

MANDATORY OVERTIME IN THE SHERIFF'S OFFICE

SUMMARY

The 2017-18 Santa Barbara County Grand Jury learned that a mandatory overtime policy has been in effect for the Santa Barbara County Sheriff's Office custody deputies for a number of years. The Jury investigated the background and history of the policy, the reasons for the policy, why the policy has lasted so long, the impacts of the policy, and options for addressing the issue. The Jury concluded that mandatory overtime has become a de facto element of the Sheriff's Office personnel and budget management practices; the Sheriff's Office has made no significant effort to understand the human toll of this policy on its personnel; and recruiting to fill vacancies that contribute to overtime requirements is a low priority.

INTRODUCTION

During the course of fulfilling its statutory mandate to inquire into the conditions and management of public prisons in the County under *California Penal Code Section 919(b)*, the 2017-18 Santa Barbara County Grand Jury (Jury) learned from Sheriff's Office (Office) personnel that deputies in Custody Operations have worked under a mandatory overtime policy for most of the past 15 years. Anecdotal accounts of the mandatory overtime policy provided to the Jury by Office personnel, as well as information provided by the Office, suggested substantial dissatisfaction with the policy on the part of custody deputies. Discussions with officials outside the Office, including senior County Executive Office staff and Santa Barbara County Supervisors, also revealed frustration with the policy.

The Jury understands that the nature of the law enforcement mission, like that of other public safety missions, often requires personnel to work overtime. The back-to-back disasters of the December 2017 Thomas Fire and the January 9, 2018 Montecito debris flow served as poignant reminders of the tireless efforts and dedication of first responders from the County and from the other local, state, and federal entities who assisted. Law enforcement deputies in the Sheriff's Office, like custody deputies, have also worked substantial overtime since 2002. Nonetheless, the decade-plus mandatory overtime policy for custody deputies raised questions for the Jury about staffing and personnel management practices, the morale and welfare of custody deputies, financial implications, and Sheriff's Office priorities. The Jury sought to understand the reasons for the protracted mandatory overtime, its effects, the impact of the new Northern Branch Jail scheduled to open in 2019, and what actions have been taken to address the issue.

METHODOLOGY

The Jury obtained from the Sheriff's Office written answers to over 60 questions on the background and implementation of the mandatory overtime policy, custody deputy attitudes on the policy, custody staffing requirements, recruiting, and overtime costs. The Jury obtained detailed statistical information on overtime hours and costs in the Office since 2000, as well as several

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staffing studies produced by consultants for the Office. The Jury interviewed two members of the Office and spoke with approximately 15 custody deputies during Jury site visits to the Main Jail, nine Sheriff's Substations, and three court holding facilities. Two senior members of the County CEO's office provided insights on budgetary issues. County Supervisors discussed the mandatory overtime issue with the Jury. The Jury interviewed a representative of the Deputy Sheriffs' Association. The Jury also researched California State laws and regulations regarding custody staffing, including corresponding with the Board of State and Community Corrections. Despite repeated requests, the Jury was unable to obtain an interview with County Human Resources.

OBSERVATIONS AND ANALYSIS

The Sheriff's Office is composed of two main operational branches—the Custody Operations Branch and the Law Enforcement Operations Branch. Custody Operations is the correctional arm of the Sheriff's Office, providing custody and care of pre-sentenced and sentenced adult inmates. The Branch has two divisions. The Jail Operations Division runs the Main Jail and oversees the Transportation Unit, which transports inmates to and from court appearances and medical appointments as well as to other local or state correctional facilities. The Custody Support Division oversees education programs and vocational training for inmates; the contracted medical provider for the Main Jail, California Forensic Medical Group; facility maintenance; custody records; and the Northern Branch Jail Project, the 376-bed jail under construction in Santa Maria.

The Law Enforcement Branch provides primary law enforcement services for unincorporated Santa Barbara County and the contract cities of Buellton, Carpinteria, Goleta and Solvang. The Branch has three Divisions: South County Operations, North County Operations, and the Criminal Investigations Division. These services include sheriff patrols, detective services, court security, civil processes and law enforcement records functions. Nearly 40 percent of the Office's total personnel are assigned to Law Enforcement Operations.

