



Santa Cruz County Probation Response to Grand Jury

1 message

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To: "grandjury@scgrandjury.org" <grandjury@scgrandjury.org>

Fri, Jul 26, 2019 at 1:36 PM

Hello

Attached is the Probation Department Response.

For scheduling assistance, please contact Administrative Aide Lisa Herschfelt lisa.herschfelt@santacruzcounty.us or 831-454-3105

Fernando Giraldo, Chief Probation Officer

Santa Cruz County

831-454-3207



CPOResponsePacket - _Final 7-25-2019.docx
366K



**The 2018–2019 Santa Cruz County Civil Grand Jury
Requires that the
Santa Cruz County Chief Probation Officer
Respond to the Findings and Recommendations
Specified in the Report Titled
Santa Cruz County Probation
Officers Inadequately Equipped and At Risk
by September 23, 2019**

When the response is complete, please

1. Email the completed Response Packet as a file attachment to grandjury@scgrandjury.org, and
2. Print and send a hard copy of the completed Response Packet to

The Honorable Judge John Gallagher
Santa Cruz Courthouse
701 Ocean St.
Santa Cruz, CA 95060

Instructions for Respondents

California law PC §933.05 (included [below](#)) requires the respondent to a Grand Jury report to comment on each finding and recommendation within a report. Explanations for disagreements and timeframes for further implementation or analysis must be provided. Please follow the format below when preparing the responses.

Response Format

1. For the Findings included in this Response Packet, select one of the following responses and provide the required additional information:
 - a. **AGREE** with the Finding, or
 - b. **PARTIALLY DISAGREE** with the Finding and specify the portion of the Finding that is disputed and include an explanation of the reasons therefor, or
 - c. **DISAGREE** with the Finding and provide an explanation of the reasons therefor.
2. For the Recommendations included in this Response Packet, select one of the following actions and provide the required additional information:
 - a. **HAS BEEN IMPLEMENTED**, with a summary regarding the implemented action, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**, with a timeframe or expected date for implementation, or
 - c. **REQUIRES FURTHER ANALYSIS**, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the grand jury report, or
 - d. **WILL NOT BE IMPLEMENTED** because it is not warranted or is not reasonable, with an explanation therefor.

If you have questions about this response form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

F1. Deputy Probation Officers' (DPOs') lack of safety equipment impedes their ability to do their assigned field visits without jeopardizing their own safety.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

Sworn staff are equipped with duty belts, gloves, search kits, body armor, identifiable clothing, badges, flashlights, radios, radio holders, handcuffs and holder, equipment bags, duty shirts and pepper spray. Additionally, our staff are provided annual safety training at a minimum of 16 hours per FY. Lastly, as of July 2019, Narcan kits are available for checkout. The department is in the process of seeking grant opportunities to supply Narcan to individual staff.

F2. The Department collects and stores but does not track serious incident reports involving DPOs with offenders.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

The department follows a process whereby Incident Reports (IR) are received and reviewed by a Manager; collected and scanned by the Chief's Administrative Assistant and placed in a shared electronic folder. Prior to each Safety Committee meeting, all participants from the POA and Management team have access to review said IRs. The POA participants have an opportunity to decide which IRs are worthy of discussion and review during the meeting, as well as any needed follow up. As a result of these meetings, the IR form has been enhanced to include more detailed areas for follow up and debriefing when needed (with a Strength, Weakness, Opportunity, and Threats - SWOT analysis model noted for consistency in response).

F3. The Department meets the minimum state requirements for annual DPO training, but does not provide sufficient safety training for DPOs in the field.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

The department offers ongoing safety training and since August 2018, has had an active Field Training Pilot program that is facilitated by DPO II/IIIs who have completed the POST certified Field Training Officers (FTO) Program. The FTO training hours are in addition to the STC certified CORE Probation Training at a mandated minimum of 190 hours - with significant portions focused on field safety/field readiness), and PC 832 Laws of Arrest training (40 hours) required by all new DPOs within their first year.

