing the law enforcement services in the County Parks. As I recall, the issue was the high cost of deputies (because of the additional overhead costs) and the reduction of safety (due to fewer deputies) in the parks. There was also concern that there are very few deputies remaining, they cover such a broad geographical area and they provide emergency assistance to areas other than the parks that safety would be compromised. There was a remedy proposed that the County employ more park rangers, if properly armed and equipped, at a lower cost and remove the deputies from the enforcement duties in the parks.



If the concern is the value of the contract and the perception of time deputies are not in the parks, it would be possible to modify the contract to have the Parks pay only for the time and not for full time employees.

We are committed to provide all data in the format requested and address concerns about deputy presence in parks; however, I believe the issue does not center as much on relationships, report compliance or contract value as it does on the existing situation.

To address the underlying causes of dissention I believe there would have to be an elimination of the contractual relationship and/or a change in County policy.

### Activity Reporting System

The Activity Reporting System (ARS), is an internally developed program used to capture information regarding patrol activities. Although the primary purpose of the system is to accurately bill contract cities for services, it is also used to collect information that is not available from other sources. A primary example of this extra information is demographic data on car stops. ARS is used to enter and track the “probable cause” for car stops, the ethnicity, age, and gender of drivers and passengers, and whether or not a citation was written a search was conducted or a car was towed. The CAD system used by County Communications does not provide this type of information.

The Sheriff’s Office agrees that ARS is cumbersome for deputies and we would appreciate the development of a less time consuming alternative. However, the system provides valuable information and is able to be easily adapted to specific requests periodically made by the contract entities. Additionally, some contract entities request specifically formatted data that can be downloaded into their systems for analytical purposes. ARS allows the Sheriff’s Office to respond to these requests without significant programming changes.

The Records Management System, which has been two years in development, will help reduce some of the staff time involved in populating the ARS.

| Recommendation   | Response               | Rationale  |
|--|------------------------|--|
| <p>1.1<br/>Develop standard activity reports for contract entities that could be created based on data sources other than the ARS;</p> | <p><u>Disagree</u></p> | <p>The Sheriff’s Office has contracts for services with eight different agencies. Each agency has different reporting needs and requests for information making standardized reports impossible. Many contracts are different in “how” they pay for services. Some “buy” employee codes and others “buy” minutes. In the case of the three contract cities, each has a separate city manager and city counsels. The current system has been adapted throughout the years and can provide custom ad hoc reports. The Alternative Data Sources recommended by HRAC do not provide all of the data needed and desired by the Sheriff’s Office and/or its contract entities.</p> |
| <p>1.2<br/>Present the uniform reporting data available to all contract representatives and negotiate a standard reporting system;</p> | <p><u>Disagree</u></p> | <p>The Sheriff’s Office disagrees with Recommendation 1.2 for the same reasons listed in 1.1.</p>  |

|   |                               |  |
|---|-------------------------------|--|
| <p>1.3<br/>Develop alternative methods of billing contract cities for law enforcement services that do not rely on ARS, in a timely manner consistent with recommendations 1.1 and 1.2;</p>                             | <p><u>Disagree</u></p>        | <p>The current billing process has evolved over the years. It currently meets the needs of the County and the Sheriff's contract entities and does not require alteration, especially since the use of the ARS will continue.</p>  |
| <p>1.4<br/>Based on the results of 1.1, 1.2 and 1.3, discontinue the use of the Activity Reporting System or amend the system to include the least amount of data fields determined to be necessary. (Priority One)</p> | <p><u>Partially Agree</u></p> | <p>The Sheriff's Office does not intend to discontinue using the ARS unless the Board funds the development and implementation of a new data collection system.</p> <p>The Sheriff's Office will review the list of data fields currently used in ARS to determine if some can be eliminated. However, any programming changes in the system will require additional funding since the new program will need to be developed and uploaded in over 450 laptops computers.</p> |

### Investigative Bureau Case Management

At the beginning of 2002, Investigations put several changes into place to address the ongoing accumulation of cases not being properly closed/inactivated. Detectives are required to review and clear their caseload prior to being transferred out of Investigations. Prior to 2002, these cases would just be absorbed into the open case total. A case screening system was also implemented this last year. The system provides detectives a tool to rate a case based on points, which will determine the case status and priority. This allows the detectives to immediately close a case if potential follow-up information is not available.

