



STANISLAUS COUNTY PROBATION DEPARTMENT

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JILL SILVA
Chief Probation Officer

July 6, 2015

The Honorable Marie Sovey Silveira
Presiding Judge of the Superior Court – Stanislaus County
PO Box 3488
Modesto, CA 95353

Dear Judge Silveira:

On June 17, 2015, the Stanislaus County Civil Grand Jury forwarded their report on cases 15-04GJ, 15-16GJ and 15-17GJ detailing their findings and recommendations including the annual inspection of custodial facilities in the county as mandated by California Penal Code Section 919(b). Thank you for the opportunity to respond to the comments and recommendations of the 2014-2015 Civil Grand Jury. Members of the Grand Jury visited the County's Juvenile Hall, Juvenile Commitment Facility and Day Reporting Center. I also had the opportunity to personally meet with a number of the members on more than one occasion. I was pleased to see the members found our juvenile facilities to be clean and well maintained, and that they found the Day Reporting Center to be a valuable facility for delivering services to our adult offenders. The following are the department's responses to those findings and recommendations requiring a response.

RESPONSE TO FINDINGS/RECOMMENDATIONS 15-16GJ

FI. Finding: *AB 109 has affected County Sheriff and Probation Departments most, and there have been some effects to other County departments.*

R1. Recommendation: *None*

Response: The department agrees with the finding.

*Read by
J. Silveira*

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Civil Grand Jury

F2. Finding: *The State provides funding for the implementation of AB 109 through a formula that has been developed and amended several times since AB 109 passed.*

R2. Recommendation: *The Stanislaus County Sheriff and Chief Probation Officer should continue to be active, both individually and through their statewide organizations, to ensure that Stanislaus County receives its fair share of funding for the implementation of AB 109.*

Response: The department agrees with the finding and recommendation. As the Chief Probation Officer and Chair of the Community Corrections Partnership (CCP), I, along with Sheriff Christianson, continue to be actively involved both at the state and local levels in advocating for adequate, sustainable AB 109 funding. Given the limited resources and needs of our criminal offender populations, it is imperative that the county receive its fair share of available funding.

F3. Finding: *The Community Corrections Partnership, particularly the CCP Executive Committee, is responsible to allocate the funds provided by the State for the implementation of AB 109.*

R3. Recommendation: *None*

Response: The department agrees with this finding.

F4. Finding: *The CCP meetings are public, but are not widely publicized, and the current location of the CCP meetings would not be able to accommodate a large number of public participants.*

R4. Recommendation: *The CCP should develop strategies to increase public awareness of its mission and to encourage more public participation at meetings.*

Response: The department partially disagrees with the finding and the recommendation will not be implemented because it is unwarranted or unreasonable. The department includes the following explanation.

The CCP membership is established by California Penal Code Section 1230. All meetings are open to the public; however, there is no requirement that a CCP must advertise the meetings above and beyond those required by California Government Code 54950, also known as the Brown Act. The Community Corrections Partnership (CCP) has consistently followed the requirements of the Brown Act including posting all meeting dates, times, location, agendas and minutes on the Probation Department's website. Information about the CCP is made public each year when the CCP Plan is before the Board of Supervisors for approval. Both the Sheriff and Chief Probation Officer have spoken to various

civic groups throughout the year about the impacts of Public Safety Realignment and the involvement of the CCP. Additionally, there have been many local and statewide reports published on Public Safety Realignment and the role of the Community Corrections Partnership. Although increased public participation is welcomed, the CCP is meeting its obligation to ensure all meetings are open to the public and information about the work of the CCP is available at any time through the website. With regards to the current meeting location, the meeting site has the capacity to hold up to 50 individuals. There are approximately 25 individuals who regularly attend the CCP meetings. If more than 50 individuals show up at any given time, the CCP meeting would be moved to a larger meeting room at the Juvenile Commitment Facility within the same Juvenile Justice Complex.

F5. Finding: *AB 109 may have some effects to local public safety in the County, which may be compounded by budget cuts that have occurred to local law enforcement agencies.*

R5. Recommendation: *The Stanislaus County Board of Supervisors and the City Councils of all the City Councils of all nine incorporated cities within the County should take action to restore budgets and expand police services, particularly community-oriented and problem-oriented policing, to respond to the potential challenges of AB 109.*

Response: The department agrees with the finding and a response to the recommendation is not applicable to the Probation Department.

F6. Finding: *Proposition 47 has resulted in impacts to all levels of the County's criminal justice system, but it is difficult to quantify these impacts in the short term, and the long term impacts are unknown.*

R6. Recommendation: *None*

Response: The department agrees with the finding and a response to the recommendation is not applicable to the Probation Department.

