ORIGINAL

BILL COGBILL
Sheriff-Coroner

GARY A. ZANOLINI
Assistant Sheriff
Law Enforcement Division

MICHAEL M. COSTA
Assistant Sheriff
Detention Division

Sonoma County Sheriff's Department

September 3, 2003

#1579

The Honorable Allan Hardcastle (Tcase)
Presiding Judge of the Superior Court
County of Sonoma
600 Administration Drive
Santa Rosa, CA 95403

SEP 16 RECD

GRAND JURY

Dear Judge Hardcastle: (BT) 9/5/03

Attached please find the Sonoma County Sheriff's Department response to the 2002-2003 Grand Jury Report.

Sincerely,

BILL COGBILL
Sheriff-Coroner

BC/slh
w:\f:\Grand Jury Response

cc w/Attachments: Board of Supervisors
Court Executive Officer
County Administrator
County Clerk

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Detention Division
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SONOMA COUNTY SHERIFF'S DEPARTMENT RESPONSE TO THE 2002-2003 GRAND JURY REPORT

INVESTIGATING THE INVESTIGATORS

Findings, Page 17

F11. *When asked, employees frequently mentioned the following as ways to improve the operation of the Bureau:*

1. *Change the work week to four ten-hour days*
2. *Provide additional specialized training*
3. *Improve intra unit communication both professionally and socially*
4. *Increase interaction with "Top Brass"*
5. *Encourage detectives to stay longer than three years in the Bureau (e.g., go to another unit or to a mentoring role for new detectives)*
6. *Base promotion on "what you know not whom you know"*

RESPONSE: I disagree partially with the finding.

1. We believe it is economically unfeasible due to the requirements that Detectives must be available for court five days per week. Further, caseload requirements demand greater availability than four days per week. Recruitment of qualified candidates has not been hampered by the five-day workweek requirement.

2. Currently, the Department conducts more training than is required by law and POST standards. Further, we cross train all Detectives in Officer Involved Shooting investigations and homicide investigations. It is our intention, pending fund availability, to send all current VCI Detectives to domestic violence and sexual assault schools.

3. Currently, all Detectives, regardless of assignment, can be made available to assist in major investigations. The Sheriff recently hosted a barbecue for all Detectives and related staff to thank them for an exceptional job in three back-to-back homicide cases. We concur that intra-unit communication is a desired quality and we will continue to strive to improve it.

4. We concur that greater efforts should be made by "top brass" to interact with line staff.

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5. We do encourage competent Detectives to remain beyond their MOU provided "guarantee" period (generally 36 months). Often, however, the Detective makes the request for transfer. DVSA Detectives often request transfer after 36 months due to the high workload. Many Detectives leave because of promotion or retirement. Currently, 12 of the 33 Detectives assigned to the Investigations Bureau have been in their assignment beyond their "guarantee" period.

6. We believe the current system of promotion is merit based. In anticipation of an opening, a memo is posted throughout the Department (and to every employee via e-mail) announcing the position, qualifications for the position, and testing requirements. In addition to the application, the applicant must submit the last two most current performance evaluations and copies of their best investigative reports. An oral board, comprised of the current Bureau Sergeants and Lieutenant, is then conducted. Each unit Sergeant asks questions of law and procedures specific to their area of expertise. Applicants either pass or fail. The results of the interview, along with the evaluations, reports, and supervisor's recommendation are used to select the best suited applicants. All passed applicants are placed on an unranked list waiting for openings within the investigative unit of their preference. All applicants are encouraged to meet with the unit Sergeants and Bureau Lieutenant to discuss their particular performance during the selection process and how to better perform in the next selection process.

RECOMMENDATIONS, Page 18:

R1. *Overhaul and strengthen tests (add written component) and apply objective criteria to determine how well suited an applicant is for Detective work.*

RESPONSE: The recommendation will not be implemented because it is not warranted.

We believe the current system of promotion is objective and merit based. In anticipation of an opening, a memo is posted throughout the department (and to every employee via e-mail) announcing the position, qualifications for the position, and testing requirements. In addition to the application, the applicant must submit the last two most current performance evaluations and copies of their best investigative reports. An oral board, consisting of the current unit Sergeants and Bureau Lieutenant is then conducted. Each unit Sergeant asks questions of law and procedures specific to their area of expertise. Applicants either pass or fail. The results of the interview along with the evaluations, reports, and supervisor's recommendation are used to select the best suited applicants. All passed applicants are placed on an unranked list waiting for openings within the investigative unit of their preference. All applicants can meet with the unit Sergeants and Bureau Lieutenant to discuss their particular performance during the selection process and how to better perform in the next selection process. The hiring process for Deputy Sheriff consists of written, oral, and aptitude tests, as does the Basic Police Academy. All Deputy Sheriffs are qualified to be Detectives. The reason for the selection process is to select the most qualified for a particular position.

R2. *Develop and implement a process for removing employees for poor performance during and after the probation period.*

RESPONSE: The recommendation has been implemented.

