



BROKEN SHIELD

MAY 18, 2012

Overtime pay soars for state-run police force

By Ryan Gabrielson and Agustin Armendariz
California Watch

<http://bit.ly/BrokenShield-Overtime-soars>

An unusually high number of police officers at the state's board-and-care facilities for the developmentally disabled have doubled their salaries with overtime, enabling some to earn more than \$150,000 a year, a California Watch investigation has found.

The state-run police force, called the Office of Protective Services, last year paid about \$2 million in overtime to 80 of its officers. The officers patrol five facilities that house about 1,800 patients with intellectual disabilities in Los Angeles, Orange, Riverside, Tulare and Sonoma counties.

The small police force is one of the most proficient in the state at accumulating overtime – the percentage of officers boosting their salaries far exceeds the proportion at other agencies.

In total, the police department's payroll has increased 50 percent through overtime in the past four years. For several of the officers, their overtime payouts would have required them to work 70 to 100 hours a week the entire year to earn the extra cash.

Twenty-two officers, about one-fourth of the entire police force, have claimed enough overtime to double their salaries – a rare occurrence at other police agencies, both big and small. The average salary for the 22 officers is about \$124,000 a year.

At one point, the Office of Protective Services paid its officers overtime for patrolling a nearly **empty facility**. Patrol officers and detectives at the Agnews Developmental Center in San Jose claimed **hundreds of hours of overtime** – months after the institution closed in March 2009, finance reports show.

One officer working at the state's center in Tulare County acknowledged in an interview that he

Where It Ran:

This story also appeared in the following news outlets:

- The Fresno Bee
- Orange County Register
- San Francisco Chronicle

received overtime pay for hours spent sleeping at work. A detective there was paid during a 2008 trip to Las Vegas that officials later said was unrelated to his job, court records show.

As the Office of Protective Services has accumulated overtime, questions have been raised about the quality of the work taxpayers have received from the police force.

A **California Watch investigation** in February found that over the past decade, the Office of Protective Services failed to conduct basic police work even when patients died under mysterious circumstances. State officials have documented hundreds of cases at the facilities of abuse and unexplained injuries, almost none of which have led to arrests.

In March, state officials announced they had hired an independent manager for the Office of Protective Services to oversee new training guidelines, and state lawmakers have introduced legislation that would direct serious criminal investigations to outside law enforcement, among other changes.

No one has claimed more overtime than Thomas Lopez, an entry-level patrolman at the Porterville Developmental Center. On top of his base salary of \$54,133, Lopez's paychecks have included at least \$80,000 in overtime every year for much of the past decade, doubling and tripling his compensation.

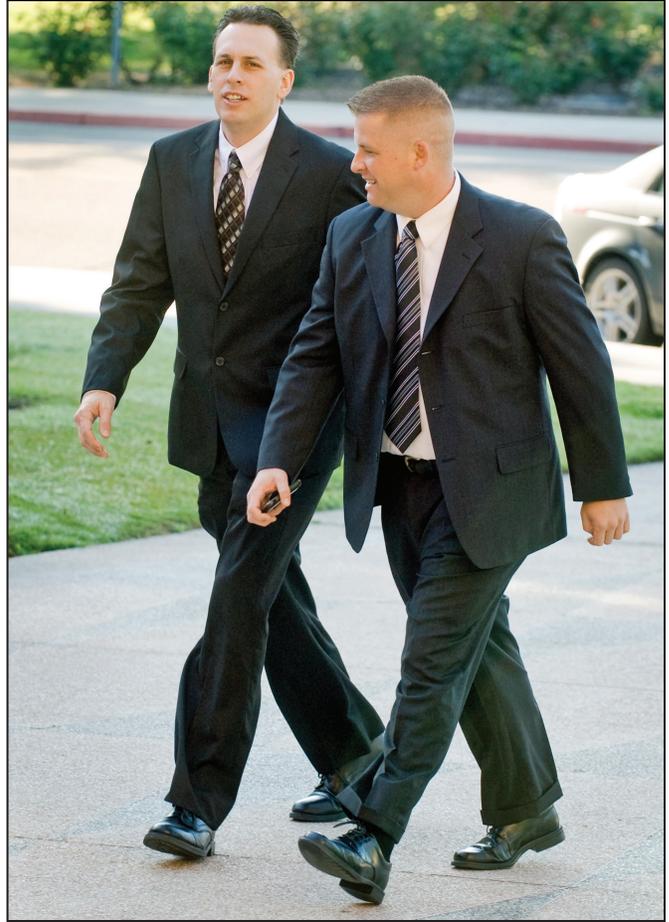
In 2008, Lopez collected \$208,000 in pay, including \$146,000 through overtime. To achieve that income level, Lopez would have had to work 107 hours each week for the entire year, without any vacation or leave time.

