



July 9, 2019

The Honorable Judge J.S. Hermanson
Superior Court of California
County of Amador
500 Argonaut Lane
Jackson, CA 95642

RE: 2018-2019 Grand Jury Response

Dear Judge Hermanson,

The following is the official response to the below listed report in the requested format.

Title of Report: Amador County Jail and Sheriff's Department – "Excessive Overtime in the Jail"

Responding Agency: Amador County Sheriff's Office

Response by: Sheriff Martin Ryan

GRAND JURY FINDINGS:

Finding #1 –

Overtime increased exponentially over the past four years from \$73K to \$210K, which is \$130K over the budget.

Response to Finding #1 –

The Sheriff partially disagrees with the finding. The overtime line item is just one of more than thirty line items within the jail's budget. The budgeted amount dedicated to overtime has not increased for three fiscal years, while employee costs have. When there are vacancies for full-time employees, one can expect overtime expenditures to increase as the jail is a 24/7 operation, with minimum staffing requirements, in order to assure officer and inmate safety. All Divisions of the Sheriff's Office manage their budgets with the ultimate goal of total expenditures being at or below budgeted amounts. By utilizing this approach to budget management, the jail has successfully returned unexpended money to the Amador County General Fund for the last three fiscal years and

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we are on target to do so again this fiscal year. The overtime growth rates between fiscal years 15/16 and 16/17, and 16/17 and 17/18, were consistent and lower than the growth rate between fiscal years 14/15 and 15/16. Additionally, based upon projections at the time of this writing, the overall overtime expenditure in the current fiscal year will be less than the expenditure in fiscal year 17/18.

Finding #2 –

The excess overtime in the Amador County Jail and Sheriff's Office exceeds the amount saved in all other departments through the voluntary furloughs program.

Response to Finding #2 –

The Sheriff partially disagrees with this finding. As demonstrated later in Findings 3 and 4, the Amador County Jail and Amador County Sheriff's Office has controlled its overall budget so that money could be returned to the general fund for several fiscal years.

Law enforcement personnel employed by the Amador County Sheriff's Office are not contractually permitted to participate in the voluntary furlough program. As a result, a comparison of the amount of money saved by the county's voluntary furlough program to an individual line item within the Sheriff's Office or Jail budget, is flawed.

Finding #3 –

Over the past four years, the Jail was over-budgeted by an average of \$223K of which \$173K is in salaries.

Response to Finding #3 –

The Sheriff disagrees with this finding. It is misleading to state the Jail was "over-budgeted" primarily due to the lack of expenditures on salaries. The jail, as noted in the grand jury report, has struggled in recent years to fill full-time vacancies for Correctional Officer and Correctional Officer Assistant positions. The Amador County Sheriff's Office accepts applications for employment on an ongoing basis. Candidates seeking a Correctional Officer position must successfully complete a State approved written examination, oral board interview, background investigation, medical evaluation, and psychological screening before a full offer of employment is given. Amador County's geographic location and small population limit the number of viable candidates interested in employment as a Correctional Officer. This limited pool of applicants is then further reduced during each step of the employment process as issues arise concerning their suitability. The Amador County Sheriff's Office refuses to compromise our standards by hiring unqualified or unethical individuals to fill critical positions of public trust. The Amador County Sheriff's Office will continue to advertise and recruit to fill vacancies, with only those people with impeccable character being offered employment. Once an eligible candidate is hired, the bulk of the funding referenced above will be required to

pay that individual's salary. The balance of the funds were saved through fiscal conservatism and the realization that in a custodial environment significant financial liabilities can occur with little to no warning.

Finding #4 –

Over the past four years, the Sheriff's Office was over-budgeted by \$266K of which \$153K is in salaries.

Response to Finding #4 –

The Sheriff disagrees with this finding. Similar to the response listed immediately above, it is misleading to state the Sheriff's Office was "over-budgeted" primarily due to the lack of expenditures on salaries. Deputy Sheriff applicants are screened using the same rigorous process listed above for Correctional Officer and Correctional Officer Assistant. The Amador County Sheriff's Office competes with numerous surrounding counties and cities for qualified candidates to fill vacant, funded positions.

This year, the Sheriff's Office created the position of Deputy Sheriff Recruit, which will enable us to hire individuals and have them attend the intensive format peace officer academy as an employee of the County of Amador. Upon completion of the academy, Deputy Sheriff Recruits will become Deputy Sheriffs and immediately enter the Field Training Program. The development of this position has increased the number of local applicants with the Sheriff's Office and will better enable us to compete with our neighboring jurisdictions for qualified individuals.

As previously noted, the Sheriff's Office will never compromise on our hiring standards for these critical positions of public trust, solely for the purpose of quickly filling vacancies. The funds referenced by the Grand Jury are needed to pay the salaries of employees hired to fill vacant full-time positions and to cover sudden significant expenses that are inevitable in the emergency services profession. The Sheriff's Office will continue to maintain a conservative approach to budget management and return funds to the County of Amador whenever possible.

