

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # *B-5

Urgent

Routine

AGENDA DATE September 11, 2012

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Consideration and Approval of Response to the 2011-2012 Stanislaus County Civil Grand Jury Final Report

STAFF RECOMMENDATIONS:

1. Accept the recommended responses to the Grand Jury Final Report with any modifications made after consideration by the Board of Supervisors and authorize the Chairman of the Board to forward the response to the Presiding Judge of the Superior Court on September 11, 2012.
2. Direct the Chief Executive Officer to ensure that the recommended actions by the Board of Supervisors be followed and completed by the subject County Departments and report back to the Board as appropriate.

FISCAL IMPACT:

There is no direct fiscal impact associated with this response. The Civil Grand Jury is not required to address the funding issues associated with their recommendations; however, the Board of Supervisors and County Departments recognize the broader constraints of implementing recommendations that are beyond the financial resources available to County government.

BOARD ACTION AS FOLLOWS:

No. 2012-457

On motion of Supervisor Withrow, Seconded by Supervisor Monteith

and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Monteith, De Martini and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

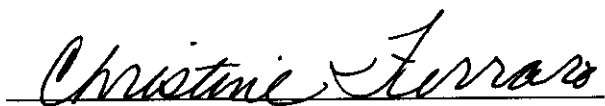
1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

DISCUSSION:

The Stanislaus County Board of Supervisors received from the 2011-2012 Stanislaus County Grand Jury Reports regarding: 12-28GJ - Special District Audit Requirement; 12-17C - Stanislaus Consolidated Fire Protection District; 12-06C - Stanislaus County Sheriff's Department; and, 12-30GJ - Stanislaus County Jail, Public Safety Center, Probation Department and Juvenile Hall and Juvenile Hall Inspections.

The Grand Jury has requested that the Board of Supervisors respond to the Findings and Recommendations made by the Grand Jury in these reports. The Auditor-Controller, Sheriff-Coroner; and, Chief Probation Officer have responded to the Grand Jury and their responses are attached to this report. The responses to the Findings and Recommendations are as follows:

Civil Grand Jury 2011-12 Review of the Special District Audit Requirement Case #12-28GJ Continuity Report

The Stanislaus County Civil Grand Jury finds the following:

Finding 1: Monterey Park Community Services has not been audited since 1995.

Response: The Board of Supervisors agrees with the response of the Auditor-Controller.

Finding 2: The lack of money available to Monterey Park Community Services and lack of proper record-keeping resulted in a failed attempt by the Stanislaus County Auditor-Controller to hire a firm to perform a forensic audit as recommended by the 2010-2011 SCCGJ report. An audit of Monterey Park would require the District borrow funds from Stanislaus County and be approved by the Board of Supervisors. Stanislaus County personnel would then have to complete the audit.

Response: The Board of Supervisors concurs with the response of the Auditor-Controller.

Finding 3: Westport Fire District is out of audit compliance for the fiscal years 2008/09 and 2009/10.

Response: The Board of Supervisors agrees with the response of the Auditor-Controller.

Finding 6: The East Stanislaus Resource Conservation audits have been completed, receiving a Qualified Opinion. However, as of March 2012, the audits had not been presented to the Board and the audits, as of April 2012, have not been received by the SCCGJ or the Stanislaus County Auditor-Controller.

Response: The Board of Supervisors agrees with the response of the Auditor-Controller.

Finding 7: During the course of follow up one entity requested information to extend the audit period from two years to five years.

Response: The Board of Supervisors agrees with the response of the Auditor-Controller.

Civil Grand Jury 2011-12 Review of the Special District Audit Requirement Case #12-28GJ Continuity Report

The Stanislaus County Civil Grand Jury recommends the following:

Recommendation 1: The Stanislaus County Auditor-Controller should place the issue with respect to an audit of the Monterey Park Community Service District on the agenda of the Stanislaus County Board of Supervisors.

Response: The Board of Supervisors disagrees with this recommendation and agrees in part with the response from the Auditor-Controller. The Board of Supervisors has no jurisdiction or responsibility for this Independent Special District. The Auditor-Controller may provide an informational report to the Supervisors not on the Board of Supervisors agenda for action as the Board of Supervisors has no authority over Independent Special Districts.

Recommendation 2: Westport Fire District should submit a time-line for completing its audits to the SCCGJ and the Stanislaus County Auditor-Controller, with a progress update every 30 days until the audits are completed.

Response: The Board of Supervisors agrees with the response of the Auditor-Controller.

Recommendation 5: The East Stanislaus Resource Conservation should submit the completed, Board approved audits to the SCCGJ and the Stanislaus County Auditor-Controller.

Response: The Board of Supervisors agrees with the response of the Auditor-Controller.

Recommendation 6: An audited financial report is designed to provide citizens, taxpayers, customers, investors, and creditors with a general overview of the District's finances and to demonstrate the District's accountability for the money it receives. These Special Districts are responsible to the public. CGC Section 26909:

A special district may, by unanimous request of the governing board of the special district, with unanimous approval of the Board of Supervisors, replace the annual special audit with a biennial audit covering a two-year period or, if the district's annual budget does not exceed an amount specified by the Board of Supervisors, an audit covering a five year period.

A two-year audit cycle provides ample time for the submission and completion of this responsibility. No extensions of audit time frames should be entertained.

Response: The Board of Supervisors agrees with the response of the Auditor – Controller.

Recommendation 7: CGC Section 26909, provides:

If, after consideration identified conditions and events and management's plans, the auditor concludes that substantial doubt about an entity's ability to continue as a going concern for a reasonable period of time remains, the audit report should include an explanatory paragraph to reflect the conclusion.

A special district's ability to produce auditable financial statements, and/or a habitual audit non-compliance status, places reasonable doubt as to the entity's ability to continue as an independent going concern.

The 2011-2012 SCCGJ recommends that the Stanislaus County Board of Supervisors review and take action to consolidate or dissolve Special Districts that do not comply with audit requirements.

Response: The Board of Supervisors agrees with the response of the Auditor-Controller.

Recommendation 8: For the benefit of public disclosure, the Stanislaus County Auditor-Controller should submit to the Stanislaus County Board of Supervisors an annual report on the audit compliance status of all Stanislaus County Special District. The report should include:

- The disclosure of any non-compliant Special District audits and all years for which the non-compliance status continues to exist.
- The types of opinions that may be expressed per CGC Section 26909; Unqualified, Qualified, Adverse or Disclaimer of Opinion
- Make a recommendation to the Board of Supervisors as to the ability of the Special District to continue as an independent going concern.

Response: The Board of Supervisors disagrees with this recommendation and agrees in part with the response from the Auditor-Controller. The Board of Supervisors has no jurisdiction or responsibility for Independent Special Districts. The Auditor-Controller may provide an informational report to the Supervisors not as a part of the Board of Supervisors' agenda for action as the Board of Supervisors has no authority over Independent Special Districts.