Applicants apply to be either a custody deputy or a Sheriff's (law enforcement) deputy, also commonly known as patrol deputy. Custody deputies are distinguished from Sheriff's deputies in that they have only limited peace officer power pursuant to *California Penal Code Section 830.1(c)*, are not deputy coroners, and are not assigned to patrol or bailiff duties.

Staffing Requirements

Custody Staffing

The Jury found it difficult to reconcile various sets of staffing numbers for Custody Operations provided by the Office. As of early 2018, the Office reported that there are currently 216 funded custody deputy positions, of which 13 are vacant, for an on-hand total of 203 custody deputies. The Office provided conflicting information on the number of custody deputy positions allocated to the Main Jail. It stated in one answer that 202 positions are allocated to the Main Jail, of which 14 are vacant, for an on-hand total of 188 custody deputies. In another answer, the Office stated that 118 custody deputies are allocated to the Main Jail. There are 23 custody deputy positions

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allocated to Transportation; five are vacant. It is unclear how 225 can be allocated to the Main Jail and Transportation Unit combined when there are only 216 funded positions.

There are currently 17 custody deputies serving in non-line positions: four in Human Resources, one in training, six on the Northern Branch Jail Transition Team, and six in Alternative Sentencing. The Office reported that 90 custody deputies will be assigned to the Northern Branch Jail, 24 of which will be transferred from the Main Jail and 66 of which will be new positions. Of these, 38 positions have been filled. The Office plans to seek 17 additional custody deputy positions to augment Main Jail staffing. Additional positions may be sought once the Northern Branch Jail is open, in part to help cover vacation, injury and other absences.

The Jury was unable to obtain a definitive answer on the basis of the minimum staffing requirements set by the Office for the Main Jail and the Transportation Unit. The Sheriff's Office stated that the staffing requirements for the Main Jail were derived from guidance from a California Board of State and Community Corrections (BSCC) 2002 staffing study. The Office further stated that the BSCC will do a new staffing analysis when a significant change has occurred to the physical plant of a facility or when requested, and that no physical change has occurred and the Office has not requested a new study. The Jury was provided a portion of the 2002 study, which was insufficient to confirm it was the basis for the current minimum staffing requirements for the Main Jail or Transportation Unit.

The 2002 BSCC study explained the challenges of staffing a 24/7 operation: one 24-hour position requires a minimum of two individuals (working 12-hour shifts) to fill the position; illness, injury or vacation requires that a third person be available to cover the vacant shift(s). The report noted:

Oftentimes, sheriff's departments utilize overtime to cover an unfilled post. This practice can be dangerous since staff may have recently completed a 12-hour shift when they are required to work additional overtime. During Fiscal Year 2001/02, the Santa Barbara County Sheriff's Department filled a total of 10,319 corrections officer hours with overtime. Essentially, this equals five positions that could have been funded with the personnel costs of overtime. It is expected that detention facilities will utilize overtime hours to augment a minimum staffing level. There is no way to eliminate all use of overtime; overtime is simply a necessary component of staffing a 24 hours a day, 7 days a week operation. However, efforts must be made to reduce the number of overtime hours in order to save the department money and reduce the potential for staff burnout.

Main Jail Staffing

There are 19 custody deputy positions which must be filled during the day shift. The Sheriff's Office has established staffing requirements at a minimum of 20 custody deputies during the day shift and 18 during the night shift. In addition, four additional custody deputies are needed to provide medical escorts. These requirements are based on the physical layout of the different components of the Main Jail and the classification of inmates.

Original planning for the Northern Branch Jail included the closure of the Medium Security Facility and Basement Dorms 1, 2, and 3, with the 24 staff assigned to these posts being reassigned

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to the Northern Branch Jail. The Female Medium Security Facility closed in 2017. Plans still call for the transfer of 24 Main Jail positions to the Northern Branch Jail. However, interviews with Main Jail staff indicate that it will remain close to its rated capacity of 659 after the new jail opens, leaving uncertain whether sections of the Main Jail will be permanently closed.

