

**CRIMINAL
JUSTICE**

Criminal Justice Committee

Abuse of Sick Leave by Sheriff's Department

Citizen Complaint #00/01-C-021 A

Reason for the Report

A citizen complaint asserted that the Sheriff approved the misuse of sick leave for an employee. The complaint alleged that the Sheriff allowed the then Undersheriff to utilize sick leave for the purpose of taking an extended paid leave prior to his retirement.

Scope of Investigation

The Criminal Justice Committee:

- Interviewed the then Undersheriff;
- Interviewed the Sheriff;
- Interviewed the Sheriff's Director of Administration and Finance;
- Interviewed the El Dorado County Director of the Department Human Resources;
- Reviewed County sick leave policies; and
- Reviewed payroll documents.

Findings

- F1. The then Undersheriff did not attend work from January 28, 2000, until his retirement on May 5, 2000.
- F2. Section 1006 of the El Dorado County Salary & Benefits Resolution for Unrepresented Employees states, "sick leave taken in excess of eighty hours may be supported by a Doctor's excuse".
- F3. Payroll records indicate that the then Undersheriff was paid for two hundred (200) hours of sick leave from January 28, 2000 to May 5, 2000.
- F4. The action described in Finding 3 resulted in the "use" of accumulated sick leave for which the then Undersheriff would not have been entitled to receive payment at the time of his retirement.
- F5. The then Undersheriff was not sick during this period.
- F6. The affected employee was entitled to receive payment for 504 hours of sick leave upon retirement under Section 1009 (A) The El Dorado County Salary & Benefits Resolution for Unrepresented Employees.

F7. The affected employee received payment for 504 hours of sick leave upon his retirement.

Recommendations

R1. Sick leave regulations should be rewritten with adequate specificity to give notice to employees of their rights and to give notice to the department of the specific regulations which are its responsibility to enforce.

R2. The Sheriff should enforce the sick leave regulations uniformly.

Responses Required for Findings

F1 through F7 El Dorado County Board of Supervisors
 El Dorado County Sheriff

Responses Required for Recommendations

R1 and R2 El Dorado County Board of Supervisors

Criminal Justice Committee

Acting and Overfill Positions

Citizen Complaint #00/01-C-021 B

Reason for the Report

Citizen complaints were received regarding temporary assignment and compensation of management personnel in the El Dorado County ("County") Sheriff's Department. Accordingly, the Criminal Justice Committee conducted a review of personnel procedures and practices regarding "Acting and Overfill" positions applicable to all County Departments.

Scope of the Investigation

The 2000/2001 Criminal Justice Committee interviewed:

- The El Dorado County Sheriff ("Sheriff");
- The El Dorado County Undersheriff ("Undersheriff");
- The Director of Administrative Services of the Sheriff's Department ("Department");
- The Director of the County Department of Human Resources ("HRD");
- The County Chief Administrative Officer ("CAO").

The Committee also reviewed:

- The Salary & Benefits Resolution for Unrepresented Employees ("Resolution");
- County Ordinance 227-84;
- Various payroll documents;
- Various Department personnel files;
- The Department's organizational charts; and
- Various County Employee Duty Statements.

Findings

- F1. Acting pay assignments (acting positions) are defined by the Resolution, Section 1408 as follows: "When a full-time or part-time Management or Confidential employee is assigned to work in a higher classification for which the compensation is greater than that to which the employee is regularly assigned..." and "the employee is assigned to...an authorized position [which] has become vacant due to the ...absence of the position's incumbent."

- F2. An overfill position is a position that:
- a. is to be vacated through retirement or other separation ;
 - b. is occupied by a person on disability leave ; or
 - c. is occupied by a person on an extended leave of absence.

Resolution Section 503 (c) states in part: "In such cases the position may be filled by another employee as an overfill...for the period of time prior to the date of separation, ...or for the period of the leave of absence..."

