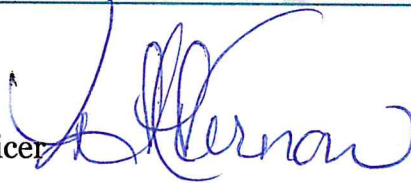


TO: Internal Affairs

FROM: Kelly M. Vernon, Chief Probation Officer

DATE: 24 July 2023

RE: Skelly Decision RE: L. Cano, PCO III



On Monday, July 17, 2023, we met with PCO III Cano and his chosen representative, Michael Reed, Esq. for a Skelly Hearing. Said hearing was predicated upon an Internal Affairs Investigation by the Tulare County Probation Department and a Notice of Proposed Disciplinary Action: Dismissal. The Notice of Proposed Disciplinary Action was served on Leandro Cano on May 26, 2023.

After review of the IA report, Mr. Cano's personnel file and information brought forth during the Skelly Hearing, including video recordings of the said incident, I find good cause to deviate from the proposed disciplinary action: dismissal.

Mr. Cano appears to be willing and able to engage in additional training if deemed necessary to ensure such conduct does not recur. The purpose of disciplinary action is to turn the employee's behavior around. I believe Mr. Cano will be receptive to training opportunities and we will not see like conduct.

While the escort technique is not specifically trained, this incident resulted in no injury claim from the minor involved and there was no intervention by supervisory staff at the time, indicating the conduct was not so egregious to those present. Had the conduct been intentionally excessive, other staff present would have been required to immediately intervene as per policy. However, I do not mitigate the potential for injury to the youth and I believe that Mr. Cano could have used a different technique that does not pose the threat of injury.

I do not find that Mr. Cano purposefully sprayed a youth with O.C. Pepper spray while the youth was in the required "cover" position. It appears the spray was deployed while the youth was going into "cover" and the spray that occurred was not intentionally or maliciously deployed to the back of the youth's head. The youth initially failed to comply with the "cover" command and proceeded to assault another youth after the call for "cover".

It is my hope that Mr. Cano takes this additional opportunity seriously and understands that any incident of excessive force is going to be investigated and quickly dealt with by the department to ensure safety of the youth in our care as well as our staff. I believe

that discipline is warranted; however, do not find this incident rises to a case of dismissal.

It is my recommendation that Mr. Cano be subject to three days suspension without pay and that he be returned to duty. The department will continue to provide approved training techniques to all staff to ensure their safety and the safety of the youth entrusted to our care.