Although the department is required to provide no less than 16 hours of safety related training per the MOU, for the past three fiscal years between 28 – 42 hours of safety related training has been offered (including 4 hours each of CPR/FIRST AID). Multiple trainings are offered repeatedly throughout the year to allow staff the opportunity to attend more than once for additional exposure if desired (for example: defensive tactics / weaponless defensive tactics).

28 hours FY18/19 (in addition to the FTO program)

42 hours FY17/18

32 hours FY16/17

F4. Law enforcement is not always available to accompany DPOs in high-risk situations, resulting in fewer contact visits by DPOs.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

Law enforcement officers are always available to assist probation officers with high-risk work, but there may be significant wait times based on other public safety priorities.

F5. The failure of the Department to include an armed unit supporting DPOs increases safety risks to DPOs in the field.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

Probation Officers have the ability to coordinate community contacts in the field with law enforcement partners who are trained first responders and able to address any issue that may arise.

Recommendations

R1. The Department should provide Deputy Probation Officers (DPOs) with standardized safety gear (individually fitted vests, functioning radios, tasers, OC spray, identifiable clothing, and Narcan™) for their field visits. (F1)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Response explanation, summary, and timeframe:

Sworn staff are equipped with duty belts, gloves, search kits, body armor, identifiable clothing, badges, flashlights, radios, radio holders, handcuffs and holder, equipment bags, duty shirts and pepper spray. Tasers will be implemented in 2019 provided all materials are available from the manufacturer. In FY 19/20, the department will be ordering individually fitted vests over time and as fiscally allowable. Narcan is available for checkout as of July 2019.

R2. The Department should provide all DPOs with mandatory initial and ongoing field safety training in collaboration with the Safety Committee. (F3)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Response explanation, summary, and timeframe:

In August 2018, the Department implemented a Pilot Field Training Program with DPO II/III staff trained as Field Training Officers.

R3. The Department should coordinate with local law enforcement to develop policies and procedures for law enforcement officers to accompany DPOs during field visits. (F4)

HAS BEEN IMPLEMENTED – summarize what has been done

HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE – summarize what will be done and the timeframe

REQUIRES FURTHER ANALYSIS – explain scope and timeframe (not to exceed six months)

WILL NOT BE IMPLEMENTED – explain why

Response explanation, summary, and timeframe:

The Sheriff and Chief Probation Officer have agreed to assign a full-time deputy to the Probation Department to assist probation officers with higher-risk assignments including searches, arrests, transportation and other work prioritized by the Probation Department. The County Board of Supervisors approved funding for one additional deputy for this purpose for the 2019-2020 fiscal year budget. The Sheriff and Chief Probation Officer will work together toward implementation. The assigned deputy is scheduled to start with the Probation Department in September 2019.

R4. The Department should commission a needs assessment by an independent consultant to ascertain the potential harm to unarmed officers doing field work with high-risk offenders, with a focus on developing an armed unit. (F2, F5)

HAS BEEN IMPLEMENTED – summarize what has been done

HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE – summarize what will be done and the timeframe

REQUIRES FURTHER ANALYSIS – explain scope and timeframe (not to exceed six months)

WILL NOT BE IMPLEMENTED – explain why

Response explanation, summary, and timeframe:

The Department is not aware of any research that supports arming probation officers increases safety.

Penal Code §933.05

1. For Purposes of subdivision (b) of §933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:
 - a. the respondent agrees with the finding,
 - b. the respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
2. For purpose of subdivision (b) of §933, as to each Grand Jury recommendation, the responding person shall report one of the following actions:
 - a. the recommendation has been implemented, with a summary regarding the implemented action,
 - b. the recommendation has not yet been implemented but will be implemented in the future, with a timeframe for implementation,
 - c. the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the Grand Jury report, or
 - d. the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
3. However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a County department headed by an elected officer, both the department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected department head shall address all aspects of the findings or recommendations affecting his or her department.
4. A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
5. During an investigation, the Grand Jury shall meet with the subject of that investigation regarding that investigation unless the court, either on its own determination or upon request of the foreperson of the Grand Jury, determines that such a meeting would be detrimental.
6. A Grand Jury shall provide to the affected agency a copy of the portion of the Grand Jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. **No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.**