

This document is an extract of a larger publication.

civilgrandjury.org is a project of UnGovr.org, a US-based 501(c)(3) nonprofit dedicated to government transparency and public accountability.



- Redding Police Department's Use of Firearms/Critical Incident Investigation Guidelines/Administrative Procedures for Officer-Involved Shooting and Other Critical Incidents, which also includes the Multi-Agency Critical Incident Protocol, the Use of Force Reporting Guidelines, the Less Lethal Force Policy (Projectile Weapon, Leg Restraints, Chemical Agents, Police K-9, TASER, and Carotid Restraint) and the Special Weapons and Tactics (SWAT) Team Policy
- Applicable Case Law:

Tennessee v Garner (1985) 471 U.S. 1, 105 S.Ct. 1694, 85 L.Ed. 2d 1

Graham v. Connor (1989) 490 U.S. 389, 109 S.Ct. 1865, 104 L.Ed.2d 443

Smith v. City of Hemet (9th Cir. 2004) 356 F.3d 1138 (Smith I)

Above case laws can be viewed on the internet by querying any of the case names, e.g. Tennessee v Garner.

Employee Theft at the Sheriff's Office

Background

On November 25, 2009, a former senior civilian clerk working for the Shasta County Sheriff's Office was arrested and charged with misappropriation of public funds, embezzlement by a public officer, and grand theft. This clerk worked for the sheriff's records division for 19 years and had been committing these criminal offenses since the spring of 2007. On January 15, 2010, this clerk was convicted for stealing \$15,363 from fees that citizens had paid for permit renewals to carry a concealed weapon (CCW), fingerprinting services, and copies of Sheriff's Office investigative reports.

Having accepted a plea bargain, the clerk received a sentence of 270 days in jail and five years probation, and ordered to pay approximately \$80,000 in restitution, which included court costs and the Sheriff's investigative time.

The Grand Jury's intent was to review the procedures that allowed these thefts to continue without detection for over three years and to review the new procedures, implemented since, to prevent this from happening again.

The senior clerk was a respected, experienced records employee, who was considered the resident expert in the CCW permitting process and one to whom most of the other clerks deferred in this regard. This clerk was also responsible for making appropriate computer entries, collecting and processing money, and filing CCW paperwork with the Department of Justice and the Shasta County accounting department.

The first signs of a problem surfaced between December 2008 and February 2009. During an audit of issued CCW permits, a number of irregularities and errors were found in the CCW permit files. In January 2009, co-workers discovered improper, missing, and misfiled documentation of CCW permits. When questioned by her civilian supervisor about these errors, this senior clerk offered a simple "clerical error" excuse. The senior clerk admitted to her supervisor that these circumstances could look like someone was stealing money, but she "swore" that was not the case. No further inquiries were made into these "clerical errors". The civilian supervisor decided to handle the matter "in-house." Nothing further was done - - no audit, no review of procedures, and no notification up the chain of command to a sheriff's supervisor. As a result, the thefts continued.

Four months later, other clerks started to notice suspicious activity, including files missing the correct copy of CCW transaction receipts and missing or misfiled copies of applications. One clerk discovered that the senior clerk was not processing CCW permits through the computer system properly and instead was using the "print-screen" option to print receipts. Again, the supervisor met with the senior clerk and this time told her not to use the 'print screen' option to print receipts because a 'dishonest employee' could use this method to generate a receipt report for the citizen, delete the receipt information, and pocket the fee. Again, the senior clerk was counseled to follow the proper procedure; and again, nothing further was done.

One month later, another clerk found partially shredded CCW permits in the waste can and additional paperwork missing from the files. This clerk conducted a review of CCW permit files and found that a number were not in compliance with procedures. Finally, Sheriff's Office Supervisors were contacted. A criminal investigation was initiated, resulting in the senior clerk's arrest and felony conviction.

During the ensuing investigation, it was discovered that the senior clerk would accept CCW fees, log into the computerized CCW receipt program, and enter the transaction information as required. However, the senior clerk would not send the transaction information electronically but would, instead, give the citizen a "print screen" copy as a receipt. This defeated the accounting process by not generating a proper paper trail. The senior clerk admitted having used this avoidance technique since the spring of 2007.

The Grand Jury found a number of problems with the CCW processing procedures, the most glaring being the consistently inadequate supervision. For a number of reasons, this senior clerk was allowed to do pretty much as she pleased in regards to the CCW permitting process. This resulted in her manipulating the system and costing the County tens of thousands of dollars that are unlikely to be recovered.

The Sheriff's Office has instituted significant changes in policy and procedures to ensure a crime such as this does not reoccur. Examples of these policy and procedure changes include the following:

- Clerks are required to balance the books by reconciling cash to the paper reports which are subsequently reviewed and approved by a supervisor.
- All monies received are locked in a cash drawer.

- An appointment procedure to balance the workload has been established.
- Clerks are cross trained to be proficient in all aspects of CCW processing.
- The print screen function on all computers has been disabled.
- Only a supervisor can void a transaction.
- All paper reports and files are only filed after daily reconciliation.
- Weekly audits with all files being checked for accuracy are conducted.

The 103 plus page Redding Police Department's criminal report was detailed and comprehensive, clearly presenting enough compelling evidence to warrant the indictment and conviction of the senior clerk for the crimes charged.

Finding

1. The CCW processing procedures were inadequate.
2. Supervision of clerks was inadequate.
3. A senior clerk was allowed to continue her criminal behavior despite the early warning signs.
4. Office policies and procedures have been modified to preclude future occurrences.

Recommendations:

None

Responses Required:

None

Methods of Inquiry

The Grand Jury interviewed the following:

- Shasta County Sheriff's Service Officer, CCW Specialist
- Civilian Shasta County Sheriff Department's Records Clerks

The Grand Jury reviewed the following: