



City of South Lake Tahoe

"making a positive difference now"

September 10, 2008

Honorable Suzanne N. Kingsbury
Presiding Judge
El Dorado County Superior Court
Department 3
1354 Johnson Blvd, Suite 2
South Lake Tahoe California 96150

**Re: RESPONSE ON BEHALF OF THE CITY COUNCIL TO COMMENTS MADE
BY THE GRAND JURY CONCERNING THE SOUTH LAKE TAHOE POLICE
DEPARTMENT – GJ – 07-003**

Dear Judge Kingsbury:

I reviewed the report of the Grand Jury for 2007-2008, and I am providing the response below. At its regular meeting on September 9, 2008 the City Council of South Lake Tahoe authorized me by a unanimous vote to send to you this response.

Methodology

This office reviewed the report of the Grand Jury, discussed the contents with trained local government consultants and advisors, discussed department operations with management and line personnel, reviewed the latest literature on police department operations, and discussed existing conditions internally with a selected group of Department personnel.

Overview and Comments

The City of South Lake Tahoe has a highly trained, highly motivated, and highly effective resource of men and women, both sworn and non-sworn, who serve the community with skill and care. It is evident by their performance that they are committed to providing the best service possible to the people of South Lake Tahoe. The effectiveness of the South Lake Tahoe Police Department is demonstrated by their proactive work on a daily basis to protect life and property in our community. In 2007 overall crime was down 4% in the City limits from data collected in 2006. The men and women of the South Lake Tahoe Police Department are to be commended for their commitment to serving the community in a professional manner. I believe that all men and women of the

Department at their core have the best interest of the Department and the community at heart.

Response to Findings

Finding #1

"The Grand Jury interviewed several citizens of South Lake Tahoe who reported an altercation that occurred in September 2006. While having breakfast in a South Lake Tahoe restaurant, one citizen stated that he was approached by the Chief of Police who began to verbally accost and loudly berate him in front of two acquaintances. The citizen did not know what provoked the verbal tirade and felt the Chief of Police must have confused him with someone else. The citizen stated the loud disturbance in the restaurant was witnessed by patrons and staff alike, caused citizens to be fearful for their safety."

Response

I do not agree with the finding for the following reason. There is insufficient information provided by the Grand Jury in the report or in a subsequent written request by me to the Grand Jury on July 1, 2008 to draw any conclusions about the allegations made. The alleged conduct occurred in 2006. Had a complaint been filed with the City in regard to the allegations, it would have been impartially investigated and evaluated as are all complaints against police officers. Had additional information been provided to this office by the Grand Jury the matter could have been investigated, but no additional information was provided. In my experience, people living in South Lake Tahoe are not shy about expressing their opinions on matters of interest and/or concern to them.

Finding #2

"The Chief of Police, by losing his temper in public and verbally berating a citizen of South Lake Tahoe in a public restaurant, acted in an inappropriate manner and displayed conduct unbecoming an officer. All citizens of South Lake Tahoe should have an expectation of being treated fairly in a professional and dignified manner by ALL members of the SLTPD."

Response:

I agree that "All citizens of South Lake Tahoe should have an expectation of being treated fairly in a professional and dignified manner by ALL members of the SLTPD."

I do not agree that there is sufficient information provided by the Grand Jury for this specific matter to be investigated and evaluated in a manner consistent with the Law and the rights of police officers under the Police Officer Bill of Rights.

Had complaints been made to the City about the alleged conduct of the Chief of Police near the time when they were alleged to have occurred, they would have been investigated and appropriate action taken. There is no evidence in the record to support the claim and no opportunity for the Chief of Police to respond to the allegations. If the Grand Jury would provide the names of citizens who are alleged to have reported on this altercation in September 2006, the matter will be investigated.

Finding #3

"In the course of this investigation, the Grand Jury also learned of serious concerns among employees of the South Lake Tahoe Police Department on the state of the morale and cynicism that exists in the Department."

Response:

I agree that there has been a morale problem and degree of cynicism on the part of some members of the South Lake Tahoe Police Department. The genesis of the situation has evolved over time and was exacerbated in my view by protracted labor relations in late 2007 that were outgrowths of wages, hours and working conditions and low staffing levels within the Police Department. Outstanding issues must be addressed in the near term.