An issue overlooked by HRAC is the lack of assigned staff to the Investigations Division. It would be extremely helpful if this audit had taken into consideration other agencies' total badge staff, number of detectives relative to department size, and number of cases assigned to detectives. Over the years, our Investigations Division staff has been reduced including the loss of one additional detective (Domestic Violence/Hate Crimes) this year due to budget reductions. This has resulted in additional burdens on remaining staff.

Sheriff's detectives investigate cases that are originated by patrol deputies. Our office does not control the number of cases referred to the Investigative Bureau. The office emphasizes working on solvable cases, not closing old cases. Staffing levels are sufficiently low to require prioritization of detective's time. In fact, we believe that spending valuable investigative time closing cases, instead of proactive investigation, is a disservice to the public and does not serve the interests of justice. If additional staffing were added to close old cases, it would be preferable to assign those resources to the investigation of current cases that, time permitting, should be followed-up.

| Recommendation  | Response               | Rationale  |
|---|------------------------|--|
| <p>2.1<br/>Direct the Captain of the Investigations Bureau to develop and submit a 12-month plan to address the unassigned cases, to include the following components (not listed): a, b, c, d, e, f;</p> | <p><u>Agree</u></p>    | <p>The agreement to this recommendation would require additional funding for personnel. Without additional staff (both civilian and badge), the Sheriff's Office cannot address the unassigned cases without impacting the investigative work in progress on other cases. The Sheriff's Office has implemented steps to help prevent the accumulation of such cases in the future and will monitor the steps to ensure that proper control of case status is maintained.</p> |
| <p>2.2<br/>Draft a General Order to formalize review of the categorization of cases;</p>  | <p><u>Disagree</u></p> | <p>Sheriff General Orders are agency specific and the formal review of the categorization of cases is a division issue. Division policy manuals are used for division specific processes and requirements. Therefore, the General Orders is not the appropriate</p>  |

|  |                     |  |
|--|---------------------|--|
|  |                     | <p>document for addressing case categorization.</p> <p>A 2001 internal memorandum identified the various categories of case dispositions; Investigations will formally incorporate the closing categories and case screening system into the formal Investigations Division level policy document.</p> |
| <p>2.3<br/>Direct staff of the Investigations Bureau and the Sheriff's IT Department to include discussions with CJIC staff to determine if CJIC can electronically route identifiable filing status information to the new RMS system or prompt the email notification of this information.</p> | <p><u>Agree</u></p> | <p>Sheriff's Investigations staff will work with Data Management and CJIC to determine the feasibility of electronically routing this information.</p>   |

**Collateral Duties**

The Sheriff's Office is considered the primary law enforcement agency within the county; maintaining public safety and trust is a major goal of the office. Therefore, the office has established various teams to provide specialized law enforcement services in extraordinary circumstances. Without the teams, public safety would be in jeopardy. Quite often, our teams are called upon to provide service to other agencies that lack the resources to provide such services or the fact that they have extended themselves past their limits.