Civil Grand Jury 2011-12 Stanislaus County Sheriff's Department Case 12-06C

The Stanislaus County Civil Grand Jury finds the following:

Finding 1: The SCCGJ finds that the Sheriff did not thoroughly and completely investigate violations to a standing court restraining order. This could be indicative of a lax attitude toward enforcing a restraining order within the Stanislaus County Sheriff's Department.

Response: The Board of Supervisors relies upon the Sheriff-Coroner's response as the Board has no role or responsibility in the investigation of crimes.

Finding 2: Although B's lack of full cooperation with the Sheriff's Department on some matters is troublesome, the SCCGJ is of the opinion that this is not a basis to deny investigation and enforcement of the restraining order. These are separate issues. In this case, a lack of proper enforcement has deprived both B and D equal protection under the law.

Response: The Board of Supervisors relies upon the Sheriff-Coroner in this investigation as the Board has no role or responsibility in the investigation of criminals.

Civil Grand Jury 2011-12 Stanislaus County Sheriff's Department Case 12-06C

The Stanislaus County Civil Grand Jury recommends the following:

Recommendation 1: The SCCGJ recommends the Sheriff's Department institute a procedure to monitor multiple violations of a restraining order and give them a higher

enforcement priority. Records of these violations should be available to a deputy in the patrol vehicle and continually updated. Multiple violations of restraining orders show disrespect for the law and could lead to consequences the restraining order was designed to prevent.

Response: The Board of Supervisors relies upon the Sheriff-Coroner's response as the Board has no role or responsibility in the investigation of crimes.

Recommendation 2: The SCCGJ recommends that the Sheriff's Department evaluate the policy of no follow up investigation for misdemeanor offenses, such as, but not limited to, "willful disobedience of any process order lawfully issued by a court".

Response: The Board agrees with the Sheriff's response.

Recommendation 3: If appropriate conditions exist, a citation per Penal Code 166(a)(4) should be issued and the case forwarded to the District Attorney with a proper investigation.

Response: The Board agrees with the Sheriff's response.

Stanislaus Consolidate Fire Protection District Case 12-17C

The Stanislaus County Civil Grand Jury finds the following:

Finding 1: The Stanislaus Consolidated Fire Protection District's financial statements for the fiscal years 2009-2010 and 2010-2011 are free of material misstatements. An independent CPA firm conducted an audit by testing financial records and reviewing provisions of the law, regulations, contracts and grants relevant to the District's financial performance. The audit reports state, "The tests did not disclose any instances of noncompliance that are required to be reported under Government Auditing Standards."

Finding 2: The Board delegates a major portion of its governance responsibilities to the Fire Chief. The Fire Chief's list of responsibilities include the writing, review and approval of District policies and procedures, business and financial matters (budget and financial reports), personnel relations and issues with the Union. The 2011-2012 SCCGJ identified eight different job functions performed by the Fire Chief:

- 1) Chief Executive/Operations Officer
- 2) Policy Administrator
- 3) Clerk/Secretary of SCFPD Board

- 4) Chief Financial Officer and Board Treasurer
- 5) Chief of Oakdale and the Oakdale Rural Fire District
- 6) Human Resources/Personnel Administrator
- 7) Clinical Director
- 8) Office Manager

The scope of responsibility given to the Fire Chief is far too much for one person to handle and can lead to conflicts of interest and ineffective, biased decision making. The Board has abdicated its District governance responsibilities. This is a major impediment to the effective functioning of the District. Consequently, the Board is not in compliance with California Government Code Sections 61040 (e) and 61045 (g).

Finding 3: The Fire Chief has not received a formal written annual performance review from the Board since 2008.

Finding 4: The Board does not have a written evaluation policy for the Fire Chief, its senior manager of operations.

Finding 5: The Board has been remiss in its responsibilities regarding the review and approval of all policies. Due to the numerous functions performed by the Fire Chief, he is not able to keep the Board informed about the suggested policy and procedures, submitted by employees that could help in the performance of administrative and operational tasks. This results in a disruption of an open and orderly process.

Finding 6: The frequent turnover of Board members is affecting the Board's ability to govern effectively and with continuity. Without consistent, informed, experienced leadership for a reasonable period of time, the job of governing and supporting the district is compromised and results in ineffective leadership. Currently only one member of the Board has more than two years of service, two are newly appointed and one position is vacant.

Finding 7: Administration staff is not part of the Union MOU yet are filing complaints through the Union.

Finding 8: The Board's Directors Policy Manual outlines the full set of responsibilities for the position of the Clerk of the Board. The 2011-2012 SCCGJ finds this position has been delegated to the Fire Chief and the Board's own policies are not being followed.

Finding 9: The Board's Directors Policy Manual with regards to financial responsibility is essentially non-existent. The Policy Manual states the following "The Board of Directors recognizes excellent fiscal planning as a key factor in attaining the District's goals and priorities. The Board seeks to engage in thorough advance planning of budgets to devise expenditures which achieve the greatest returns given the District's available resources." No further Board direction or definition of responsibility is provided.

Response to Findings 1-9: Pursuant to the Fire Protection District Law of 1987 (Health and Safety Code section 13800 et seq.), a Fire Protection District is an independent special district governed by a legislative body known as a Board of Directors. While the Board of Supervisors is authorized to appoint certain members of the Fire District Board of Directors, the County of Stanislaus neither has nor exercises any authority over the operations and functions of the Stanislaus Consolidated Fire Protection District. Pursuant to Penal Code section 933, the Board of Supervisors is required to comment only on those matters under its control. The Board of Supervisors declines to comment on the findings and recommendations in Grand Jury Report Case 12-17C, which matters are under the control and authority of the District Board of Directors.

Stanislaus Consolidate Fire Protection District Case 12-17C

The Stanislaus County Civil Grand Jury recommends the following:

Recommendation 1: The 2011-2012 SCCGJ recommends that the Board read and implement all provisions of California Government Codes 61040-60148 and 61060-61070. The authority granted to the Board are the responsibility of the Board and may not be delegated to a paid employee.

Recommendation 2: The Board should review the Directors Policy Manual to insure it is in full compliance with California Government Codes 61040-61048 and 61060-61070. The Directors Policy Manual should define the Board's responsibilities in detail.

Recommendation 3: The Board must approve all District policies. Implementation of the approved policies is the responsibility of the Fire Chief.

Recommendation 4: Final approval or rejection of new or changed policies should be completed in a timely manner and parties involved notified of their acceptance or rejection.

Recommendation 5: The Board should develop a written policy for the annual Board evaluation of the Fire Chief, its senior manager of operations.

Recommendation 6: The Board should complete and deliver a written performance evaluation to the Fire Chief annually. A “catch up” review should be completed by September 30, 2012.

Recommendation 7: The Administration Staff is not part of the Union MOU with the District. Since no in-house Human Resources position exists, any administrative staff personnel complaints should be referred directly to the Board and not through the Union grievance process.

Recommendation 8: At least three of the members of the Board should be elected (per Government Code Section 61008). One of the elected members should be named as Clerk for the Board and another be named as Treasurer. There should be a job description outlining minimum qualifications for each position. The District’s Directors Policy Manual provides a full job description for Clerk of the Board. The Treasurer should understand accounting and auditing procedures and should be responsible for reviewing the budget and the quarterly financial position of the District.

