

**County of Santa Clara
Office of the Sheriff**

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Laurie Smith
Sheriff

DATE: June 17, 2016

TO: Board of Supervisors
Jeffrey V. Smith, County Executive

FROM: Laurie Smith, Sheriff 

SUBJECT: **June 17, 2016 Board of Supervisors Meeting, Item 152:**
Accept report from Administration relating to requests for information during the Budget Hearing.

The Board of Supervisors requested information regarding best practices for staffing the Sheriff's Office Internal Affairs division, including the potential use of civilian positions to support the work and additional information to justify the additional sergeants.

Of the 529 recommendations listed in the Master List of Jail Reform Recommendations, 29 pertain to Discipline and 49 pertain to Grievances, for a total of 78 recommendations. Responding to grievances and complaints is a priority, and an area needing improvements now to reassure inmates and the community that the Department takes allegations seriously and conduct thorough and timely investigations of allegations. This is necessary to rebuild trust between the Department and the community. To proceed with any reforms we must foster an environment of trust.

The Department has also begun the process of locating an off-site facility to maintain confidentiality of witnesses and complainants, which the Blue Ribbon Commission expressed as an important reform we should make without delay.

The function of the Internal Affairs (IA) Unit is to investigate complaints filed by or against staff, inmates, visitors, or community members. IA investigators handle complaints for any sworn or civilian employee, volunteer, or contractor for the Sheriff's Office and the Department of Correction (DOC). They interview all parties to obtain facts, prepare written notifications and statement of findings, in addition to testifying at hearings as requested. We must comply with terms outlined by statutes from the Peace Officer Bill of Rights, which includes a requirement that all investigations must be completed within one year.

To meet this one-year time frame, the Department has had to hire four dependent contractors to help investigate complaints. All of these contractors are retired sworn Sheriff's captains or sergeants that had prior Internal Affairs experience. At this point, the Department has expended over \$43,000 and been billed for 774.5 hours. Dependent contractors are limited to 900 hours per calendar year, which means they can only carry 1 or 2 cases at a time. They are typically assigned cases that are time sensitive or require a significant number of

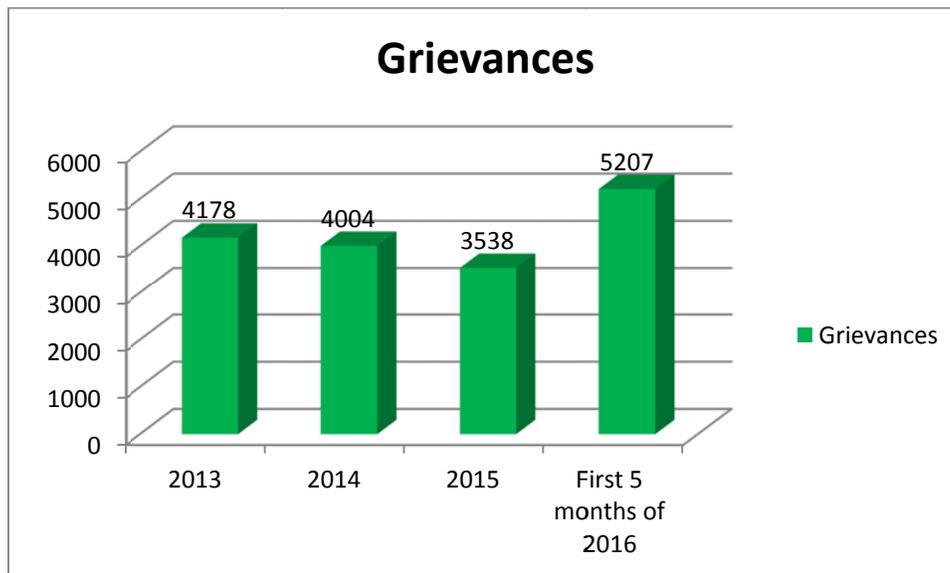
internal investigations. Currently, the Department is also utilizing 3 extra help investigators. Additionally, County Counsel, at the request of the Sheriff, has contracted with outside law firms to conduct several high profile investigations. The firms also utilize investigators that have prior investigative experience.

