



STANISLAUS COUNTY CIVIL GRAND JURY

Post Office Box 3387 • Modesto, California 95353 • (209) 558-7766 • Fax (209) 558-8170

June 17, 2015

BOARD OF SUPERVISORS
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CONFIDENTIAL

Supervisor Terry Withrow
 Chairman
 Stanislaus County Board of Supervisors
 1010 10th Street, Suite 6500
 Modesto, CA 95354

Dear Supervisor Withrow:

The Civil Grand Jury is providing the Stanislaus County Board of Supervisors a copy of the following sections of the Civil Grand Jury final report:

- 15-02C - Stanislaus County Public Transit Systems
- 15-04GJ - Stanislaus County Jail Facilities Inspection
- 15-05C - East Side Mosquito Abatement District
- 15-16GJ - Local Effects of Prison Realignment (AB 109) and Proposition 47
- 15-17GJ - Teach Them Well and Let Them Lead the Way

These reports will be released to the public two working days after you receive your copies. The Penal Code prohibits you from disclosing any contents of the reports prior to their public release (Penal Code Section 933.05 (f)).

Your response to the findings and recommendations must be submitted to the Presiding Judge of the Superior Court, the Honorable Marie Sovey Silveira, at P.O. Box 3488, Modesto, CA 95353. Please submit a hard copy of your response and an electronic copy (Word document or PDF format). We are enclosing guidelines that may be helpful as you prepare your response.

Sincerely,

Judy Navarro
 Foreperson Pro Tempore
 2014-2015 Civil Grand Jury

Attachments (5)

By hand delivery

HOW TO RESPOND TO FINDINGS & RECOMMENDATIONS

Responses

The California Penal Code §933(c) specifies both the deadline by which responses shall be made to the Civil Grand Jury Final Report recommendations, and the required content of those responses.

Deadline for Responses

All agencies are directed to respond to the Presiding Judge of the Stanislaus County Superior Court,

- Not later than 90 days after the Civil Grand Jury submits a final report on the operations of a public agency, the governing body of that agency shall respond to the findings and recommendations pertaining to the operations of that agency.
- Not later than 60 days after the Civil Grand Jury submits a final report on the operation of a County agency, the elected head governing that agency shall respond to the findings and recommendations pertaining to the operations of their agency.
- Information copies of responses pertaining to matters under the control of a county officer or agency are to be sent to the Board of Supervisors.
- A copy of all responses to the Civil Grand Jury reports shall be placed on file with the clerk of the public agency and the Office of the County Clerk, or the city clerk when applicable.
- One copy shall be placed on file with the applicable Civil Grand Jury by, and in the control of, the currently impaneled Grand Jury, where it shall be maintained for a minimum of five years.

Content of Responses

For each Civil Grand Jury findings and recommendations, the responding person or entity shall report one of the following actions:

- The respondent agrees with the finding
- The respondent disagrees wholly or partially with finding and shall include an explanation.
- The recommendation has been implemented, with a summary regarding the implemented action.
- The recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation.
- The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame if it is to be implemented later.

- The recommendation will not be implemented because it is unwarranted or unreasonable, with supportive explanation.

Respond to:

***The Honorable Marie Sovey Silveira, Presiding Judge
Superior Court of California, Stanislaus County
P.O. Box 3488
Modesto, CA 95353***

2014–2015 Stanislaus County Civil Grand Jury

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BOARD OF SUPERVISORS

STANISLAUS COUNTY PUBLIC TRANSIT SYSTEM
Case 15-02C

SUMMARY

The 2014-2015 Stanislaus County Civil Grand Jury (SCCGJ) received a complaint questioning the need of four independent transit authorities within Stanislaus County. The complaint prompted an investigation to inquire into the feasibility of a full or partial consolidation of the public transit authorities.

GLOSSARY

BLAST	Bus Line Service of Turlock
CAT	Ceres Area Transit
Farebox Recovery Ratio	The percentage of operating expenses funded by actual passenger fares
FTA	Federal Transit Administration
MAX	Modesto Area Transit
SB 498	Senate Bill 498 (1988)
SSTAC	Social Services Transportation Advisory Council
StanCOG	Stanislaus Council of Governments
StaRT	Stanislaus Regional Transit
SCCGJ	Stanislaus County Civil Grand Jury
TDA	Transit Development Act (State of California)

BACKGROUND

Transportation services in Stanislaus County are currently operated by four different authorities: Stanislaus County (StaRT), the City of Ceres (CAT), the City of Modesto (MAX), and the City of Turlock (BLAST). Each authority operates both a fixed-route and a Dial-A-Ride service, resulting in eight different operational systems.