Response to Recommendations 1-8: Pursuant to the Fire Protection District Law of 1987 (Health and Safety Code section 13800 et seq.), a Fire Protection District is an independent special district governed by a legislative body known as a Board of Directors. While the Board of Supervisors is authorized to appoint certain members of the Fire District Board of Directors, the County of Stanislaus neither has nor exercises any authority over the operations and functions of the Stanislaus Consolidated Fire Protection District. Pursuant to Penal Code section 933, the Board of Supervisors is required to comment only on those matters under its control. The Board of Supervisors declines to comment on the findings and recommendations in Grand Jury Report Case 12-17C, which matters are under the control and authority of the District Board of Directors.

Civil Grand Jury 2011-12 Stanislaus County Jail, Public Safety Center, Probation Department and Juvenile Hall Inspection Case 12-30GJ

The Stanislaus County Civil Grand Jury finds the following:

Stanislaus County Downtown Men’s Jail Findings:

Finding 1: There was one death in the prison this year. A 22-year old prisoner hung himself with bed sheets in one of the two man cells. The other prisoner claimed to be

asleep at the time. The deceased had been put on suicide watch after his arrest, but after an evaluation by the medical staff, he was released to a regular prison cell.

Response: The Board agrees with the Sheriff's response. For clarification, the facility is a jail or detention facility, not a "prison".

Finding 2: The 2012 SCCGJ agrees with previous SCCGJ reports that the men's jail is an outdated and aging facility. The PSC on Hatch Road has a direct supervision design that allows better monitoring of prisoners.

Response: The Board agrees with the Sheriff's response. For clarification, the Public Safety Center is located on Hackett Road.

Finding 3: An exercise period of two 3-hour periods per week for prisoners does not seem to be adequate for the restricted space some prisoners are required to live in. This is especially true of prisoners that double up in cells designed for one man.

Response: The Board agrees with the Sheriff's response.

1065. Exercise and Recreation.

(a) The facility administrator of a Type II or III facility shall develop written policies and procedures for an exercise and recreation program, in an area designed for recreation, which will allow a minimum of three hours of exercise distributed over a period of seven days. Such regulations as are reasonable and necessary to protect the facility's security and the inmates' welfare shall be included in such a program. In Type IV facilities, such a program can be either in-house or provided through access to the community.

(b) The facility administrator of a Type I facility shall make table games and/or television available to inmates.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

Finding 4: The staff at the prison in the opinion of the SCCGJ, seem competent and professional in the conduct of their duties.

Response: The Board agrees with the Sheriff's response. For clarification, the facility is a jail or detention facility, not a "prison".

Stanislaus County Men's Jail Recommendations:

The Stanislaus County Civil Grand Jury recommends the following:

Recommendation 1: The suicide prevention procedures should be reviewed both in the psychological evaluations of the prisoners and changes that can be made to cells that are used for at risk prisoners. The SCCGJ observed that the cell used in the last prisoner suicide made it easy for a prisoner to stand on a bed and reach a horizontal cross bar that separated two cell segments. Prisoners are able to stand on a bed and wrap a bed sheet around the upper bars and have enough vertical space to hang themselves. It seems more modification can be made to these cells to make it more difficult for at-risk prisoners to hang themselves in this manner. Title 15 Section 1046-Inmate death requires that a team with specified composition review each in-custody death and submit a report to the CSA.

Response: The Board agrees with the Sheriff's response.

Recommendation 2: As many prisoners as possible should be transferred to the Public Safety Center as new construction is completed.

Response: The Board agrees with the Sheriff's response. The County is planning for a major expansion of the Public Safety Center with the addition of 648 new beds; including 384 maximum security beds, 72 medical/mental health unit beds and a 192 bed facility which is currently under construction. This 192 bed facility will replace facilities lost due to the June 2010 fire at the Honor Farm. The remaining 456 beds will provide some capacity to address the increase in the number of inmates expected due to the State's implementation of AB 109-Public Safety Realignment in Stanislaus County. Due to the increase in inmates in the County's jail system, it is unlikely that the downtown jail can be closed when these new facilities become operational, primarily due to the State Realignment.

Recommendation 3: The SCCGJ recommends that exercise time be increased for prisoners.

Response: The Board agrees with the Sheriff's response. For clarification, the facility is a jail or detention facility, not a "prison".

Stanislaus County Public Safety Center – 200 East Hackett Road, Modesto

The Stanislaus County Civil Grand Jury finds the following:

Finding 1: Staffing levels that were previously reduced were restored by realignment funds received from the State of California. The continued receipt of these funds is questionable. This makes future planning for staffing these facilities difficult.

Response: The Board of Supervisors agrees with the finding. On December 13, 2011 and July 24, 2012 the Board approved Phases I and II of the Community Correction Plan. Staffing restoration is underway to provide for the custody of additional inmates realigned to local jails to reduce the State's prison population. Upon construction completion of inmate bed expansions at the Public Safety Center, the staffing and transition to the new jail facilities will be phased based on the County's economic recovery. The inclusion of a Programs/Day Reporting Center is planned to provide alternatives to incarceration due to the large increase in inmates in the County's jail and Probation systems.

Finding 2: The jail in the opinion of the SCCGJ appears to be well run and managed.

Response: The Board of Supervisors agrees with the finding.

Stanislaus County Public Safety Center

The Stanislaus County Civil Grand Jury recommends the following:

Recommendation 1: The SSCGJ recommends that the Board of Supervisors and Community Corrections Partnership Executive Committee for Stanislaus County (1) update the realignment Plan for Stanislaus County, and (2) proactively work with professional organizations (including the California State Sheriff's Association, California State Association of Counties, Chief Probation Officers of California, and County Mental Health Directors Association) to lobby the governor and legislators representing Stanislaus County for adequate and reliable multi-year funding for county level corrections and rehabilitation.

Response: The Board of Supervisors agrees with the recommendation. The Stanislaus County Chief Executive Officer Monica Nino has been appointed to the Realignment Allocation Committee Data Advisory Committee. The Committee Members are Susan Mauriello, Santa Cruz; David Twa, Contra Costa; Bill Goodwin, Tehama; John Navarette, Fresno; Martin Nichols, Lassen; Birgitta Corsello, Solano; Jean Rousseau, Tulare; Chandra Wallar, Santa Barbara; Mike Powers, Ventura; Phil Smith-Hanes, Humboldt; Monica Nino, Stanislaus; Matthew Hymel, Marin; and, Veronica Ferguson, Sonoma.

Probation Department's Juvenile Facility (Juvenile Hall)

Juvenile Facility (Juvenile Hall)

The Stanislaus County Civil Grand Jury finds the following:

Finding 1: The Probation Department as well as the Sheriff's Jail staff is coping with

the ramifications of AB 109 that required the County Jails to accept prisoners transferred from State Prisons. There is an additional burden because some new prisoners that would have been sentenced to State Prison are now sentenced to serve their time in County Jails. The County received SB 678 realignment funds from the State that is shared by the Sheriff and Probation departments. The status of these funds on a continuing basis however, is in question because of State budget constraints. There is a concern that prisoners that would normally be incarcerated would have to be released due to lack of funding to staff jail facilities.

