



Shift signups for 2015 year postponed

The time of the year has come for patrol shift signups.

Unfortunately, at this time, they are postponed. All of you received an email correspondence from Captain Gularte, indicating a target date of October 1, 2014 for signups. However, we will NOT be cooperating with this process until a decision is made which brings FDSA a fair resolution.

The following is an excerpt taken from Gularte's memorandum:

"The Detective Bureau has also reached its limits on delivering effective investigative assistance to the agency due to staffing. For that reason you have seen some transfers over the past week. These transfers will allow the Detective Bureau to meet their operational needs as well as break the stagnation some of you have experienced in patrol. I have met with your Area Commanders, President Eric Schmidt and Vice President Anthony Gomez in preparation for this year's shift sign-ups. We are shooting for Wednesday October 1, 2014 at the FDSA. This year we were able to open up more weekend slots and have pushed most of the vacancies into the slower Areas to be filled by overtime, until PTO graduates can fill those holes."

Captain Gularte has a valid point in that the Detective Bureau has reached a staffing issue- along with patrol. As you are aware, the reason is - - we are short 100 deputy sheriffs.

Captain Kandarian has been constantly trying to fill positions within the Detective Bureau since he was assigned this task. This is difficult, due to the fact that patrol is continuing to run short staffed and many of you have been working MOT/VOT shifts there for many years.

A problem lies with workforce balance. We have an issue in regards to patrol that we are attempting to address, by "return to patrol training", along with the hiring of new people to help start filling the voids.

Over the years, when staffing has been at least "ok," we have had detectives ask to leave their assignment and go back to patrol. There have been times when that detective is told, "no" and the department says, "we need you to stay in your position for now." Then, we also encounter the deputies working their detective assignment without *any* issue, who are told, without cause, it is time to leave.

"Professionals Protecting and Serving Fresno County"

1360 Van Ness Avenue Fresno, California 93721
(559) 268-3372 FAX 441-8624 email address: eric.schmidt@fresnodsa.org



We are asking for consistency in these changes because the current system is unfair and makes no logical sense.

In July/August, we met with the Area commanders and Captain Gularte to create and discuss the shift signup key assignments. The FDSA's suggestion, (before all of this was started), was to open up more of the weekend, or partial weekend days off for the deputies working patrol. This would allow a portion of the weekend off to spend with friends and family. Since we sent a lot of detectives back through "Return to Patrol Training" the pool of deputies eligible for patrol shifts has now grown. Makes sense right?

As it currently stands, the 2015 key assignments have more weekend and partial weekend slots available for deputies to sign up.

To date, there is a disagreement between the FDSA and Sheriff Mims (her Executive Staff) regarding movement within the department. Specifically, the issue of moving deputy sheriff's from their current assignment in a detective/special assignment unit, to somewhere else in the department - that could be either Patrol Division or Court Service Unit- **without cause and for no apparent reason.**

Right now, there is not a rotation policy within the Fresno County Sheriff's Office. Depending on whom you talk to and what day of the week you talk to them, some supervisors may feel they want deputies to stay in these units anywhere from no more than 3 years, to 5 years - - lately I have even heard 10 years.

History is our best source of knowledge as it relates to this situation.

Many deputies have dedicated their careers to certain units within the Sheriff's Office because they are passionate at the job they do, work well with others, and are good at it. This is experience and knowledge that is hard to come by and not easy to replace. Some of these deputies are still working here, and do an incredible job in their assignment.

These issues arose with the Patrol Captain during the preparation of shift signups. There were a few detectives who were put on the patrol signup list, who *did not* ask to leave their current assignment. In addition, they have not received any unfavorable reviews and their performance is not an issue. When I posed the question as to why they are on the list, the answer varied from, "They have been there too long," "We are moving people to help their careers," "We need to give new people a chance at these positions." Longevity within assignments varies, arbitrarily, from one supervisor to another.

The argument of opportunity doesn't really come into play, since 90%+ of you move because you want to do something else in the department. We do not keep people from doing what they want. But, we also have those deputies who have put in for many

"Professionals Protecting and Serving Fresno County"

1360 Van Ness Avenue Fresno, California 93721
(559) 268-3372 FAX 441-8624 email address: eric.schmidt@fresnodsa.org



assignments and have been denied every one of them. So the opportunity argument really is insignificant in this discussion.

This is the first time we have encountered this type of involuntary movement. Many of you have come to me over the years and have vented, if your supervisor(s) wants you to leave, or is demanding you transfer out. Normally we have been able to work out these types of issues with conversation and common sense.

Our proposed language to insert in the shift signup agreement helps protect deputies from being moved arbitrarily and without cause. Our suggested language is being declined and without even a discussion.

