



San Diego County Sheriff's Department

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William D. Gore, Sheriff

RECEIVED
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June 21, 2016

The Honorable Jeffrey B. Barton, Presiding Judge
San Diego Superior Court Main Courthouse
THIRD FLOOR
220 W. Broadway
San Diego, CA 92101

Dear Judge Barton:

RE: COMMENT ON GRAND JURY REPORT "PERT - PSYCHIATRIC EMERGENCY RESPONSE TEAM"

The 2015-2016 San Diego County Grand Jury conducted an investigation regarding "the PERT program, its history and goals, effectiveness, and staffing levels." On May 23, 2016, the Grand Jury filed its report. There was one finding and one recommendation. Finding one applies in whole, or in part, to the Sheriff's Department. Recommendation 16-04 applies in whole, or in part, to the Sheriff's Department.

California Penal Code section 933(c) requires that ... "every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head." (Emphasis added.)

FACTS AND FINDINGS

Finding: PERT struggles to fill available clinician positions due to the requirements of the San Diego County Sheriff's Department non-sworn professional background check.

The San Diego Sheriff's Department disagrees wholly with the finding. In the discussion portion of its report, the Grand Jury states that "[a]ccording to 2015 statistics, about 50% of clinician candidates do not pass" the background check given to all non-sworn professional staff. The Grand Jury goes on to state under the facts and findings section of their report, "**Fact:** 50% of clinician candidates do not pass the background check." Unfortunately, the Grand Jury does not supply any data supporting their "2015 statistics," or their finding of fact.

Nineteen PERT clinician applicants entered the background process in 2015, according to records maintained by the Department's Personnel Division. Six applicants waived out of consideration and thirteen completed the process. Of the thirteen applicants who completed the background process, only three failed. The failure of three out of thirteen equals a failure rate of approximately 23%.

This year, from January to present, nine names have been submitted for consideration as PERT clinicians. One applicant waived out of consideration, and two are currently still in the background process. Of the remaining six applicants, one failed and five have successfully completed the background process. The failure of one applicant out of six equates to a failure rate of approximately 17%.

The statistics cited above were based on names given to the Sheriff's Department by PERT to be considered for employment as PERT clinicians. The Sheriff Department's PERT applicant numbers differed slightly from the internal numbers maintained by PERT. The slight difference in applicant numbers is due to several reasons including a different snapshot of time compared to PERT records, and one or more applicants being classified as on "hold" by the Department, while PERT defined them differently. Additionally, one applicant's name was never received by the Department. Despite these differences, PERT records differed only slightly from the Department's figures, and were negligible in the overall statistical interpretation.

RECOMMENDATION

16-04: Revise the criteria for background check requirements for PERT clinician candidates to reflect their training, status, and responsibilities.

The recommendation will not be implemented because it is not warranted.

The Department recognizes that sworn background standards are significantly higher than those utilized by non-sworn (professional) staff. For example, current statistics indicate for every one sworn position offered, there were 126 applicants - many of whom did not meet the sworn background standards. As a result, approximately two years ago, the PERT clinician background process was revised to no longer utilize the more stringent sworn background standards, but instead utilize the non-sworn (professional) staff standards of the Sheriff's Department.

The current background standards that PERT clinicians must adhere to are the same standards established for other professional staff within the Sheriff's Department, such as Administrative Assistants, Secretaries, and Clerks. Therefore, the challenge to find qualified PERT clinicians who can pass a professional staff background is no more difficult for PERT, than it is for the Sheriff's Department to find clerical or other non-sworn professional staff who can pass a background. PERT clinicians are exposed to confidential law enforcement material and placed in highly sensitive situations. Based on the above, it is not the desire of the San Diego Sheriff's Department to further alter its background standards for PERT clinician applicants.

Sincerely,



William D. Gore, Sheriff

WDG: dhm