

# The Probation Department's U-Turn for Safety

## Summary

In 2013, the Sonoma County Civil Grand Jury (Grand Jury) received a complaint concerning the County Probation Department's (CPD) work release program, known as Supervised Adult Crews (SAC). This statewide program is designed as an alternative to incarceration for nonviolent male offenders. Some offenders, after serving a court-ordered period of incarceration, are selected for the SAC program. Those selected are allowed to live at home, maintain outside employment, and participate in mandatory probation programs.

The complaint expressed concerns about SAC staff safety violations and the lack of compliance with required safety procedures and training. When the CPD became aware of these safety concerns, it conducted an internal investigation. Subsequently, the SAC program was suspended for two weeks to ensure staff compliance with proper safety procedures.

CPD officials recognized the seriousness of public safety infractions affecting road work crews and responded promptly to improve the County's SAC program. CPD staff and road crew supervisors evaluated the status of safety compliance on the job. They developed immediate and longer-term goals to enhance and strengthen the SAC program and to ensure safety for the public and the crews.



## Background

The Grand Jury received a complaint regarding the SAC program operated by the CPD. The complaint asked the Grand Jury to investigate crew safety, training, and compliance.

## Approach

The Grand Jury interviewed the complainant and CPD staff and studied materials concerning work release crew responsibilities, restrictions, safety precautions, equipment, training, and working conditions.

## Discussion

### Supervised Adult Crews

Potential SAC participants are referred to Probation Jail Alternatives for screening and assignment. Offenders selected for the program are allowed to complete their probation sentences while living at home and maintaining employment in addition to satisfying their obligations to the court. Low-risk offenders may participate in SAC projects that range from landscaping and roadside cleaning to major maintenance and construction. The SAC program results in savings of about \$725,000 a year in detention facility costs and up to \$400,000 annual savings on County projects. Offenders pay \$18 per day to be on a work crew.

Probation Industries Crew Supervisors are responsible for the onsite safety of each 10-member crew. In addition to formal training, the SAC staff attends weekly safety meetings to review and discuss topics relevant to the projects the crews will perform. Offenders also report to a trained probation officer while completing their sentences. The SAC program has a \$2 million budget, and

80 percent is funded through contracts with the County. Although the County is responsible for workers, the California Department of Transportation (Caltrans) may also monitor the crews on jobs contracted through that agency.

### **Safety Concerns**

The Grand Jury discovered safety and training violations that put crew members in jeopardy. On some days, a barrier truck warning drivers of road work ahead was not used at all or often was too far away to protect the crew. Barrier trucks were seldom used on County roads but always present on highway roadsides. The Grand Jury found evidence that required daily tailgate safety meetings were not always held and that on occasion, crew members were directed to sign a form stating the meeting had taken place when it had not. The Grand Jury discovered that if meeting forms were signed, then CPD assumed that crews had received daily safety instructions.

The Grand Jury learned that members of the work crew had the option of submitting written grievances or complaining directly to their probation officers. Anonymous complaints were not accepted. Some crew members were not aware of the grievance process. Some were concerned that a safety violation complaint to the crew supervisor might result in their removal from the work crew. After being removed from the work crew, offenders must finish serving their sentences in jail. The Grand Jury found evidence that crew supervisors at times responded to crew member grievances with threats of removal from the SAC program.

The Grand Jury found that crew members did not always receive additional safety equipment such as goggles and protective chaps for use with power tools. All crew members receive reflective vests, hard hats and gloves. The Grand Jury explored whether a SAC member can refuse to use unfamiliar power tools. It found that reluctance to use unfamiliar equipment without proper training on the job site was sometimes dealt with in a dismissive manner as if it were a refusal to work. Work safety instructions for crew members, either verbal or in writing, were not available in Spanish at the time of the complaint; and County crew supervisors are not required to speak basic Spanish, even though it appears that a substantial number of road crew members are Spanish-speaking only.

### **CPD Responds to Safety Concerns**

During the course of the Grand Jury's investigation, the CPD learned of these safety violations and initiated an internal investigation into the SAC program. In consultation with County Counsel, the County Administrator's Office, and experts from Human Resources and Risk Management, the CPD decided to temporarily relieve all road work crews and staff of assignments and call them in for additional training.

A new Code of Conduct was developed and a thorough retraining program was introduced to meet goals set by CPD officials. All SAC employees were required to attend a meeting in which concerns about safety were discussed. Policies and procedures were reviewed, including rules for the use of barrier trucks and issuing of proper protective equipment. Daily safety meetings and power tool training sessions were reinstated for all SAC supervisors. Staff retraining on safety procedures was immediately launched, and random spot-checks for safety compliance were instituted at job sites.

All supervisors were required to demonstrate proficiency in the safe use of equipment and in conducting safety meetings. A system for testing and monitoring the safe functioning of all power tools was implemented. Road crews must be instructed on the process for submitting complaints. A new process for allowing anonymous complaints was created. Within two weeks, the SAC crews were back at work.

The mid-term goals set by the CPD included assembling and producing safety tutorials and translating all safety information into Spanish. Long-term goals for the SAC program include ongoing policy reviews, increased crew monitoring, Caltrans training, and equipment safety. The CPD also considered adding safety meeting compliance to an employee's annual review.

The Grand Jury commends CPD officials for recognizing the seriousness of public safety infractions affecting road work crews and for responding promptly to improve the County's SAC program. These efforts will bring a greater level of safety awareness among staff and probationers. Goals undertaken by the CPD will give the County the ability to measure outcomes of its revised policies and procedures and improve overall public safety.

## Findings

- F1. Safety violations occurred in the Supervised Adult Crews program, putting crew members and the public at risk.
- F2. An improved training program in the use of power tools and protective gear increases safety for crew members and for the public.
- F3. The Probation Department's failure to provide safety and training information in Spanish endangers road crews and the public.
- F4. A functioning complaint process is important to identifying and correcting safety hazards, resulting in improved work crew and public safety.

## Recommendations

The Grand Jury recommends that the Sonoma County Probation Department:

- R1. Establish a method for verifying that daily safety meetings are held at the start of each work day.
- R2. Monitor road crew safety along roadsides and highways to protect both the crews and the public.
- R3. Provide safety training in the proper use of all power tools at daily roadside safety meetings and assure protective gear is worn when power tools are used.
- R4. Provide all written materials related to job safety in English and Spanish and require onsite supervisors to speak and understand basic Spanish.
- R5. Ensure that all Supervised Adult Crew members are aware of the process for registering a complaint about safety or other work concerns.

## Required Responses

Pursuant to Penal Code Section 933.05, the Grand Jury requires responses as follows:

- R1, R2, R3, R4, R5 – Sonoma County Probation Department

*Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Civil Grand Jury not contain the names of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.*