Finding #5 –

Staffing shortages, mandatory shifts, and overtime seem to be a universal issue that may have an effect on morale. Despite efforts by the Sheriff's Office to recruit additional custody staff and assistants, there remains a shortage of staff.

Response to Finding #5 –

The Sheriff agrees with this finding. The Amador County Sheriff's Office management recognizes the impact overtime and mandatory shift assignments can have on employees. Efforts are made to distribute overtime and shift assignments in an equitable manner,

with an emphasis on assigning shifts on a voluntary basis while maintaining the safety and security of the jail.

The number of custody staff is determined by the budget allocation provided by the Board of Supervisors.

Finding #6 –

The lack of follow-up by the Sheriff on applications does not reflect positively on this department.

Response to Finding #6 –

The Sheriff partially disagrees with this finding. The grand jury report notes that “several applicants who had applied for numerous open vacancies submitted at different times and never received responses, either accepting or rejecting their applications.” Applications received by the Sheriff’s Office, or forwarded to the Sheriff’s Office by Amador County Human Resources, are collected until a sufficient number are available to hold a test or interview. Prior to the test or interview date, a formal letter is mailed to the applicant inviting them to participate. If an applicant fails to provide an address on their application, lists the incorrect address, or does not provide the postal service with a forwarding address after moving, the letter inviting them to participate in the hiring process is returned to the Sheriff’s Office.

When an applicant is willing to provide an e-mail address, the Sheriff’s Office will begin sending an e-mail response acknowledging receipt of the application and further explaining the hiring process.

GRAND JURY RECOMMENDATIONS:

Recommendation #1 –

The Sheriff’s Office should consider reducing overtime expenditures to the adopted budget level by January 1, 2020. [F1]

Response to Recommendation #1 –

The Sheriff partially agrees with this recommendation and overtime expenditures are continually monitored. As previously discussed, the budgeted amount for overtime expenditures as approved by the Board, has not changed for many years, while employee costs have continually increased. The Sheriff’s Office has successfully used salary savings from vacant positions to cover overtime expenditures. The Sheriff’s Office will continue to fill full-time vacancies, with the expectation that overtime expenditures will fall as more full-time staff are available to help meet our minimum coverage requirements.

Nearly all new Deputy Sheriffs and Correctional Officers must go through a four month training program before being permitted to serve in solo capacity. Given our desire to only hire the best employees with impeccable character, coupled with the length of time required for a new employee to develop adequate competency in their field to be released from training, the Sheriff's Office does not anticipate having all vacant positions filled by January 1, 2020.

Recommendation #2 –

Beginning January 1, 2020, the County should consider redirecting excess overtime expenditures of \$130K and the excess in the operating budget of \$223K for the Jail and the excess operating budget of \$266K for the Sheriff's Office to fund pensions (refer to Voluntary Furloughs, Pension Liabilities, and Facilities Maintenance Report). [F1, F3, F4]

Response to recommendation #2 –

The Sheriff lacks the authority to implement this recommendation. The Sheriff's Office will continue to return unexpended monies entrusted to us to the general fund whenever possible. The Amador County Board of Supervisors determines how general fund resources will be allocated.

Recommendation #3 –

The County should request that the Sheriff provide a report to the Board regarding the steps taken to correct the current excess overtime usage by January 1, 2020. [F1, F2, F3]

Response to recommendation #3 –

The Sheriff lacks the authority to implement this recommendation as it is directed to the Board of Supervisors. The Sheriff, and/or the Undersheriff, appear frequently before the Board of Supervisors and/or CAO, to discuss budgetary concerns and the operations of the Sheriff's Office. However, the Sheriff retains the authority to shift funds between individual line items as long as the overall budget allotment, as determined by the Board, is met. The Sheriff's Office has received positive feedback over the years regarding our ability to remain within our overall budgeted amounts. The Sheriff's Office administration will continue to freely communicate throughout the year with the Board of Supervisors and county management team regarding financial matters.

Recommendation #4 –

The Sheriff's Office should inform job applicants that their application have been accepted or rejected in a timely manner. [F6]

Response to Recommendation #4 –

The Sheriff agrees with the recommendation and modification of our current process will be implemented. Currently, applications are accumulated and held until the Sheriff's Office reaches an adequate number of applicants to host a test or oral interview, depending on the requirements of the position. Applicants are notified via formal letter announcing the date and time of the test or interview. The Sheriff's Office will now send an e-mail response to the applicant, advising of the receipt of their application, and providing information regarding the next step in the hiring process. The response will also prompt applicants to update their contact information with the Sheriff's Office should any changes occur. The new process will be implemented during the 2019/2020 fiscal year and evaluated for effectiveness.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'M. Ryan', followed by a long horizontal line extending to the right.

MARTIN A. RYAN
Sheriff-Coroner

CC: Brian Oneto, Chairman, Amador County Board of Supervisors
Chuck Iley, Amador County CAO