



TUOLUMNE COUNTY PROBATION DEPARTMENT

465 South Washington Street, Sonora, CA 95370
TEL 209-533-7500 FAX 209-533-7564

Adele Arnold
Chief Probation Officer

DATE: August 6, 2010
TO: The Honorable Eric L. DuTemple, Presiding Judge of the Superior Court
FROM: Adele Arnold, Chief Probation Officer *Adele Arnold*
RE: Response to 2009-2010 Grand Jury Findings & Recommendations

The following is the response related to the Probation Department section of the 2009-10 Grand Jury Report as requested and required pursuant to Penal Code Sections 933 and 933.05. Below you will find listed each Grand Jury finding and/or recommendation followed by my response to each.

GRAND JURY 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 new 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.

RESPONSE

Agree. It is still too early to fully assess the impact to the Department regarding increased workload, staffing needs, and potential fiscal implications. Current adult supervision caseloads exceed 150 active cases per officer. Should we experience an influx of felons diverted from prison more officers will be needed to effectively provide supervision and rehabilitative services to this added population. There may be additional funding attached to Senate Bill 678 coming down to counties in 2011 that would provide for increased staffing.

Department re-organization has been implemented to allow more flexibility in assigned job responsibilities and work tasks for relief work release and transportation drivers.

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 \$11.00 per day and three (30 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 §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.

RESPONSE

Agree in part. The construction completion date will be re-set when the construction contract is executed. The county currently maintains five (5) contract beds with Yolo County at a rate of \$110.00 per bed day. We utilize other facilities on an as needed basis with rates ranging from \$75.00 to \$160.00 per bed per day. The parents, spouse, or other person liable for the support of a minor, is liable for the reasonable costs of support of the minor while the minor is placed, or detained in, or committed to any institution based on an ability to pay. The responsible person has a right to a hearing to determine their ability to pay. The Board of Supervisors sets the recovery costs which is detailed and defined in the Welfare & Institutions Code §903.

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.

RESPONSE

I agree. The Department will be moving to a more cognitive approach to rehabilitation as funding becomes available.

4. Probation Officers are unarmed and often in close proximity to distraught and dangerous people, both adults and juveniles.

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I agree.

5. The caged transport cars, though in good shape, are used a lot and have high mileages on them.

RESPONSE

I agree.

GRAND JURY 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.

RESPONSE

In order to use staff flexibly within the relief category I have eliminated the job classifications for Relief Transport Officer and Relief Work Release Site Coordinator and created a new classification of Relief Probation Aide. The department now has (8) Relief Probation Aides that can assist with work release crew supervision, transports and other duties as the need arises within the department. This re-organization was implemented in order to cross utilize staff and reduce overall labor costs/time. The Department is currently recruiting for the position of Probation Technician. The authorized hire date for this position is September 2010. The legal clerk position was eliminated from the Department budget for FY2010/11 due to budget shortfalls.

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.

RESPONSE

Planning and design continue to move forward on the Juvenile Hall project. The secure juvenile detention/interview room is in process. A hole in the wall between the two designated areas has been made, security glass purchased. The counters are in the design process and once delivered the project can be completed. Ancillary equipment is available to set this intake/workspace up in a manner that will increase safety and security for the detained minor as well as for staff. Additionally, there will be an opportunity to conduct further investigation, gather family information and place confidential phone calls without leaving the intake area.

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.

RESPONSE

The Department continues to run programs that will benefit probationers both adult and juvenile. The juvenile and adult work program coordinates work projects with the county to lend assistance with maintenance of county property, parks, and the county animal shelter, while satisfying assigned work hours for probationers that are sanctioned by the Court or unable to pay fines/fees. Additionally, new programs are being assessed by the Department for future implementation.

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.

RESPONSE

All Probation Officers have been trained and carry OC pepper spray as a defensive tool. Additionally, all probation officers receive training in Unarmed Defensive Tactics, conducting high risk searches, verbal judo, and Use of Force. Probation Officers often work in tandem with the Tuolumne Narcotics Task Force conducting probation searches. As the state pushes down more responsibility to county Probation Departments to supervise parolees and other high risk populations a need to arm certain officers with lethal force may be necessary. The field services model for the department is geared to community protection and offender success.

On August 1, 2010 the California Department of Corrections and Rehabilitation (CDCR) released their Five-Year Roadmap to the future. This plan for parole reform is slated to turn more responsibility for released prisoners over to local law enforcement jurisdictions including Probation. Currently, it is not uncommon for probation officers to be in the field engaged in supervision activities without benefit of police backup should a dangerous situation arise. This department may need to assess the possibility of arming officers with lethal force in specialized assignments as the role and responsibility of probation changes.

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.

RESPONSE

I agree. The two designated security transportation cars have 159,449 and 146,048 miles respectively. They are driven an average of 10 to 12,000 miles a month. This past year the department used some juvenile grant funds to install additional security screens and police band radios in a few more vehicles. These vehicles are being used by staff when they are doing field supervision work as well as for some transports. The department is trying to rotate transportation vehicles in an effort to preserve cars for the out of county transport of minors.

The department budget for FY 2010-2011 does not include funding for any replacement vehicles. There is one vehicle in the Juvenile Justice Crime Prevention Act (JJCPA) grant budgeted for this year however the program allocation is based on revenue generated from Vehicle License Fees. Based on current allocations it is unlikely we will receive the revenue as projected and will forego the purchase of a new vehicle.