Transportation Unit Staffing

Transportation Unit staffing, unlike that for the Main Jail, is Monday through Friday, with shifts beginning as early as 4:30 am and ending at 6:30 pm. Unit personnel transport inmates from the Main Jail to and from court appearances in Santa Maria, Lompoc and Santa Barbara and staff the court holding facilities in Santa Maria, Santa Barbara, and Lompoc, where inmates are housed while waiting for their cases to be called. There are typically four bus and three van runs per day. The minimum daily staffing required for these duties is 21 custody deputies working 10-hour shifts. Based on information from Transportation Unit personnel, in practice, transportation shifts often extend beyond 10 hours due to unpredictable court schedules.

With only 18 positions currently filled, the Transportation Unit cannot meet minimum daily requirements with staff on hand. The shortfall is more acute given the coverage gaps caused by illness, injury or vacation. Even if all 23 positions were filled, substantial coverage gaps would exist, as explained below.

Law Enforcement Staffing

There are no federal, state or local laws, or regulations that mandate law enforcement (patrol) staffing levels. The Sheriff's Office has set minimum staffing requirements for its individual patrol bureaus over the years. Patrol minimum staffing is driven by a combination of geographic challenges in conjunction with the number and nature of the calls for service that are handled within the particular patrol bureau.

"Structural Staffing Deficit"

The Sheriff's Office acknowledged it would be unable to maintain minimum staffing levels even if all positions were filled. It termed this personnel shortfall a "structural staffing deficit," meaning the number of funded custody and law enforcement positions does not adequately account for work time that is lost due to training, illness, vacation, and other types of leave the Office is required to provide. The Office attributes this staffing deficit to protracted budgetary constraints imposed on the Sheriff's budget by the County Board of Supervisors over the past 15 years. Although the Sheriff has the authority to decide how to make budget cuts within the Office, the Office contends that major budget cuts require staff cuts. The Office noted, as an example, there were 285 approved and funded sworn law enforcement positions in 2007, down to 255 positions in 2017.

The Sheriff's Office defines the average yearly productive work hours—hours spent working the primary assignment, not including training and various types of leave—as 1578 for a deputy. This number is based on a 2016-17 Office study that averaged all lost time across the total number of deputies for the deputy sheriff classification. (Full time or 40 hours/week for 52 weeks/year totals 2080 hours, meaning the average non-productive time—for leave and other absences—is 502 hours or roughly 63 days). The Jury did not have sufficient information to assess how this number compares to that for other law enforcement entities or whether significant overtime work negatively affected productive hours, such as by causing burnout or other health-related issues.

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Positions that require 24/7 staffing need additional staff to cover the absences. Based on minimum staffing requirements provided, the Main Jail requires 456 deputy hours per day (20 12-hour day shifts and 18 12-hour night shifts) and 166,440 deputy hours per year (456 hours x 365 days). This equates to a requirement for 106 deputies working 1578 productive hours per year if none were required to work overtime. In theory, if the figure of 118 sworn staff allocated to the Main Jail is correct, and if all those staff are on hand, it appears that the Main Jail personnel pool provides sufficient reserve capability to cover leave and other absences.

For the Transportation Unit, the minimum staffing requirement for 21 deputies, working 10-hour shifts Monday through Friday, totals 1050 deputy hours per week (210 hours/day x 5) and 54,600 deputy hours per year (1050 x 52 weeks). This equates to 34 deputies working 1578 productive hours per year if none were required to work overtime. With only 23 positions funded and 18 filled, the Transportation Unit is operating with a particularly acute personnel shortfall.

The Jury learned that proposals for arraignments via videoconference are under discussion by the Sheriff's Office, Public Defender, District Attorney, and the Superior Court. The ability to conduct such arraignments would reduce Transportation Unit requirements but the Jury was unable to assess the specific impacts.

Historical Overtime Trends

The Sheriff's Office reports that to some degree, the Office has always had vacancy rates that have required the use of overtime to maintain required staffing levels, both in custody and law enforcement operations, as illustrated in Figure 1. Vacancy rates for custody have ranged from less than one percent to 11 percent, averaging 6 percent over the selected years. Law enforcement vacancy rates range from five to 13 percent, averaging 8.6 percent over the selected years.

