

Sheriff's Department Overtime Audit
Bryan Thompson Utah County Clerk/Auditor
2018

Response to Jail Overtime Audit conducted by Utah County Auditor's Office, dated August 24,2018

Finding #1

Even with factoring in the hours for those assumed to be clerical or supervisory staff who work mostly Monday through Friday and those who attended training, it was found that Saturday, Sunday, Friday and Holidays had significantly less hours worked than Monday through Friday. Also Wednesdays were consistently higher than any of the rest of the days of the week. The following table shows the average hours worked on each day of the week.

	2017	2016
Saturday	521.35	556.34
Sunday	528.38	560.94
Monday	649.58	682.63
Tuesday	647.65	684.74
Wednesday	690.00	705.35
Thursday	636.41	689.59
Friday	569.56	593.15

As noted in the summary some of these differences are due to training, supervisory, and clerical hours, but that doesn't explain all the difference.

Recommendation

Jail Housing needs to review their scheduling policies and procedures to check if more hours are really needed on Mondays through Thursday. Can the same hours that cover weekends and holidays cover the week days?

Sheriff's Office Response:

The Utah County Jail administration agrees there are "significantly less hours worked" on weekends and holidays as stated in the audit. What the audit did not take into consideration is the fact that court, medical clinics, mental health clinics, etc. are not held on weekends or holidays. What we have actually tried to do is significantly cut back on the number of staff working on weekends and holidays, basically running just over a skeleton crew, to help save money and give staff the break away from work. However, we must maintain certain staffing levels due to the design of the facility and for the safety and security of the staff, inmates, volunteers, other people, and for the facility itself. The recommendation from the audit will not work due to the reasons stated above.

Finding #2

Average Daily Population at the jail ranged from a high of 957 to a low of 716 in 2016 and a high of 702 to a low of 550 in 2017 average daily population was around 185 more in 2016 than 2017. This was caused by the discontinued housing of ICE inmates towards the end of 2016. Even with the significant drop in total inmates' hours worked only decreased by 30 to 35 hours on average per day, or about 3 shifts. That comes to around 60 inmates per shift that was reduced.

Recommendation

Jail Housing should review their scheduling practices to ensure that the needs of the jail are met with the most efficient work hours. This will allow tax dollars to be spent efficiently and allow for the safety in the jail to be kept.

Sheriff's Office Response:

The Utah County Jail administration agrees with the drop in inmate population. The audit attributes this to the ICE contract being terminated. This is only partially true. There were also changes in drug laws, known as JRI, that lowered the charging category from felonies to misdemeanors. This gives officers in the field the opportunity to issue citations for charges that historically were arrestable. The recommendation of the audit is to review work schedules. It is believed that this is already being done. Several different schedules have been tried and proposed throughout the years. They have not worked nearly as well as the current schedule.

The work schedule in the jail is based on a 12.25 hour work day. (15 minute shift briefing, 12 hours in your assigned area) The current two week rotational schedule is as follows: 7 graveyard shifts on (17:45-0600), 4 days off; 4 day shifts on (05:45-18:00), 7 days off; 3 day shifts on, 3 days off. Schedule then repeats itself. This schedule allows us to scale back staff at night and on weekends and holidays.

There are two things that the audit doesn't take into consideration. One is the style of jail supervision we have. This jail was designed as a "direct supervision facility". This means that there is one deputy assigned to each housing area- the deputy is inside the actual housing area with the inmates. This type of correctional setting is more manpower intensive which in turn becomes more expensive. However, studies have shown that direct supervision saves significantly more money in the long run because inmates are more hesitant to engage in illicit behavior such as destruction of jail property and assaults. This also relieves us of several potential law suites. The second consideration is that inmates are placed in housing areas based on charges, behavior, needs, etc. There are inmates that simply cannot be housed together, such as rival gang members. So, even though there have been drops in the inmate population, our need to keep housing areas open, even with less inmates, remains in place to protect the safety of those in our custody.

Each person booked into the Utah County Jail who is not able to be quickly released goes through a "classification" process during their first few days of incarceration. The jail classification system is used to identify various inmate traits, characteristics, and potential risks by assessing behavioral patterns, criminal history, prior bookings, drug use, gender, age and health conditions in order to house inmates in a safe and humane manner. Information about each inmate will be collected, reviewed and analyzed by trained and designated classification staff in an effort to anticipate and, therefore, control inmate behavior. Classification is simply a management tool used to assign inmates to housing areas where they will be exposed to minimal risks while at the same time safeguarding the integrity of the jail, its staff,

and the safety of other inmates. Classification looks at various individual aspects such as, potential for violence or vulnerability for violence; escape risk; potential for being disruptive or of being a management problem; need for specific programs and services; possible gang affiliation; medical and mental health needs, etc. This entire process reduces the potential risk of injury to the inmate, the staff, other individuals and destruction of jail property. It also helps to lower potential legal liability by identifying these risks which allows us to house an inmate in an appropriate manner.