- F3. For an employee to be assigned to an acting pay position, Resolution Section 1408 (1) states in part: "A copy of the department head's *written* approval of this assignment must be submitted to the Director of Human Resources *at the start* of the assignment." (Emphasis added)
- F4. Resolution Section 1408(5) states: "Higher pay assignments shall not exceed six (6) months except through reauthorization."
- F5. During the effective period of the Resolution, the Sheriff placed seven (7) management employees in acting and/or overfill positions.
- F6. Several of those employees remained in acting or overfill positions for periods of time exceeding six months.
- F7. The Department submitted no reauthorizations to Human Resources Department for the employees working in these positions.
- F8. County custom and practice, with the knowledge and concurrence of Human Resources Department, is to accept the transmittal of a Personnel Payroll Form ("PPF") as notice of authorization by a department head of the assignment of an employee to an acting position. A PPF is a form that notifies HRD of a change of employee status. For payroll purposes that change is noted on the form by entry of an alphanumeric code.
- F9. The use of Personnel Payroll Forms is inadequate to assure compliance with the County's acting and/or overfill policies and procedures for the following reasons:
- a. Personnel Payroll Forms are completed and forwarded by a staff employee within the Department and fail to establish a record that the department head either knows of, or has authorized, the reassignment.
 - b. Personnel Payroll Forms are not necessarily submitted to Human Resources Department prior to the employee's commencement of work in the higher class position; instead, they must only be submitted to HRD in time to authorize compensation for the pay period worked in the higher classification.

- c. The reassigned status created by the Personnel Payroll Forms is permanent and open-ended, allowing a department head, at the end of the six-month period, to ignore the County's requirement for reauthorization of the affected employee's compensation for working in the higher class.
 - d. Use of Personnel Payroll Forms is inappropriate for reauthorization of acting positions, as PPFs are designed to document a *change in employee status*, while the required reauthorization would in fact *retain the existing status* of the effected employee.
 - e. Use of Personnel Payroll Forms fails to provide the County protection against a department's inadvertent or intentional failure to notify Human Resources Department either that the employee is no longer performing work at the higher class or that the authorization for the particular position no longer exists. In effect, an employee, once elevated in pay, could continue to be paid at a higher compensation rate indefinitely, whether or not (i) the employee either continued to work in the higher classification or (ii) the assignment to which the employee had been temporarily elevated had subsequently been filled by another employee. (See F15.)
- F10. Resolution Section 501. **Authorized Personnel** states in part: "Except as otherwise provided by law, the Board of Supervisors shall, by resolution, specify the number and classification of all positions authorized for each department of the County. ...All additions, deletions or modifications to the Authorized Personnel Allocation Resolution shall be made by amending Resolution. No person shall receive any compensation for services as a County employee whose employment is not authorized by the Authorized Personnel Allocation Resolution,..." The Grand Jury believes "all positions" means *all* positions.
- F11. In February 2000, the Sheriff assigned an employee to the position of Undersheriff in an acting capacity because of the extended leave status of the then regular Undersheriff.
- F12. In May 2000, the regular Undersheriff retired. This action left the Department with one Undersheriff performing in an acting capacity.
- F13. In August 2000 the then acting Undersheriff had been in an overpay position for six (6) months. No reauthorization was written and forwarded to Human Resources Department by the Department.
- F14. On October 1, 2000, the Sheriff appointed a second employee to the permanently authorized position of Undersheriff.
- F15. Upon the appointment of the regular Undersheriff in October 2000, the legal authorization for the acting Undersheriff's position ceased to exist.

- F16. The employee assigned the position of acting Undersheriff continued to be compensated at the rate of Undersheriff until March 2001, subsequent to the initiation of this investigation. One of the effects of this compensation was to increase retirement benefits for the employee.
- F17. The retention of an acting Undersheriff after the appointment of a regular Undersheriff constitutes the employment of two (2) persons in the capacity of Undersheriff.
- The addition of a second Undersheriff's position to the Department would have required the Board of Supervisors to amend the Authorized Personnel Allocation Resolution. (Section 501)
 - The authorization of a second Undersheriff as an overfill would have required the approval of the Chief Administrative Officer and the Director of Human Resources Department. [Section 503(c)]
 - The authorization of a second Undersheriff as an "exceptional circumstance" would have required the approval of the Chief Administrative Officer. [Section 1408 (2)]
- F18. There is a conflict between the provisions of the Resolution as stated in Section 501 and the language of Sections 503(c) and 1408 (2).
- F19. Even if there were no such conflict, there was no authorization by the Chief Administrative Officer, or by the Director of Human Resources Department, for the continued employment and/or compensation of two Undersheriffs. There was no action by the Board of Supervisors to create a second position of Undersheriff.
- F20. There is no legal basis for the continued compensation of employees for work, in a higher classification, which those employees no longer perform. That situation would cause the County to expend funds for work it did not receive, and thus would constitute a misuse of public funds
- F21. There is no mechanism in the County's Personnel and Payroll system to automatically detect and alert County staff to several conditions:
- a. employees remaining in acting positions for periods in excess of six (6) months without reauthorization;
 - b. employees being paid for working in a higher classification after having ceased to work in that capacity; and
 - c. a greater number of employees being compensated for working in a classification than a department has authorization to employ.