Figure 1: Selected Annual Vacancy Rates, 2001-2017

Year	Custody Filled Positions	Custody Vacant Positions	Law Enforcement Filled FTE*	Law Enforcement Vacant FTE*
2001	187	1	289	14
2005	178	18	277	20
2010	178	21	267	40
2015	191	5	253	22
2017	203	13	215	23

*FTE: Full Time Equivalent
(Source: Sheriff's Office)

According to the Sheriff's Office, there has never been a time in recent history when staffing levels were able to eliminate the need for overtime. Vacancy rates since 2001 have always required the use of overtime to maintain staffing levels. The Office noted that in some years, the need for overtime "was more manageable and was met solely through the use of voluntary overtime." In Custody Operations, however, mandatory overtime has been in effect for all but two of the past 15 years, according to multiple custody deputies. Law Enforcement Operations does not currently have a mandatory overtime policy. The nature of the patrol mission affords a larger pool of personnel who have greater flexibility in covering absences, such as by extending patrol areas of law enforcement deputies.

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The average number of overtime hours for Custody and Law Enforcement classifications since 2001 are shown in Figure 2.

Figure 2: Average Overtime Hours Per Full Time Equivalent by Job Classification

	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
CUSTODY	194	377	317	500	767	717	1,115	549	638	968	904	1,044	1,270	1,119	993	1,619
Sergeant							184	187	215	305	272	326	427	347	288	495
Deputy S/Duty							113	141	155	260	281	337	401	369	322	547
Deputy						21	172	221	268	403	350	381	442	404	383	576
Correctional Sergeant	37	80	87	127	206	210	200									
Correctional Officer S/D	65	145	89	148	255	226	217									
Correctional Officer	92	151	141	225	307	260	229									
LAW ENFORCEMENT	537	660	774	930	1,156	953	1,016	1,109	538	678	586	1,241	1,450	1,623	1,193	1,306
Sergeant	101	146	196	185	251	183	203	215	111	133	128	275	410	354	382	446
Deputy S/Duty-M	95	102	86	99	162	119	238	144	37	61	50	129	244	472	100	
Deputy S/Duty	121	131	162	185	263	229	234	227	134	184	177	313	330	361	342	392
Deputy-M	65	79	112	217	154	180	101	189	55	140	53	28	21	88	17	
Deputy	108	145	170	178	230	191	196	223	142	159	177	327	344	302	317	394
Deputy Tr	46	56	50	66	97	50	44	111	59			170	101	45	35	73
CUSTODY AVERAGE ANNUAL OVERTIME HOURS PER PERSON	81	143	126	201	287	244	188	205	244	369	331	368	434	393	365	564
LAW ENFORCEMENT AVERAGE ANNUAL OVERTIME HOURS PER PERSON	107	136	163	178	237	194	200	220	133	162	167	309	342	324	328	384
Source: Sheriff's Office																

Mandatory Overtime Requirements

Custody deputies assigned to daytime shifts are required to sign up for 11 overtime shifts each four-month rotation period and those assigned to night shifts are required to sign up for nine. Deputies rotate every four months, meaning, on average, they must each sign up for about 30 overtime shifts each year. The shift duration depends on the specific assignment; for example, Jail Operations shifts are 12 hours, Transportation Unit shifts are 10 hours, and Administration shifts are 8 hours. Some custody deputies volunteer to work additional shifts above the 30 per year required, and other deputies may work less than 30 overtime shifts because others volunteer to work mandatory overtime shifts for them.

The overtime statistics in Figure 2 indicate that the average overtime hours for custody has exceeded 30 shifts per year in recent years. Thirty 12-hour shifts total 360 hours per year; 30 10-hour shifts total 300 overtime hours per year. The average number of overtime hours worked, however, has exceeded 300 in the past seven years, and has exceeded 360 hours in the past six years. The 2016-2017 average overtime hours for custody of 564 hours equates to 47 12-hour shifts or 56 10-hour shifts. The Sheriff's Office did not provide overtime hours worked by different Custody Operations missions (Jail Operations, Transportation Unit, Classification and Administration) in response to the Jury's requests.

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Figure 2 also indicates that in 12 of the past 16 years, and all of the past 8 years, custody deputies have worked significantly more overtime hours on average than law enforcement deputies. In the past 8 years, the rates of higher overtime for custody range from a low of 11 percent to a high of 127 percent, and average 53 percent more than law enforcement. In 2016-17, custody deputies worked, on average, 47 percent more overtime hours than law enforcement deputies.

