

COUNTY TAKE-HOME VEHICLES

SUMMARY

San Luis Obispo County allows County owned vehicles to be driven to employee's homes for on-call emergency use after normal working hours. For San Luis Obispo County, the estimated cost of this take-home policy is significant. The Grand Jury recognizes the importance of rapid response after normal working hours; however, many vehicles have insufficient justification associated with their assigned use.

METHOD

As part of its investigation, the Grand Jury:

- Reviewed the Rules for Use of Vehicles On County Business.
- Reviewed County Ordinance No. 3153
- Interviewed employees of the County Administrative Office.
- Interviewed employees of the Sheriff's Department.
- Interviewed employees of the District Attorney's Office.
- Interviewed employees of the Auditor's Office.
- Reviewed the Sheriff's Department policy on vehicle use.
- Reviewed the District Attorney's Office policy on vehicle use.
- Reviewed cost sheets for the total Fleet and for take-home vehicles for the Sheriff and the District Attorney.
- Carefully considered extensive documents provided by the District Attorney relating to separation of governmental powers and related issues.

NARRATIVE

According to a county report dated June 2008, the county owns and maintains 777 licensed vehicles. Of those vehicles, 132 are approved for take-home use after normal working hours to be parked at employee's homes. The majority of these are assigned to four departments: Sheriff, Public Works, Mental Health and the District Attorney. The county assumes all costs and liability of such use including the cost to commute on a daily basis from the employee's home to work and back.

The Grand Jury cannot determine if the number of take home vehicle assignments is reasonable or excessive for a county the size of San Luis Obispo. As a comparison, Los Angeles County has over 1400 take home vehicles compared with 132 for San Luis Obispo County. They have 835 vehicles taken home in the Sheriffs Department compared with 59 for SLO County Sheriff, and 19 District Attorney take-home vehicles compared with 13 for SLO County. Further, the Grand Jury cannot determine whether 59 take home vehicles is an appropriate number for the Sheriff compared to the 30 marked patrol cars used in the county for 24-hour patrol. The Grand Jury is concerned that the justifications for such take-home use are minimal and insufficient.

The County Board of Supervisors adopted revised Rules for Use of Vehicles on County Business in July 2008. The rules further defined the conditions under which the District Attorney and the Sheriff may approve take-home vehicle assignments for their respective departments. The rules require those departments to develop criteria for approving take home assignments and provide the criteria to the County Administrative Office during the annual review of take home vehicle assignments. Further, the District Attorney and Sheriff now need to certify in writing each year that all approved take-home vehicle assignments meet their established criteria. The rules also clarify the role of the County Administrative Office in approving all other department assignments of take-home vehicles, and considerably tighten up the policy and the conditions by which they are assigned to employees.

The Grand Jury discovered in interviews that prior to the adoption of the current rules, the process and policy relative to take-home vehicles was not being fully implemented. The current rules continue the independent approval process for take-home vehicle assignments for the Sheriff and the District Attorney with new guidelines to justify such use. No further review or approval process beyond their Department is required. They forward their list of take-home vehicles with brief justifications to the County Administrator who in turn submits the list to the Board of Supervisors as an informational item only. Consistent with constitutionally and statutorily mandated separation of powers, there is no process of Administrative Office review/recommendation and the Board of Supervisors has no approval role. The current rules further clarify the approval process for other department take-home vehicles by the county administrator.

Given the current rules and policy, the Grand Jury understands that the Board of Supervisors' requirement of "brief justifications" is meant to assure that the provision of a take-home vehicle is to the benefit of the citizenry and not meant as a reward to the individual given that privilege. The current rules and policy require the Sheriff and District Attorney to develop criteria for take-home vehicle assignments; however, the rules allow the potential for questionable use of county take-home vehicles by not requiring a review process for the Sheriff and DA beyond their own department. In a memorandum to the Grand Jury dated 5/18/09, the District Attorney advised that consistent with the relevant ordinance, his office had developed "written approval criteria" that are used to authorized vehicles that are "home garaged" by investigators. He reported those criteria are met. He also advised that his office annually conducts a "detailed analysis of the District Attorney vehicle pool." He said that as a result of that analysis five vehicles were "eliminated from our fleet in the last three years." The Grand Jury was not told whether any of the five were "home garaged."

The Grand Jury understands the need for investigators to respond immediately and from home whenever they are called to work during off hours. We support the policy of having written justification of take home cars and annual review of such use. And while we agree that unmarked cars used in undercover operations must not be identified in

public documents sent to Board of Supervisors or elsewhere, we are not convinced that almost every take home vehicle can be cost justified simply as “On Call 24 hours/undercover investigations” or simply listing an employee’s title.