Recommendations

- R1. All County Department Heads, including but not limited to the Sheriff, should follow the policies and procedures for the assignment of personnel as required by County Ordinances, Resolutions and Memorandums of Agreements.
- R2. The Board of Supervisors should revise the County's policies and procedures to require that all requests for, and/or authorizations of, the assignment of personnel to acting or overfill positions be made in writing over the signature of the appropriate official.
- R3. The County personnel and payroll systems should be upgraded to include a default mechanism to flag situations such as those noted in F21 (a) and F21 (c) above.
- R4. The provision of "exceptional circumstance" authorized in Resolution Section 1408 (2) is unnecessary and should be eliminated because of existing Board of Supervisors authority to address exceptional circumstances.

Responses Required for Findings

- F1 through F21 El Dorado County Board of Supervisors
Director of the Department of Human Resources
- F5 through F7,
F11 through F17 & F19 El Dorado County Sheriff

Responses Required for Recommendations

- R1 through R4 El Dorado County Board of Supervisors
Director of the Department of Human Resources
- R1 El Dorado County Sheriff

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Criminal Justice Committee

Allegation of Cover-up of Criminal Conduct

Citizen Complaint #00/01-C-0026

Reason for the Report

In January 2001, the Grand Jury received a complaint alleging the cover-up of criminal conduct perpetrated by an immediate family member of a ranking officer of the El Dorado County Sheriff's Department. The cover-up alleged to have been committed by the Sheriff's Department and/or the Office of the District Attorney ("DA").

Scope of the Investigation

Members of the Criminal Justice Committee of the 2000/2001 Grand Jury:

- Interviewed the President of the victimized organization;
- Reviewed Sheriff's Department Records;
- Reviewed the DA's case file;
- Reviewed the Court Docket file;
- Interviewed the District Attorney, Gary Lacy;
- Interviewed the Chief Assistant District Attorney, Sean O'Brien;
- Interviewed Judges and other employees of the El Dorado County Consolidated Court ("Court");
- Interviewed the Attorney who represented the victimized organization;
- Requested an independent review and opinion of legal issues in this case;
- Reviewed the appropriate sections of the California District Attorneys Association's (CDAA) published guidelines regarding Uniform Crime Charging Standards;
- Requested and reviewed statistical data from the DA; and
- Interviewed the El Dorado County Sheriff.

Findings

- F1. The DA received the case on July 26, 2000.
- F2. The Attorney representing the victimized organization brought the case directly to the DA.
- F3. The case was assigned for investigation to a member of the DA's Investigator's staff.
- F4. There is no evidence of this case having been reported to the El Dorado County Sheriff's Department.

- F5. The standard policy and practice of the current DA is to vigorously prosecute violations of law in El Dorado County.
- F6. The practice of vigorous prosecution of criminal misconduct generally is in the best interests of the citizens of El Dorado County.
- F7. In September 2000, the DA, via telephone, discussed the case with a Supervising Attorney within the Office of the State's Attorney General ("AG"). This procedure resulted in no written record of the content of that discussion at or about the time of occurrence.
- F8. Subsequently, on March 30, 2001, at the request of the DA, the above Supervising Attorney wrote a letter to the DA memorializing the above discussion. The letter reads in part: "...that we believed the relationship between the potential defendant and your office was sufficiently attenuated that we would not be required to assume the responsibility of prosecuting the case. I also explained that the law does not require the Attorney General to step into cases based on 'the appearance of impropriety' but that we would take over the prosecution if you did not feel that your office could treat the defendant fairly."
- F9. Because of an existing personal relationship between the DA and the aforementioned ranking member of the Sheriff's Department, the Chief Assistant District Attorney, was assigned the case for prosecution. The DA did not attend, nor did he personally participate in, any hearing before a judicial officer during proceedings involving this case.
- F10. The DA's Office generally uses the guidelines contained within the CDAA publication Uniform Crime Charging Standards as a guide for charging criminal cases, with the exception of narcotics cases. The DA upon election to Office promulgated his own particular guidelines concerning the handling of cases involving narcotics and controlled substances. With the exception noted, the DA has no additional written guidelines for the charging of criminal cases.
- F11. It is the position of the DA's Office that, all other things being equal, acts of embezzlement, are more grievous than other acts of theft.
- F12. Uniform Crime Charging Standards section III-6 (b) "Severity of the crime" reads in part: "A misdemeanor prosecution should not normally be considered if: ... (5) The accused has committed a crime against the property of another of a value in excess of \$2,000. If the value of the property is less than (sic)\$1,000, a misdemeanor prosecution is preferable unless clearly barred by other provisions of these Standards, ...If the value of the property falls between \$1,000 and \$2,000, factors other than the amount of the loss or threatened loss should be determinative;"