Response: The Board of Supervisors agrees with Chief Probation Officer's response.

Finding 2: The Probation Department staff told the SCCGJ the California Youth Authority (CYA) facility is scheduled to be closed by 2014. This is another casualty of the State of California's budget crisis. The SCCGJ feels that closing the CYA can have significant impact on Stanislaus County which may not have facilities to house these dangerous young inmates.

Response: The Board of Supervisors agrees with Chief Probation Officer's response.

Finding 3: The SCCGJ found that the Juvenile Hall is clean, well maintained, and staffed with personnel that are highly motivated to help youthful prisoners.

Response: The Board of Supervisors agrees with Chief Probation Officer's response.

Juvenile Facility (Juvenile Hall)

The Stanislaus County Civil Grand Jury recommends the following:

Recommendation 1: The SCCGJ recommends the Stanislaus County Board of Supervisors and the Chief Probation Officer proactively work with professional organizations (including California State Association of Counties and Chief Probation Officers of California) to lobby the Governor and legislators representing Stanislaus County for adequate and reliable multi-year funding for the County Probation Department.

Response: The Board of Supervisors agrees with Chief Probation Officer's response.

Recommendation 2: The SCCGJ recommends the Stanislaus County Board of Supervisors and Chief Probation Officer express to the State of California, that California Youth Authority (CYA) facilities remain open to house dangerous juvenile prisoners.

Response: The Board of Supervisors agrees with Chief Probation Officer's response.

Stanislaus County Honor Farm – 8224 West Grayson Road, Modesto

The Stanislaus County Civil Grand Jury finds the following:

Finding 1: The Honor Farm is an outdated facility; however it does have the capacity to house prisoners. It could continue to be used as an overflow facility until construction of future prison facilities is complete.

Response: The Board of Supervisors agrees that the Honor Farm is an outdated facility; however, disagrees with the finding that the Honor Farm continue to be used. The Honor Farm should be closed upon the completion of the new 192 bed modern and secure facility now under construction at the Public Safety Center. Construction is planned to be completed in the fall of 2013. Completion of this construction project will allow for the closure of the Honor Farm and begin the consolidation of the County's Adult Detention facilities from three to two remaining facilities, the Downtown Jail and the Public Safety Center.

Stanislaus County Honor Farm

The Stanislaus County Civil Grand Jury recommends the following:

Recommendation 1: The SCCGJ recommends the Sheriff keep the Honor Farm open and functional even after the expansion of the Public Safety Center. The Honor Farm will give the County space for 86 inmates that may be needed until the ramifications of AB 109 are fully realized.

Response: The Board of Supervisors disagrees with the recommendation. With the planned completion of the Honor Farm Replacement in the fall of 2013, the Honor Farm should be closed to begin the consolidation of the County's Adult Detention Facilities from three to two facilities, the Downtown Jail and the Public Safety Center.

POLICY ISSUE:

Pursuant to California law, the Board of Supervisors must respond to the Presiding Judge of the Superior Court no later than 90 days after submittal of the Final Report of the Civil Grand Jury. Adoption of this response meets this requirement.

STAFFING IMPACTS:

County Departments that are subjects of the Grand Jury Reports are required to prepare a response to the findings and recommendations of the Grand Jury. Existing staff has prepared the recommended response.

CONTACT PERSON:

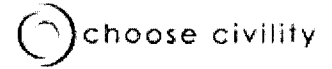
Patricia Hill Thomas, Chief Operations Officer Telephone: (209) 525-6333.



AUDITOR-CONTROLLER

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August 2, 2012

Presiding Judge Ricardo Cordova
Superior Court – Stanislaus County
PO Box 3488
Modesto, CA. 95353

BOARD OF SUPERVISORS
2012 AUG - 3 A 11:00 AM

SUBJECT: Auditor-Controller Response 2011-2012 Stanislaus County Civil Grand Jury Final Report

This letter will serve as the Auditor-Controller’s response to the Grand Jury Final Report for the 2011-2012 year.

We have included the Grand Jury findings and recommendations followed by our response.

Special District Audit Requirement – Grand Jury Case number 12-28GJ

Findings

F1: Monterey Park Community Service has not been audited since 1995.

The respondent agrees with the finding.

F2: The lack of money available to Monterey Park Community Service District and lack of proper record-keeping resulted in a failed attempt by the Stanislaus County Auditor-Controller to hire a firm to perform a forensic audit as recommended by the 2010-2011 SCCGJ report. An audit of Monterey Park would require the District borrow funds from Stanislaus County and be approved by the Board of Supervisors. Stanislaus County personnel would then have to complete the audit.

The respondent agrees with the finding.

F3: Westport Fire District is out of audit compliance for the fiscal years 2008/09 and 2009/10.

The respondent agrees with the finding.

F6: The East Stanislaus Resource Conservation audits have been completed, receiving a Qualified Opinion. However, as of March 2012, the audits had not been presented to the Board and the audits, as of April 2012, have not been received by the SCCGJ or the Stanislaus County Auditor-Controller.

The respondent agrees with the finding.

F7: During the course of follow up one entity requested information to extend the audit period from two years to five years.

The respondent agrees with the finding.

Recommendations

R1: The Stanislaus County Auditor-Controller should place the issue with respect to an audit of the Monterey Park Community Service District on the agenda of the Stanislaus County Board of Supervisors.

Stanislaus County Auditor-Controller Response: As mentioned in Finding 2 attempts were made by the Stanislaus County Auditor-Controller's Office during Fiscal Year 2011-2012 to hire a public accounting firm to perform the financial audit of the Monterey Park Community Service District through the Request for Proposal (RFP) process. This process resulted in no firms participating in the RFP process. An alternative plan was developed to require the District borrow County funds after Board of Supervisor approval to pay for the performance of the audit by the Stanislaus County Auditor-Controller's Office. Due to the implementation of State legislation and limited resources in the Stanislaus County Auditor-Controller's Office the alternative plan was not completed during Fiscal Year 2011-2012. During Fiscal Year 2012-2013 the Stanislaus County Auditor-Controller will attempt to implement the alternative plan discussed above. The success of this attempt will be dependent on available resources.

During Fiscal Year 2011-2012 certain documents were obtained by the Auditor-Controller's Office in reference to the performance of the financial audit for the District. A copy of the last financial audit performed for the District was not available.

In addition as recommended the Stanislaus County Auditor-Controller will present to the Stanislaus County Board of Supervisors the issue of the Monterey Park Community Service Districts audit at the same time as Recommendation 8 is implemented.

- R2: Westport Fire District should submit a time-line for completing its audits to the SCCGJ and the Stanislaus County Auditor-Controller, with a progress update every 30 days until the audits are completed.

Stanislaus County Auditor-Controller Response: The recommendation has been implemented. The audit report for year ending June 30, 2009 is dated June 25, 2012 and the audit report for year ending June 30, 2010 is dated June 29, 2012. Both audit reports were received in the Stanislaus County Auditor-Controller's Office on July 18, 2012.