The special teams are staffed with existing employee show perform these specialized functions in addition to their regularly assigned duties. It is necessary to staff in this manner since the Sheriff's Office is not provided with the funding to have these mandated functions performed as primary assignments. The audit is flawed in that it alludes that potential savings can be achieved if the teams were either reduced in size or eliminated. A change in the size of teams would have a minor impact on the budget; the only additional cost associated with the teams is for training and some of those costs are POST reimbursable.

| Recommendation  | Response            | Rationale  |
|---|---------------------|--|
| <p>3.1<br/>Conduct a review of all special teams and special assignments to determine the appropriate staffing and relative value of each to the Office of the Sheriff in meeting its mission as a law enforcement agency.</p>                    | <p><u>Agree</u></p> | <p>The Sheriff's Office agrees with this recommendation and has already started a review of the special teams. In fact, in 2002, a review of the tactical team resulted in a reduction in staffing by 1/3.</p> |
| <p>3.2<br/>Establish a revised list of special teams and assignments with budgeted team size, training hours and annual expenditures.</p>   | <p><u>Agree</u></p> |  |
| <p>3.3<br/>Centralize the coordination of special teams and the tracking of special team training staff and equipment costs in the Special Operations Division, including specific accounting of staff time allocated to special team duties.</p> | <p><u>Agree</u></p> |  |

|  |                        |   |
|--|------------------------|---|
| <p>3.4<br/>Budget special team costs, to be monitored by the Special Operations Division and the Accounting Division.</p>  | <p><u>Agree</u></p>    |   |
| <p>3.5<br/>Work with County Counsel to develop a method by which collateral duty participation can be formally integrated into the decision-making processes of promotion, transfer and performance evaluations.</p> | <p><u>Disagree</u></p> | <p>Special team participation is already noted on an employee's performance evaluation and reviewed when conducting promotional interviews. The transfer policy is based on seniority and is outlined in the MOU with the Deputy Sheriffs' Association. The exception to the seniority provision of the transfer policy is when an interview for a position is conducted. In the case when a person is interviewed, accepting the responsibility of assuming collateral duties is viewed favorably.</p> |

**Civil Process Fees**

The Sheriff is mandated to perform a variety of civil process services. The fees for such services are set in State law. In 2000, the California State Sheriffs' Association (CSSA) co-sponsored successful legislation to increase some civil fees. In 2002, CSSA included another bill (AB394) on its legislative platform to increase some civil fees that were not addressed in 2000. CSSA was successful again and the bill was chaptered into law.

CSSA is active legislatively and has had many successes in supporting or opposing legislation. CSSA is also realistic when sponsoring legislation and considers all factors in developing language.

In addition to supporting CSSA's efforts, the Sheriff's Office has discussed the issue of civil fees with legislative staff. The audit fails to recognize the Sheriff's role in addressing this issue and other legislative priorities.

| Recommendation   | Response                      | Rationale  |
|--|-------------------------------|--|
| <p>4.1<br/>Work with the Board of Supervisors, CSAC and the California State Sheriff's Association, to obtain legislative authority from the State to base civil process service fees on costs.</p>  | <p><u>Partially Agree</u></p> | <p>The Sheriff's Office will work to obtain an increase in civil fees. In the past, however, the legislature has been reluctant to provide for full cost recovery on civil fees. The Office of the Sheriff will work to develop legislation that will take into consideration the political climate in the legislature to increase its likeliness of being successful.</p> |
| <p>4.2<br/>Once legislative authority is obtained, develop proposed fees that would recover 100 percent of the cost of providing civil process services. Establish and include a CPI adjuster that would go into effect during the year that the fees reach full-cost recovery and would be applied every two to three years thereafter to ensure fees remain at full-cost recovery.</p> | <p><u>Partially Agree</u></p> | <p>This recommendation is based on the assumption that legislative authority to obtain full cost recovery is successful. If that occurs, the Sheriff's Office will establish a CPI adjuster to allow for full cost recovery on an ongoing basis.</p>   |



## Warrant Processing

The Sheriff's Office Records Division provides deputies and other law enforcement agencies information such as documents, photographs, and reports that are necessary to perform law enforcement duties. The HRAC report focused on the tasks involved in processing warrants but failed to take into account the variety of complex and mandated duties of the division. The Records Division is the County's central repository for all protective orders to include domestic violence restraining orders, elder abuse protective orders, harassment orders and workplace violence protective orders. The Division is the keeper of documents to substantiate local CJIC criminal history and is responsible to maintain such records and purge them when appropriate.