F7. Finding: *Proposition 47, combined with the budget reductions to local law enforcement agencies may result in an increase in property crimes throughout the county.*

R7. Recommendation: *The Stanislaus County Board of Supervisors and the City Councils of all nine incorporated cities within the county should take action to restore budgets and expand police services, particularly community-oriented and problem-oriented policing, to respond to the current and future challenges of Proposition 47.*

Response: The department agrees with the finding and a response to the recommendation is not applicable to the Probation Department

F8. Finding: *The passage of Proposition 47 has resulted in significant unintended consequences. These include crippling Drug Court, creating holes in the state DNA database, and the reclassifying of some gun crimes.*

R8. Recommendation: *See R9*

Response: The department agrees with this finding and recommendation.

F9. Finding: *There have been attempts to create legislative solutions to some of the consequences of Proposition 47, but they are yet to be successful.*

R9. Recommendation: *The criminal justice leaders of Stanislaus County should continue to be active, both individually and through their professional organizations, in California's legislative challenges to salvage the unintended consequences of Proposition 47.*

Response: The department agrees with this finding and recommendation.

RESPONSE TO FINDINGS/RECOMMENDATIONS 15-17GJ

F1. Finding: *In 2013 the Juvenile Hall court school standardized test results showed that only 6% of the youth were proficient in English and 15% were proficient in math. Prior years produced similar data.*

R1. Recommendation: *The Probation Department should work with other Stanislaus County agencies and community-based organizations to develop a comprehensive program including mentoring, for youth returning to regular school, modeled after the "Graduation Coach" implemented in 2013, to provide a more comprehensive individualized approach.*

Response: The department agrees with the finding. The recommendation has not been implemented, but the department intends to implement a portion of the recommendation. The department includes the following explanation.

The Probation Department agrees that a majority of youth entering the criminal justice system lack proficiency in English and math. School performance is a strength factor that can prevent youth from entering the justice system. The Probation Department has recently been awarded a

state grant to reduce racial and ethnic disparities in the juvenile justice system. A key component of the grant is to increase community participation and implement preventative programs including those programs that target school performance. Mentoring is currently offered to female offenders through the Parent Resource Center and will be considered for expansion to male offenders through the new grant. However, without specific analysis and proven performance outcomes related to the recommended "Graduation Coach" program, it is uncertain if that specific program can or should be implemented.

One week prior to a youth being released from custody, an individualized reintegration meeting is held at the juvenile facility. Participants include the minor's parents or guardians, facility mental health staff, facility medical staff, the probation officer, and representatives of the Stanislaus County Office of Education (SCOE). SCOE informs the minor and his/her parent which school he/she is to enroll upon release and provides the contact information for the school site. SCOE sends the minor's transcripts to the school once released. The meeting helps to facilitate the minor enrolling as soon as possible upon release. As noted in the Grand Jury report, a snapshot taken on April 30, 2015, reflected the average length of stay for Juvenile Hall was 96 days and the Juvenile Commitment Facility was 40 days. The average length of stay for Juvenile Hall also includes those detained youth directly filed to the adult court system. These youth are generally in custody more than a year. The majority of youth detained in Juvenile Hall stay for brief periods, which doesn't allow for much time to improve school performance. However, in 2014, 18 youth received a diploma while in custody. One youth completed their GED and one youth received their high school certificate. The department believes the Stanislaus County Office of Education is doing a remarkable job despite the limited time youth are in custody and the school performance levels of youth upon entry into the facility. The department will continue to focus its efforts on prevention services through the state grant.

- F2. Finding:** *Approximately 98% of youth placed by the court in out of home placement are housed in a group care facility. Studies show that group homes are detrimental to the development of youth.*
- R2. Recommendation:** *Eliminate group care for probation supervised youth and partner with community groups such as Seneca Center's Family Finding Program to identify and support relatives and increase placement options.*

Response: The department disagrees wholly or partially with the finding and the recommendation will not be implemented because it is unwarranted or unreasonable. The department includes the following explanation.