- R5: The East Stanislaus Resource Conservation should submit the completed, Board-approved audits to the SCCGJ and the Stanislaus County Auditor-Controller.

Stanislaus County Auditor-Controller Response: The audit reports of the East Stanislaus Resource Conservation District for the years ending June 30, 2008, 2009, 2010 and 2011 were completed and dated April 7, 2012. Copies of the audit reports were received by the Stanislaus County Auditor-Controller on June 13, 2012.

- R6: An audited financial report is designed to provide citizens, taxpayers, customers, investors and creditors with a general overview of the District's finances and to demonstrate the District's accountability for the money it receives. These Special Districts are responsible to their public. CGC Section 26909:

A special district may, by unanimous request of the governing board of the special district, with unanimous approval of the board of supervisors, replace the annual special audit with a biennial audit covering a two-year period or, if the district's annual budget does not exceed an amount specified by the board of supervisor's an audit covering a five year period.

A two-year audit cycle provides ample time for the submission and completion of this responsibility. No extensions of audit time frames should be entertained.

Stanislaus County Auditor-Controller Response: There was one special district that did request information regarding changing the timing of the audit period from a two year cycle to a five year cycle.

Per Government Code Section 26909(b)(2) an audit covering a five year period, if the special district's annual revenues do not exceed an amount specified by the board of supervisors. The Stanislaus County Board of Supervisor's approved an agenda item on December 14, 1982 determining the annual revenue amount specified in Government Code Section 26909 to be \$100,000. If a special district meets the criteria listed in Government Code Section 26909(b) they are allowed to change their audit period to a five year period.

- R8: For the benefit of public disclosure, the Stanislaus County Auditor-Controller should submit to the Stanislaus County Board of Supervisors an annual report on the audit compliance status of all Stanislaus County Special Districts. The report should include;
- The disclosure of any non-compliant Special District audits and all years for which the non-compliance status continues to exist.
 - The types of opinions that may be expressed per CGC Section 26909; Unqualified, Qualified, Adverse or Disclaimer of Opinion.
 - Make a recommendation to the Board of Supervisors as to the ability of the Special District to continue as an independent going concern.

Stanislaus County Auditor-Controller Response: The Stanislaus County Auditor-Controller's Office agrees with the recommendation provided by the Grand Jury to submit to the Stanislaus County Board of Supervisors an annual report on the audit compliance status of all Stanislaus County Special Districts.

The first two components of the report recommended by the Grand Jury are reasonable to include in the annual report. However, the third component of the recommendation to the Board of Supervisors will not be reasonable to include. Going concern recommendations are normally disclosed during the financial audit process when there is access to the financial records by the auditor. Without the Stanislaus County Auditor-Controller's Office performing the audit work itself it would be professionally difficult and potentially inaccurate to make these types of recommendations regarding going concern issues. As the Stanislaus County Auditor-Controller's Office has limited financial information regarding the special districts this type of recommendation should rely upon the results of the required financial audit. As an alternative if the Stanislaus County Auditor-Controller's Office becomes aware of a financial concern regarding a special district limited procedures could be performed by the office if resources are available.

The annual report to the Stanislaus County Board of Supervisors will begin regarding the status of the audit requirement for each special district as of year ending June 30, 2012.

Sincerely,



Lauren Klein, CPA
Auditor-Controller

C: Honorable William O'Brien, Supervisor – District 1
Honorable Vito Chiesa, Supervisor – District 2
Honorable Terry Withrow, Supervisor – District 3
Honorable Dick Monteith, Supervisor – District 4
Honorable Jim DeMartini, Supervisor – District 5
Monica Nino, Chief Executive Officer

**SHERIFF'S DEPARTMENT**

Adam Christianson, Sheriff-Coroner

BOARD OF SUPERVISORS

2012 JUL -5 A 10:11 ✓

**ADMINISTRATION
DIVISION**

July 2, 2012

The Honorable Ricardo Cordova, Presiding Judge
Stanislaus County Superior Court
P.O. Box 3488
Modesto, CA 95353

Re: Response to Grand Jury Report 12-06C

Dear Judge Cordova:

The Sheriff's Department is in receipt of the Stanislaus County Civil Grand Jury's completed report "Stanislaus County Sheriff's Department Case 12-06C" dated June 20, 2012.

Pursuant to Penal Code Sections 933(c) and 933.5, the following is our response.

Findings:

F-1. The SCCGJ finds that the sheriff did not thoroughly and completely investigate violations to a standing court restraining order. This could be indicative of a lax attitude toward enforcing a restraining order within the Stanislaus County Sheriff's Department.

Response: The respondent disagrees with the finding.

Deputies acted appropriately and professionally in all cases reported by "Person B." Unless there's probable cause to believe a crime has been committed and/or all elements of the crime exist, deputies will not detain, cite or arrest. In these reported cases, there were no independent witnesses or corroborating evidence. The complainant, "Person B" refused to cooperate with Sheriff's investigators and "Person K" the complainant's husband is currently being prosecuted for an alleged criminal act as a result of this on-going dispute.

F-2. Although B's lack of full cooperation with the Sheriff's Department on some matters is troublesome, the SCCGJ is of the opinion that this is not a basis to deny investigation and enforcement of the restraining order. These are separate issues. In this case, a lack of proper enforcement has deprived both B and D equal protection under the law.



Response: The respondent disagrees with the finding.

All incidents were properly and thoroughly investigated.

Recommendations:

- R-1. The SCCGJ recommends the Sheriff's Department institute a procedure to monitor multiple violations of a restraining order and give them a higher priority enforcement priority. Records of these violations should be available to a deputy in the patrol vehicle and continually updated. Multiple violations of restraining orders show disrespect for the law and could lead to consequences the restraining order was designed to prevent.

Response: The respondent agrees in part and disagrees in part with the recommendation.

Multiple calls for service at the same location, alleged violations of court orders, reports filed by deputy sheriffs are all automated and electronically available from the mobile computers in the patrol cars. The Computer Aided Dispatch (CAD) system, the Integrated Criminal Justice Information Systems, (ICJIS) and restraining orders issued by the Court are entered into Department of Justice (DOJ) database systems, all accessible by deputies. Given current demand for our services that require an immediate priority response to protect life and property, the investigation of alleged misdemeanor restraining order violations will remain a priority 3 call for service.

- R-2. The SCCGJ recommends that the Sheriff's Department evaluate the policy of no follow up investigation for misdemeanor offenses, such as, but not limited to, "willful disobedience of any process order lawfully issued by a court".

Response: The respondent agrees with the recommendation.

The Sheriff's Department re-evaluated applicable policies as recommended. While the Sheriff's Department will always do it's very best to protect and serve the community with the resources we have, the harsh reality of our economic climate is that all calls for service have to be prioritized and with limited investigative resources, there are insufficient resources to follow up on alleged misdemeanor criminal activity especially where there's no direct evidence a crime was committed, no independent witnesses, no corroborating evidence and/or uncooperative victim(s).