Last Tuesday, September 23, 2014 a Grievance was filed with the County of Fresno, to address this issue. The results are still pending. So, right now, we do not know when shift signups will take place. Vacation and shift signups are on hold until we can find common ground. I am hopeful that someone will talk to us to come up with a resolution since this is affecting many people in the patrol division. In my six years as your President, I have yet to have an issue come up, where the FDSA and Sheriff's Administration were not able to work out the problem. That is the benefit of having working relationships with people day in and day out.

Any questions you may have, please get in touch with me.

Wounded San Bernardino Police Officer Gabriel Garcia regaining consciousness

Police Officer Gabriel Garcia is regaining consciousness, nearly two weeks after being shot in the line of duty, Police Chief Jarrod Burguan said at a vigil Thursday night.

"Within the last 24 hours he's started to regain consciousness," Burguan said, to applause that he followed with caution. "He's still in very critical condition."

In fact, Burguan said, Garcia's ability to hang on so far is "a miracle," but he sounded hopeful as he told a crowd gathered to call for an end to violence that Garcia's family and the Police Department deeply appreciate the community's support.

"Professionals Protecting and Serving Fresno County"

1360 Van Ness Avenue Fresno, California 93721
(559) 268-3372 FAX 441-8624 email address: eric.schmidt@fresnodsa.org



FDSA

FRESNO DEPUTY SHERIFF'S ASSOCIATION

Burguan continuously has updated the community on Garcia's prognosis through messages on the social media platform, Twitter.

Moments before beginning his speech, Burguan got off his cell phone and posted a Twitter message:

"Update on Ofc. Garcia. Good day today. Showing improvement. He is regaining consciousness. Please keep him in your prayers," Burguan tweeted.

Earlier that morning, he tweeted that treatment continued and positive signs continue, but with occasional complications.

The community has come together with fundraisers and vigils to support Garcia and the Police Department.

A car wash fundraiser is scheduled Saturday at the Juan Pollo Restaurant at Mount Vernon Avenue and Fifth Street in the officer's name. All proceeds will go to Garcia.

Garcia, a field-training officer, was shot in the head on August 22 in the early morning hours during a gun battle with a heavily armed man. His unidentified partner, a trainee, was not wounded.

Burguan said shortly after 2 a.m., Garcia and his trainee came across six individuals walking near 19th Street and Garner Avenue.

"When Garcia and his trainee got out of their patrol car, one of the individuals began to open fire," Burguan said in a previous report.

Garcia's partner opened fire, killing the man, identified as Alex Alvarado, 38, of San Bernardino. Police said Alvarado is a longtime member of a Redlands street gang.

Three of the five surviving suspects have been charged with two counts of attempted murder of a peace officer and one count each of possessing an assault rifle.

Jonathan Contreras, 20, Gonzalo Medina, 22, and Orlando Cruz, 24, all of San Bernardino pleaded not guilty on August 27 to all charges.

District Attorney Michael A. Ramos has taken a tough stand against violent crime in the county.

"Professionals Protecting and Serving Fresno County"

1360 Van Ness Avenue Fresno, California 93721
(559) 268-3372 FAX 441-8624 email address: eric.schmidt@fresnodsa.org



FDSA

FRESNO DEPUTY SHERIFF'S ASSOCIATION

"The District Attorney's Office wants to make very clear, if you aid and abet or are involved in a conspiracy in the assault or shooting of a peace officer, we will hold you accountable, even if you don't pull the trigger," Ramos said.

This is the third time in a year a San Bernardino police officer has been fired upon and wounded in the line of duty.

In July 2013, two San Bernardino police officers attempted to stop a vehicle near a liquor store at Base Line and Sierra Way when the occupants of the car jumped out and opened fire on the officers.

"The car pulled into the parking lot and four armed individuals stepped out of the car and started shooting at the patrol officers," police Lt. Paul Williams said at that time. "Multiple shots were exchanged between officers and the suspects."

One officer was struck in the leg, treated at Loma Linda University Medical Center and later released.

A week prior to that shooting, a sheriff's deputy serving an eviction notice in the 1400 block of Date Street, was ambushed as he and his partner stepped out of their car. One of the deputies was shot in an arm and hand. A bullet also grazed the deputy's face.

The unidentified deputy, a 24-year veteran, was treated and released from a hospital, sheriff's officials said.

Miguel Alvarez, 33, is accused of driving up to the deputies as they sat in their patrol car and firing multiple shots, striking one of them.

Again my door is always open to all of you anytime you need anything. Many of you do take advantage of that and I thank you for your questions, comments and concerns.

Also I want to let you all know that Loretta Kullberg, FDSA Business Manager for the last ten years, last day was Tuesday September 30, 2014. We wish her well in retirement.

Stay safe and take care of one another.

-Eric

"Professionals Protecting and Serving Fresno County"

1360 Van Ness Avenue Fresno, California 93721
(559) 268-3372 FAX 441-8624 email address: eric.schmidt@fresnodsa.org