Records staff receives all incident reports written by deputies and make such reports available to the public. Additionally, statistics extrapolated from the reports are compiled by the Records Division for submission to the Department of Justice and the California Highway Patrol.

The Records Division staff has a number of varying responsibilities. Staff is trained to address the scope of mandated functions that must be performed. It takes twelve months for a new employee to be trained and achieve the level of necessary of expertise to be considered more than an entry-level worker.

| Recommendation   | Response               | Rationale   |
|--|------------------------|---|
| <p>5.1<br/>Develop an automated interface between CJIC and CLETS that would enable new warrant data to be automatically transferred into CLETS on a daily basis and purged warrants to be automatically deleted.</p>                 | <p><u>Agree</u></p>    | <p>The Sheriff's Office has made numerous requests to set up a meeting between CJIC and State DOJ to discuss the interface. These decisions rest with the State of California and not the County of Santa Clara. The specific procedural and technical issues CJIC is attempting to address have never been fully presented. SLETS can provide the path between CJIC and CLETS if and when these issues are resolved.</p>   |
| <p>5.2<br/>Reassign one FTE from Records, (no longer needed to manually input the warrant data into CLETS due to the automated interference mentioned above) to the Civil/Warrant Unit to assist with processing warrants there.</p> | <p><u>Disagree</u></p> | <p>This recommendation assumes the success of recommendation 5.1. It also does not take into consideration the realm of complex duties of the Records Division nor its low staffing level to conduct mandated functions on a 24 hour/7 day a week schedule. The Records Division does not currently have a dedicated staff person who only processes warrants. A previous HRAC report determined that staffing should be (and was) added to process warrants. However, Records staff has been drastically decreased over the past several years during a time when additional</p> |

|   |                     |   |
|---|---------------------|---|
|   |                     | <p>functions and mandates have increased. The Records Division, like many other divisions, must prioritize its workload. If this were implemented, the Sheriff's Office would need to discontinue performing some other service in the Records Division.</p>  |
| <p>5.3<br/>Automate the Civil/Warrant Unit warrant processing tasks to include an automated mapping package (implemented during the audit as a result of our suggestions) that would take the place of manually looking up geographical areas and locating mapping grids, automate CJIC and SLETS with the capability to handle multiple entries on one screen when running criminal history and prior address reports when running drivers license and registration reports.</p> | <p><u>Agree</u></p> | <p>The Civil/Warrants Sergeant requested a Barclay mapping package in 2000, two years before HRAC began the audit. Implementation of the program began in 2001.</p> <p>Any change to the CJIC screens will need to be submitted to CJIC for their review and prioritization. The Sheriff's Office is in the final stages of replacing the SLETS Message Switch Computer (MSC) and can investigate the feasibility of either modifying an existing screen or creating a new one.</p> |
| <p>5.4<br/>Research the costs and benefits of implementing a paperless warrant system. A paperless warrant system would allow for warrants issued in court to be received by the Office of the Sheriff the same or next day.</p>  | <p><u>Agree</u></p> | <p>The Sheriff's Office points out that the implementation of a paperless warrant system will require approval and support from the Courts. With the system modifications currently occurring in the court system and the progressive nature of their management, it appears that this has a high probability of being implemented.</p>   |

### Extradition Claims

The HRAC recognizes the cumbersome and tedious nature of extradition work. The Sheriff's Office agrees that a civilian staff member can perform some of this work. However, the audit does not recognize that Extradition Officer duties include finding fugitives located out of the state, requesting a law enforcement agency to serve the fugitive with their warrant, and then tracking the fugitive until they are arraigned.