- F13. Uniform Crime Charging Standards III-7 Commentary states in part, "The dollar limitations set forth in Standard D.1.(b) (5), supra, apply only when the accused's prior record and modus operandi are such that a misdemeanor sentence is otherwise warranted. It is not suggested that the current \$400 dividing line between grand and petty theft be charged. For example, if an accused stole \$400 worth of merchandise and he had a prior felony conviction that was four years old, the case should be filed as a felony. If he stole \$2,000 worth of merchandise, but had no prior criminal record, the case should still be filed as a felony. If an accused stole \$1,500 worth of merchandise and he had no prior criminal record, the prosecutor, in determining whether a misdemeanor sentence is warranted, should consider factors like the manner of theft, the likelihood that the accused has been involved in similar thefts, the cooperation of the accused"
- F14. In September 2000, the DA's Office filed a complaint in the Superior Court of California, County of El Dorado, charging the defendant with Grand Theft, the taking of money "of a value exceeding Four Hundred Dollars (\$400), in violation of Section 487(a) of the California Penal Code," as a misdemeanor.
- F15. A law which is statutorily defined as a felony, but which may become a misdemeanor under specific conditions, is known as a "wobbler". Grand Theft is a wobbler and may become a misdemeanor under several circumstances including, but not limited to the following:
- Where the crime is charged on its face as a misdemeanor;
 - Where a court orders the crime, originally charged as a felony, reduced to a misdemeanor; and
 - Where the sentence imposed as a result of conviction is that of a misdemeanor.
- F16. The factual basis for this case is seven (7) checks, written by the defendant on the victim's bank account for the defendant's own purposes over a time period of twenty five (25) months, in a total amount exceeding \$2300.00.
- F17. It is the practice of DA's Offices statewide to charge cases of embezzlement as Grand Theft.
- F18. There were fewer than six (6) cases of embezzlement in El Dorado County in calendar year 2000.
- F19. The DA's Office charged sixty-one (61) cases of California Penal Code Section 487 (a), Grand Theft, within the calendar year 2000.
- F20. Six of the sixty-one grand theft cases were charged as misdemeanors. Three had property value losses of \$500 or less, one a loss of \$1166, and the fifth a loss of \$1351. The sixth case, with a loss in excess of \$2300, is the subject of this report.

- F21. Two somewhat similar cases of grand theft charged by the DA's Office have the following details:
- The defendant wrote checks on the victim's account in the amount of \$3500.
 - The case was charged as a felony and the DA's Office accepted a felony plea;
 - The defendant embezzled \$2062 from the victim (employer), charged as a felony and the DA's Office accepted a felony plea.
- F22. At the time of the filing of the complaint, the DA's Office sent a *10 day letter* to the defendant directing the defendant to submit to "a standard law enforcement identification booking" procedure.
- F23. A *10-day letter* is issued for the purpose of notifying a defendant to surrender, at the defendant's convenience, for booking prior to a specified date. It is used in those cases, which meet the following criteria:
- The defendant has not previously been arrested and booked for an act which is the basis for the complaint charged;
 - A warrant has not already been issued for the defendant for charges resulting from the complaint;
 - Where the DA believes the defendant will voluntarily comply with the directed booking.
- F24. The use of a *10 day letter* does not provide the Court, or any Law Enforcement Agency within El Dorado County, with a notice that will trigger a default warning in the event the defendant does not comply with the written direction for booking.
- F25. At a pre-arraignment conference on some date prior to the defendant's scheduled arraignment, the defendant's attorney made a request of the court for a postponement of the required booking.
- F26. The Chief Assistant District Attorney was present at this conference.
- F27. There is conflicting evidence regarding the position of the DA's representative on the issue of postponement of booking.
- F28. There is no reported record of this conference and therefor the position of the DA's representative on this request is not documented.
- F29. At the original date set for the defendant's arraignment, the court record reflects:
- A representative of the DA's Office was not present;
 - The defendant's attorney and the victim's attorney were in attendance;
 - A representation by the defendant's attorney was made to the Court, "We're very close to a civil compromise in this."; and