Finding # 4

"Although the Police Department is managed through a Participative Management Team (PMT) which was initiated in 1991-1992, the program has deteriorated over time and is currently ineffective. PMT is designed to allow all employees to participate in the decision making process of the Department. The Police Department leadership hired a consultant with the purpose of assisting in the PMT process."

Response

I do not fully agree with the finding with an explanation. The South Lake Tahoe Police Department is managed by a *Chief of Police* and management personnel who are responsible and held accountable for the performance of the Department. The Participative Management Team process was created in the early 1990's as a way of involving and including line sworn and non-sworn personnel in certain levels of decision making within the Police Department. During its early years, I am told, this process was useful because police department personnel wanted to provide the time needed to involve themselves in police management issues.

From interviews and discussions with Department personnel and management I have had, the PMT process has been less effective and desirable in the last few

years. Some long-time members of the Department see benefits to it. Newer members of the Department have expressed more interest in a more traditional model of police management and do not think they have the time to participate in "management" decision making. With the existing work schedule, shortage of personnel (vacancies, cuts, injuries etc), the demands of their jobs and the requirements for time of family life, many officers have little interest to devote more time to work on department management issues.

In the end, whether there exists a PMT or not, sworn and non sworn members of the Police Department must be assured and believe that they will be treated fairly and impartially by Department supervisors and leadership, that their suggestions and observations about police operations will be heard, evaluated, and that Department management demonstrates through its action that they care about the welfare of employees and the future of the Department. Perceptions of ill will can be corrected over time by consistent and sustained actions of good will.

Early in his tenure as Chief of Police, Chief Daniels sought to have evaluated the existing PMT model and employee attitudes at a time when labor negotiations over wages, hours and working conditions were intense. An assessment of employee attitudes and concerns was assessed, and the findings indicated that there were morale issues among many of those who participated in the evaluation process. Not all employees of the Department participated in the initial survey in 2007 and fewer participated in the follow-up survey.

The approval of the City Council of multi-year labor agreements with recognized police sworn and non-sworn bargaining units should help to improve the labor/management environment. The City Council's decisions to approve a change in the existing work schedule of the Police Department in the adopted MOU's, add two new police officer positions in this year's budget and the proposal to add a new police sergeant position in the proposed FY 2008-2009 budget to implement the new schedule by January 1, 2009 will help to address outstanding labor concerns with the work schedule.

Finding #5

"The evidence received by the Grand Jury paints a picture of a Department in crisis. Many of the statements made by members of the SLTPD and information gathered through documents can only be classified as troubling..."

Response

I agree that among those persons who responded to the initial survey and to the supplemental survey that there is a degree of cynicism and a degree of disconnect between the perceptions of line personnel and police management. The Chief of Police and police management acknowledge that there are communication and cynicism problems, and they want to correct them.

Maintaining employee self esteem, rewarding employees for their efforts in achieving Department and City goals, employees believing that promotions are based on merit, believing that all management cares about employees of the Department, and allowing a free exchange of ideas and opinions within the context of a police (quasi-military) organization without fear of reprisal are important and essential to the healthy functioning of the Department.

Based on my interviews with management and line personnel I believe that all personnel in police management care about the Department, the people who work there, and the future of the Department. Management showing department personnel on a day-to-day basis they are sincere and concerned about their personal and professional development is an area where work is needed. Department leaders and managers, while maintaining discipline and a chain of command in a police department, must demonstrate by their **actions** their interest in and concern for the men and women in the Police Department. There will always be levels of agreement and disagreement in management/labor issues. Management must approach decisions in good faith and consider and evaluate constructive suggestions, and I have been assured that Police Management intends to do so.

Promotions within the Police Department are based on merit. The Human Resources Manager and her staff work with Department leadership in the conduct of promotional testing and evaluation process. There is no evidence in the record indicating that promotion is based on any other basis. However, Human Resources will work with the Department to better understand specific concerns of employees with regard to promotions and better inform them on the process. To the extent possible and available, standardized and validated testing processes from organizations like the Cooperative Personnel Services (CPS), will be used for all appointments and promotions to build confidence in the system.

Finding # 6

"The Chief recognized the Police department had many problems, and initiated the review knowing it may be unfavorable. The Grand Jury acknowledges this proactive efforts (sic) in requesting outside professional advice."