Finding #3

Overtime hours were recorded on the first few days of the pay period. This is contrary to the Office of Human Resource Rules and Regulations Section VI C Overtime³. Which states “Non-exempt Public Safety employees (Post Certified) however, utilize a work period of 14 days with a maximum of 86 allowable hours before overtime compensation is paid.” It is noted that those employees recording overtime before reaching 86 hours are from other Sheriff Office departments and are probably working 86 hours in their department, so they are wanting the time spent in Housing to be charged as overtime to the Housing department.

Recommendation

Jail Housing should follow the Rules and Regulations of The Office of Human Resource Management and record overtime only after 86 hours have been worked. If there has been a change allowing an employee from another department to record hours worked in a different department to record those hours as overtime regardless of when they are worked in a pay period, then efforts should be made to update the Rules and Regulations.

Sheriff's Office Response:

As stated above, the schedule is different than every other department in the County. I think it is safe to say that the schedule is unique to Corrections and Law Enforcement in general. Most time keeping and/or payroll programs are unable to take into account overtime “at the beginning of the pay period”. We do have overtime paid to employees at the beginning of the pay period. For example, if a patrol deputy works a shift in the jail at the beginning of the pay period, they are paid overtime out of the jail budget. As they work their regular patrol schedule, since they are not working “overtime” but their “regularly scheduled” patrol shift, those hours are not counted as overtime. This means that their overtime did indeed occur at the beginning of a pay period. The recommendation of the audit is to “comply with HR's rules and regulations”. This is not possible for us to do. The recommendation also states, “efforts should be made to update the Rules and Regulations”. I will contact Ralf and speak with him concerning this part of HR's rules and regulations to see if an adjustment can be made.

Follow-Up:

On November 20th, 2019 I spoke with Ralf Barnes, the Director of Utah County Human Resources about this concern raised in the audit. He asked that I forward him the information contained in the audit and I did so in an email that same day. On November 25th I received an email response from Ralf in which he asked two questions. The email stated “how are you currently reporting? Are you still completing timesheets based upon the “activity” that is generating the OT, or as the audit suggested?” I responded with an email stating “We are still doing it as we always have, no changes except for the changes made when we switched to workday. We have not made any changes as recommended by the audit.” He

emailed me back and stated “OK - keep doing as you currently do until we come up with another way to account for the overtime.”

Finding #4

There are numerous days where an employee worked a shift of 2 hours or less. Some recorded .25 hours on occasion. The effectiveness of these short shifts is questioned especially when they result in overtime. Many of these 2 hour or less work days are from employees from other departments.

Recommendation

When scheduling employees from other departments longer shifts should be required. Housing employees should be scheduled in full shifts if they are full time employees. This will allow for more control on the number of hours worked in a day.

Sheriff’s Office Response:

There are many reasons for a deputy to work overtime for two hours or less. For example, if we have an inmate at the hospital, or if court runs late, deputies must stay with the inmates until they are returned to their assigned jail housing area. Because much of this time is unpredictable, at times deputies are claiming .25 hours of overtime because that is actual time worked. We do try to limit this as much as possible as we do understand it may not be cost effective in certain circumstances. However, it is significantly more cost effective to have someone who is already working, stay and work for an additional few minutes rather than call someone in who is not working only to have the inmate discharged from the hospital a short time later. Also, if a deputy assigned to housing is asked to work in booking because they are short or extremely busy, the time they work in booking is accounted for differently on the deputy’s timesheet due to the different cost centers (Housing- 42320; Booking- 42300). This way there is an accurate way to pay, and account for, the deputy’s time. This may also account for the .25 or 2 hours claimed.

Finding #5

The discontinued housing of ICE inmates has not decreased the number of hours worked at the jail significantly. When ICE was discontinued one reason given was that it would greatly reduce overtime in Jail Housing. This is verified through the amounts budgeted for overtime and regular pay from 2016 to 2017. The following table shows budgeted and actual amounts from the general ledger for the years 2016 and 2017.

	Regular	Overtime	Total
2016 Budgeted	\$5,242,802.00	\$1,150,000.00	\$6,392,802.00
2016 Actual	5,219,674.06	1,017,876.43	6,241,330.49
Difference	\$23,127.94	\$132,123.57	\$151,471.51
2017 Budgeted	\$5,336,529.00	\$111,338.00	\$5,447,867.00
2017 Actual	5,171,607.77	751,088.00	5,922,695.77

Difference \$164,921.23 \$(639,750.00) \$(474,828.77)

As these tables show the overtime in Jail Housing was not an ICE issue as eluded by the Sheriff's office when the housing of ICE inmates was discontinued but is still an ongoing concern.