| Recommendation  | Response                      | Rationale   |
|---|-------------------------------|---|
| <p>6.1<br/>Develop comprehensive internal policy and procedures on submitting, tracking, and receiving reimbursements for extradition expenses. Begin following the guidelines established.</p>                   | <p><u>Agree</u></p>           | <p>The Sheriff's Office agrees with this recommendation and has already started a review and development of alternative mechanisms for accountability and efficiency.</p>   |
| <p>6.2<br/>Increase the use of Private Extradition firms so as to increase the amount of reimbursement revenues received by the State and reduce the non-reimbursed costs borne by the County. (Priority Two)</p> | <p><u>Agree</u></p>           | <p>The Sheriff's Office agrees with this recommendation and recognizes this deficiency. It should be noted, however, that private firms cannot perform all extraditions because of the nature of the offense or the local rules/regulations.</p> <p>Additionally, we will modify our policy dictating the number of days of travel based on mileage. The days of travel will be based on the actual time and accessibility of the geographical location.</p> <p>The Sheriff's Office also plans to research the reimbursement issue to see if a legislative change to increase the amount provided to Sheriff's Offices could be increased.</p> |
| <p>6.3<br/>Restructure the Extradition Unit by combining it with the Fugitive Unit and staffing it with only one full-time sworn deputy and one full-time legal clerk.</p>  | <p><u>Partially Agree</u></p> | <p>The Sheriff's Office agrees with the recommendation to combine the Extradition and Fugitive Units. However, these assignments are very complex and require the completion of a significant amount of paperwork. The new unit cannot be staffed with only one deputy unless a full-time legal clerk is also placed in the unit. We do agree that the long-term assignment of personnel to this function would be beneficial.</p>  |

|  |                     |  |
|--|---------------------|--|
| <p>6.4<br/>Delete one deputy sheriff position from the Civil/Warrant Unit and redeploy this deputy to another area within the Sheriff's Department where there is a shortage of law enforcement personnel.</p> | <p><u>Agree</u></p> | <p>The Sheriff's Office agrees with this recommendation only if a full-time legal clerk position is added to the restructured Extradition/Fugitive Unit and the remaining deputy time be preserved in the unit to assist with the backlog of warrants requiring service.</p> |
| <p>6.5<br/>Add legal clerk position to the combined Extradition/Fugitive Unit.</p>   | <p><u>Agree</u></p> | <p>A full-time legal clerk position will enable the successful and timely completion of the paperwork required in this unit.</p>   |

**Evidence Storage**

The Sheriff's Office has outgrown its current evidence storage facilities. Space needs are expected to grow due to the increasing requirements of the evidence storage. The HRAC audit acknowledges that the Sheriff's Office has stated its need for additional storage, even funding a Forensic, Evidence, Records and Storage Facility Feasibility Study in 2001.

| <b>Recommendation</b>   | <b>Response</b>        | <b>Rationale</b>   |
|---|------------------------|--|
| <p>7.1<br/>Work with GSA Capital Programs and the Space Committee to explore the possibility of co-locating and/or providing contractual evidence storage to the Office of the District Attorney, the courts and local law enforcement agencies.</p>  | <p><u>Agree</u></p>    | <p>The Sheriff's Office will present the possibility of co-locating and/or providing contractual evidence storage to other agencies to the Santa Clara County Police Chiefs' Association. The Police Chiefs' Association is the appropriate body to present this proposal, not SCRAPE as suggested by HRAC. SCRAPE's membership does not operate at a policy making level, nor can they make financial commitments on behalf of their respective agencies.</p> |
| <p>7.3<br/>Continue to investigate SB 90 test claims to the California Commission on State Mandates, including reimbursement for costs related to the storage of DNA, biological and other evidence.</p>  | <p><u>Agree</u></p>    | <p>The Sheriff's Office is currently tracking the work related to the storage of DNA, biological and other evidence in the event that the SB 90 test claim by Los Angeles or San Bernardino counties is successful. The Sheriff's Office does not see the need to join in the test claim process.</p>  |
| <p>7.4<br/>Include for discussion in the next round of Court Security contract negotiations an amendment to include the securing, storage and handling of evidence and exhibits by Sheriff's Technicians and Deputies, if allowable under the laws governing chain of custody and handling of court exhibits.</p> | <p><u>Disagree</u></p> | <p>As revealed in recent discussions with the Court Executive, the Court would not be interested in including in its contract for services the securing, storage, and handling of evidence and exhibits by the Sheriff's Office. The Court has more than adequate storage space for court evidence and is required by law in some cases (e.g., capital crimes) to be the keeper of the evidence.</p>   |

