

## RESPONSE TO GRAND JURY REPORT FORM

**Report Title:** Probation Officers: Arming for Safety  
**Report Date:** June 9, 2008  
**Response by:** Marin County Board of Supervisors

### FINDINGS

- We agree with the findings numbered: 1, 2
- We disagree wholly or partially with the findings numbered: 3, 4, 5, 6, 7, 8

### RECOMMENDATIONS

- The Recommendation will not be implemented.

Date: August 12, 2008

Signed:



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Number of pages attached: 3

## RESPONSE TO FINDINGS

- F1. In Marin County, probation officers are peace officers, trained and certified to make arrests and searches, but prohibited by the Marin County Probation Department (the Department) from carrying firearms on duty. Field arrests must be done in consultation with a Department superior even when immediate response is necessary. On all such occasions, police must be present.**

**Response:** Agree.

- F2. The position of the Department is that probation officers are safe while unarmed regardless of caseload.**

**Response:** Agree.

Probation officer safety depends upon a clear understanding of the expectations of sworn personnel, policy and procedures for "high risk/low frequency" officer safety areas, quality training to support policies and procedures, quality supervision of staff, appropriate Department authorized equipment to enhance safety, enhanced relationships with law enforcement agencies, treatment providers, and the community, and increased knowledge of current risk and needs posed by individual probationers, among other tools and practices.

- F3. Outside of Marin County, probation departments that prohibit arming tend to restrict field work for reasons of safety.**

**Response:** Disagree.

This finding is not supported by a recent Chief Probation Officers of California survey completed in June 2008. Chief Probation Officers from many counties that do not arm their probation officers indicate that officers are still expected to conduct visits outside of the office. Many have developed policies and procedures similar to Marin's that identify the purposes and methods for carrying out field work. There is also no evidence that carrying a firearm makes a probation officer any safer. Of the historical on the job injuries to probation officers, we are unaware of any that would have had a less adverse outcome had the officer been armed.

- F4. The Department has recently updated its procedures manual to increase officer field presence, but its firearms policy remains the same. A field risk assessment has not been conducted to gauge potential harm to probation officers, nor has input from field officers been sought.**

**Response:** Disagree in part.

It is not clear what the suggested "field risk assessment" would encompass. The Department has taken several steps to assess and minimize risk including those listed in the response to Finding #2. The Department has also implemented

validated risk/assessment tools for adult and juveniles offenders so that probation officers will know the risks those probationers present and be able to take the appropriate steps to enhance personal and public safety while effecting rehabilitation. Further, the Department is committed to continual training in Evidence Based Practices (such as Motivational Interviewing) that can lower risk factors.

The Department disagrees that input from field officers has not been sought. In a variety of informal and formal venues staff has offered information and opinions. Many staff has stated that they are not in favor of arming. On a formal level, the Department has convened a Safety Committee that consists of both management and line staff; another safety committee that includes staff and their union representative formally meets at the conclusion of scheduled labor management meetings.

- F5. Probation officers are requested to assist law enforcement in search and seizure operations and identification of probationers during field operations. However, the Department will not allow probation officer participation where carrying a firearm would be necessary for safety.**

**Response:** Disagree in part.

The Department's updated policies, procedures and training identify expectations for probation officers when they are participating in searches and seizures. Simply put, probation officers are not expected to participate in operations that are likely to jeopardize their safety. The ability of a probation officer to operate both effectively and safely is dependent upon a clear understanding of policies, demonstration of field officer skills, experience and knowledge of the probationer's history and current situation, and clear communication with other law enforcement agencies.

- F6. Conducting field visits of high-risk offenders presents a risk of harm to the probation officer.**

**Response:** Disagree in part.

While field visits with offenders can present risks, these risks can be mitigated through the policies and practices already described, along with constructive relationships that are developed between the probation officer and the offender; with law enforcement and community, quality case management skills, and the use of technology.

- F7. Marin County's policy of prohibiting arming of probation officers is out of the mainstream in California. Safety is becoming a more significant issue because increasing numbers of felons are begin placed on supervised probation due to prison overcrowding. Eighty-six percent of all probation department in California have adopted arming or are in the process of arming their officers, and the vast majority, 63 percent of those reporting data, has done so in the last 10 to 15 years.**

**Response:** Disagree.

Marin County has not experienced an increasing numbers of felons on probation, perhaps because of the overall low crime rate in Marin County. It is also not clear that there is a "mainstream" among probation departments in this regard. The State's 59 Probation Departments vary widely in their practices. Those Departments that do allow some probation officers to be armed have a variety of policies regarding staff eligibility in the carrying of firearms and regarding the standards and requirements for arming.

A recent Chief Probation Officers of California (CPOC) survey (June 2008) indicated that 26% of California counties do not arm their probation officers at all. Further, among the ten probation departments in the Bay Area, 7 do not arm their probation officers at all. Current research indicates that "what works" with both adult and juvenile probationers are practices that focus on changing behavior rather than controlling it.

### **Response to Recommendation**

**The Grand jury recommends that the Board of Supervisors, Chief Probation Officer, and the probation officers' union work in concert to immediately develop and implement a limited arming policy for Marin County probation officers.**

**Response:** Recommendation will not be implemented.

For the reasons stated in our responses to the Findings, the County does not believe that an arming policy is appropriate for Marin County at this time. The County has, and will continue, to work aggressively to ensure the safety of its probation officers and to provide them with the tools necessary for that purpose.



## THE BOARD OF SUPERVISORS OF MARIN

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August 12, 2008

Honorable Verna Adams  
Presiding Judge  
Marin County Superior Court  
3501 Civic Center Drive  
San Rafael, CA 94903

Dear Judge Adams:

Forwarded herewith is the Marin County Board of Supervisors' response (incorporating those for the County Administrator and the Sheriff, District Attorney and Chief Probation Officer) to the 2007-2008 Civil Grand Jury Report, "Probation Officers: Arming for Safety." The Board of Supervisors' response addresses all Findings and Recommendations for which a response was requested from the Board of Supervisors.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles McGlashan".

Charles McGlashan  
President, Board of Supervisors

cc: Civil Grand Jury ✓

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SUSAN L. ADAMS SAN RAFAEL 1ST DISTRICT	VICE-PRESIDENT HAROLD C. BROWN SAN ANSELMO 2ND DISTRICT	PRESIDENT CHARLES MCGLASHAN MILL VALLEY 3RD DISTRICT	STEVE KINSEY SAN GERONIMO 4TH DISTRICT	2ND VICE-PRESIDENT JUDY ARNOLD NOVATO 5TH DISTRICT	CLERK MATTHEW H. HYMEL
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