R-3. If appropriate conditions exist, a citation per Penal Code 166.(a)(4) should be issued and the case forwarded to the District Attorney with a proper investigation.

Response: The respondent agrees with the recommendation.

Sincerely,

A handwritten signature in black ink, appearing to read 'AC', with a long horizontal flourish extending to the right.

ADAM CHRISTIANSON
Sheriff-Coroner
Stanislaus County

cc: Supervisor Bill O'Brien, Chairman
Stanislaus County Board of Supervisors

Monica Nino, Chief Executive Officer
Stanislaus County Chief Executive Office

Benny Del Re, Foreperson
Stanislaus County Civil Grand Jury 2011-2012

**SHERIFF'S DEPARTMENT**

Adam Christianson, Sheriff-Coroner

BOARD OF SUPERVISORS

2012 JUL -5 A 10:11 ✓

**ADMINISTRATION
DIVISION**

July 2, 2012

The Honorable Ricardo Cordova, Presiding Judge
Stanislaus County Superior Court
P.O. Box 3488
Modesto, Ca 95353

Re: Response to Grand Jury Report 12-30GJ

Dear Judge Cordova;

The Sheriff's Department is in receipt of the Stanislaus County Civil Grand Jury's completed report "2011-2012 Stanislaus County Jail, Public Safety Center, Probation Department and Juvenile Hall Inspections" dated June 27, 2012.

Pursuant to Penal Code Sections 933(c) and 933.5, the following is our response as it pertains to the Sheriff's Department Detention Facilities only.

The Civil Grand Jury included narrative sections in their report; wherein it describes in general terms each of the three detention facilities. It is important to note that all of these sections contain informational errors. Additionally, Grand Jury members failed to make contact with the Captain of the Adult Detention Division and/or at least two of the Facility Commanders, which would have been helpful in correcting the misinformation. The errors for each facility are addressed prior to addressing the findings and recommendations for each respective location.

Stanislaus County Downtown Men's Jail Narrative:

In the narrative for the Men's Jail, the Grand Jury reports that inmates are allowed two 3-hour exercise periods per week. The inmates are actually allowed a minimum of 3-hours of exercise in each 7-day period, which complies with regulatory standards established by the Corrections Standards Authority.

The report states that 28 deputies staff this facility. The correct number is 59.

The report states there are two holding cells for inmates who may be suicidal or are a danger to others, and deputies check them every 30 minutes. Inmates assigned to Safety Cells are checked twice every 30 minutes.

The report states that citizens can visit prisoners from 8:30-10:30 a.m. every day except Wednesday. The actual visiting hours are 8:00-10:30 a.m., 1:00-4:00 p.m. and 6:00-10:00 p.m. every day except Wednesday.

The Grand Jury reports being told there is an 85% recidivism rate for inmates, 15% higher than the recidivism rate reported by the California Department of Corrections and Rehabilitation for state prison inmates. This is statically impossible given the number of people the Sheriff's Department has in custody as pre-trial detainees and sentenced inmates.

With the enactment of AB 109-Public Safety Realignment, we're closely tracking the recidivism rate. Since October 1, 2011, when the legislation was enacted, the recidivism rate is currently 16%. Granted, this number only represents the first nine months since AB 109 was initiated and will likely rise but nowhere near the 85% allegedly reported.

Stanislaus County Downtown Men's Jail Findings:

- F-1. There was one death in the prison this year. A 22-year old prisoner hung himself with bed sheets in one of the two man cells. The other prisoner claimed to be asleep at the time. The deceased had been put on suicide watch after his arrest, but after an evaluation by the medical staff, he was released to a regular prison cell.

Response: The respondent agrees with the finding.

For clarification, the facility is a jail or detention facility, not a "prison".

- F-2. The 2012 SCCGJ agrees with previous SCCGJ reports that the men's jail is an outdated and aging facility. The PSC on Hatch Road has a direct supervision design that allows better monitoring of prisoners.

Response: The respondent agrees with the finding.

For clarification, the Public Safety Center is located on Hackett Road.

- F-3. An exercise period of two 3-hour periods per week for prisoners does not seem to be adequate for the restricted space some prisoners are required to live in. This is especially true of prisoners that double up in cells designed for one man.

Response: The respondent disagrees with the finding.

Exercise periods are in compliance with regulations governing detention facility operations, as mandated by the Corrections Standards Authority.

- F-4. The staff at the prison in the opinion of the SCCGJ, seem competent and professional in the conduct of their duties.

Response: The respondent agrees with the finding.

Staff is extremely competent and professional in the conduct of their duties, under extraordinarily difficult circumstances.

Stanislaus County Men's Jail Recommendations:

- R-1. The suicide prevention procedures should be reviewed both in the psychological evaluations of the prisoners and changes that can be made to cells that are used for at risk prisoners. The SCCGJ observed that the cell used in the last prisoner suicide made it easy for a prisoner to stand on a bed and reach a horizontal cross bar that separated two cell segments. Prisoners are able to stand on a bed and wrap a bed sheet around the upper bars and have enough vertical space to hang themselves. It seems more modification can be made to these cells to make it more difficult for at-risk prisoners to hang themselves in this manner. Title 15 Section 1046-Inmate Death requires that a team with specified composition review each in-custody death and submit a report to the CSA.

Response: The respondent disagrees with the recommendation.

The recommendation to change cell bars to reduce the risk of suicide is untenable. The structural design and configuration of the cell bars cannot be altered. Instead, the department utilizes heightened referrals to mental health staff, increased observations by uniformed staff and enhanced utilization of beds at the Public Safety Center for mental health inmates to minimize the risk of suicide.

Per established policy, a team comprised of Adult Detention managers and medical/mental health care staff conducts a review of each in-custody death.

After the specific suicide noted in this report, the review team instituted a policy pertaining to inmates removed from the Safety Cell. With the modification, more frequent checks are made of inmates removed from the Safety Cell, in conjunction with follow-up clinical assessments. Inmates assigned to a Safety Cell are observed twice every 30 minutes, not the one time reflected in the Grand Jury's report. Outside of the Safety Cell, inmates are observed every hour.

- R-2. As many prisoners as possible should be transferred to the Public Safety Center as new construction is completed.

Response: The respondent partially agrees with the recommendation.

As new construction is completed and beds activated at the Public Safety Center, inmates will be moved as deemed appropriate by classification staff to maximize public safety, the safety and security of both staff and inmates and to comply with the security requirements of the inmates confined in our facilities. With the enactment of AB 109-Public Safety Realignment, Stanislaus County remains challenged to provide adequate jail bed space in order to retain serious criminal offenders in custody.

The expansion of inmate beds at the Public Safety Center will afford the department the opportunity to house inmates commensurate with their security needs; meet the demands of a growing population in the community and in our detention facilities but clearly will not be adequate to close the aging Men's Jail.

R-3. The SCCGJ recommends that exercise time be increased for prisoners.

Response: The respondent disagrees with the finding.

The facility is currently in compliance with Title 15 Standards adopted by the Corrections Standards Authority for inmate recreation. Any increase in exercise yard time would be untenable due to the physical limitations of this aged facility, budgetary constraints to hire additional staff needed to supervise recreation activities and the increased security risks associated with additional inmate movement to and from the recreation yard.

