

Subject: Santa Cruz Police Department's response to Grand Jury findings

From: Dan Flippo - To: grandjury@scgrandjury.org - Date: August 24, 2017 at 6:34 PM, Attachments:
SchoolThreatAssessment_SantaCruzCoP_ResponsePacket.docx

Attached is a copy of the response from Santa Cruz PD regarding the Grand Jury's findings into assessing threats of school violence. I have also mailed a hard copy of the response to Judge Gallagher. I want to apologize that this was late. It was an oversight on my part, and I thought that the response had been sent earlier in the month. If you have any questions, please contact me.

Deputy Chief Dan Flippo #103
Santa Cruz Police Department
Administration Division
(831) 420-5815



**The 2016–2017 Santa Cruz County Civil Grand Jury
Requires that the
Santa Cruz Chief of Police
Respond to the Findings and Recommendations
Specified in the Report Titled
Assessing the Threat of Violence in our Public
Schools
by August 14, 2017**

When the response is complete, please

1. Email the completed Response Packet as a file attachment to grandjury@scgrandjury.org, and
2. Print and send a hard copy of the completed Response Packet to

The Honorable Judge John Gallagher
Santa Cruz Courthouse
701 Ocean St.
Santa Cruz, CA 95060

Instructions for Respondents

California law PC § 933.05 (included [below](#)) requires the respondent to a Grand Jury report to comment on each finding and recommendation within a report. Explanations for disagreements and timeframes for further implementation or analysis must be provided. Please follow the format below when preparing the responses.

Response Format

1. For the Findings included in this Response Packet, select one of the following responses and provide the required additional information:
 - a. **AGREE** with the Finding, or
 - b. **PARTIALLY DISAGREE** with the Finding and specify the portion of the Finding that is disputed and include an explanation of the reasons therefor, or
 - c. **DISAGREE** with the Finding and provide an explanation of the reasons therefor.
2. For the Recommendations included in this Response Packet, select one of the following actions and provide the required additional information:
 - a. **HAS BEEN IMPLEMENTED**, with a summary regarding the implemented action, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**, with a timeframe or expected date for implementation, or
 - c. **REQUIRES FURTHER ANALYSIS**, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the grand jury report, or
 - d. **WILL NOT BE IMPLEMENTED** because it is not warranted or is not reasonable, with an explanation therefor.

If you have questions about this response form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

F5. Seven of the ten districts have a specific threat assessment plan; those districts without a plan are less able to respond effectively to threats. All of these reported that local law enforcement was aware of their plan.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

Santa Cruz City Schools has a threat assessment plan that was developed and implemented with assistance from the Santa Cruz Police Department and Santa Cruz County Sheriff's Office. The threat assessment plan and response guidelines follow Safe Schools and FERPA recommendations or requirements.

All Law Enforcement and Fire agencies have trained for a multitude of threat scenarios that can occur at our schools. The response plan for Public Safety is sound, however; command and control roles and unified command issues still need continued development and improvement. County law enforcement also has an Active Shooter Response Protocol in place and have trained on operations covered by this protocol.

Schools have also received training regarding Code Red (school lock down procedures) and active shooter response. However, those districts that do not have a clear threat assessment plan and have not trained on the plan may hinder public safety response during a critical incident. The school staff and faculty can greatly enhance or hinder public safety response. Clear protocols and guidelines in a threat assessment plan will help teachers, administrators, and all school staff know in advance what their role is in one of these situations. In addition, the threat assessment plan must be trained to all school faculty so that everyone knows in advanced what steps they can take to mitigate safety risks. Not having a plan and not training on the plan will hinder the school's ability to effectively recognize a threat or respond during a critical incident.

The Santa Cruz Police Department's SRO is currently working with the Sheriff's Office and the County Office of Education on developing a county-wide threat assessment and response guideline. This county-wide threat assessment plan will assist in ensuring that all school districts and public safety entities are able to communicate effectively and share information and intelligence efficiently within legal limits. The plan will also assist in establishing a unified response to threat incidents. FERPA and student rights will be clearly outlined and identified in this threat assessment so that student privacy and confidentiality is respected and adhered to. A county-wide threat assessment will ultimately ensure that there is consistency throughout all school campuses and each jurisdiction is trained and proficient in implementing the plan regardless of where a threat occurs in the county.

