

El Dorado County Grand Jury 2011- 2012

El Dorado County Sheriff's Department Incentive Pay Diploma Gate – Follow Up Case Number GJ-11-009

Reason for Report

The El Dorado County Grand Jury learned that two of the five of the sheriff's department officers involved in receiving Educational Incentive Pay (EIP) and receiving diplomas through "diploma mills" (unaccredited colleges) did not fully repay the County of El Dorado from their increases in pay.

Background

The 2010-2011 El Dorado County Grand Jury report Case Number GJ-10-011 reported that five sheriff officers received increases in pay from the December 12, 2000 through December 31, 2007 county contract with the Deputy Sheriff's Association Law Enforcement Unit, but they did not receive diplomas from accredited colleges.

Methodology

Documents reviewed:

California Code of Civil Procedure §338 (C)(5)(d)
California Penal Code §932
El Dorado County Grand Jury Report 2010-2011 GJ-10-011
El Dorado County Sheriff's Department
Law Enforcement Code of Ethics
Internal Affairs

Interviews:

El Dorado County Counsel
El Dorado County District Attorney's Office

Facts/Findings

1. The El Dorado County Sheriff's Department Code of Ethics states in part "I will keep my private life unsullied as an example to all..." and "Honest in thought and deed in both my personal and official life..."
2. One of the five Sheriff's Department Officers paid back 59% of the pay increases.
3. One of the five Sheriff's Department Officers paid back 67% of the pay increases.
4. Three of the five Sheriff's Department Officers paid back 100% of the pay increases.
5. California Code of Civil Procedure §338 (C)(5)(d) states "Within three years: An action for relief on the ground of fraud or mistake. The cause of action in that case is not deemed to have accrued until the discovery, by the aggrieved party, of the facts constituting the fraud or mistake."
6. A total of \$23,353.11 is due to the County of El Dorado.

Recommendations

1. The Grand Jury Orders the El Dorado County District Attorney's Office institute suit pursuant to Penal Code §932, to recover the \$23,353.11.
2. The Grand Jury recommends that the Human Resources Department readjust CalPERS pursuant to the Grand Jury's order.
3. The Grand Jury recommends that the Sheriff's Department conduct regular reviews of their Code of Ethics and employ methods to constantly remind the staff of this required higher standard of ethics.

Responses

Responses to both the findings and recommendations in this report are required by law in accordance with California Penal Code §933 and §933.05. Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.

This report has been provided to:

El Dorado County Board of Supervisors
El Dorado County District Attorney's Office
El Dorado County Human Resources
El Dorado County Sheriff's Department