Stanislaus County Public Safety Center Narrative:

The report states that 40 deputies staff this facility. The correct number is 79.

The report states that visiting hours are the same as the downtown men's jail. The actual visiting hours for the Public Safety Center are 8:00-11:00 a.m., 12:30-5:00 p.m. and 8:00-9:30 p.m. In the Minimum Unit, inmates visit on Saturday and Sunday only, from 7:15-10:15 a.m., 12:00-4:00 p.m. and 5:30-7:15 p.m. The PSC inmates have non-contact visits in booths but the Minimum Unit inmates have full contact visits.

The construction of 192 beds to replace those beds lost to a fire at the Honor Farm is scheduled to begin in August of 2012. Construction will not include expansion of the current Public Safety Center or the addition of "pods" Unit #2 will be constructed adjacent to Unit #1 or what's referred to as the "Minimum Unit" and will also include programming space for educational, vocational and rehabilitative opportunities.

The last paragraph in this section refers to the \$80 million state grant the county received under the provisions of AB 900 to construct new facilities. The Grand Jury referenced the addition of 384 inmate beds and a medical/mental health wing with 72 beds. They also referenced a "central control station" and the relocation of the "morgue" to the vacant

Medical Arts Building in downtown Modesto. In fact, the Central Control/Booking Facility and Coroner's Division Facility are not funded by AB 900 but from other funding allocated by the County. All project details including funding are a matter of public record as these projects have been approved by the Board of Supervisors.

Stanislaus County Public Safety Center Findings:

- F-1. Staffing levels that were previously reduced were restored by realignment funds received from the State of California. The continued receipt of these funds is questionable. This makes future planning for staffing these facilities difficult.

Response: The respondent agrees with the finding.

- F-2. The jail in the opinion of the SCCGJ appears to be well run and managed.

Response: The respondent agrees with the finding.

Stanislaus County Public Safety Center Recommendations:

- R-1. The SSCGJ recommends that the Board of Supervisors and Community Corrections Partnership Executive Committee for Stanislaus County (1) update the realignment Plan for Stanislaus County, and (2) proactively work with professional organizations (including the California State Sheriff's Association, California State Association of Counties, Chief Probation Officers of California, and County Mental Health Directors Association) to lobby the governor and legislators representing Stanislaus County for adequate and reliable multi-year funding for county level corrections and rehabilitation.

Response: The respondent agrees with the recommendation.

The Community Corrections Partnership Executive Committee completed a plan to allocate additional staffing and resources under AB 109-Public Safety Realignment, Phase II. The plan will be submitted to the Board of Supervisors for approval in July 2012. County leaders, including the Sheriff and Chief Probation Officer, are actively engaged with professional organizations like the California State Sheriff's Association of which Sheriff Christianson is currently the 2nd Vice President and Chief Probation Officer's Association to ensure adequate, sustainable and protected funding to support AB 109-Public Safety Realignment in future years. Stanislaus County is recognized as a leader in collaboration.

Stanislaus County Honor Farm Narrative

In the report, the Grand Jury referenced a fire that destroyed two of the inmate barracks and that prior to the fire, the Honor Farm inmate housing capacity was 300. The capacity was actually 370 inmates.

The Grand Jury summarized the staffing at the Honor Farm as one supervisor, two compound deputies, one transportation deputy and one operations deputy. For clarification, this staffing is only for the day shift. On the Swing shift and Graveyard shift, the facility also has a supervisor and two compound deputies. In total, there are 12 deputies and 4 sergeants assigned to the Honor Farm.

Stanislaus County Honor Farm Findings:

- F-1. The Honor Farm is an outdated facility; however it does have the capacity to house prisoners. It could continue to be used as an overflow facility until construction of future prison facilities is complete.

Response: The respondent disagrees with the finding (see comments below).

Stanislaus County Honor Farm Recommendations:

- R-1. The SCCGJ recommends the Sheriff keep the Honor Farm open and functional even after the expansion of the Public Safety Center. The Honor Farm will give the County space for 86 inmates that may be needed until the ramifications of AB 109 are fully realized.

Response: The respondent disagrees with the recommendation.

Presently, the Honor Farm houses 86 inmates in an outdated facility with major challenges to infrastructure and a very limited security design. Since the enactment of AB 109-Public Safety Realignment in October 2011, the inmate population has not only accelerated beyond the capacity of our detention facilities to house all individuals who should be in custody, but the security level of these same inmates exceeds the safety and security design of this aged facility.

In June 2010, a major fire destroyed two barracks or half of the Honor Farm inmate living units. The County successfully negotiated a settlement with the insurance provider and plans were developed to replace the beds lost in the fire with a modern design facility, to be located on the site of the existing Public Safety Center. This facility is currently scheduled to break ground in August 2012, with an estimated completion date in the Fall 2013. The new facility will enable the department to house 192 inmates in a safe and secure environment and vacate the Honor Farm.

With the Board of Supervisor's approval of the Phase II plan under AB 109, 72 additional beds will be activated at the Honor Farm, resulting in a total inmate population of 158 inmates. When the new facility is completed next fall, the 158 inmates and all staff will be moved to that location, and we will realize a net increase in inmate beds from 158 to 192. Lastly, when the new facility is fully activated, the County will have insufficient funding to support the staffing, resources and physical plant modifications needed to sustain the Honor Farm operation beyond that time frame. With the construction of replacement beds, the operation of the Honor Farm is no longer cost effective.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Christianson', with a long horizontal flourish extending to the right.

ADAM CHRISTIANSON
Sheriff-Coroner
Stanislaus County

cc: Supervisor Bill O'Brien, Chairman
Stanislaus County Board of Supervisors

Monica Nino, Chief Executive Officer
Stanislaus County Chief Executive Office

Benny Del Re, Foreperson
Stanislaus County Civil Grand Jury 2011-2012



STANISLAUS COUNTY PROBATION DEPARTMENT

2215 Blue Gum Avenue • Modesto, CA 95358-1097
Telephone: 209.525.5400 • Facsimile: 209.525.4588

JILL SILVA
Chief Probation Officer

July 2, 2012

BOARD OF SUPERVISORS
2012 JUL -3 P 2:18

The Honorable Ricardo Cordova
Presiding Judge
Superior Court – Stanislaus County
PO Box 3488
Modesto, CA 95353

Dear Judge Cordova:

On June 27, 2012, the Stanislaus County Civil Grand Jury forwarded their report on Case # 12-30GJ detailing their findings and recommendations following 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 2011-2012 Civil Grand Jury. We value the opinion of the Grand Jury and recognize the need to have others from outside of our organization to review the conditions and practices of our facility.

RESPONSE TO FINDINGS

The following is the Probation Department's response to the findings related to the Juvenile Detention Center.

