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TO: THE HONORABLE JUDGE STEPHEN L. MOCK
JUDGE OF THE SUPRIOR COURT

FROM: E.G. PRIETO, SHERIFF ~ CORONER

SUBJECT: RESPONSE TO THE 2013-14 GRAND JURY REPORT
YOLO COUNTY SHERIFF: "LEADERSHIP PRACTICES FROM THE
WILD, WILD WEST."

DATE: AUGUST 7, 2014

Overview:

The Yolo County Grand Jury recently reviewed allegations raised against the Yolo County Sheriff's Office. Although they remark their findings are "the *opinion* of the Grand Jury, rather than indisputable statements of fact," the Yolo County Sheriff's Office takes very seriously any opinion, statement, or critical assessments rendered by the Grand Jury. Accordingly, we will evaluate every recommendation brought forward, and in turn will critically reevaluate our current managerial policies and practices.

However, we believe it is important to note that the conclusions reached by the Grand Jury regarding internal matters of the Sheriff's Office were based upon Interviews of approximately 16 members or less of the Sheriff's Office out of 265 employees.

In addition, as stated above, we take this very seriously and we find that the title given to the report by the Grand Jury to be unprofessional. A report of this nature is very significant and should not be titled with a snide of sarcastic term. The title has created an atmosphere of a joke in the community and diminishes the importance of the report.

Findings:

F1. "Favoritism, nepotism and preferential treatment of employees have adversely affected employee morale in the Sheriff's Department. These practices by the Sheriff involve hiring, promotion, assignments and discipline."

SHERIFF ~ CORONER'S RESPONSE TO F1: Disagree

Hiring Process:

- ❖ All applicants submit their applications to Yolo County Human Resources (County HR)
- ❖ *County HR* develops lists based off of tests they administer and forwards the results to Sheriff's Office
- ❖ Interviews are conducted by personnel from the Sheriff's Office and an internal list is established based upon ranking
- ❖ Background investigations are conducted
- ❖ Medical and Psychological exams are conducted
- ❖ Recommendations for hire are given to Sheriff by the Administrative staff

Promotional Process:

- ❖ *County HR* posts promotional opportunities available to all qualified personnel
- ❖ Depending on the position, a written test is administered by County HR
- ❖ A list of potential applicants for promotion is established based upon qualifications
- ❖ Interviews are conducted by *external panels* and a list is established based upon ranking
- ❖ The Sheriff and Command Staff consult with external panels on rankings achieved
- ❖ Sheriff promotes most qualified based upon qualifications and input from interviewing panel

Discipline:

- ❖ Division Commanders evaluate all investigations, inquiries, and deviations from policy and procedure and recommend penalties for adverse action to the appointing authority.
- ❖ The Sheriff or his designee conducts a mandated Skelly Hearing prior to any discipline being imposed
- ❖ The recommended disciplinary action may be instituted or may be reduced by the appointing authority.
- ❖ If the employee disagrees with the imposed discipline, he/she is entitled to appeal to an outside arbitrator who makes the final decision regarding sufficiency of evidence and appropriateness of the level of discipline.

Findings:

- F2. "The Sheriff uses or creates provisional and extra help positions as a means to employ personal friends and relatives."

SHERIFF ~ CORONER'S RESPONSE TO F2: Disagree

- ❖ All Department Heads work with the County HR Director to hire provisional or extra help employees in order to carry out the duties of their office, providing their budget has funding for these positions and these positions are justified.
- ❖ All employees are encouraged to recruit qualified candidates to work within the Yolo County Sheriff's Office.
- ❖ Hiring is based upon knowledge, skills, and abilities inherent in and necessary for the position.
- ❖ Yolo County, CA Code of Ordinances
- ❖ Sec. 2-6.27.2. Appointments: Provisional.
- ❖ Sec. 2-6.28. Appointments: Extra Help

Findings:

- F3.** "The Sheriff has engaged in hiring immediate family, has authorized their assignments, determined their promotions and salary, and has used his personal, final authority to determine disciplinary actions, if necessary."