This process has been in place for many years. When appropriate, the process has been implemented within the constraints of the current Memorandum of Understanding (guarantee period and conditions of removal), Human Resource's procedures, Civil Service Rules, and the Peace Officer Bill of Rights, and follows the principles of "progressive discipline."

R3. *Develop a mechanism which ensures that written evaluations are accurate and reflect actual performance, poor as well as good.*

RESPONSE: The recommendation has been implemented.

Current employee review procedures require the review and signature of the evaluator (often the supervisor), Bureau Lieutenant, and the Division Assistant Sheriff. Current policy requires written evaluations every two years coupled with face-to-face discussions of performance. With the six months "probation period" allowed in the Investigation's Bureau, low or unsuited performers are removed from their investigative assignment prior to completion of required written evaluations.

Further, the Department is presently in the process of modifying the current "generic" evaluation form in an effort to more closely tailor it to the employee's specific job assignment.

R4. *Establish quarterly Bureau-wide communication meetings conducted by Sheriff and/or Assistant Sheriff-Law Enforcement Division*

RESPONSE: The recommendation will not be implemented because it is not warranted.

The Sheriff and Assistant Sheriff value ongoing communication with all staff. The Sheriff and Assistant Sheriff meet on a weekly basis, as does the Assistant Sheriff with the Detective Bureau manager. The Detective Bureau Manager meets with the Detective supervisors on a regular basis, as do the supervisors with the Detectives. Periodically the Sheriff and Assistant Sheriff meet with individual supervisors and Detectives on an informal basis. The Detectives are welcome to meet with the Sheriff or Assistant Sheriff at any time. Command Staff will continue to look for ways to make themselves available to staff.

R5. *Establish and implement a written Bureau policy regarding detective tenure.*

RESPONSE: The recommendation will not be implemented because it is not warranted.

Negotiated agreements with current labor groups clearly lay out Bureau policy regarding Detective tenure. We believe the current agreements are satisfactory and address the operational needs of the Department.

R6. *Establish and implement objective promotion standards.*

RESPONSE: The recommendation has been implemented.

We believe the current system of promotion is objective and merit based (please also refer to the Human Resource Department response). In anticipation of an opening, a memo is posted throughout the

department (and to every employee via e-mail) announcing the position, qualifications for the position, and testing requirements. In addition to the application, the applicant must submit the last two most current performance evaluations and copies of their best investigative reports. An oral board, consisting of the current unit Sergeants and Bureau Lieutenant, is then conducted. Each unit Sergeant asks questions of law and procedures specific to their area of expertise. Applicants either pass or fail. The results of the interview along with the evaluations, reports, and supervisor's recommendation are used to select the best suited applicants. All passed applicants are placed on an unranked list waiting for openings within the investigative unit of their preference. All applicants can meet with the unit Sergeants and Bureau Lieutenant to discuss their particular performance during the selection process and how to better perform in the next selection process. Further, prior to the process, an applicant can meet with the unit Sergeant or Bureau Lieutenant to discuss their interest and qualifications for the position and how best to prepare them for the position.

R7. *Strengthen the use of integrated teams and include members from Bureau units and key law enforcement officials from outside the Bureau such as a Deputy District Attorney.*

RESPONSE: The recommendation has been implemented.

Currently, Detectives from any unit may be called to assist in any major investigation. Further, current protocols require the notification of the District Attorney's Office for any homicide, officer involved shooting, or other major crime scene. In addition, one Deputy District Attorney is assigned to the Domestic Violence/Sexual Assault Unit (DVSA) and is physically located in the DVSA offsite facility. The current narcotic enforcement grants pay for one Full Time Equivalent (FTE) Deputy District Attorney, who, through the principle of "vertical prosecution," handles all the narcotic cases. This fosters close working relationships with the Narcotic Detectives.

Ongoing meetings among criminal investigators, the District Attorney's Office, and other involved agencies currently include the Domestic Violence Death Review (meet monthly); Child Death Review (meet monthly); and SIDS (sudden infant death syndrome) Review who meet as needed.

Further, in response to the Pelfini investigation, the District Attorney's Office and Sheriff's Department have implemented "quality control" meetings for all homicide cases. Participants include Deputy District Attorneys who handle homicides, Homicide Detectives and Sergeants, our Coroner's Staff, and the contract pathologist. Joint training sessions between the District Attorney's Office and county violent crime investigators have and will continue to occur.

OFFICER-INVOLVED INCIDENTS

RECOMMENDATIONS, Page 31

R1. The Sheriff's Office should integrate the Records Management System and the Jail Management System to allow inmates' records of mental health issues to be readily available to jail staff.

RESPONSE: The recommendation has not yet been implemented.

The department continues to pursue new inmate booking software that will provide an "early warning system" on all arrestees at time of booking. A proposal has been submitted to modify the current Jail Management System to identify arrestee's with prior suicidal tendencies. Integration with the Records Management System would require a complete overhaul of the Jail Management System, which is currently too costly, but has been identified as a project for which to seek funding.

R2. The Sheriff's Office should provide for a female officer to be present during hospital medical exams of female inmates.