### Grant Identification

The audit correctly reports that the function of grant identification has not been consistently assigned in the Sheriff's Office. The seeking of grants had not been a priority in the Sheriff's Office until recently. Each assignment of the function was evaluated for appropriateness and effectiveness and adjusted accordingly. The staff change over has resulted in poor consistency in grant applications, reports, and procedures. Sheriff's command staff has also evaluated the effectiveness of the particular staff member assigned to the grant function, and recommended staff changes.

| Recommendation   | Response     | Rationale   |
|--|--------------|---|
| 8.1<br>Assign the grant function a permanent assignment to a civilian coded position with the Administration of the Sheriff and include the following as assigned duties: a, b and c | <u>Agree</u> | The Sheriff's Office had made the decision to implement this recommendation in July 2002. It was carried out in January 2003, when the current employee performing the grant function returned from a maternity leave of absence. |

### Summary

In some instances, I do not agree with the methodology used by HRAC in reviewing Sheriff's operations or developing recommendations. However, some of the suggestions made by HRAC have potential – in fact a number of them were already in progress during or immediately after the completion of the audit fieldwork.

The Sheriff's Office has achieved a number of organizational and operational improvements over the past five years. I believe that our accomplishments are a testament to our successes.

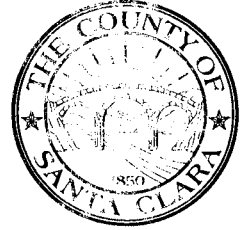
I want to thank the HRAC staff for their time and professionalism in conducting this management audit. I appreciate the efforts they made in order to understand our operations, the complex work we perform, and our duty to maintain public safety for the residents in Santa Clara County.



# County of Santa Clara

General Services Agency  
Administration

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San Jose, CA 95110  
(408) 993-4700 FAX 993-4777



December 1, 2003

Paul Murphy  
Management Audit Staff  
County of Santa Clara

Dear Paul:

This is the General Services Agency's (GSA) response to your November 7, 2003 Final Draft of the Activity Reporting System and Evidence Storage findings audit report. The following issues need to be addressed to fully validate the findings in the report. They are:

The findings indicate the break even point for the project as eight (8) years. This break even point is calculated using various assumptions, which need revision. In GSA's opinion, the break even year is significantly beyond eight years. The analysis used a straight-line evaluation of costs and benefit. GSA recommends using Net Present Value (NPV) analysis as the appropriate tool. NPV is the methodology used by GSA for evaluating the payback on all capital projects, including the Bond Projects, where there are revenues or offsetting funds. NPV is the industry standard for doing this type of analysis and the NPV analysis should be done before the Board considers this project further. Not providing this NPV analysis and for the range of possible costs, with all costs loaded, does not provide the Board with the type of option analysis information required for them to make a fully informed decision.

1. Your analysis assumed county owned property, however, your evaluation did not include the lost opportunity cost of the land. Inclusion of such value will certainly change the break even point. The value of the land in the Civic Center area has been appraised at approximately \$30/sf. Using the \$30/sf assumption, the value of the land for this project is \$3,650,000, with 2.5 acres assumed as required for the 35,000 square-foot facility.
2. The value of the remaining leases at various storage facilities needs to be factored into the analysis. The current lease ends in 2006 and when this is factored into the NPV it will extend the break even point even further out.