In years past, the Sheriff's Office has temporarily assigned law enforcement deputies to work in the Main Jail to overcome critical staffing shortages. However, due to staffing challenges within the law enforcement patrol bureaus, this is not considered a viable option for dealing with the current jail staffing issues. The Sheriff's Office believes it would be difficult to cross-train law enforcement deputies to enlarge the available overtime resource pool for custody because of the specialized training and expertise required for both custody and law enforcement deputies, although some law enforcement deputies who are certified in Standards and Training for Corrections do volunteer for some custody overtime.

Impact of Policy on Staff

The Jury was unable to assess the attitudes of custody deputies toward the mandatory overtime policy or its impact on their health and morale. Anecdotal information obtained through conversations with custody deputies and Sheriff's Office information suggest that some oppose the policy and believe it creates hardships on their health and/or family relationships, while others appreciate the extra income earned.

The Sheriff's Office has not conducted surveys of the workforce on the policy but acknowledged that it was "well aware that mandatory overtime is a significant cause of dissatisfaction for many of our staff." Over the years, personnel, both directly and through the Deputy Sheriffs' Association, have repeatedly told Sheriff's Office management that they are unhappy with mandatory overtime policies. The Office also has not studied the impacts of the policy on the health and proficiency of the affected staff. The Office stated, however, "...our staff are well aware of numerous studies and professional articles that address and discuss the negative impacts of personnel working long hours."

In response to complaints, the Office stated that management teams have worked to mitigate the negative impacts of the policy and have modified the mandatory overtime programs over the years, such as by adjusting projected mandatory overtime needs prior to each four-month staff rotation. Other than allowing deputies who want the overtime to work overtime shifts for others, however, the Jury received no evidence that the Sheriff's Office has looked at other possible means of reducing the overtime burden, such as using contract staff or retired deputies (commonly known as "Extra Help") to work in non-line positions, thus freeing up assigned deputies, or devising a system for law enforcement deputies to be trained and required to periodically support custody overtime requirements.

The Jury was unable to determine the impact that the opening of the Northern Branch Jail will have on overtime requirements or the mandatory overtime policy for Custody Operations. Given the current vacancies, however, the new jail may exacerbate the problem.

MANDATORY OVERTIME IN THE SHERIFF'S OFFICE**Overtime Costs**

Annual overtime costs for Custody Operations and Law Enforcement Operations since FY 2001-02 were provided by the Sheriff's Office and are shown in Figure 3. The figure includes the approved (adjusted) overtime budget and actual expenditures for each year. Since 2000, the Sheriff's Office has requested additional funds for overtime above the level approved in the County budget 10 times, not including disaster-related events.

Custody Operations exceeded its approved overtime budget for each of the past 16 years. It exceeded its budget by over 100 percent in 9 of the past 16 years, and by over 200 percent in 5 of the past 16 years. In 2016-17, for example, actual overtime costs for custody were 222 percent over what was budgeted. Custody overtime ranged from 31 percent to 48 percent of the total Sheriff's Office overtime costs between 2001-02 and 2008-09. From 2009-10 to 2014-15, however, custody exceeded 50 percent of the total Office overtime. In the past two years, it has had slightly under 50 percent of the total overtime costs.

The Sheriff's Office formulates its overtime budget based upon the prior fiscal year funding and expenditures. The Office stated that the overtime budget essentially remains the same each year, regardless of actual need, because of overarching budgetary constraints. As is the case with funding staff positions, increasing the overtime budget would require offsetting cuts elsewhere in the Office budget. The Office acknowledged that the savings in salaries from vacant positions can help to offset overtime costs.

Comparative Costs of Mandatory Overtime and Hiring Additional Staff

From a strictly cost perspective, using overtime to cover staffing requirements may be cheaper, on average, in the short term than hiring additional deputies, as new hires carry pension and other benefit obligations that add to future year as well as current year costs. However, since benefits, including leave, for new employees accrue over time, paying overtime to a more senior deputy may be costlier than using a newer, junior deputy to cover the position. The Sheriff's Office acknowledged that as more personnel are hired under the California Public Employees' Pension Reform Act (known by the acronym PEPRA), which reduced pension benefits for employees hired on or after January 1, 2013, comparative costs are slowly moving toward the point where the cost of a fully loaded full time equivalent and the cost to utilize overtime to cover the same number of productive hours will be similar. This trend suggests that filling vacancies would accelerate the pace of equalizing costs.