SHERIFF ~ CORONER'S RESPONSE TO F3: Partially Agree

- ❖ Two family members were hired by the Yolo County Sheriff's Office; however, these hirings followed policy and protocol, and selections were made based solely upon the knowledge, skills, and abilities of the candidates.
- ❖ One family member applied for a job, tested, and was hired in December, 2001, as a Provisional ID Technician, with the concurrence of County HR.
- ❖ Despite County HR's concurrence, in April, 2002, County HR notified the Sheriff's Office that this was a violation of the then nepotism policy. As a result, the family member immediately resigned from the Sheriff's Office.
- ❖ Subsequently, the Yolo County Board of Supervisors changed the nepotism policy for all county employees. After this revision, in April, 2003, the former employee applied for an open Crime Scene Investigator position. This individual was rehired, and per the newly-established county policy, which requires a minimum of (2) levels, there were four (4) levels of supervision between the Department Head and the employee.
- ❖ The second family member was hired in July, 2004, as a provisional records clerk. She later tested and was hired for an open position as a records clerk in October, 2004.
- ❖ She transferred to an Office Technician position in January, 2006
- ❖ She tested, was placed upon an eligibility list, and was later selected as a Deputy Sheriff Recruit in July, 2006. After completion of a state-mandated Peace Officer Standards Training (POST) Academy, was hired full-time as a Deputy Sheriff in December, 2006

- ❖ All salaries for all employees are determined by County HR with the approval of the Board of Supervisors. The Yolo County Sheriff has no influence upon or input into employee salaries.
- ❖ In the past, the Sheriff, as the appointing authority, has served as the Skelly Officer for the majority of disciplinary proceedings. In December, 2005, the Sheriff was the Skelly Officer for employees involved in the same incident. One of these individuals was a family member. After conferring with the investigating supervisor on the merits of the case, it was agreed the disciplinary action for all individuals involved would be modified.
- ❖ The Sheriff subsequently issued a directive that any future employment issues involving his family members will be handled through the Office of the Undersheriff.

Findings:

F4. "The HR Department conducted three ineffective investigations related to allegations of harassment and poor morale at the Sheriff's Department."

SHERIFF ~ CORONER'S RESPONSE TO F4: Disagree

- ❖ This Finding obviously applies to County HR and not the Sheriff's Office. However, there is no evidence, facts, or information provided to support this finding.

Findings:

F5. "The Sheriff's Department, a military-like structure, with a clear and rigid chain of command, operates with minimal external administrative resources, particularly the County HR Department and labor organizations."

SHERIFF ~ CORONER'S RESPONSE TO F5: Disagree

- ❖ Similar to other law enforcement agencies, the Yolo County Sheriff's Office is a para-military organization and works collaboratively with County HR.
- ❖ The Sheriff's Office is a Law Enforcement Agency and its mission is unlike any other county department.
- ❖ Since 1999 when the Sheriff won elected office, he has maintained an open communication with all labor organizations, allied agencies, community organizations and other collaborative partners. The Sheriff has also had a positive working relationship with employee organizations, especially with the Yolo County Deputy Sheriff's Association and Yolo County Correctional Officer Association. Additionally, the Sheriff has made working collaboratively on issues of mutual concern a top priority.

❖ **Findings:**

F6. "The Sheriff's micromanagement reduces Department supervisors' and managers' authority to lead and evaluate staff."

SHERIFF ~ CORONER'S RESPONSE TO F6: Disagree

- ❖ There has been no evidence, facts, or information provided which supports this finding.
- ❖ As a paramilitary organization, the Sheriff delegates authority and decision making down to the lowest supervisory level within the organization when and where appropriate.
- ❖ Each level has roles, responsibilities, and the authority to carry out their duties. Each level is accountable to the next level of command. In the management and supervisory ranks, the hierarchy is: Sheriff-Coroner, Undersheriff, Captain, Lieutenant, Sergeant, and Officer-in-Charge. These positions are defined within the Yolo County Sheriff's Office's General Operating Orders.