Recommendation

Jail Housing supervisors should examine why the discontinuing of ICE and their almost 200 inmates per day, with no significant increase in other inmates didn't cause the desired effect on overtime. Corrections to scheduling should be implemented as needed.

Sheriff's Office Response:

This is perhaps the most frustrating part of the audit for the Utah County Jail Administration. There are two prevailing theories, first that the former Sheriff and Chief Deputy stated that overtime would essentially go away once the ICE contract was terminated, and second that this statement was never made and has been significantly embellished by Commissioners. Neither the current Sheriff or Chief Deputy were involved in the discussion or termination of the ICE contract. However, Sheriff Smith and Chief Deputy Higley have since been made aware of several reasons why the contract with ICE was terminated, not just a reduction in overtime. There was actually a pretty significant decrease in overtime that first year without ICE. Using the numbers provided in this audit, there was a \$266,788.43 decrease (\$1,017,876.43 in overtime in 2016 and \$751,088.00 in overtime in 2017). What this audit fails to take into account is the number of staff that the jail has been short since 2017. This caused a significant increase in overtime need and usage. The jail was short 9 deputy positions in 2017. These positions needed to be filled in overtime. The jail was 12 short in 2018 and we have averaged 20 short in 2019 with a high of 22 deputies short. All these positions are necessary and must be filled with overtime.

Conclusion

There are questions about the need for some of the overtime that is generated in Jail Housing. With Saturdays, Sundays, and Holidays having significantly less hours worked than weekdays and Fridays less than the other weekdays, it is a question if the other days could be reduced in the number of hours worked. If they could overtime could be reduced significantly.

It has been stated numerous times that the jail is understaffed, which might be the case. Reviews of scheduling practices with what is needed to operate the jail housing in an efficient, yet safe way would help in determining this. It is recognized that many employees work shifts of 16 or 17 hours in a day. The safety and health of these individuals are a concern when working so many hours in a day.

Sheriff's Office Response:

I believe the Sheriff's Office has clarified its position, the reasons for the staff scheduling, and the need/usage for overtime. The concerns raised in this audit are not wholistic. The audit only looks at numbers and significantly fails to understand the why. Clearly this audit was done without any knowledge of the "how" and "why" the jail is run the way that it is. There is a tremendous amount of concern from Sheriff's Office administration in the amount of overtime usage, especially with the effect this has on staff, but also in trying to be careful with our budget. However, we are constrained by the physical design of the jail, the type of supervision of inmates required due to the design of the jail, and

the number of staff we are running short. Also, the Jail historically moves staff to fill open spots in Judicial and Patrol, meaning that the Jail is always the last to fill its open positions.

I would recommend that those conducting the audit of the jail take some time to actually come to the jail and learn the operating procedures that are currently being used. I am quite positive that it would be determined that we are operating in a very efficient manner. Are there ways that we can improve? Absolutely. Are we open to trying new ways to save money? Yes. We are constantly evaluating and reevaluating our operating procedures. We would welcome any discussion relating to efficiency and operating procedure.

Final Analysis:

We thank the Utah County Sheriff's Office for their quick responses to our findings once the report was given to them. Sheriff Mike Smith and Chief Deputy Matthew Higley have been extremely helpful and good to work with on the review of the jail overtime. They have provided answers and information that sheds light on the overtime worked at the jail.

The need for more hours Monday through Thursday is evident because of the need to transport inmates on those days to courts for their appearances and trials. Also, the need for hours is based on the makeup of the jail population and the need to keep certain inmates separated.

There is a shortage of deputies in the staffing plan that makes overtime a necessity to fill the needed shifts. Retention is a problem as evident by the number of new hires compared to the number leaving the jail the past four years.

- 2016 New hires 21, deputies leaving 14.
- 2017 New hires 13, deputies leaving 18.
- 2018 New hires 11, deputies leaving 28.
- 2019 New hires 27, deputies leaving 23

That is a decrease of 11 deputies over the past four years. They were already short deputies before this so the need is great. Many of the new hires over the past four years are no longer with the jail, so retention is a concern.

The concern of deputies working so many hours has been lessened with the jail instituting mandatory overtime. Before it was accomplished with those who were willing, with the help of deputies in other departments.

The Internal Auditors will be doing an analysis to determine what number of full-time deputies with benefits and overtime make for the most efficient and economical balance for Utah County.

With the responses and additional information provided by the Utah County Sheriff Department it is the opinion of the Internal Audit that the leaders over the jail are doing the best they can do with handling overtime, rules and regulations that are imposed on them from outside authorities. It is also apparent that they have a desire to make sure that the safety of both personnel and inmates is a priority.