3. While recognizing the warehouse square-foot cost as ranging from \$225 to \$300, a lower limit of \$225 was used in the audit. The warehouse storage system requires higher standard of seismic survivability to protect the evidence, specialized fire protection needs, hazardous materials containment systems, higher security level, and other control-reporting systems that further increase the facility construction cost. Considering the warehouse is for evidence storage, which requires preservation of items in very good condition for longer periods, it may require well controlled and highly efficient systems with very tight tolerances that cost significantly more than standard warehouse systems. Therefore, the higher \$300 per square-foot cost may be the more appropriate value. This will result in significant increase in project cost and pay back time. It is recommended that both ends of the range be considered in evaluating the project and its payback.
4. The report suggests enhancing the on-line auction function to include the District Attorney (DA) and Courts unclaimed items in order to increase revenue. This revenue generation approach may negatively affect the General Fund, since GSA Property Disposal currently handles disposal for the DA and Courts unclaimed items. GSA Property Disposal deals with county-wide property disposal issues. Having two County organizations perform this type of work would appear inefficient, with no commensurate value added.

In summary, GSA's review of the audit report concludes that the break even point finding in the report is not supported by the analysis. Appropriate NPV analysis will find the break even period to be significantly longer than eight years. Without a detailed NPV options analysis the Board will not be adequately informed to make a decision about bonding and building this project.

Thank you for the opportunity to review and comment on this report.

Sincerely,

A handwritten signature in black ink, appearing to be 'G. Carruth', written over a horizontal line.

G. Kevin Carruth, Director  
General Services Agency

cc: Laurie Smith, Sheriff



Superior Court of California  
County of Santa Clara

191 North First Street  
San Jose, California 95113  
(408) 882-2700

KIRI TORRE  
Chief Executive Officer

KIM V. KELLY  
Assistant Executive Officer



November 4, 2003

Paul Murphy  
Management Audit Division  
Santa Clara County Government Center  
70 W. Hedding Street, East Wing  
San Jose, CA 95110-1770

Dear Mr. Murphy:

I received and reviewed your DRAFT Management Audit Sheriff's Department report. The Court is committed to establishing system-wide business efficiencies and appreciates the opportunity to review your ideas on evidence storage.

At this time, the Court's evidence storage and process for returning evidence to law enforcement agencies is sufficient. I do not foresee that the Court will be able to partner with the County on this recommended approach.

Again, I appreciate your correspondence. I will contact you in the future if the circumstances change.

Sincerely,

A handwritten signature in black ink, appearing to read "Kiri Torre". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Kiri Torre  
Chief Executive Officer

KT/st

cc: Hon. Thomas Hansen, Superior Court Presiding Judge  
George Kennedy, District Attorney  
Laurie Smith, Sheriff




# County of Santa Clara

Finance Agency  
Controller-Treasurer Department  
County Government Center, East Wing  
70 West Hedding Street  
San Jose, California 95110-1705  
(408) 299-2541 FAX 289-8629



December 15, 2003

TO: Roger Mialocq, Manager  
Management Auditor Division

FROM: David G. Elledge   
Controller-Treasurer

SUBJECT: Management Audit of the Sheriff's Office  
Recommendation No. 8.5 – Grant Identification

We agree with the auditors' recommendation number 8.5 to the Sheriff's Office that an annual report should be developed to provide information, such as grant award, revenue earned or billed by the respective departments for each federal or State grant, and an explanation for any unrealized revenues. The ASAP Phase II includes implementation of the grant management module in SAP. We have selected the Roads Department as a pilot project to test this implementation, and a full Countywide rollout is expected in July 2004. Once implemented, SAP will provide various useful reports to manage grants more effectively. We will work closely with the Office of Budget and Analysis in getting the departments' explanation for any unrealized grant revenues.

We would like to thank the Management Audit staff for the above recommendation.

Cc. John V. Guthrie, Director Finance Agency