F10. Not all local law enforcement agencies have personnel trained in assessing threats of school violence, leaving them less able to assist schools.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

All law enforcement has trained their personnel on how to respond to school violence. Each agency has a team of officers who are trained and have “expertise” regarding assessing threats of school violence. These in-house experts are tasked with teaching school staff and their departments on threat assessment plans and the response actions needed to handle school violence.

However, not every officer or deputy is trained in assessing school violence, nor does every front line officer have the expertise to train school staff on assessing school safety threats. Every agency does have “experts” who need to continually train staff and new officers in assessing threats to schools and school safety. The command staff needs to ensure that this training occurs and is continual and updated. Police departments need to also prioritize working with the schools in developing threat assessment guidelines and protocols. These guidelines and protocols need to be in line with current training standards that will then need to be taught to all law enforcement and school personnel. The threat assessments and school safety plans are only valuable if all public safety and school staff have been educated and trained about the plans, procedures, and protocols.

A further improvement that needs to occur is the amount of information sharing that occurs to public safety from school staff and administrators. There are clear guidelines and legal limits regarding what student information and other school records can be shared with law enforcement pursuant to FERPA. The threat assessment plans can help establish when and how this information sharing can occur. It will also guide school personnel as to when they shall, versus should, contact law enforcement due to a perceived or real threat. The SRO’s should be tasked with working with the schools at developing this information sharing. In addition, there should be clear Memorandum’s of Understanding between the school districts and law enforcement regarding the sharing of confidential information.

Recommendations

R5. The CSO and Chiefs of Police should ensure a law enforcement representative, preferably a School Resource Officer, be made available to school districts drafting or revising a threat assessment plan. (F6, F8)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Response explanation, summary, and timeframe:

The Santa Cruz Police Department maintains a full time SRO position whose duties require that they work directly with school staff on developing or revising threat assessment plans. The SRO has reviewed the threat assessment plans throughout the District and provided input regarding any revisions or training updates that need to occur. One school in the District had a very sound threat assessment plan and response protocols addressing how school officials should react to investigations or emergency situations. The SRO was assigned to take this well formulated procedure and protocol and work with the other principals in the District at updating their protocols to meet this standard. The base threat assessment plan was the same for the entire District, but one Assistant Principal had developed a clearly defined action plan for various situations that is easily understood by line staff and personnel. The SRO was assigned to work throughout the District to add these improvements. This is still a work in progress. The county-wide threat assessment plan that is being currently worked on by the County Office of Education and the Sheriff’s Office will help unify the varying threat assessment plans that are utilized by the different districts.

R8. The County Sheriff and the Chiefs of Police should ensure their respective law enforcement agencies attend periodic training in assessing threats of targeted school violence. (F10)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Response explanation, summary, and timeframe:

The SRO and other members in the department, including Command Staff, Supervisors, and line staff, have attended training and updates for assessing school violence and conducting safety assessments. This training has occurred on an annual basis. The Department is also working with other public safety officials in developing a county-wide protocol regarding a unified responds to school violence. This county-wide protocol is being developed using best practices that have been established both state-wide and nationwide. It is the intention of the planning group to establish the county-wide protocol by the end of the year (2017) and have it trained throughout the county to all public safety (Law, Fire, and EMS) by the end of next year (2018). Once this protocol is established, it will need to be shared to school officials by the SRO's or other designated personnel. Part of this protocol includes training the schools on how to respond to threats in a preventative manner, as well as providing them with clear response guidelines during an incident.

Penal Code §933.05

1. For Purposes of subdivision (b) of §933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:
 - a. the respondent agrees with the finding,
 - b. the respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
2. For purpose of subdivision (b) of §933, as to each Grand Jury recommendation, the responding person shall report one of the following actions:
 - a. the recommendation has been implemented, with a summary regarding the implemented action,
 - b. the recommendation has not yet been implemented but will be implemented in the future, with a timeframe for implementation,
 - c. the recommendation requires further analysis, with 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, or
 - d. the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
3. However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a County department headed by an elected officer, both the department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected department head shall address all aspects of the findings or recommendations affecting his or her department.
4. A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
5. During an investigation, the Grand Jury shall meet with the subject of that investigation regarding that investigation unless the court, either on its own determination or upon request of the foreperson of the Grand Jury, determines that such a meeting would be detrimental.
6. A Grand Jury shall provide to the affected agency a copy of the portion of the Grand Jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. **No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.**