



## STANISLAUS COUNTY PROBATION DEPARTMENT

2215 Blue Gum Avenue • Modesto, CA 95358-1097

Telephone: 209.525.5400 • Facsimile: 209.525.4588

MIKE HAMASAKI  
Chief Probation Officer

July 18, 2017

The Honorable Ricardo Cordova  
Presiding Judge of the Superior Court – Stanislaus County  
PO Box 3488  
Modesto, CA 95353

Dear Judge Cordova,

On June 14, 2017, the Stanislaus County Civil Grand Jury forwarded their report on Case #17-20 GJ detailing their findings and recommendations following the annual inspection of custodial facilities in the county as mandated by California Penal Code Section 919(b). Also included in their report was a citizen's complaint Case# 17-30C with findings and recommendations. Thank you for the opportunity to respond to the comments and recommendations of the 2016-2017 Civil Grand Jury. We value the opinion of the Grand Jury and recognize the need to have others from outside of our organization review the conditions and practices of our facility and department.

The following are the responses to findings and recommendations specific to the Probation Department.

### **RESPONSE TO FINDINGS 17-20 GJ – Stanislaus County Juvenile Detention Facilities (JDF)**

- F4. Finding:** *During booking procedures at Juvenile Hall, male and female inmates are screened for syphilis but not hepatitis B or C.*
- R5. Recommendation:** *The Stanislaus County Probation Department screen for hepatitis B and C during the intake process.*

**Response:** The department disagrees partially with the finding. An explanation is included.

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Administration  
2215 Blue Gum Avenue  
Modesto, CA 95358-1097  
Telephone: 209.525.4598  
Facsimile: 209.525.5486

Adult Division  
801 11th Street, Suite B100  
Modesto, CA 95354  
Telephone: 209.567.4120  
Facsimile: 209.567.4188

Juvenile Division  
2215 Blue Gum Avenue  
Modesto, CA 95358-1097  
Telephone: 209.525.5400  
Facsimile: 209.525.4588

Juvenile Institution  
2215 Blue Gum Avenue  
Modesto, CA 95358-1097  
Telephone: 209.525.4580  
Facsimile: 209.525.5469

The Stanislaus County Probation Department, along with the Stanislaus County Sheriff's Department, has contracted with the California Forensic Medical Group (CFMG) for inmate medical services for several years. The medical staff from CFMG is housed within our Juvenile Hall and provides 24 hour medical services to the youth housed in both the Juvenile Hall and the Juvenile Commitment Facility. When youth are initially booked into Juvenile Hall, they are screened by CFMG medical staff prior to Juvenile Hall accepting the booking. A thorough secondary medical screening, which is completed within the first 96 hours after the youth is booked, details specific questions related to any history of high risk behavior for that youth. If the youth has shown to have a history of high risk behavior (ex. IV drug use, sexually transmitted diseases, unprotected sex, etc.) CFMG staff will discuss testing for HIV, Hepatitis B and Hepatitis C with the youth at that time.

CFMG medical staff makes every attempt to verify that the youth has received the Hepatitis B vaccinations. If the youth is short a vaccination or has never received any of the Hepatitis B vaccinations, CFMG staff will either continue or start the Hepatitis B series of vaccinations.

With regards to the screening for Syphilis during the booking process at Juvenile Hall, it is only conducted on all pregnant females entering the facility. CFMG staff conducts a rapid Syphilis test immediately at booking as a preliminary measure and then conducts a secondary confirmation test within the pregnant female's first week after booking. Any youth being tested for Chlamydia or Gonorrhea or presents with symptoms of Syphilis will be tested for Syphilis. This test is only offered if the youth has shown a history of high risk sexual behaviors.

The department disagrees partially with the finding in that not all minors are screened for Syphilis at the time of booking. Only pregnant females are tested immediately at booking.

The department also partially disagrees with the recommendation that the department screen for Hepatitis B and C during the intake process. During the minor's secondary, more detailed medical screening – usually occurring within the first 96 hours after booking, CFMG staff delve into more specific health related questions related high risk behavior where it is determined whether the minor should be tested for Hepatitis B and C. This detailed screening is not completed during the intake process due to time constraints and staffing levels.