Total fleet miles for the 2007/08 fiscal year was 7,571,680 at a total cost of \$3,859,770, which doesn’t include depreciation costs for Social Services and Department of Public Works (DPW). Those costs were not supplied to the Grand Jury. The total cost for the 59 Sheriff’s vehicles and the 13 DA vehicles approved for take-home use was in excess of \$500,000. No figures were supplied to the Grand Jury for other department take-home vehicles but it is estimated the total cost for the 132 vehicles taken home is in excess of \$1,000,000. The actual cost of the additional take-home commute miles is unknown. No cost analysis or cost benefit calculations could be located by the Grand Jury.

The department policies of the Sheriff and District Attorney reference the County Rules for Use of Vehicles on County Business but also have their own policy statements (Sheriff- Operational Directive; DA – Guidelines & Procedures, Use of District Attorney Vehicles on County Business) that are similar to but not exactly duplicating the County Rules.

The list of take-home vehicles, Appendix A, provided by the Auditor’s Office showed short one line justifications for vehicle take-home assignments. No other written justifications were submitted to the Grand Jury. In interviews with the Grand Jury, more detailed discussions were verbally presented, mostly in safety related terms, but in no case was the cost of such vehicle take-home use presented or even known.

CONCLUSION

The justifications as submitted to the Grand Jury for take-home vehicles are brief and insufficient. The Grand Jury looked for but did not find information indicating there is satisfactory monitoring of take-home vehicle use. There is potential for lax oversight in

the assignment and use of those vehicles. The cost associated with take-home vehicle use is significant and there is the opportunity for cost savings with better analysis in the assignment of those vehicles and in better monitoring of their use.

FINDINGS

1. The county has a large fleet of 777 licensed vehicles; 132 are driven to employees' homes for overnight parking and personal commuting.
2. The County has a policy adopted by the Board of Supervisors in July 2008, which further clarifies the delegated approval and assignment of take-home vehicles in the Sheriff's Department and the District Attorney's Office. All other county departments must seek approval from the County Administrative Officer.
3. The policy and required process to be used by the Sheriff and the District Attorney in the assignment of take-home vehicles does not have a check and balance review process beyond the department. Although the District Attorney argues strongly to preserve his independence in these decisions, there is potential for lax oversight in the assignment of those vehicles.
4. There is significant cost in take-home vehicle use. The total annual cost for all such vehicles is estimated to exceed \$1,000,000 of which the commuting miles are a significant portion. There are opportunities for savings with more rigorous justification for the assignment and use of these vehicles.
5. There is additional County liability exposure in the assignment of take-home vehicles.
6. The justifications for take-home use presented to the Grand Jury for the Sheriff and District Attorney take-home vehicles were minimal and the Grand Jury found them to be inadequate.

RECOMMENDATIONS

1. To assure that the citizenry is best served by the take-home vehicles, the Board of Supervisors, District Attorney and Sheriff should assure that the “brief justification” of county vehicles that are approved for overnight parking exemption, or so called take-home vehicles, are subject to a cost benefit analysis and use justification. ALL
2. The Board of Supervisors should modify the current Rules for Use of Vehicles on County Business (July 2008) to insure that a system of “check and balance” exists in the justification for take-home vehicle assignments. B A
3. This expanded analysis should be done annually and submitted for public review at a meeting of the Board of Supervisors, being sensitive to the undercover nature of some of those vehicle assignments.B A

REQUIRED RESPONSES

Responses to the Finding are required as follows:

Findings 1, 2, 3, 4, 5 and 6: The San Luis Obispo County Administrator

Findings 2, 3 and 6: The San Luis Obispo County District Attorney

Findings 2, 3 and 6: The San Luis Obispo County Sheriff

Findings 2, 3 and 6: The San Luis Obispo County Board of Supervisors

Responses to the Recommendations are required as follows:

Recommendations 1, 2 and 3: The San Luis Obispo County Administrator

Recommendation 1: The San Luis Obispo District Attorney

Recommendation 1: The San Luis Obispo Sheriff

Recommendations 1, 2 and 3: The San Luis Obispo Board of Supervisors

The responses from the San Luis Obispo County Administrator shall be submitted to the Presiding Judge at the San Luis Obispo Superior court by August 3, 2009. Please provide a copy of all responses to the Grand Jury as well.

The responses from the San Luis Obispo District Attorney shall be submitted to the Presiding Judge at the San Luis Obispo Superior court by August 3, 2009. Please provide a copy of all responses to the Grand Jury as well.

The responses from the San Luis Obispo Sheriff shall be submitted to the Presiding Judge at the San Luis Obispo Superior court by August 3, 2009. Please provide a copy of all responses to the Grand Jury as well.

The responses from the San Luis County Board of Supervisors shall be submitted to the Presiding Judge at the San Luis Obispo Superior court by September 2, 2009. Please provide a copy of all responses to the Grand Jury as well.

The mailing addresses for delivery are:

Presiding Judge	Grand Jury
Presiding Judge Martin Tangeman Superior Court of California 1035 Palm, Room 385 San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403

APPENDIX A – List of Take Home Vehicles