



Office of Correction and Law Enforcement Monitoring  
County of Santa Clara  
140 Asbury Street  
San Jose, CA 95110  
(323) 821-0586

To: Board of Supervisors

CC: Robert Jonsen, Sheriff  
Tony LoPresti, County Counsel  
James R. Williams, County Executive

From: Michael Gennaco, OCLEM Project Manager  
Teresa Magula, OCLEM  
Julie Ruhlin, OCLEM

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Subject: Monitoring Report on Progress of Sheriff Protective Services Officer Program

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## Summary

At the January 24, 2023, Board of Supervisors meeting, the Sheriff's Office presented its proposed training curriculum for the new Sheriff Protective Services Officer (SPSO) classification. During this meeting, this Board requested that OCLEM monitor and periodically report on the progress of the SPSO classification and the development of the Sheriff's Protective Services Division (SPSD).

This memo is OCLEM's first such progress report to this Board. During this period, OCLEM met with SPSD's leadership to learn the status of the Division's development in several key areas: policy, staffing and recruitment, training, and command and supervision. In each area, the SPSD leadership identified progress made, goals for the program going forward, and potential challenges. We report on these topics here.

In developing the new division and job classification, the Sheriff's Office is essentially creating a new protective services department within the Office. Overall, given the magnitude of this endeavor, we found the progress made to date to be commendable, with a realistic and achievable timeline and appropriate attention to potential issues.

## Background

Safety and security services at County Health System, Social Services Agency (SSA) and County Library locations are provided by Protective Services Officers (PSOs). Currently, PSOs working at Health System locations (hospitals, clinics and Behavioral Health) are under the command structure of the Sheriff's Office; their job functions may include law enforcement-type activities, such as assisting medical personnel in restraining individuals, limited applications of force or effecting a private person's arrest. Those who work for SSA or Library locations are responsible for basic security functions and are under the supervision of those agencies.

In 2018, the Office of the County Executive determined that some County locations required more specially trained security personnel. In response, the County's Employee Services Agency (ESA), in collaboration with the Sheriff's Office, developed the SPSO classification. SPSOs are non-sworn employees of the Sheriff's Office who are responsible for the security of County locations and assist sworn personnel; the classification requires a higher level of education, experience, and training than that of the PSO.

## Policy

The Sheriff's Office reported that transition from the existing PSO to the new SPSO classification required creation of new policies and procedures that applied specifically to the new role of the SPSO. Currently, PSOs operate under the supervision and policies of the work sites at which they are assigned, which reportedly vary significantly. Under the new classification, all SPSOs will operate under the Sheriff's Office General Orders. But, because SPSO's are non-sworn employees, some General Orders require specific tailoring to distinguish SPSO functions and guidelines from those of sworn deputies.

One example is the policy governing uses of force. As non-sworn employees, SPSOs have distinctly different guidelines for force applications than sworn deputies. SPSOs have different equipment (they do not carry firearms, for example) and are only authorized to use force in extremely limited situations, such as to effect a private person's arrest, defend against an attack, or assist medical personnel to restrain patients at the order or direction of authorized medical staff.

At the direction of this Board, OCLEM reviewed the SPSPD's draft use of force policy. While we found many aspects to be consistent with model use of force policies, we also identified areas of improvement: for example, more explicit definition and consideration of vulnerable populations<sup>1</sup> when determining appropriate force, defining prohibited areas for baton strikes or physical force, and a requirement to give verbal warnings before using force when practicable. We also recommended changes to the force review process; namely, that an uninvolved supervisor respond to the scene of and review any application of force beyond control holds.

The Sheriff's Office accepted these recommendations and provided an updated policy for our review, which we found to be responsive to our initial concerns. We understand that other SPSO-specific General Orders, such as uniform and equipment policies, are currently under command review. All new SPSO General Orders will be incorporated into the Sheriff's Office existing General Orders.

The Sheriff's Office has also created a Procedure Manual for SPSOs that details nuances of the day-to-day role of SPSOs, such as responses to hospital codes, how to handle allegations of patient abuse, and so on. We intend to review that manual as part of our continued monitoring of the Sheriff's Office development of the SPSO program.

## Staffing & Recruiting

The Sheriff's Office reported that staffing new SPSOs will happen in two ways: current PSOs may apply to the new classification, or individuals can apply for the position through the County Employee Services Agency (ESA).