Although the department agrees that 98% of youth ordered into placement are housed in a group home setting, the department disagrees that group homes are detrimental to the development of youth. The reasons probation youth are ordered into out of home care are different than the reasons youth are placed into foster care through the dependency system. A vast majority of our youth who are placed in out of home placement by the Court have parents or guardians who are unwilling or unable to care for them. They continue to commit crimes and/or use illegal substances despite the services provided to them to be able to maintain them in their family home. The department utilizes specific group home facilities, licensed and monitored by the State of California, that specialize in working with minors who may have a specific need or needs that require additional attention. Many times, removing a minor from their current living situation and placing them in an environment where they can focus on positive growth and learn new life skills enhances their development rather than hinders their development. The department also utilizes out of state placements for those minors needing care beyond what is available here locally. Many of the minors who are placed out of state end up making positive connections and some ultimately end up staying in the placement facility after their probation has ended. A snapshot taken for 2014 shows that only 36 youth statewide were placed into a foster family through a Foster Family Agency. Many foster families do not want youth from the Probation system due to their criminal behavior. The department does work with Foster Family Agencies to find suitable homes for youth, as well as relative and non-relative placements prior to considering congregate care facilities. The fact that very few probation youth are placed in foster families throughout California demonstrates the vital role group home facilities play in addressing the significant needs of probation youth.

- F3. Finding:** *Detained youth are encouraged to participate in vocational programs including culinary and computer repair. However, according to recent employment trends, the areas of greatest employment growth are in the technology and internet based business industries.*
- R3. Recommendation:** *Expand vocational/career training programs to include more options in technology and internet based careers.*

Response: The department partially agrees with the finding and the recommendation will be implemented in the future. The department includes the following explanation.

As previously stated above, in-custody minors score fairly low in both English and math proficiency. With that in mind, having more career training in both technology and internet based careers may not be suitable for the majority of youth in our care and custody. Facility staff has tried to find realistic skills and training programs that the minors could utilize immediately upon release. Included with the culinary program at the Juvenile Commitment Facility, the minors receive instruction and then test for a food handler's card through the ServSafe Program. In order to obtain the card, the minors have to pass a regulated test that demonstrates they are aware of food handling regulations and standards. Once they obtain the card, they can apply at any food establishment showing that they have experience and have successfully passed the exam. In the next few weeks, minors in custody will be introduced to our newest programming piece through Paxton Patterson. Class instruction will begin in plumbing, drywall, painting and blueprint reading. Minors going through this curriculum will begin hands on training to gain a base knowledge of the construction industry. Programming rooms at the Juvenile Commitment Facility are equipped with the capability to learn computer technology. The department has not yet been able to identify a service provider to meet the needs in this area. Expansion of vocational training, including computer technology is a future goal of the department.

F4. Finding: *Detained youth who are also parents are encouraged to maintain relationships with their young children, but the facilities only allow limited visitations.*

R4. Recommendation:

- *Facilities should ensure that policies prioritize the relationship between probation and supervised youth and their children*
- *Detained youth who are parents should be allowed to visit during regular visitation hours as well as by special appointment.*
- *During visitation youth should be provided normal casual attire and any needed support with grooming to present a positive image for children during visitation.*
- *Visiting should be in a closed setting separated from general visitation.*

Response: The department agrees with finding; however, the recommendation will not be implemented because it is unwarranted or unreasonable, or is currently being implemented. The department includes the following explanation.

The department encourages minors in custody to maintain a positive connection with their children. Visiting occurs at scheduled times in order to maintain the security of the facilities and as minors must be supervised during family visitation. All in-custody minors are allowed visiting with parents/guardians a minimum of two days a week as required by state regulations. The department has designated one day per week for minor/child visits as children of minors should be shielded from other offenders in custody. If circumstances occur where the child's caretaker is unable to bring the child to the scheduled visit, other accommodations will be made for minor/child visits. Special visits can also be arranged by the probation officer, the court, and mental health staff as needed.

For security purposes, all in-custody minors must wear their facility issued attire so that both staff and visitors are able to distinguish between visitors and in-custody minors at all times. Allowing the minor to change into normal attire creates safety and security issues for the facilities.

When the Juvenile Commitment Facility was built in 2013, a special visiting room was established within the Visitors Center to accommodate minor/child visits. As visitation occurs in a separate area of the facility, additional staff must accompany the youth to the visiting area to ensure adequate supervision of the minor. Therefore, it is necessary to ensure appropriate staffing levels are available in order to supervise the visits.

Thank you for the opportunity to respond to the comments and recommendations of the 2014-2015 Civil Grand Jury. Please extend my appreciation to the members for their time and efforts in conducting a thorough site visit.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill Silva", with a long horizontal flourish extending to the right.

Jill Silva
Chief Probation Officer
Stanislaus County Probation Department

cc: Stanislaus County Board of Supervisors
Stan Risen, Chief Executive Officer
John P. Doering, County Counsel