Using the figure of 1578 productive hours from a full-time custody deputy and an average overtime rate of \$50 per hour, the overtime cost is \$78,900 per year, whereas the fully loaded cost of a custody deputy is approximately \$125,000. (For law enforcement deputies, using the average rate of \$65 per hour, the overtime cost is \$102,570 compared to approximately \$155,000 for a fully loaded deputy sheriff position). As the cost of a FTE continues to drop due to higher ratios of PEPRA employees, and if productive hours increase, the difference between overtime and FTE costs will decline. Based on the absence of Sheriff's Office study on the effects of mandatory overtime on staff, it is unknown whether reduced overtime requirements will contribute to higher productive hours.

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Figure 3: Custody and Countywide Law Overtime Budgets and Actual Costs FY 2001-17

Fiscal Year	CUSTODY			COUNTYWIDE LAW*		
	Total Custody (\$)	% of Total for Year	% Over (+) or Under (-) Budget	Total Countywide Law (\$)	% of Total for Year	% Over (+) or Under (-) Budget
2001						
Adjusted	328,874.00	23.14%		1,033,872.00	72.73%	
Actual	394,398.55	30.27%	19.92%	920,222.21	70.62%	-10.99%
2002						
Adjusted	443,220.00	29.96%		993,888.00	67.17%	
Actual	493,013.48	33.59%	11.23%	994,825.18	67.77%	0.09%
2003						
Adjusted	227,714.00	19.99%		848,785.00	74.52%	
Actual	836,437.16	40.14%	267.32%	1,276,536.97	61.25%	50.40%
2004						
Adjusted	526,205.00	24.86%		1,486,694.00	70.23%	
Actual	802,790.89	31.79%	52.56%	1,777,281.32	70.39%	19.55%
2005						
Adjusted	401,600.00	23.30%		1,231,291.00	71.45%	
Actual	1,161,570.57	37.79%	189.24%	1,957,076.48	63.67%	58.95%
2006						
Adjusted	587,980.00	31.03%		1,158,926.46	61.15%	
Actual	2,064,618.31	48.12%	251.14%	2,350,791.14	54.79%	102.84%
2007						
Adjusted	948,563.00	40.2%		1,086,557.00	45.84%	
Actual	1,825,445.87	46.44%	92.44%	2,228,350.08	56.69%	105.08%
2008						
Adjusted	916,218.00	24.67%		2,548,493.00	68.63%	
Actual	1,462,065.79	35.16%	59.58%	2,687,024.54	64.63%	5.44%
2009						
Adjusted	933,620.00	25.55%		2,495,318.00	68.30%	
Actual	1,488,928.05	33.43%	59.48%	2,867,104.78	64.37%	14.90%
2010						
Adjusted	879,325.00	30.19%		1,812,374.00	62.23%	
Actual	1,817,488.04	51.68%	106.69%	1,681,864.19	47.82%	-7.20%
2011						
Adjusted	897,085.00	28.84%		1,817,824.00	58.43%	
Actual	3,022,652.77	66.42%	236.94%	1,565,060.21	34.39%	-13.90%
2012						
Adjusted	1,333,345.00	38.17%		2,003,117.00	57.35%	
Actual	2,976,324.99	68.84%	123.22%	1,565,980.53	36.22%	-21.82%
2013						
Adjusted	896,932.00	39.73%		1,220,126.00	54.04%	
Actual	3,273,978.76	52.49%	265.02%	3,141,743.05	50.37%	157.49%
2014						
Adjusted	1,995,381.00	59.87%		1,218,959.00	36.58%	
Actual	4,111,358.87	56.08%	106.04%	3,472,859.06	47.37%	184.90%
2015						
Adjusted	2,711,145.00	60.40%		1,672,412.00	37.26%	
Actual	3,690,184.92	51.80%	36.11%	3,526,225.85	49.50%	110.85%
2016						
Adjusted	2,011,767.00	44.43%		2,210,531.00	48.82%	
Actual	3,165,730.22	45.90%	57.36%	3,538,193.47	51.30%	60.06%
2017						
Adjusted	1,579,523.00	36.50%		2,432,927.00	56.23%	
Actual	5,083,638.16	47.80%	221.85%	4,891,376.09	46.00%	101.05%