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<sup>1</sup> In this context, "vulnerable populations" are defined as children, elderly persons, pregnant women, limited English proficient speakers and those demonstrating mental, behavioral, physical, cognitive, and perceptual impairments.

First, current PSOs may apply to become SPSOs, and the Sheriff’s Office reported that many have done so. This presents its own set of challenges – in anticipation of the new SPSO program, current PSO staffing has been down, and if current PSOs go “offline” to attend the six-week SPSO Course, staffing will drop well below current needs. The Sheriff’s Office plans to alleviate this by admitting a limited number PSOs into each SPSO Course, thus transitioning on a rolling basis, and filling the vacancies PSOs on overtime pay as available.

As SPSOs complete the Course, they will transition back into the roles left vacant by their transition. Over time, all Health System locations will be staffed by SPSOs, and PSO positions at these work sites will be eliminated. If a current PSO assigned to a Health System location does not meet the requirements for SPSO or does not wish to apply, the PSO may opt to keep his/her current role while the program transitions. These PSOs can remain as County employees performing similar job functions at different locations.

Individuals may also apply via County ESA. The Sheriff’s Office reported that applications for the position were running surprisingly high, reaching over 100 to date. But not all applicants are meeting background requirements, resulting in few individuals being hired.<sup>2</sup>

The challenge, then, is establishing a recruiting process that attracts candidates most likely to meet all of the SPSO requirements, including passing a background check. While the current focus is to recruit current PSOs, County ESA plans to post the SPSO position to its public online portal with a continuous open application.

## Training

During the January 24, 2023, Board meeting that prompted this request, the Sheriff’s Office presented its detailed training plan, which OCLEM reviewed. As reported in that meeting, the Sheriff’s Office is on track to hold its first SPSO Course starting the week of November 13, 2023.

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<sup>2</sup> Sheriff’s Office reported that the background process is handled by ESA and is confidential. As such, they do not have insight into why candidates are not meeting the requirements.

We reviewed the six-week Course schedule and found it to be comprehensive. It is responsive to OCLEM's recommendation for more specific de-escalation training and to the Board's request to incorporate training on responses to trauma, such as sexual assault and intimate partner violence.

The Sheriff's Office is also creating a Field Training Officer (FTO) program, which will pair a new SPSO graduate with a more senior member of the Sheriff's Office – a Training Officer – for mentorship and training in the field. The SPSD is working with the field training coordinator from the Sheriff's Office Enforcement Division (which oversee patrol deputies) to develop a program that is similar, though not as extensive, as Enforcement's FTO program. This program should be complete by November 2023 in preparation for the new Course graduates.

## Command Structure & Supervision

The Sheriff's Office identified two potential challenges with the command structure and supervision.

First, as we noted above, the command structure depends on the location where one works. Currently, PSOs working at Health System locations are already under the command structure of the Sheriff's Office. But those who work for the SSA or for the County Library are not. This command structure will remain the same; all SPSOs (and, in the short-term any remaining PSOs) staffing Health System locations will be under the Sheriff's Office command, but PSOs staffing SSA or Library locations will remain under the supervision of those respective agencies.

However, SPSOs may eventually also staff SSA and Library locations at the request of those County agencies. As such, the same location may be staffed by both SPSOs and PSOs who will perform similar functions yet are under different command structures. The Sheriff's Office plans to work closely with the leadership of SSA and Library – and with the respective unions – to ensure that command structure and responsibilities are clearly defined and delineated.<sup>3</sup>

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<sup>3</sup> In the short-term, this may also be a challenge at two Health System locations that are also staffed by private contract security. Under the new program, the County will allow those contracts to expire and replace the positions with SPSOs.

Second, as the SPSO program expands, the Sheriff's Office foresees needing more supervisory employees at each location. The Sheriff's Office received authorization to add one lieutenant and four sergeant positions to the SPSO program and has filled these roles. The addition of these four sergeants provides 24-hour supervision seven days a week and much-needed administrative support to the program. But as the program expands, the Sheriff's Office anticipates needing more supervisor positions to ensure sufficient coverage across all locations.

The Sheriff's Office also anticipates that the program will necessitate an expansion of the Sheriff's Office's regular support services, such as in Internal Affairs and Technology.

These additional staffing needs should be factored into upcoming budgetary cycles.

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