



San Luis Obispo County Sheriff's Office

1585 Kansas Avenue • San Luis Obispo • California • 93405
www.slosheriff.org

Ian S. Parkinson
Sheriff - Coroner

June 29, 2016

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

RE: Grand Jury 2016 Report- Keeping Suspects in Custody: When is Scheduled Bail Not Enough?

Dear Judge LaBarbera:

I have reviewed the 2016 San Luis Obispo County Grand Jury Report regarding "Keeping Suspects in Custody." My response to their findings and recommendations are as follows:

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.***
The respondent is unaware of what training other local law enforcement provide to their agency. The Sheriff's Office is already providing this training. As stated, on Page 6 of the Grand Jury Report, "*The Grand Jury spoke with a training officer and a detective from the San Luis Obispo County Sheriff's Department about their PC1269c policies and training. The Grand Jury reviewed the PC1269c written policies, which included the district attorney memorandum of November 20, 2015. The Sheriff's Department provides their detectives with PC1269c training and bail enhancements have been sought when appropriate.*"
- 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.***

The respondent is unaware of what other law enforcement agencies are doing in regards to the use of bail enhancements. The Sheriff's Office is already seeking increases when appropriate. As stated, on Page 6 of the Grand Jury Report, "The Grand Jury spoke with a training officer and a detective from the San Luis Obispo County Sheriff's Department about their PC1269c policies and training. The Grand Jury reviewed the PC1269c written policies, which included the district attorney memorandum of November 20, 2015. The Sheriff's Department provides their detectives with PC1269c training and **bail enhancements have been sought when appropriate.**"

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.

The respondent is unaware of what training other local law enforcement provides to their agency. The Sheriff's Office is already providing training and using enhancements when appropriate. As stated, on Page 6 of the Grand Jury Report, "The Grand Jury spoke with a training officer and a detective from the San Luis Obispo County Sheriff's Department about their PC1269c policies and training. The Grand Jury reviewed the PC1269c written policies, which included the district attorney memorandum of November 20, 2015. **The Sheriff's Department provides their detectives with PC1269c training and bail enhancements have been sought when appropriate.**"

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.*

The respondent agrees with this finding and is already providing training and using enhancements when appropriate. As stated, on Page 6 of the Grand Jury Report, "The Grand Jury spoke with a training officer and a detective from the San Luis Obispo County Sheriff's Department about their PC1269c policies and training. **The Grand Jury reviewed the PC1269c written policies, which included the district attorney memorandum of November 20, 2015.** The Sheriff's Department **provides their detectives with PC1269c training and bail enhancements have been sought when appropriate.**"

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

The respondent agrees with this finding and is already providing training and using enhancements when appropriate. As stated, on Page 6 of the Grand Jury Report, "The Grand Jury spoke with a training officer and a detective from the San Luis Obispo County Sheriff's Department about their PC1269c policies and training. **The Grand Jury reviewed the PC1269c written policies, which included the district attorney**

memorandum of November 20, 2015. The Sheriff's Department provides their detectives with PC1269c training and **bail enhancements have been sought when appropriate."**

- 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.**

The respondent agrees with this finding and the importance of training. The Sheriff's Office is already providing training in this area. As stated, on Page 6 of the Grand Jury Report, **"The Grand Jury spoke with a training officer** and a detective from the San Luis Obispo County Sheriff's Department about their PC1269c policies and training. **The Grand Jury reviewed the PC1269c written policies, which included the district attorney memorandum of November 20, 2015.** The Sheriff's Department provides their detectives with PC1269c training and bail enhancements have been sought when appropriate."

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

The respondent does not know which other law enforcement agencies were unaware of current ICE procedures and current law. The Court decisions that were mentioned on pages 3 and 6 of this report were discussed during a regularly scheduled San Luis Obispo Criminal Justice Administrators meeting. These meetings include all County Chiefs and the Sheriff. The California State Sheriff's Association and California Police Chiefs Association maintain the same legal counsel, Martin J. Mayer. Mr. Mayer has published two training bulletins on the subject of the Court decisions to the Sheriffs and Chiefs. Training and the dissemination of information is the responsibility of each individual department.

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.**

The respondent partially agrees with this recommendation. The District Attorney has fulfilled its responsibility by providing training on the subject matter and the use of the bail enhancement templates (page 5 of this report). Written department policies are the responsibility of each Law Enforcement agency. The District Attorney would be available for consultation on a case by case basis or as the agency lead felt appropriate and necessary. The Sheriff's Office already has written policies and training, as stated on Page 6 of this report.

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

The respondent disagrees with this recommendation. The District Attorney has fulfilled its responsibility by providing training on the subject matter and the use of the bail enhancement templates (page 5 of this report). Training is the responsibility of each department. The Sheriff's Office already provides training, as stated on Page 6 of this report.

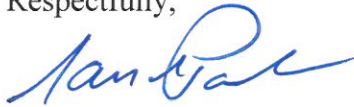
- 3. Local law enforcement agencies should work with the District Attorney in the development of the above policies and programs within the resources of their respective departments.**

The Sheriff's Office already has written policies on the subject, as stated on page 6 of this report.

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

The respondent is unable to determine the meaning of this recommendation. However, the Sheriff's Office does rely on and follow California State Law.

Respectfully,



Ian S. Parkinson
Sheriff-Coroner