*Countywide law—category provided by Sheriff's Office; includes more than patrol

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Out of a total budget of approximately \$136 million, the Sheriff's Office budgets \$7,200 for recruiting, much of which is used to administer tests. The Sheriff's Office has not conducted market surveys to determine the competitiveness of its wages and benefits. It reports that market surveys are generally conducted by County of Santa Barbara Human Resources or the Deputy Sheriffs' Association as part of the salary and benefits negotiations process. The Office was unaware of any market surveys conducted by County Human Resources and has not requested that any be conducted.

The Sheriff's Office has the ability to shift resources internally to increase the recruiting budget. It reports that the recruiting budget has remained low due to competing priorities in the Office; any increase in the recruiting budget would require offsets elsewhere in the budget. The Office indicated it planned to make a budget expansion request for enhanced recruitment funding as part of its FY18-19 budget request, noting that this will take place in a budget process in which the Office is being directed to significantly cut funding.

Recruiting is handled internally by the Sheriff's Office. The 13-member Human Resources Branch is led by a lieutenant, who oversees a sergeant, three deputy sheriff's background investigators, three custody deputy background investigators, a polygrapher, an administrative professional, and a recruiter assigned from County Human Resources to be embedded in the branch. The recruiter vets all applications to see if applicants meet basic hiring standards.

Recruiting efforts consist of advertising in local media and on corrections and policing job-posting websites and attending job fairs at colleges and military bases. Recruiting efforts are the same for custody and law enforcement deputies.

There are a number of recruiting challenges, some of which affect law enforcement agencies elsewhere in the State and across the country. A negative perception of law enforcement and a lack of interest in policing by workforce entrants have led to lower application rates. Benefits are not always competitive. At the same time, demands on law enforcement officers are increasing.

The 5-phase hiring process, much of which is governed by California law, is lengthy; applicants may be disqualified at any point in the process. For every 100 custody applicants, the Office is able to hire only two to three people. In 2016, for example, there were 906 custody applicants with 29 hired, and 1711 law enforcement applicants with 33 hired.

The Sheriff's Office offers one incentive to prospective applicants—co-sponsorship in a law enforcement academy. If the Office identifies a viable candidate that is putting themselves through a law enforcement academy, it will offer them a co-sponsorship which reimburses their academy tuition and fees. Discussions have taken place in the Office about offering monetary incentives to candidates and rewards to current Office personnel who recruit a successful candidate, but the Office has not implemented such incentives due to several concerns. The Office views monetary incentives as a “slippery slope,” assessing that those individuals drawn to such incentives are most likely to repeatedly shop around for better offers once they receive the initial monetary incentive. It also believes there are legal questions over whether an employer can require an employee to stay for a lengthy period of time, or to reimburse the Office for the incentive if they leave. In the

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absence of a market survey, the Office does not know whether or how other nearby law enforcement entities employ incentive programs or how such programs may affect recruiting.

Metrics for assessing the success or failure of recruiting efforts are limited. The only means used to monitor the effectiveness of recruiting is to compare the number of employees hired with the vacancy rates. The Sheriff's Human Resources Bureau is working to develop procedures that will allow for a more detailed analysis of the recruiting process.

CONCLUSIONS

The Jury understands that overtime for law enforcement personnel is an expected and accepted part of the job. Crises, disasters, unexpected personnel absences, and the nature of the mission mean law enforcement personnel must be ready to continue working when the situation requires. However, substantial, sustained overtime requirements, including a mandatory overtime policy for custody deputies for most of the past 15 years, raise important questions about the Sheriff's Office priorities, commitment to personnel, and management of resources. The Jury also understands the Sheriff's Office mission is broad and complex, and tough budgetary tradeoffs are a constant. In view of the fact that the Sheriff has the authority to allocate his budget according to Office priorities, however, the Jury concludes that the mandatory overtime policy for custody deputies has become an integral component of the Office's budget and personnel management.

The Jury found no evidence that the Sheriff's Office has made it a priority to find ways to avert mandatory overtime. Recruiting, in budgetary terms, is a low priority. For over a decade, substantial overtime budgets and contingency overtime budget requests have been regularly approved by the Board of Supervisors, a budgetary trend that appears to provide few incentives to address this chronic problem.