- The Court granted the defendant's attorney's request for a continuance of an arraignment hearing to facilitate the arrangement of a civil compromise agreement or be assigned to a trial court.
- F30. In October 2000, the case was heard by a visiting judge, and at that time it was settled by civil compromise pursuant to California Penal Code Sections 1377 and 1378.
- F31. California Penal Code Section 1377 provides: "When the person injured by an act constituting a misdemeanor has a remedy by a civil action, the offense may be compromised, as provided in Section 1378, *except* when it is committed as follows:
- a. By or upon an officer of justice, while in the execution of the duties of his or her office.
 - b. Riotously.
 - c. With an intent to commit a felony.
 - d. In violation of any court order as described in Section 273.6 or 273.65.
 - e. By or upon any family or household member, or upon any person when the violation involves any person described in Section 6211 of the Family Code or subdivision (b) of section 13700 of this code.
 - f. Upon an elder, in violation of Section 368 of this code or Section 15656 of the Welfare and Institutions Code.
 - g. Upon a child, as described in Section 647.6 or 11165.6." (Emphasis added)
- F32. California Penal Code Section 1378 provides: "If the person injured appears before the court in which the action is pending at any time before trial, and acknowledges that he has received satisfaction for the injury, the court may, in its discretion, on payment of the costs incurred, order all proceedings to be stayed upon the prosecution, and the defendant to be discharged therefrom; but in such case the reasons for the order must be set forth therein, and entered on the minutes. The order is a bar to another prosecution for the same offense."
- F33. California Penal Code Section 1379 states: "No public offense can be compromised, nor can any proceeding or prosecution for the punishment thereof upon a compromise be stayed, except as provided in this Chapter."
- F34. The Chief Assistant District Attorney was present at the hearing at which this case was civilly compromised.
- F35. There was no court reporter present at the hearing at which the case was settled and the civil compromise approved. Accordingly, there is no transcript of the DA's position regarding this case disposition.
- F36. The DA's standard policy on civil compromise, where civil compromises are legally permissible, is one of the following:
- No position on the proposal; or
 - Opposition to the proposal.

- F37. In practice the Court generally will not approve a civil compromise in the face of an objection by the DA.
- F38. The practical effect of the DA taking no position in opposition to a civil compromise is, in the opinion of the Grand Jury, a *de facto* approval of the proposed civil compromise.
- F39. Dispositions of criminal cases by civil compromise are unusual events in El Dorado County.
- F40. Two of the sixty-one aforementioned cases, were disposed by civil compromise. This case was one. The second, with a loss value of approximately \$500, was charged as a felony, later reduced to a misdemeanor, and subsequently civilly compromised on April 10, 2001.
- F41. During the course of the disposition hearing the defendant's booking status was not brought to the attention of the visiting magistrate.
- F42. The defendant in the case, which is the subject of this complaint, never submitted to the required booking as directed in the *10-day letter*.
- F43. The case having been disposed by civil compromise, the criminal justice system no longer has authority to compel the defendant to submit to a "standard law enforcement identification booking."
- F44. The Grand Jury found no evidence that El Dorado County Sheriff Hal Barker attempted to cover-up the defendant's criminal misconduct, nor did he at any time attempt to influence, or interfere with the investigation of this case.
- F45. The procedures followed by the District Attorney's Office during the investigation, filing, proceedings, and disposition of this case were not legally impermissible.

Recommendations

- R1. In cases of potential political controversy, where there may be even the appearance of a conflict of interest, the DA should take whatever steps are necessary to ensure there is a full written record of his actions and positions at each step throughout the handling of such cases.
- R2. The practice of issuing *10-day letters* should be amended or replaced with a process that ensures defendants can not avoid booking and thereby 'slip through the cracks'.

Responses Required for Findings

F4 and F44

El Dorado County Sheriff

Findings excepting the above

El Dorado County District Attorney

Responses Required for Recommendations

R1 and R2

El Dorado County District Attorney

Criminal Justice Committee

Undocumented Movement of an Inmate

Citizen Complaint #00/01-C-029

Reason for Report

A citizen complaint asserted that the El Dorado County Sheriff removed an inmate from a work site to perform work at the Sheriff's home.