Findings:

- F7.** "The Sheriff's Department operates with unwritten work standards for deputies who are evaluated by these standards on a monthly and annual basis. These standards are inconsistently applied by supervising staff."

SHERIFF ~ CORONER'S RESPONSE TO F7: Disagree

- ❖ There has been no evidence, facts, or information provided which supports this finding.
- ❖ There are no known work standards which are unwritten; however; there are job descriptions which define the roles, responsibilities and expectations of the deputies.
- ❖ Although sergeants have varying life experiences and educational backgrounds, all sergeants receive training - both internally and externally, from their lieutenants and POST-mandated classes covering such curriculum as supervision and the evaluation process.
- ❖ Supervisors are evaluated by the next level of command, in this case, the lieutenant. These evaluations are based upon the supervisors' knowledge, skills, abilities, job performance, and their evaluations of their subordinates.

Findings:

- F8.** "The Sheriff failed to observe County Code Section 2-6.44, Nepotism Policy, by hiring immediate family members and determining their salaries, promotions, assignments, performance evaluations and discipline."

SHERIFF ~ CORONER'S RESPONSE TO F8: Partially Agree

- ❖ The current Yolo County nepotism policy authorizes the hiring of family members who meet minimum standards of the job, pass the required tests, and are approved by the County HR. Additionally, policy dictates there shall be two (2) levels of supervision between the Department Head and the relative.
- ❖ The sheriff has four (4) levels of supervision between himself and his family members, exceeding the county mandate by two (2).

- ❖ SALARY: The Sheriff does not set salary levels. This is done by County HR and the Board of Supervisors.
- ❖ PROMOTIONS: Refer to Finding 1 & 3
- ❖ ASSIGNMENTS: Employees who test for a new position are evaluated by a panel, placed upon a list, and selected by competitive factors. Division Commanders follow similar testing requirements as a means of promoting qualified personnel.
- ❖ DISCIPLINE: Refer to Finding 3
- ❖ PERFORMANCE EVALUATIONS: There have been seventeen (17) performance evaluations completed on the Sheriff's family members. Every one of these evaluations were completed by appropriate supervisory personnel. *None* were signed by the Sheriff.

Findings:

F9. "The Sheriff was unaware of the contents and intent of the State of California Public Service Ethics AB 1234."

SHERIFF ~ CORONER'S RESPONSE TO F9: Partially Agree

- ❖ Although the Sheriff did not have total recall of the contents of AB1234, the Sheriff has refreshed his understanding of the requirements contained in California Public Service Ethics AB1234.

Findings:

F10. "The Grand Jury was unable to determine the County's compliance with State of California Public Service Ethics AB 1234 mandated training for 2006-2011 for the Sheriff."

SHERIFF ~ CORONER'S RESPONSE TO F10: Refer to County HR

- ❖ N/A

Findings:

F11. "HR manages harassment and ethics online training courses for all employees to comply with state and federal laws. These outdated and repetitious trainings are found to be inadequate and ineffective."

SHERIFF ~ CORONER'S RESPONSE TO F11: Refer to County HR

- ❖ N/A

Findings:

F12. “The HR Department serves in an advisory role lacks appropriate oversight and accountability of personnel matters at the Sheriff’s Department.”

SHERIFF ~ CORONER’S RESPONSE TO F12: Refer to County HR

❖ N/A

Findings:

F13. “The CAO and HR have insufficiently monitored and audited the Sheriff’s Department compliance with County Codes and Policies and Procedures.”

SHERIFF ~ CORONER’S RESPONSE TO F13: Refer to CAO and County HR

❖ N/A

Findings:

F14. “The CAO conducts a 360 degree evaluation for all appointed Department Heads. This evaluation process currently excludes elected officials.”