CFMG staff has indicated that they do not conduct Hepatitis B or C testing during the booking process at the any of the adult detention facilities in the county and that they follow all CDC guidelines when it comes to the testing of our youth.

**RESPONSE TO FINDINGS 17-30C – Stanislaus County Probation Department**

- F1. Finding:** The Stanislaus County Probation Department's current Citizen Complaint and Citizen Declaration forms may discourage some citizens from filing a formal complaint due to the 148.6 CPC declaration.
- R1. Recommendation:** SCCGJ recommends that the SCPD review their Citizen Complaint and Declaration forms to foster filing of legitimate complaints and to come into compliance with the ruling of the 9<sup>th</sup> Circuit Court of Appeals ruling on Section 148.6 CPC.

**Response:** The department agrees with the finding.

After further review of the department's Citizen Complaint Declaration, it was determined best to remove language related to Section 148.6 of the California Penal Code. The updated Citizen Complaint Declaration includes information on the department's complaint process and a breakdown of frequently asked questions. The updated Citizen Complaint Packet is included in this response.

Thank you for the opportunity to respond to the comments and recommendations of the 2016-2017 Civil Grand Jury. Please extend my gratitude to the members for their time and effort during this past year.

Sincerely,



Mike Hamasaki  
Chief Probation Officer  
Stanislaus County Probation Department

cc: Stanislaus County Board of Supervisors  
Stan Risen, Chief Executive Officer  
John P. Doering, County Counsel



MIKE HAMASAKI  
*Chief Probation Officer*

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## **CITIZEN COMPLAINT PROCEDURES**

The Stanislaus County Probation Department is committed to being responsive to public concerns about the conduct of our employees and understands the importance of maintaining the public trust. Almost all interactions with Probation Department staff are of a favorable nature and very few contacts would cause a complaint to be made. However, we encourage members of the community to report what they believe to be any act of misconduct by Probation Department staff. It is the policy of the Stanislaus County Probation Department that all complaints or allegations of misconduct on the part of any department employee shall be investigated promptly. We believe in the right of all persons to report potential misconduct by Department members without fear of retaliation. Retaliation will not be tolerated in any form.

We are an organization committed to enhancing public safety through effective supervision, rehabilitation, and successful reintegration of our clients back into the community. The Probation Department always strives to deliver the best quality of services and we sincerely appreciate your input and comments.

In Your Service,

Mike Hamasaki  
Stanislaus County Chief Probation Officer

## CITIZEN COMPLAINT DECLARATION

A law enforcement agency accepting allegations of misconduct that employs peace officers (including Probation and Probation Correctional Officers) shall require the complaining party to read and sign the following information advisory.

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A LAW ENFORCEMENT OFFICER FOR ANY IMPROPER LAW ENFORCEMENT CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CIVILIANS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CIVILIAN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

I have read and understand the above statement:

\_\_\_\_\_  
Signature of Complaining Party

\_\_\_\_\_  
Date

## **CITIZEN COMPLAINT PROCEDURES**

Section 832.5 of the California Penal Code requires: Each department or agency in this state which employs peace officers shall establish a procedure to investigate citizen's complaints against personnel of such departments or agencies, and shall make a written description of the procedure available to the public.

Probation Officers and Probation Correctional Officers are peace officers as defined in California Penal Code section 830.5.

### **Complaint Process Information**

#### ***Who can make a complaint?***

Any person may file a complaint. If the complainant is under the age of 18, we request s/he be accompanied by a parent or guardian. All complaints will receive immediate attention. Complaints may be made to any supervisor or manager of the Department. Complaints may be received:

- (1) In person,
- (2) by telephone; or
- (3) in writing.

#### ***When can a complaint be made?***

A complaint may be made during normal business hours, Monday through Friday, between 9 am and 4 pm in person, by telephone, or by mail. All complaints sent via U.S. mail should be sent to:

Stanislaus County Probation Department  
Attention: Administration Office  
2215 Blue Gum Avenue  
Modesto, California 95358-1052  
Ph: (209) 525-5400

\*You may retrieve a copy of our complaint form and instructions at our office or online at: <http://www.stancounty.com/probation/>

