

PASO ROBLES POLICE DEPARTMENT



August 15, 2016

The Honorable Barry T. LaBarbera
Presiding Judge, Superior Court
San Luis Obispo Superior Court
1050 Monterey Street
San Luis Obispo, CA 93408

Dear Judge LaBarbera,

I have received and reviewed the 2016 San Luis Obispo County Grand Jury Report regarding "Keeping Suspects in Custody: When is Scheduled Bail Not Enough?"

Pursuant to Penal Code section 933 (c), this serves as my official response to the report findings and recommendations.

FINDINGS:

- 1. Of the eight county law enforcement agencies (Sheriff and the seven city police departments), not every agency had a formal training program for PC1269c.**

I can neither agree or disagree as I am unaware of what training is provided to other local law enforcement agencies. At the time of the Grand Jury investigation the Paso Robles Police Department did not have a formal training program for PC 1269c. However, the Paso Robles Police Department Detectives have sought bail increases in the course and scope of their duties in the past and will continue to do so in the future when needed.

- 2. The recommendation of the San Luis Obispo County Superior Court regarding the responsibility of officers to seek a bail increase "...if the scheduled bail is not adequate for the crime ..." and to "... make their personnel cognizant of Penal Code Sections 1269c . . ." was not being adhered to by all law enforcement agencies.**

I can neither agree or disagree as I am unaware of what other law enforcement agencies are doing in regards to bail enhancements. The Paso Robles Police Department Detectives have sought bail increases in the course and scope of their duties in the past and will continue to do so in the future when needed.

3. **The failure of law enforcement officers to be "... cognizant of Penal Code Sections 1269c . . ."** and be regularly trained in its use can lead to situations where public safety is compromised and/or justice is thwarted.

I agree with this finding.

4. **The processes are in place for San Luis Obispo County law enforcement officers to readily prepare requests for bail increases and submit the requests to a judge for approval.**

I agree with this finding.

5. **San Luis Obispo County Superior Court has advised local law enforcement agencies to be mindful of this tool when considering bail.**

I agree with this finding.

6. **The few crimes handled by San Luis Obispo County law enforcement officers warranting a bail enhancement increases the importance of ongoing training in this area to maintain knowledge and proficiency.**

I agree with this finding.

7. **Not all of the county law enforcement officers are aware of the current Immigration and Customs Enforcement (ICE) hold procedures.**

I can neither agree or disagree as I do not know which law enforcement agencies were unaware of the current Immigration and Customs Enforcement (ICE) hold procedures.

RECOMMENDATIONS:

1. **The District Attorney should coordinate the development of uniform written policies and procedures for local law enforcement agencies to make requests of the court for appropriate bail increases.**

I partially disagree with this recommendation. As indicated on page 5 of the Grand Jury Report, the District Attorney has already provided all local law enforcement with the proper procedures on the matter and use of bail enhancements. It now falls to each individual law enforcement agency to implement written policies regarding same. The District Attorney's Office has always been available to assist local law enforcement agencies in this area when needed.

2. **The District Attorney should coordinate formal training programs for the local law enforcement agencies in the process for obtaining bail increases.**

I disagree with this recommendation. The District Attorney has already provided the necessary procedures and templates for bail enhancements. All formal training programs should reside with each individual law enforcement agency.

3. **Local law enforcement agencies should work with the District Attorney in the development of the above policies and programs within the resources of their respective departments.**

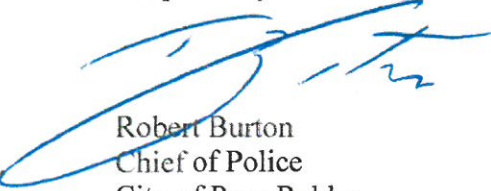
I partially disagree with this recommendation. As stated above, the District Attorney has already provided all local law enforcement with the proper procedures on the matter and use of bail enhancements. It now falls to each individual law enforcement agency to implement written policies or procedures regarding same. However, should the District Attorney decide to develop additional procedures or training pertaining to the topic of bail increases, the Paso Robles Police Department will certainly participate.

The Paso Robles Police Department will create a new training document regarding Penal Code Section 1269c that will be provided to all Department detectives. The new training document will be implemented by January 1, 2017.

4. **Local law enforcement agencies should rely only on California State Law when considering whether a bail increase is appropriate.**

I agree with this recommendation. The Paso Robles Police Department does rely on and follows California State Law. As such, this recommendation has already been implemented.

Respectfully submitted,



Robert Burton
Chief of Police
City of Paso Robles

RESPONSE TO GRAND JURY REPORT

Report Title: Keeping Suspects in Custody: When is Scheduled Bail Not Enough?

Report Date: June 30, 2016

Response by: ROBERT BURTON Title: PASO ROBLES POLICE CHIEF

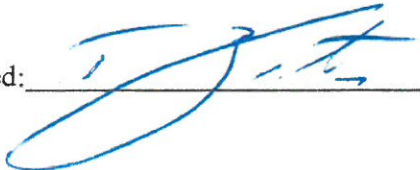
FINDINGS

1. I (we) agree with the findings numbered: 3, 4, 5, 6
2. I (we) disagree wholly or partially with the findings numbered: 1, 2, 7
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons.)

RECOMMENDATIONS

1. Recommendations numbered 4 have been implemented.
(Attach a summary describing the implementation actions.)
2. Recommendations numbered 3 have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
3. Recommendations numbered — require further analysis.
(Attach 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.)
4. Recommendations numbered 1, 2 will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: 8/15/16

Signed: 

Number of pages attached: 3