1. **Finding:** *The probation department as well as the sheriff's jail staff is coping with the ramifications of AB 109 that required the county jails to accept prisoners transferred from state prisons. There is an additional burden because some new prisoners that would have been sentenced to state prison are now sentenced to serve their time in county jails. The county received SB 678 realignment funds from the state that is shared by the sheriff and probation departments. The status of these funds on a continuing basis however, is in question because of state budget constraints. There is a concern that prisoners that would normally be incarcerated would have to be released due to lack of funding to staff jail facilities.*

Administration
2215 Blue Gum Avenue
Modesto, CA 95358-1097
Telephone: 209.525.4598
Facsimile: 209.525.5486

Adult Division
801 11th Street, Suite B100
Modesto, CA 95354
Telephone: 209.567.4120
Facsimile: 209.567.4188

Juvenile Division
2215 Blue Gum Avenue
Modesto, CA 95358-1097
Telephone: 209.525.5400
Facsimile: 209.525.4588

Juvenile Institution
2215 Blue Gum Avenue
Modesto, CA 95358-1097
Telephone: 209.525.4580
Facsimile: 209.525.5469

Response: The department agrees partially with the finding.

Clarification is needed regarding this finding. AB 109 made fundamental changes to the California correctional system. AB 109 realigned custodial and community supervision responsibility for non-serious, non-violent, and non-sex offenders, as well as supervision of lower level adult parolees returning from state prison sentences to counties. AB 109 did not contain funding for county agencies to implement the realignment shift and was not operative until funding was provided to counties. Senate Bills 87 and 89 and Assembly Bill 117 provided the funding necessary to implement the public safety realignment programs outlined in AB 109. The Sheriff and Probation, as well as other county agencies and community based organizations, receive funding through these legislative bills based on a plan recommended by the county's Community Corrections Plan and approved by the county Board of Supervisors. SB 678 funding referred to in the Grand Jury report is a separate funding source. These funds are allocated solely to the Probation Department and support the California Community Corrections Performance Incentives Act of 2009. This Act established a system of performance based funding to support evidence-based practices relating to the supervision of adult felony offenders. The Probation Department's allocation for SB 678 is calculated based on costs avoided by the Department of Corrections and Rehabilitation because of a reduction in the percentage of adult probationers sent to prison for a probation failure. Although the amount of SB 678 funds being received by Probation could be impacted by AB 109 as counties can no longer send certain type of offenders to state prison, it is important to clarify that SB 678 funds are separate from those funds received for AB 109 realignment. AB 109 does not have a direct impact to the Juvenile Detention Facility as the responsibility for housing these inmates belongs to the Sheriff. Supervision of the realigned offenders is the responsibility of the Probation Department's Adult Division.

2. *The Probation Department staff told the SCCGJ the California Youth Authority (CYA) facility is scheduled to be closed by 2014. This is another casualty of the State of California's budget crisis. The SCCGJ feels that closing the CYA can have a significant impact on Stanislaus County which may not have facilities to house these dangerous young inmates.*

Response: The department agrees with this finding.

At the time of the Grand Jury site visit, the Governor's Proposed Budget included a plan to stop accepting commitments to the Department of Juvenile Justice (DJJ), formerly known as CYA, effective January 1, 2013. With the Governor's May Revision to the Budget, released after the Grand Jury's site visit, the revised plan calls for the DJJ to remain open with a number of reforms including charging counties increased fees for their state commitments. We concur with the Grand Jury that closure of DJJ would have

significant impacts to our county as we do not have local facilities capable of housing these wards. The maximum security unit within the Juvenile Detention Facility is designed to house the most serious offenders while they are proceeding through the court process. The facility is not designed for long term commitments. The new juvenile commitment facility under construction does not contain a maximum security unit.

3. *The SCCGJ found that the Juvenile Hall is clean, well maintained, and staffed with personnel that are highly motivated to help youthful prisoners.*

Response: The department agrees with this finding.

RESPONSE TO RECOMMENDATIONS

The following is the Probation Department's response to the recommendations to the Juvenile Detention Facility.

1. *The SCCGJ recommends the Stanislaus County Board of Supervisors and the Chief Probation Officer proactively work with professional organizations (including the California State Association of Counties and Chief Probation Officers of California) to lobby the governor and legislators representing Stanislaus County for adequate and reliable multi-year funding for the county probation department.*

Response: The department agrees with this recommendation.

The Chief Probation Officer is committed to working with county leaders and professional organizations to ensure sufficient and sustainable funding for criminal justice needs.

2. *The SCCGJ recommends the Stanislaus County Board of Supervisors and Chief Probation Officer express to the State of California, that California Youth Authority (CYA) facilities remain open to house dangerous juvenile prisoners.*

Response: The department agrees with this recommendation.

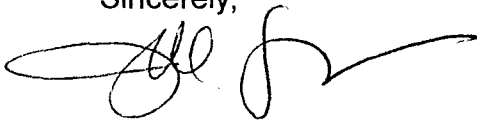
The Chief Probation Officers of California have worked diligently to oppose the closure of the Department of Juvenile Justice. The organization's efforts were successful as the Governor's revised plan called for the DJJ to remain open. The Chief Probation Officer will continue to support all efforts to keep DJJ as a dispositional option. The state has an important role to play in the juvenile justice system.

In addition to the responses to the findings and recommendations, I want to also clarify one piece of information included in the report. As the report is a public document, I think it is important to ensure statistical information is accurate. The report includes a

statement that the department has a 75% recidivism rate for juveniles. The department is not in agreement with this information. The Probation Department does not currently track recidivism rates for all offenders. This type of data collection and analysis is restricted to grant and specialized caseloads where specialty funding supports the costs associated with such evaluation. A formal evaluation of our High Risk Offender cases completed in 2011 reflects a recidivism rate of 21% for new law violations. A similar evaluation of our Juvenile Drug Court offenders reflects a recidivism rate of 23% for sustained new law violations. These are our most serious juvenile offenders and highest risk to re-offend. These rates are significantly lower than the 75% included in the report.

Thank you for the opportunity to respond to the comments and recommendations of the 2011-2012 Civil Grand Jury. Please extend my gratitude to the members for their time and efforts in conducting a very thorough site visit. Each member was very cordial and demonstrated a genuine interest in learning about the department.

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
Monica Nino, Chief Executive Officer
John P. Doering, County Counsel



CLERK OF THE BOARD OF SUPERVISORS

STANISLAUS COUNTY

1010 10th Street, Suite 6700, Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4420

September 11, 2012

TO: Ricardo Cordova, Presiding Judge
Stanislaus County Superior Court

FROM: Christine Ferraro ^{CAF} Tallman, Clerk of the Board of Supervisors

**RE: RESPONSE TO THE 2011-2012 STANISLAUS COUNTY CIVIL
GRAND JURY FINAL REPORT**

Enclosed is the Stanislaus County Board of Supervisors response to the 2011-2012 Stanislaus County Civil Grand Jury Final Reports: 12-28GJ regarding the Special District Audit Requirement; 12-06C regarding the Stanislaus County Sheriff's Department; 12-17C regarding the Stanislaus Consolidated Fire Protection District; and, 12-30GJ regarding the Stanislaus County Jail, Public Safety Center, Probation Department and Juvenile Hall Inspections as approved by the Board of Supervisors on September 11, 2012.