OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF

May 4, 2020

Sachi Hamai, Chief Executive Officer
County of Los Angeles
713 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Dear Ms. Hamai:

REDUCTION OF ACADEMY CLASSES

On April 28th, 2020, the Board of Supervisors (Board) voted unanimously to reduce the number of academy classes from 12 classes per year to four classes (with a maximum graduation of 175 deputies per year) and to freeze promotions within the Department. This decision has to be examined in light of the 712 current sworn vacancies, 390 of those being critical line supervisor vacancies, and a Department-wide attrition rate of 421 sworn positions per year. The Department is currently in the midst of a mass generational retirement due to the baby boom generation aging out of the workforce.

The request to reduce academy classes to only four per year, with a proposed hiring of 175 deputies per year would automatically burden the Department, which is the least staffed major law enforcement agency in the nation (0.9 deputies per capita), with an ever increasing number of sworn vacancies. This would lead to poorly served communities, potential fatigue based decision-making, unmet demands of numerous consent decrees affecting the Department, and significantly increased overtime costs.

During the previous administration, the county spent millions of dollars on recruitment, consultants, testing sites, background investigators, and academy instructors, all in an effort to solve a massive vacancy in the sworn ranks of the Department. It takes a long time to ramp up this hiring capacity, which is now firing on all cylinders and attracting the best recruits from the local labor pool. This surge capacity cannot simply be turned on and off with a switch

without affecting the quality of recruits we are attracting, or the cost associated with drawing down.

The Department realizes the budgetary challenges ahead and is in the process of strategic, impactful consolidations of several facets of the Department that will not impact its ability to uphold public safety, or appropriately staff the jails and the courthouses. These initial cuts, as enumerated below, are wide-ranging and will result in a yearly cost savings of $63,408,481.

The Department has identified 191 unfunded positions ranging from the rank of deputy to lieutenant, currently assigned to patrol stations across the county. These are positions that the Board and previous Department administrations have established for a variety of local needs. The Department will integrate 137 of these unfunded positions into funded line positions in two phases. The first phase will integrate 35 unfunded positions into funded line positions for a yearly cost savings of $4,648,036. The second phase will integrate 102 unfunded positions into funded line positions for a cost savings of $18,114,483. Overall, this will provide a yearly savings of approximately $22,762,519 (see attached letter, "Reassignment of Unfunded Positions").

The Department will reduce academy classes from twelve to eight classes per year, in keeping with the annual average of 8.33 classes over the course of the last decade. This will provide a yearly cost savings of approximately $22,964,716. This estimate is based on four graduated classes of 60 recruits per class, in consideration of their salary and benefits, training staff salary and benefits, and services and supplies (based on an estimated cost of $139,428, as provided by the Los Angeles County Chief Executive Office). Additionally, not included in this savings, the training staff will be distributed throughout the Department, alleviating overtime for the vacant positions they fill. The cost savings to overtime was not included in the cost savings figure provided.

Recruitment, testing, and background efforts will also be curtailed. The Department has generated wide spread local and national interest in employment through policies of fair employment practices, high standards that exemplify the Department throughout the nation, and a vigorous recruiting effort in the past year. The number of applications for employment now far exceed the number needed to fully occupy the intended eight academy classes per year. The recruitment unit will be scaled back, and the Department's contract with the marketing agency, "9th Wonder," will not be renewed after the expiration of the contract on June 30, 2020. Testing will be reduced from

four events per week to two, and the background unit will also be scaled back to accommodate eight academy classes per year. These efforts will provide a yearly savings of approximately $4,018,347.

The Department's Homeless Outreach Services Team (HOST) is another underfunded service which lamentably will be forced to be reduced to conform to your proposed budget. HOST provides a primary, first line contact in the homeless community. The team works to build a positive rapport to establish a trusting relationship with the homeless individual and become more influential in convincing the community to take advantage of the services. HOST consists of one lieutenant, one sergeant, and fourteen deputies. Of those, only the lieutenant, sergeant and four deputies are funded through AB109. The remaining ten deputies are unfunded. The unfunded deputies will be reintegrated into funded line positions immediately. This will provide a yearly cost savings of $1,429,410.