Overtime has lifted Lopez into the same income bracket as doctors at the developmental center where he works. He's paid more than his boss, Terri Delgadillo, the Department of Developmental Services director, who earns \$158,000 for running the \$4 billion state agency.

Even Lopez acknowledged that his paychecks are large. "If I were investigating overtime, I'd be the top suspect," said Lopez, who owns seven houses worth \$1.2 million and two classic cars valued at \$50,000 each, according to two car auction websites.

Last year, Lopez received \$150,275 – just below the salaries of Attorney General Kamala Harris and state schools superintendent Tom Torlakson. Sixty percent of Lopez's income was from overtime.

Lopez contends he spends every waking hour at the Porterville center. He volunteers for day



RENEH AGHA/PORTERVILLE RECORDER

Porterville Developmental Center Lt. Scott Gardner (left) and Cmdr. Jeff Bradley make their way to Tulare County Superior Court in April 2010. The two were indicted for embezzling about \$121,000, but the charges were later dropped.

shifts and night shifts, weekends and holidays. The patrolman said his superiors are responsible for his hours, not him.

“The only thing I can tell you is it was signed and allowed by a sergeant,” Lopez said. “Even people who don’t like me will testify I was there.”

Bob Lewis, a commander with the Office of Protective Services, was responsible for police operations at the Porterville center most of the past three years and had final authority over Lopez’s overtime hours. The office’s **overtime policy** directs commanders to “reduce OT whenever possible.”

Lewis declined to comment because the Department of Developmental Services does not permit employees to talk to reporters. “I wish I could speak with you, but I can’t,” he said. Lewis received a promotion in September and now leads the police force at the Sonoma Developmental Center.

Documents show the vast majority of extra hours at the Office of Protective Services are for patrol shifts, with officers waiting for calls about incidents or circling the institutions’ parking lots, rather than investigating potential abuse cases.

“At night, it gets a little bit slow. It’s hard not to doze off sometimes,” Lopez said. “You try to stay up. But you better take your calls, and you better take your reports. It’s hard because that time drags.”

When asked if he sometimes sleeps during overtime shifts, Lopez replied, “Yes.”

The force currently has **27 vacant jobs** out of 94 positions, but most of the shifts are covered by increased overtime and by hiring retired officers for temporary duty. Some of those officers – so-called retired annuitants – also have earned overtime pay.

Coby Pizzotti, a lobbyist for the California Statewide Law Enforcement Association, which represents the institution’s police, said the overtime payouts are a symptom of understaffing at the developmental centers. Fairview Developmental Center in Costa Mesa and the Lanterman Developmental Center in Pomona, for example, are staffed with just four patrol officers each.

“The budgeted positions aren’t sufficient to do the job adequately without getting an incredible amount of overtime,” he said.

The base pay for the force averages about \$44,000 – relatively low compared with departments of similar size. At the Vallejo Police Department, for example, the average base pay is \$98,000.

Delgado, the agency’s director, declined to comment on her department’s overtime payouts. But in a statement, the department said overtime was required “to meet the safety and security needs of the 24-hour licensed residential health care facilities” amid a state hiring freeze and worker furloughs.

“These residents require constant and immediate law enforcement supervision for all court hearings, community outings and medical appointments outside of the secure treatment area,” the department said.

At the same time, the department said it has moved to curb overtime payouts. In 2009, it implemented **a new policy** that requires police supervisors to approve overtime requests in advance and to assess whether officers’ workloads are reasonable.

Patricia Flannery, the official who oversees operations at California’s developmental centers, that

year also ordered an internal audit of police overtime. Documents from the audit, obtained through a public records request, do not show any attempt to evaluate whether the officers actually worked the hours on their timesheets.

Between 2009 and 2011, overtime payouts at the Office of Protective Services declined about 25 percent. State officials said their “aggressive actions” to curb overtime – as well as using closed-circuit cameras to monitor patients instead of security towers – has led to the drop in overtime.

