

TUOLUMNE COUNTY PROBATION DEPARTMENT

REASON FOR INVESTIGATION

The motivation for the Civil Grand Jury's visit to the Tuolumne County Probation Department was an interest in the procedures in place for the detention and transportation of juveniles at the Probation Department in the absence of a juvenile hall. This investigation was not complaint driven.

METHODOLOGY

Members of the Grand Jury met at the Probation Department office for an informational meeting with the Chief Probation Officer followed by a tour of the facilities and caged transportation cars. Questions were asked about the major functions of the Probation Office, the impacts on the department of the state's early prisoner release program and the procedures currently in place for processing, detention and transportation of juveniles. The members were provided with written demographic information and detailed answers for all their questions.

FACTS

The Probation Department is charged with a wide range of responsibilities that assist the court in the reduction of caseload as well as the monitoring and limited rehabilitation of convicted offenders, both adult and juvenile. These functions include preparing pre-sentencing investigation reports and recommendations for the sentencing, intervention and/or sanctioning of juveniles and adults as well as the supervision of felons and wards. The Probation Department provides for alternative sentencing programs including providing officers for the Drug Court, Sheriff's Parole, Work Release, Work Furlough and Community Service. The Probation Department provides for the detention of minors who pose a risk to the community by maintaining five contract beds in Yolo County with more beds available in the alternate jurisdictions of Glenn County, Trinity County and occasionally Nevada County. The Probation Department provides rehabilitative programs for youth on probation including the Youth Guidance Program, Peer Court, School Probation Officers, Juvenile Family Service Specialist Counselor, Drug & Alcohol Awareness & Education Groups and Anger Management Classes. There is also a program in place for the Crisis Housing of youths with emergency needs.

FINDINGS

1. The Probation Department is being negatively impacted by the state's early release program. The new policy of "non-revocable parole" requires parolees to be subject to search but not instant re-incarceration upon committing a crime. Now, if a parolee commits a crime, he is processed through the judicial system from scratch, the same as a person who is being prosecuted for the first time. This situation is increasing the work load on the Probation Department. To make matters worse, the Probation Department currently has vacancies in the following four positions; Relief Work Release Counselor, Probation Tech, Legal Clerk and Transportation Driver.

2. The construction of the new Juvenile Hall currently being undertaken is necessary. The construction of the facility is being funded by Public Works bonds at a cost of 16 to 22 million dollars. The anticipated construction completion date for the hall will be in June, 2013. It is currently anticipated that the actual completion date will be sometime later. A designated, secure and supervised juvenile detention room is lacking in the existing Probation Department building creating an unsafe situation for juvenile detainees and probation staff alike. Juveniles are currently kept in the lunch room while accommodations are being made for them in other jurisdictions. The housing of juveniles out of county is energy intensive, expensive and emotionally difficult on the juvenile detainees. The cost per juvenile is \$95.00 to \$110.00 per day plus the cost of multiple transports required for court appearances. There are currently five (5) juveniles being housed at \$110.00 per day and three (3) being housed at \$95.00 per day. Last year the total cost to Tuolumne County for detention facilities and transportation was \$491,730.00. In accordance with Welfare and Institutions Section 903, parents/guardians can be asked to repay the county for juvenile hall detention costs on a sliding scale based on income. The maximum charge to parents/guardians is \$30.00 per day. If a juvenile is remanded by the court into a residential treatment program or group home then the back charge to parents/guardians could be higher.
3. About fifty percent of crimes committed in our county involve drugs or alcohol while approximately thirty five percent involve some form of domestic violence. The Probation Department is utilizing programs emphasizing rehabilitation, restitution and a cognitive based approach to address and correct the root causes of dysfunction and criminal behavior thereby reducing recidivism.
4. Probation officers are unarmed and often in close proximity to distraught and dangerous people, both adults and juveniles.
5. The caged transport cars, though in good shape, are used a lot and have high mileages on them.

RECOMMENDATIONS

1. For Finding 1, it is important to maintain the current employees of the Probation Department and fill the aforementioned four vacant positions as soon as possible.
2. For Finding 2, the new Juvenile Hall must be built as soon as possible. Until the new Juvenile Hall is ready for use a secure, designated and supervised juvenile detention/interview room must be created in the current Probation Department building. The committee members support the use for juvenile detention of the current room with restroom facilities in it. This should be augmented with a large safety glass window so a probation officer can sit in the adjoining room and monitor the juvenile while making arrangements for the juvenile in privacy.
3. For Finding 3, the Civil Grand Jury supports the continuation of outreach programs, work furlough and work release programs, restitution programs and the continued funding for these programs.
4. For Finding 4, consideration should be given to allowing the probation officers the use of pepper spray. In light of the possibility of costly liability to Tuolumne

County resulting from the use of tazers, the Civil Grand Jury does not support the use of tazers by Probation Officers.

5. For Finding 5, the caged transportation cars need to be replaced over the next several years as they age out. Driving detainees in a car prone to breakdown because of age is not safe for anyone involved.

COMMENDATIONS

The Chief Probation Officer and her staff were found to be knowledgeable and efficient. They displayed a genuine interest in their felons and wards as well as in the safety of Tuolumne County citizens in general. Special care is being evidenced to guide juveniles out of the criminal lifestyle and back into productive society. The officers carefully weighed the impact of detention on a juvenile against the damage done by incarceration and subsequent association with more sophisticated criminals. Juveniles are purposely housed in small rural counties like our own.