The Department is anticipating closing two stations, Altadena and Marina del Rey Stations. Deputies assigned to patrol the city of Altadena will be based out of the Crescenta Valley Station, and deputies assigned to patrol the Marina del Rey area will be based out of the South Los Angeles Station. The primary savings will come from the elimination of the operations staff and other ancillary staff whose duties are already fulfilled by existing staff at the respective base stations (i.e. Master FTO, Watch Deputies, Station Clerks, Custody Assistants, Law Enforcement Technicians, and Community Services Assistants). Closing the Marina del Rey Station will provide a yearly cost savings of $5,902,363. Closing of the Altadena Station will provide a yearly cost savings of $6,331,126. Combined, the closure of both stations will provide a yearly cost savings of $12,233,489.

The Department stands to lose approximately 160 sworn personnel each year with the Board's ill-advised motion. In such an environment of vacancy-driven overtime and a lack of adequate supervision, we can anticipate additional vacancies through injuries and discipline. Losing 160 sworn members per year will amount to $22,870,560 in additional cumulative yearly overtime. Over a three-year period, this will amount to $68,611,680 in additional overtime per year. Missing from the Board's motion is the acknowledgement that each graduating class eliminates $10 million in vacancy overtime in the course of a fiscal year, once they have completed all training.

This loss of personnel at this rate, coupled with the existing vacancies, would obstruct the Department from fulfilling the obligations of three collective

consent decrees: one from the Department of Justice regarding mental health, the Johnson lawsuit regarding Americans with Disabilities Act issues in the jails, and Rosa v. Baca, which addresses force. These collective consent decrees mandated the need for a minimum level of supervision within the jails to mitigate excessive force, lack of training, and inadequate force policies. These supervisory mandates must be filled, or overtime must be used to offset the vacancies. The implementation of the recommendations of the Citizens' Commission on Jail Violence also dictate a minimum level of staffing. Maintaining and exacerbating the current vacancies would create a dangerous environment of fatigued, unsupervised deputies and increased liability to the county (Brandt v. Madera County Board of Supervisors, (1978) 84 Cal.App.3d 468).

Finally, the decision to hold academy classes and to promote remains at the discretion of the Sheriff. The Board does not have legal authority to dictate the manner in which the Office of the Sheriff spends allotted money or to use its budgetary power to coerce or comply with their desires in regard to assignment of personnel (Hicks v. Orange County Board of Supervisors (1977) 69 Cal. App. 3d 228, 241 [138.Rptr.101]). In consideration of the fact the Department has just released over five thousand inmates in response to the COVID-19 pandemic, which is more than 30 percent of the entire jail population, it is a betrayal of both the public and the Department's trust to attempt to reduce the size of our already understaffed patrol force.

Furthermore, California courts have continuously held that only the Sheriff can control how he spends funds allotted to him in the county budget, and the county cannot withhold funds necessary to carry out his duties (Brandt v. Madera County Board of Supervisors (1978) 84 Cal.APP.3d 468). The Attorney General's Office further opined that "A county board of supervisors is not authorized to govern the actions of a sheriff or district attorney concerning the manner in which their respective budget allotments are expended or the manner in which personnel are assigned." (Office of the Attorney General, State of California Opinion No. 93-903).

In closing, I simply request that your personnel unblock our access to the Enterprise Human Resources system, as it is both unlawful and damaging to public safety, more so in a pandemic with a scarcity of available personnel due to quarantines and a dearth of supervisors available to oversee investigations. Section 25303 of the California Government Code grants the office of the sheriff considerable authority in the exercise of his duties, particularly as it

pertains to the investigative function of sheriffs. By manually blocking my ability to hire and promote, you are interfering with that function.

Thank you in advance for your consideration. Should you have any questions, please do not hesitate to contact Captain John Burcher of my staff, at [redacted].

Sincerely,

ALEX VILLANUEVA
SHERIFF