Despite the changes, seven officers at developmental centers still managed to double their pay in 2011.

City police and sheriff departments often generate large overtime bills. But the Office of Protective Services far outpaces other California law enforcement agencies in overtime, according to state and local payroll data of five agencies reviewed by California Watch.

The developmental center police officers on average added \$19,600 to their paychecks through overtime in 2010 – \$2 million in total, according to state pay data. Overtime accounted for 28 percent of all Office of Protective Services compensation that year. Eleven officers doubled their salaries with overtime.

By comparison, overtime was 12 percent of pay for police officers in Vallejo and at the similarly sized Santa Cruz Police Department. And at larger agencies, such as the California Highway Patrol and the San Jose and San Francisco police departments, the percentage of overtime hovers between 6 and 10 percent of pay, an analysis of local pay data shows.

To Loren DuChesne, former chief of investigations for the Orange County district attorney’s office, the overtime looks suspicious. DuChesne examined the Office of Protective Services for the state attorney general’s office a decade ago, finding shortcomings in the force’s ability to conduct criminal investigations.

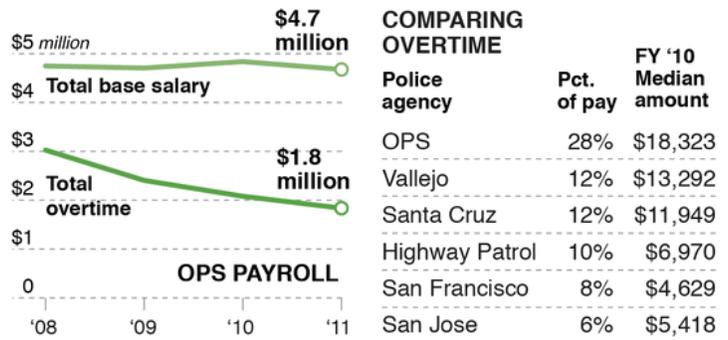
“What I’m seeing here is just a carte blanche abuse,” DuChesne said. “Given the nature of the job, those guys on graveyard (shifts) at Sonoma or Lanterman, if you had more than one person, you had to be the most bored person that ever worked in a law enforcement vehicle.”

Lopez is among dozens of developmental center police officers who have recorded extra hours on their timesheets.

One patrolman at the Fairview Developmental Center in Costa Mesa, Daniel Butler, regularly collected more money from overtime than from his base pay. He worked for 14 years at the facility, but netted at least \$60,000 a year in overtime from 2007 until his retirement in March 2011.

Small police force loads up on overtime

An unusually high number of police officers at the state’s board-and-care facilities for the developmentally disabled have doubled their salaries with overtime. The state-run police force, called the Office of Protective Services, employs about 90 patrol officers and detectives and has received \$9.3 million in overtime since 2008.



Source: Dept. of Developmental Services

BRIAN CRAGIN / CALIFORNIA WATCH

Butler did not respond to repeated interview requests.

Another Porterville officer, Rick Shannon, neared Lopez's overtime levels in 2008. His paychecks included \$114,000 from claiming extra hours.

Shannon, whose base salary was \$50,000, was on pace to exceed \$100,000 in total income for at least the fourth straight year when he suffered a fatal heart attack in July 2010 in the middle of a shift. In just seven months that year, Shannon received \$44,830 in overtime.

At the Porterville center, supervisors have long approved overtime claims without verifying the patrol officers actually showed up for the shifts, said Martin Espinoza, a former detective at the institution. (Records show Espinoza earned \$8,000 in overtime pay during the four years before he retired, much less than many of his colleagues.)

"I couldn't comprehend how they could allow such a thing," Espinoza said of the overtime claims. "These people are fairly intelligent and can figure some of this stuff out. It was so obvious."

Indeed, a Tulare County grand jury in 2010 indicted the Office of Protective Services' police chief and a top detective **on embezzlement charges** related to overtime abuse.

The police department in the town of Porterville found evidence that Scott Gardner, the developmental center's investigator, claimed overtime hours on days when he was in Las Vegas, said Capt. Eric Kroutil, who conducted the investigation for the Porterville Police Department.

The detectives concluded that Jeffrey Bradley, then chief of the Office of Protective Services, had sanctioned Gardner's overtime. Bradley and Gardner were indicted on embezzlement charges in February 2010, but the prosecution was short-lived.