The human toll of years of significant overtime, for both custody and law enforcement deputies, is unknown. The Sheriff's Office has not attempted to determine the impacts on health, morale, or performance.

The Jury is concerned that the 2019 opening of the Northern Branch Jail, in the absence of immediate and sustained action to fill current vacancies, will seriously exacerbate this longstanding problem.

FINDINGS AND RECOMMENDATIONS

Finding 1

The impact of mandatory overtime on custody deputies is unknown.

MANDATORY OVERTIME IN THE SHERIFF'S OFFICE**Recommendation 1**

That the Sheriff's Office conduct a survey of custody and law enforcement deputies to gauge sentiment on mandatory and voluntary overtime policies and assess the impact on morale, performance, health, retention, and productive hours.

Finding 2

Recruiting is a low priority for the Sheriff's Office.

Recommendation 2a

That the Sheriff's Office consult a professional recruiting firm to review current recruiting practices and provide recommendations, including on incentive programs.

Recommendation 2b

That the Board of Supervisors direct staff to have a market survey conducted to determine how recruiting and personnel policies, including incentives, in the Sheriff's Office compare to local police forces in Santa Barbara County and Sheriff's Departments in other counties.

Finding 3

The Sheriff's Office has not considered all possible measures that could help reduce the mandatory overtime requirements in the short term.

Recommendation 3a

That the Sheriff's Office review budget allocations with County auditors and accountants to identify potential cost savings that could be shifted to recruiting and personnel.

Recommendation 3b

That the Sheriff's Office review the assignment of custody deputies to non-line positions to assess whether any of these non-line duties can be performed by civilian employees, contractors, or retired former deputies.

Recommendation 3c

That the Sheriff's Office conduct an assessment of alternative business models, such as cross-training law enforcement deputies to work rotations in custody positions, to enlarge the available pool of custody personnel.

Recommendation 3d

That the Board of Supervisors direct staff to conduct a comprehensive staffing study of the Sheriff's Office to provide a clear understanding of staffing requirements, shortfalls, and costs, including:

- the allocation of positions to law enforcement and custody
- how the average of 1578 productive hours compares to other law enforcement entities
- the number of additional custody deputies required to eliminate the standing mandatory overtime policy
- the projected costs of funding additional positions

MANDATORY OVERTIME IN THE SHERIFF'S OFFICE**Finding 4**

The Jail Operations Division's Transportation Unit is particularly understaffed, creating acute mandatory overtime requirements.

Recommendation 4a

That the Board of Supervisors direct a near-term assessment of the timeline and costs to the County of implementing video arraignments at the Main Jail and the Northern Branch Jail once open and the impact on custody deputy staffing requirements.

Recommendation 4b

That based on the results of this assessment, the Board of Supervisors seek agreement from the Court to implement video arraignments as soon as possible.

Finding 5

The impact of the 2019 scheduled opening of the Northern Branch Jail on existing overtime requirements is unknown.

Recommendation 5

That the Sheriff's Office produce a study on the projected impact of the opening of the Northern Branch Jail on overtime requirements for custody deputies, assuming two scenarios: 1) all funded positions are filled, and 2) recent vacancy rates remain unchanged.

REQUEST FOR RESPONSE

Pursuant to *California Penal Code §933 and §933.05*, the Grand Jury requests each entity or individual named below to respond to the enumerated Findings and Recommendations within the specified statutory time limit:

Responses to Findings shall be either:

- Agree
- Disagree Wholly, with an explanation
- Disagree Partially, with an explanation

Responses to Recommendations shall be one of the following:

- Has been implemented, with a brief summary of the implemented actions
- Will be implemented, with an implementation schedule
- Requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a completion date that is not more than 6 months after the issuance of this report
- Will not be implemented because it is not warranted or is not reasonable, with an explanation

Santa Barbara County Sheriff - 60 Days

Findings 1, 2, 3, 4, 5

MANDATORY OVERTIME IN THE SHERIFF'S OFFICE

Recommendations 1, 2a, 3a, 3b, 3c, 5

Santa Barbara County Board of Supervisors - 90 Days

Findings 2, 3, 4

Recommendations 2b, 3d, 4a, 4b