Scope of Investigation

The Criminal Justice Committee:

- Interviewed the inmate involved;
- Interviewed the Sheriff; and
- Reviewed the pertinent policies and procedures of the Sheriff's Department.

Findings

- F1. The inmate was transported by the Sheriff to the Sheriff's home for the purpose of moving personal property.
- F2. The County was potentially exposed to liability due to this action.
- F3. El Dorado County Ordinance Code Section 1.20.010 states in part: "...it is provided that prisoners confined in the county jail under judgment of convictions of misdemeanors, and prisoners confined in the county jail under a final judgment may be required to work, under the direction of a responsible person appointed by the sheriff, upon the *public* grounds, roads, streets, alleys, highways, *public* buildings or in such other *public* places and on such other *public* works in the county as are deemed advisable, for the benefit of the county." (Emphasis added.)

Recommendations

- R1. The Sheriff should follow County Ordinances with regard to the performance of inmate labor.

Responses Required for Findings

F1 through F3 El Dorado County Board of Supervisors
 El Dorado County Sheriff

Responses Required for Recommendations

R1

El Dorado County Board of Supervisors
El Dorado County Sheriff

Criminal Justice Committee

Candidate Not Qualified to Sit for Lieutenant's Exam

Citizen Complaint #00/01-C-030

Reason for Report

A citizen complaint asserted that not all applicants met the qualifications for the El Dorado County Sheriff's Lieutenant's exam of 03/20/00. During the process of this inquiry, additional issues regarding county wide personnel procedures were exposed. This investigation has been expanded to address these issues.

Scope of Investigation

The Criminal Justice Committee:

- Interviewed the El Dorado County Sheriff;
- Interviewed the Undersheriff;
- Interviewed the Acting Undersheriff;
- Interviewed the Sheriff's Director of Administration and Finance;
- Interviewed three candidates for the Lieutenant's position;
- Interviewed the Director of the Human Resources Department (HRD);
- Reviewed personnel files of all candidates;
- Reviewed posted announcements of the 1999 and the 2000 Lieutenant's examinations; and
- Reviewed policy and procedures regarding promotional exams.

Findings

- F1. In 1995, the Board of Supervisors approved a request from the Director of Human Resources Department to divest its responsibility for personnel actions to be taken by four major departments within the County to those department heads. One of those departments was the Sheriff's Department.
- F2. The Director of HRD in a letter dated May 8, 1997, advised the Sheriff's Department to discontinue the past practice of allowing candidates who did not meet the minimum qualifications at the time of the final filing date for application for a position, to take promotional exams. The new policy effective May 8, 1997: "...mandates that applicants for Sheriff's Sergeant and Sheriff's Lieutenant meet the minimum qualifications by the final filing date in order to be eligible to participate in the examination process."
- F3. In direct violation of HRD's Policies and Procedures, one candidate taking the Lieutenant's Exam on March 3, 2000 did not meet the "time- in- grade" qualification.

- F4. The situation described in F3 was known to, and approved by, the Sheriff's Department and by an employee of the HRD. Nevertheless, the Director of HRD is responsible for the actions of her employees.
- F5. The minimum qualifications of applicants for promotion are not verified by the Sheriff's Department.
- F6. The minimum qualifications of applicants for any position within the County are not verified by HRD.
- F7. There are at least nine separate personnel files on any given employee within the Sheriff's Department. This situation significantly complicates the investigation and verification of personnel issues within the Sheriff's Department.
- F8. The candidate who did not meet the minimum qualifications for the Lieutenant's Examination at the time of the final filing date for that examination was promoted.
- F9. The promotion of personnel not meeting the minimum qualifications is a violation of policies and procedures, suggests favoritism, and has a negative impact on department morale.

Recommendations

- R1. The Sheriff's Department should adhere to existing policies and procedures for promotional testing.
- R2. The Sheriff's Department should institute a process for verification of minimum qualifications for all applicants for promotional exams.
- R3. HRD should institute a process for verification of minimum qualifications for all positions of employment in El Dorado County.
- R4. The number of personnel files maintained by the Sheriff's Department should be reduced to a manageable number, and those files should be maintained according to prevailing industry standards.
- R5. HRD should be responsible and accountable for the administration and/or oversight of all personnel actions within El Dorado County.

Responses Required for Findings

F1 through F9 El Dorado County Board of Supervisors
 El Dorado County Sheriff

Responses Required for Recommendations

R1 through R5

El Dorado County Board of Supervisors
El Dorado County Sheriff

R3 & R5

El Dorado County Director of Human Resources