A judge threw out the charges last year, saying an Office of Protective Services internal investigation into the matter violated Bradley and Gardner's rights under the California Peace Officers' Bill of Rights. The internal investigation had been characterized as "administrative" rather than potentially criminal, meaning any evidence collected could not be used in a court of law.

Gardner declined to speak with California Watch. Bradley referred questions to his attorney, W. Scott Quinlan, who did not respond to several phone calls and e-mails. The Department of Developmental Services fired Bradley after his arrest, and Gardner resigned. Bradley has since appealed his dismissal.

Overtime at closed facilities

Patrol officers with the Office of Protective Services have accumulated overtime even without crimes to investigate or patients to protect.

At the Agnews Developmental Center in San Jose, which closed in March 2009, officers accumulated between 200 and 460 hours in overtime pay to patrol empty buildings in the three months after the facility shuttered.

Agnews officers claimed 1,307 extra hours in total during those months. By comparison, that's twice the number of hours taken by officers and detectives at the Lanterman Developmental Center in Pomona, which then housed 440 patients with cerebral palsy and other intellectual disabilities.

The Department of Developmental Services operated an outpatient clinic at Agnews for two years after the closure. In a written statement, state officials said the agency “remained responsible for the safety and security” of the center as long as it owned the property.

State officials did not provide an explanation for why the Office of Protective Services spent more on overtime at Agnews than at Lanterman in 2009. But they said the Agnews overtime was necessary, “as the two full time peace officers employed were insufficient to cover the required 24 hour schedule seven days per week.”

Police overtime is supposed to serve a law enforcement purpose, protecting people or investigating crimes, said Leonard Matarese, a criminal justice consultant at the International City/County Management Association.

Matarese, a consultant and retired Florida police chief, said departments should account for extra hours on a weekly, if not daily, basis. The number of extra hours alone at the Office of Protective Services – 65,000 a year on average from 2008 to 2010 – raises alarms about the institution force.

“As a police chief, I just wouldn’t allow that,” Matarese said. “It sounds like it’s completely out of control.”

Patrolman cashes in on overtime

Lopez, the entry-level patrolman in Porterville, owns seven houses worth a combined \$1.2 million, scattered across Porterville and the Los Angeles area. Lopez lives in one of his Porterville homes – a nondescript tan structure with a well-manicured front yard. The patrolman said he uses the house primarily to sleep and store his belongings.

In the garage of his main residence, he keeps two pristine 1956 Chevrolet Bel Airs, collectors’ items that gleam with the original factory paint colors of “Tropical Turquoise” and “Sierra Gold.” Each car is worth at least \$50,000, or about the same as Lopez’s base salary.

His paychecks have included at least \$80,000 in overtime every year for much of the past decade, state data shows.

Porterville, where Lopez works, is home to more than 500

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**— Loren DuChesne,
former chief of investigations for the Orange County district attorney’s office**

people with developmental disabilities. About 200 of the patients are inmates, placed at the center by courts because they are unfit to stand trial. Because of this, a majority of the Office of Protective Services is based at Porterville.

Some days, Lopez said he earns extra hours by standing guard in the secure housing units. Other days, the overtime calls for him to transport patients to appointments and court dates outside the developmental center.

But many shifts don't require him to do anything but show up – long stretches spent watching movies on his laptop and napping, he said.

“How many times can you spin around the facility?” Lopez said of his patrol work. “You're waiting for a call, waiting for a help call, waiting for a report.”

Few at the Office of Protective Services have ever worked for a major law enforcement agency. But Lopez received his basic training at the Los Angeles Police Department's academy before signing on with the developmental center force in 1996, personnel records show.

Judging by his training, which could have placed him at a much larger and better-paying police force, Lopez's decision to work at the Office of Protective Services is unusual. The department typically hires detectives from other state agencies, such as the Department of Social Services, and other people with no law enforcement experience.

Lopez's reported workweek is unusual, even if he spends a portion of it idling. In an interview, Lopez claimed he worked regular 12-hour shifts every week, and some days, he would work 20 hours.

In 2011, state pay data shows, Lopez's workload averaged 85 hours a week at the Porterville center for 52 weeks to earn his \$144,000 income. Of that, \$90,730 was overtime.