#### ***What happens after a complaint is filed?***

An investigator will be assigned by the Chief Probation Officer or his/her designee to interview the complainant and witnesses, collect evidence, and gather any other materials pertaining to the complaint. All statements will be recorded and incorporated into the investigation. Once the investigation is complete, it will be reviewed by executive staff members to determine findings

and make recommendations concerning each allegation to the Chief Probation Officer. The Chief Probation Officer will provide a disposition and take appropriate disciplinary action if warranted. *You will be notified of the findings by U.S. mail only as prescribed by law.*

***Will I have to testify if I make a complaint?***

If an allegation is sustained and discipline is imposed, the Probation Department employee may contest the findings and/or the proposed discipline in accordance with statutory due process procedures. If the accused employee requests an evidentiary hearing you may be asked to testify before the Stanislaus County Employee Disciplinary Proceedings Hearing Board, an independent Arbitrator, or in extremely rare cases the California Superior Court. You may also be asked to testify in Superior Court should it be discovered the allegations against the employee involve criminal conduct and the District Attorney's Office decides to file formal criminal charges. However, in the large majority of cases testimony is limited to the investigation.

***How much time does it take to complete an investigation?***

According to the Peace Officer Bill of Rights Government Code Section 3304, investigations into alleged peace officer misconduct must be completed within one year of the received date; however, there are specific exceptions that can extend that period. Generally, the Department endeavors to complete investigations within 120 days dependent upon the complexity and scope of the allegations, availability of witnesses, and other factors such as the workload of the assigned investigator(s).

***How is an allegation proven?***

An allegation is proven or *sustained* when the evidence indicates that it is more likely than not that a violation of policy, procedure, and/or law occurred; this standard of evidence is known as "preponderance."

***What are the possible findings in the investigation?***

The available findings to an allegation include:

**Unfounded:** The investigation conclusively proved that the act or acts complained of did not occur, or the member named in the allegation was not involved in the act or acts, which may have occurred.

**Exonerated:** The act or acts, which provided the basis for the allegation or complaint occurred, however, the investigation revealed they were justified, lawful, and proper.

**Not Sustained:** The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation made in the complaint or the complainant failed to disclose promised information needed to further the investigation and/or the complainant affirmatively indicates the desire to withdraw his/her complaint.

**Sustained:** The investigation disclosed sufficient evidence to clearly prove the allegation made in the complaint.

***If an allegation is sustained will discipline information be provided to me?***

No, state law prohibits the release of this information. California Penal Code section 832.7 requires: "peace officer personnel records...or information obtained from these records" are confidential. In addition, the Stanislaus County Probation Department policy IV-10 prohibits the release of personnel information to comply with state law. Consequently, the Department cannot release disciplinary information.

***What happens if a complaint is found not to contain a violation of Department or County policy, procedure, rules, regulations, or the law?***

Allegations that do not amount to violations of policy, procedure, rules, regulations, or law will not trigger a formal investigation. However, the Chief Probation Officer or his/her designee will examine the content of the complaint and decide whether it warrants some action not covered by policy, procedure, rules, regulations, or the law.

***What if I have a disability and need an accommodation to file a complaint?***

The Stanislaus County Probation Department (SCPD) believes in providing equal access to all members of the public. If you are a person with a disability who needs an accommodation in order to communicate your complaint, we will make every reasonable effort to accommodate your needs. SCPD has also adopted use of the 711 dialing code for access to Telecommunications Relay Services (TRS). TRS permits persons with a hearing or speech disability to use the telephone system via a text telephone (TTY) or other device to call our Department.

***What if English is not my primary language?***

If you are not proficient speaking, reading, or writing in the English language, the SCPD will make every reasonable effort to provide assistance with translating information to and from your preferred language so that your complaint can be properly filed and communicated.



**STANISLAUS COUNTY PROBATION DEPARTMENT  
CITIZEN COMPLAINT**

Employee's Name: \_\_\_\_\_ Title: \_\_\_\_\_

Complaint Received by: \_\_\_\_\_ Title: \_\_\_\_\_

Date and Time Complaint Received: \_\_\_\_\_

Complainant's Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Allegation: \_\_\_\_\_  
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(Attach additional sheets if necessary)

	<u>Witness</u>	<u>Address</u>	<u>Telephone</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

I declare under penalty of perjury that the above allegation is true and correct to the best of my knowledge. I agree to cooperate with and testify before any examining authority if this complaint results in disciplinary proceedings or other legal action against a County employee.

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date