Response

I agree with the finding. The decision to seek an independent review by the Chief of Police is a mark of leadership, and he deserves that recognition and credit.

GRAND JURY RECOMMENDATIONS

1. "The Grand Jury recommends that the SLTPD leadership attend Strategic Management, Leadership, Coaching & Mentoring, Business Management, Anger Management, and Human Skills Development Training"

Response

I agree that leadership in the SLTPD should attend leadership training, team building, executive facilitation and coaching, change management and effective communication techniques. Team building exercises should also be conducted with line personnel using models provided by POST.

2. "The City Council and City Manager should take proactive measures in administering oversight to the Police Department. The City Council and the City Manager should assume the formalization of the Police Department oversight is established and fully implemented. The Grand Jury recommends the Chief of Police meet with the City Manager on a "monthly" basis to give a 'State of the Department' update to include performance measurement.

Response

Formal oversight of the Police Department exists, and will continue. The Chief of Police and City Manager are meeting on a more-than-monthly basis and will continue to do so. The functioning of the Department and issues the men and women of the Department face will remain an important topic of discussion and evaluation.

3. "The Grand Jury recommends the Chief of Police prepare a written three and five year Strategic Plan. A copy of that plan should be published and available to the public."

Response

I agree that a Corporate Strategy for the Police Department is desirable and shall be developed. The strategy will define values of the organization, identify emerging issues the Department will face in a three to five year period and address how effective and meaningful communication within the Department can and should occur. The development of this strategy will be facilitated and supported by professionals trained in the field.

4. "The City Manager, City Council and the Chief of Police should collectively agree on the type of organizational structure for the South Lake Tahoe Police Department."

Response

The Chief of Police is ultimately responsible for the functioning and operation of the Police Department, and he is held accountable for its operation. The Chief of Police and his management team must work more closely together and be in concert on Department goals and objectives and work as a team to achieve them. At this time, a more traditional model of Department organization is appropriate.

5. "It is recommended that the SLTPD 'revitalize' a form of Participative Management Team. If SLTPD agrees to continue with that program, then management needs to be trained in the PMT process to completely utilize the full benefits of the program. Additionally, employees of the SLTPD must actively participate in the PMT to generate the desired results."

Response

I agree that Department leadership should invite and encourage constructive dialogue with sworn and non sworn members of the Department about operations and this constructive dialogue must be nurtured and protected. In the final analysis, command decisions must be made by the Chief of Police and command staff. The concept of inviting participation and input that was contained in the traditional PMT will be encouraged, even though the Department will move to a more typical model of police department organization. Effective organizations including police departments invite and encourage constructive dialogue to vet issues and improve performance.

6. "The SLTPD's Strategic Plan should address clearly defined performance measures that include at a minimum the following areas of concern:
 - Confidence in Senior Management
 - Cynicism
 - Morale
 - Visions and Values of the Department "

Response

I agree that a corporate strategy is needed as defined in response Recommendation #3

7. "The City Manager and City Council should maintain an active presence in tracking the Strategic Plan progress."

Response

I agree and the City Manager and City Council will continue to maintain an active interest in the success of the Department and its fine men and women. It is important that the existing professionalism in the Department be supported and encouraged by Police management. It is equally important that the Department, while remaining accountable, not become a political football that compromises the professionalism of Department, the effectiveness of Department operations, and brings into question the fine work of dedicated men and women of the Department.

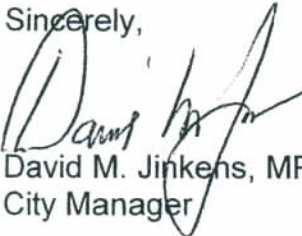
8. "The Chief's annual performance evaluation should include the progress of the goals set in the Strategic Plan."

Response

I agree with clarification. The Chief's annual performance evaluation includes addressing outstanding issues, building confidence and overcoming obstacles. Once the Corporate Strategy is developed and in place it too will become a measure of performance for all police management staff including the Chief of Police.

Thank you for the opportunity to reply.

Sincerely,



David M. Jinkens, MPA
City Manager

- c: Mayor and Council
City Attorney
City Clerk
Chief of Police
Human Resources Manager