Last year was nothing compared with 2008, when Lopez's compensation peaked at \$208,000 – 70 percent of it overtime pay. His timesheets claimed an average of 107 hours of work every week. He claimed no sick days or vacation.

Department of Developmental Services officials would not answer questions about Lopez's overtime, citing California law making personnel information about police officers confidential.

Martin Espinoza, the recently retired detective at Porterville, wondered how Lopez avoids crippling fatigue from putting in more than 200 overtime hours a month.

“How is that possible?” Espinoza said. “You've got to sleep sometimes.”

This story was edited by Robert Salladay and Mark Katches and was copy edited by Nikki Frick.

INFOGRAPHIC

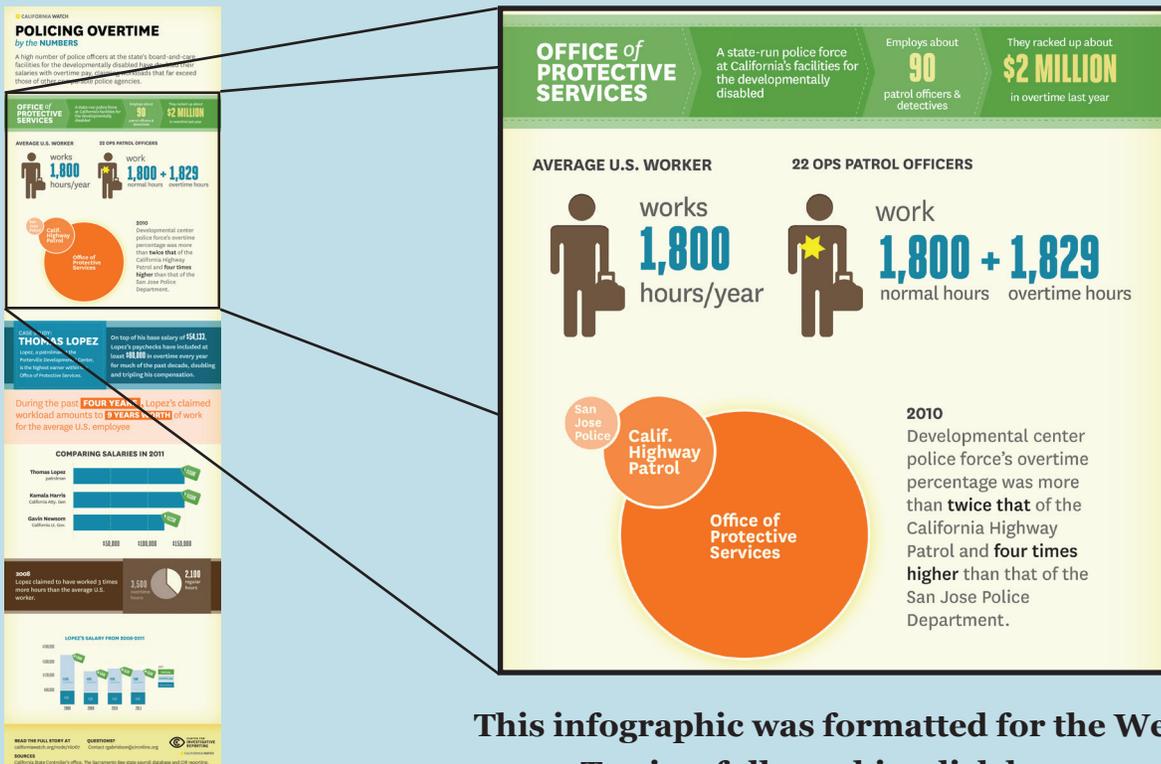
How does a police officer double his salary in a year?

By Lauren Rabaino
May 18, 2012

<http://bit.ly/BrokenShield-Overtime-infographic>

Officers working for the Office of Protective Services, the police force at California's five developmental centers, are some of the state's most proficient users of overtime. But even while they have boosted their paychecks, the force has been criticized for its sloppy investigations into potential crimes.

We built an infographic for the Web examining the force's overtime pay from several vantage points, offering readers side-by-side comparisons with other law enforcement agencies. Our analysis was based on how many hours the biggest earners claimed on their timesheets.



This infographic was formatted for the Web.

To view full graphic, click here:

<http://bit.ly/BrokenShield-Overtime-infographic>