For the past several months, the Internal Affairs Unit has been tasked with reviewing every use of force or pursuit report, or any other Early Warning System entry, regardless of whether a complaint has been made. IA has also begun investigating all complaints that are received, instead of closing any complaints at intake. These policy changes allow the Department to identify patterns that assist in identifying and preventing potential future problems and increase accountability.

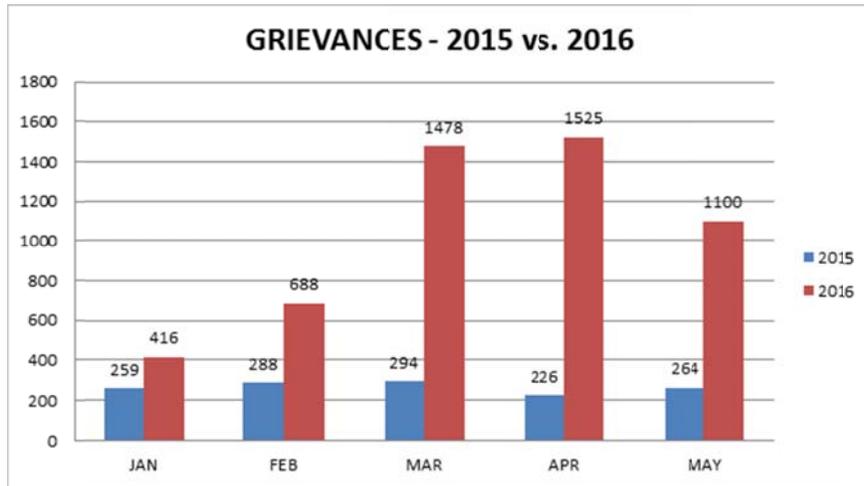
With the previous complaint tracking system, it was very cumbersome to extrapolate data. For 2012- 2015 the total number of complaints is:

- 2012: 258 complaints
- 2013: 397 complaints
- 2014: 304 complaints
- 2015: 368 complaints

A new complaint tracking system was implemented in April, and we have reviewed 275 incidents in the new system from January 2016 to the present. While we have seen an increase in IA complaints, the area where there was a significant increase is grievances from inmates in custody. As demonstrated below, the total number of grievances received in the first five months of 2016 surpasses the individual totals for years 2013, 2014 and 2015.



A monthly comparison of 2015 to 2016, demonstrates the increase in workload for both Custody and IA. At mid-year, the Department recognized that grievances had doubled, which resulted in an additional sergeant position which was filled immediately. Yet, since mid-year, grievances reached an all-time high. This is consistent with lessons learned from other agencies that were changing their grievance policy, such as Los Angeles County who also saw grievances dramatically increase when grievance boxes were adopted.



In addition to an increase in formal grievances, there has been an increase in inmate requests to be interviewed by IA. Many request the interview to report issues such as commissary or issues with their cellmate that they do not feel comfortable reporting to staff in their housing unit. With the addition of two management analysts and one lieutenant, they can help triage grievances and requests for interviews, instead of having IA investigators respond to all initial requests for interviews.

Despite the increased workload, staffing levels in IA have remained static. The following chart depicts actual staffing for the Internal Affairs Unit from FY 2012-2013 to FY 2016-2017:

Fiscal Year	Total Actual Staffing
2012-2013	5 sergeants and 1 Lieutenant
2013-2014	5 sergeants and 1 Lieutenant
2014-2015	5 sergeants and 1 Lieutenant
2015-2016	5 sergeants and 1 Lieutenant July-February 6 sergeants and 1 Lieutenant March -June
Recommended Budget for 2016-2017	1 Management Analyst, 6 sergeants, and 1 Lieutenant
Recommended Budget for 2016-2017 plus Inventory Item No. 43	1 Management Analyst, 9 sergeants, and 1 Lieutenant

In addition to keeping up with the workload, we also implemented a new Early Warning System in May of this year. This will provide us with the ability to track complaints and grievances in a centralized system, but will require staff to study the data and identify warning signs or gaps in training. It was a significant

improvement from the obsolete Early Warning System (EWS) the Department discontinued use of in 2009 for Enforcement. The DOC had never utilized an EWS.