SHERIFF ~ CORONER’S RESPONSE TO F14: Refer to CAO

❖ N/A

Recommendations:

R4. “By November 30, 2014, the Sheriff’s Department, in collaboration with HR shall review and revise the evaluation standards (written and unwritten) used for all job classifications held within the Department with the end goal of establishing a fair and objective set of written guidelines. These guidelines will then serve as the basis for fair, impartial, and timely evaluations, as well as the measure by which the Department assesses and holds expectations for job performance.”

SHERIFF ~ CORONER’S RESPONSE TO R4:

❖ While no specific issues were raised relative to the current evaluation standards, it should be noted prior to the Grand Jury’s report, the Sheriff’s Office’s evaluation standards have been used as a model by County HR for the purposes of evaluating of employees within Yolo County. This carries the honor and responsibility of maintaining such standards of excellence, and as such, the Sheriff will continue to be actively involved in the review and improvement upon these evaluation standards within his organization with the goal of continuing excellence.

Recommendations:

- R5.** “By September 30, 2014, the Sheriff’s Department, in collaboration with HR, shall develop a plan to reinforce the authority of the command staff relative to their ability to supervise, manage, and effectively evaluate personnel. Further, this plan shall also address the proper implementation of necessary personnel action, should there be a need for employee discipline. This plan will provide a clear, unambiguous framework from which Department supervisors and managers shall operate, and will reinforce the importance of the firmness, fairness, timeliness, and consistency required in and demanded by all personnel interactions.”

SHERIFF ~ CORONER’S RESPONSE TO R5:

- ❖ The Sheriff’s Office is a paramilitary organization. The command staff has five (5) levels of supervision within the sworn class of personnel, and the authority and duties expected and required within each of these levels are currently codified, in place, and followed. The Sheriff is committed to reviewing policy, procedures and practices and he will make modifications and improvements when necessary.

Recommendations:

- R6.** “By June 30, 2015, the leadership of the Sheriff’s Department, in collaboration with HR, shall develop and implement an internal training program to promote and encourage upward mobility within the department, up to and including the elected official’s position. By implementing a program which encourages promotion for all departmental employees, the department recognizes the valuable contributions to be made by the vast cross-section of society inherent in the Department, and will ensure not only success moving forward as an organization as a means of succession planning, but will also ensure the Department is truly a representative of the populace we serve.”

SHERIFF ~ CORONER’S RESPONSE TO R6:

- ❖ Along with continually reviewing and adopting successful practices from succession planning programs within other California Law Enforcement Agencies, the Department also recognizes and promotes the many upward mobility options available to our personnel based upon an individual’s knowledge, skills, abilities, life experience, background, and current work assignments. Past and current practice for promotion has been, based upon a supervisor’s counsel and recommendations, employees are selected to serve as acting, in the supervisor’s absence, allowing the employee to experience a higher level of responsibility and accountability. In addition to a supervisor’s recommendation, other factors, such as desirable field and staff-time assignment performance, along with educational experience, are also considered when recommending placement in specialty assignments. The Sheriff and his executive command staff look forward to the opportunity to reevaluate the Department’s promotional and placement processes and developing and implementing plans which would serve to best benefit and develop the careers of Sheriff’s Office employees, resulting in enhanced services to the public.

Recommendations:

R9. "The Grand Jury recommends elected public officials submit themselves to the 360 degree evaluation process used by all other department heads in the County."

SHERIFF ~ CORONER'S RESPONSE TO R9:

- ❖ Currently, the many elected officials are not required to participate in the 360 evaluation process. Yet there are many feedback streams currently in place to advise, recommend, and enhance operations, the Sheriff as an elected official, is cognizant of his tremendous responsibility to the citizens of Yolo County who have repeatedly placed their trust in him as is evident by the fact he has been re-elected four times - the most recent being June 3, 2014. This is not something the Sheriff takes lightly, and to that end, the Sheriff remains responsive and accountable to those very citizens he has been given the honor to serve and protect.

Respectfully Submitted,



E.G. PRIETO
SHERIFF ~ CORONER

EGP: ea