RESPONSE: The recommendation has been implemented whenever possible.

The hospital guard function is restricted to the Deputy Sheriff classification by Memorandum of Understanding with the Deputy Sheriff's Association. A female Deputy is sent to these exams whenever feasible. However, due to the limited number of female Deputies and the location, shifts, and schedules involved, it is not always possible to have a female Deputy present. If a female Deputy is not available, the male Deputy will not leave the female inmate unattended, but will request a female medical/hospital employee to stay with the inmate during the exam.

R3. Newly incarcerated inmates should be assigned to cells with doors that are visible from the control desk.

RESPONSE: This recommendation will not be implemented because it is not reasonable.

There are very few cells that provide a clear visual advantage to the Correctional Officer at the control desk. In the reception areas where newly incarcerated inmates are housed, approximately 22 new male inmates per day come in. The male reception areas hold 40 cells and the female area holds 50 cells. For females there are approximately 4 new inmates per day. In the female reception area, there are fewer visible cells as well as less segregated areas to accommodate high risk female inmates. The high risk inmates, gang affiliated inmates, and pregnant inmates are kept in the more visible cells for safety and security reasons. In order to assure that inmates are safe and secure, Correctional Officers are constantly multi-tasking and conduct regular rounds in conformance with CCR Title 15 to supervise inmates.

Findings, Page 52:

F11: *In the Sheriff's Department Administrative Review of the death investigation, some detectives were criticized. But no evidence of that criticism is included in their personnel files.*

RESPONSE: I agree with the finding.

Current law restricts the administration of discipline to one year from the time the conduct became known to the Department. Due to the extensive nature of the review, the Administrative Review was concluded after the one-year time frame. Thus, the only discipline available to the Department were Letters of Counseling which cannot, by law, go into personnel files. Letters of Counseling were issued for performance deficiencies uncovered in the Administrative Review, as well as being noted in the employee's evaluation.

Recommendations, Page 53:

R1. *The Sheriff's Office and the District Attorney's Office should review their policies and practices regarding managing the performance of their respective staffs. Changes should be made to ensure that managers are trained in providing accurate feedback to their employees and in documenting poor performance. Reviews should accurately reflect performance and include annual employee goals to improve. Documentation of poor performance should be permanently retained in personnel files.*

RESPONSE: The recommendation has been implemented.

Managing the performance of staff is a primary responsibility of the leadership of the Department. Managing employee performance is covered thoroughly in supervisory and management mandated POST training courses. All newly promoted management staff members are required to attend such training (which requires periodic update through advanced officer training). The ability to properly assess employee performance is also evaluated as a criteria in our current evaluation process for supervisors and managers.

Further, the Department is presently in the process of modifying the current "generic" evaluation form in an effort to more closely tailor it to the employee's specific job assignment.

R2. *Employees who have been identified as chronic poor performers should be terminated, not merely transferred at the same pay rate.*

RESPONSE: The recommendation has been implemented.

Chronic poor performers are dealt with within the provisions of Civil Service Rules, County Human Resources procedures, applicable Memorandum of Understanding, the Peace Officer Bill of Rights, within the principles of "progressive discipline."

R6. *The Sheriff's Office and the District Attorney's Office should continue to build a strong mutually supportive team to provide high quality investigations and the successful prosecutions of criminal cases.*

RESPONSE: The recommendation has been implemented.

Current protocols require the notification of the District Attorney's Office for any homicide, officer involved shooting or other major crime scene. In addition, one Deputy District Attorney is assigned to the DVSA unit and is physically located in their offsite facility. The current narcotic enforcement grants pay for one FTE Deputy District Attorney, who, through the principle of "vertical prosecution" handles all the narcotic cases. This relationship fosters close working relationships with the Narcotic Detectives.

Ongoing meetings among criminal investigators and the District Attorney's Office include the Domestic Violence Death Review (meet monthly); Child Death Review (meet monthly); and SIDS (sudden infant death syndrome) Review (who meet as needed).

The Sheriff's Department Homicide Investigators and Coroner staff, as well as homicide prosecutors from the District Attorney's Office, meet continually on each specific homicide case. From investigation through trial, involved agency staff meet to discuss the investigation, trial preparation, and trial presentation.

Further, in response to the Pelfini investigation, the District Attorney's Office and the Sheriff's Department have initiated "quality control" meetings. The initial meeting involved the Deputy District Attorneys who handle homicides, homicide investigators and Sergeants, our Coroner's staff and the contract pathologist. This group is currently defining homicide investigation protocols that will be used by all law enforcement agencies throughout the County.

R7. *The District Attorney and Sheriff should ensure that the policies and procedures drafted as a result of People v. Pelfini are followed by all personnel in their departments.*

RESPONSE: The recommendation has been implemented.

The District Attorney's Office and Sheriff's Department have implemented "quality control" meetings on all homicide cases. Participants include Deputy District Attorneys who handled homicides, Homicide Detectives and Sergeants, our Coroner's Staff, and the contract pathologist. The group is currently reviewing a homicide response protocol for implementation throughout the entire County.