The addition of IA Pro in April and the Early Warning System will now provide us with the technological tools to get a better understanding of trends and a breakdown of what type of grievances we are receiving. The addition of a Management Analyst will be critical to utilizing the data to recommend changes in training and policies.

With three additional sergeants, we will be able to respond and investigate complaints and grievances in a timely manner. It will also provide us with the personnel to begin much need revisions and continued monitoring of our grievance policies and ensuring the revised policies are then included in inmate educational tools such as the Inmate Rulebook and orientation video.

The increase in staffing will also help to bring us on par with agencies we have surveyed. We reviewed:

- Alameda County Sheriff's Office
- Contra Costa County Sheriff's Office
- Oakland Police Department
- Riverside County Sherriff's Office
- San Jose Police Department
- San Francisco County Sheriff's Office

Through our analysis we found that:

- Although SCC has nearly 20% less population than Riverside County (the 4th largest County in CA), our Inmate Populations are on par making staffing comparisons valid.
- The SCC number of sworn staff is less than half the number of Riverside County sworn staff, which allows them to carry very small caseloads.
- Both the City of San Jose and Riverside County have twice the staffing in their I.A. Units than SCC.
- The City of Oakland has 36% more I.A. Staffing.
- SCC Monthly Caseload for I.A. Staff is five times higher than Alameda County, and most cases in Contra Costa County are never escalated to the I.A. Staff.
- SCC Monthly Caseload for I.A. Staff is five times higher than Riverside County as well
- The number of Complaints received in 2015 was only 14 in Contra Costa County, while SCC received 368 Complaints. Each Complaint takes significant time to process, including an average of 3 hours for interviewing of the Complainant and Witnesses.

The Table "*Multi-Agency Comparison of IA Units Related Data*" contains comparison of staffing and caseload for the agencies we surveyed.

Multi-Agency Comparison of IA Units Related Data

	Alameda County Sheriff's Office	Contra Costa County Sheriff's Office	Oakland Police Department	Riverside County Sheriff's Office	San Jose Police Department	San Francisco County Sheriff's Office	Santa Clara County Sheriff's Office
Population*	1,638,215	1,126,745	419,267	2,361,026 (serve 17 cities and 5 correctional facilities)	1,026,098	864,816	1,918,044
Inmates	2104	1300 (3 facilities)	N/A	3631 currently (3914 max)	N/A	1200-1300	3603 yrly avg (currently 3543)
Sworn	1100 sworn	700 sworn	773 sworn	3000 sworn	1400 authorized	850 sworn (custody only)	1312 authorized
INTERNAL AFFAIRS UNIT STAFF							
Captains	1 Capt	0	0	1 Capt	0	0	0
Lieutenants	1 Lt	1 Lt	1 LT	1 Lt	1 Lt	1 Lt	1 Lt
Sergeants	2 Sgts	2 Sgts	6 Sgts	2 Sgts	8 Sgts (2 Criminal & 6 Admin)	6 Investigative Sgts	6 Sgts (3 Custody & 3 Enforcement)
Officers	3 Deputies	0	2 Intake Officers (budgeted as civil but couldn't fill positions)	10 Investigators	4 Admin Intake Officers	0	0
Civilians	2 Civilians	0	2 Civilian Intake Officers	0	1	1 civilian clerk	0
Total Sworn	7	3	9	14	13	7	7
Total Staff	9	3	11	14	14	8	7
Monthly Caseload	3-6 cases/person, enforcement/custody	most handled in field/facility by supervisors	Class 1 complaint = IA with 6-7 cases/officer, Class 2 complaint = Field Supervisors with 1-2 cases/supervisor	3-4 cases/investigator	18 cases/IA Sgt, 22 cases/Intake Officer	10-13 cases	15-20
2015 Complaints		14 complaints					368 complaints

*Population Source: U.S. Census Bureau estimates at www.census.gov