In 1988 California Senate Bill 498 mandated the creation of a Social Services Transportation Advisory Council (SSTAC) at the county level. The SSTAC is a standing committee within the Stanislaus Council of Governments (StanCOG). Committee membership is comprised of social service providers, transit users, senior citizens, and individuals with disabilities.

Funding for public transportation is generated by a combination of passenger fares, tax dollars from the Federal Transit Authority (FTA), State of California Transit Development Act (TDA), and advertising sales. Federal and state funds are disbursed within the county through StanCOG. All unused tax dollars at the end of each fiscal year

are returned to the TDA via StanCOG. The four different transit authorities find themselves in competition for limited funds.

METHODOLOGY

The Government/Administration Committee conducted an investigation by reviewing the complaint with attached documentation and then interviewing the complainant. Other interviews were conducted with members of StanCOG and the transit managers of each of the four service providers. Review of documents included the following:

- Transportation Development Act Transit Claims Report
- Financial statements from the four transit authorities
- Farebox recovery ratio data from the four transit authorities
- Minutes from SSTAC meetings (2012-2014)
- 2012 StanCOG On-Board Transit Survey
- Stanislaus Regional Transportation Comprehensive Operations Analysis (June 2014)

DISCUSSION

Upon completion of an in-depth review of the testimony and documents, the 2014-2015 SCCGJ determined that there are areas of overlap among the county's four public transit authorities. Each authority receives both FTA and TDA funds through StanCOG. All four authorities operate a fixed-route and Dial-A-Ride service.

The four transit authorities represent four separate government agencies, each having different management personnel and policies. Each authority has its own operational contracts. Among the four authorities, three different contractors are used. All four authorities outsource drivers and dispatchers, along with their mandated training and licensing. Bus maintenance varies from in house to outside vendor contracts to a combination of the two. Bus ownership varies from authority to authority with outside vendors providing a majority of the service.

Technology such as automated fare boxes, auto-announce, Wi-Fi, GPS tracking, and phone app schedules are currently unavailable on all or most buses countywide. Added technology may increase ridership.

Basic services such as fare rates, transfer rates, payment options, hours of operation, Dial-A-Ride qualifications, and website access differ among all four transit authorities. Routes and service areas overlap.

A farebox recovery ratio is the revenue generated by passenger fares. Farebox recovery ratio is computed by dividing the system's total passenger fare revenue by its total operating expenses.

Farebox recovery ratios differ among the authorities for their fixed route and Dial-A-Ride operations. The TDA establishes funding amounts based upon a 20% farebox recovery ratio threshold under most demographic profiles. While CAT, MAX, and BLAST fall under the 20% guideline, StaRT is funded at a 15% farebox recovery ratio due to its urban and **rural** demographics.

The table below has been derived from direct testimony and document review.

Transit Authority Within County	Farebox Ratio for Fixed Route	Date of Data Collected	Farebox Ratio Deficit
Ceres (CAT)	13.68%*	FY 2013/2014	-6.32%
Modesto (MAX)	17.00%	FY 2014/2015	-3.00%
Stanislaus (StaRT)	18.63%	FY 2013	+3.63%
Turlock (BLAST)	15.14%	FY 2013	-4.86%

* Combination of both fixed route and Dial-A-Ride services.

In 2012 StanCOG conducted an On-Board Transit Survey, and in 2014 StaRT conducted a Comprehensive Operations Analysis, but both fall short of a complete consolidation analysis. Consolidation can avoid duplication of services and minimize technological implementation costs.

FINDINGS

- F1: The four transit authorities within Stanislaus County have differing policies, contracts, operating procedures, and ridership needs. These differences have a negative impact, which is affecting ridership.
- F2: Transit authorities have previously discussed consolidation strategies, and some authorities have completed both ridership and comprehensive reports with an emphasis toward partial or total consolidation of public transit needs.
- F3: All four transit authorities are deficient in current technological services.

RECOMMENDATIONS

- R1: The Stanislaus County Board of Supervisors should direct StanCOG to complete Request for Proposals and hire an independent professional consultant to conduct an all-inclusive consolidation of transit services study within Stanislaus County.
- R2: The consolidation study should examine all public transportation systems within the county and include a cost/benefit analysis for a complete or partial consolidation. This study should take all operational and ridership matters into consideration and make specific recommendations to both StanCOG and the Board of Supervisors that will best serve the transit authorities, users, and taxpayers.

R3: StanCOG, StaRT, BLAST, CAT, and MAX should begin inquiry into the implementation of technological advances in the areas of both transit management and rider services, such as automated fare boxes, auto-announce, Wi-Fi, GPS tracking, and phone app schedules.

REQUEST FOR RESPONSES

Pursuant to California Penal Code Section 933.05, the Grand Jury requests responses as follows:

- Stanislaus Council of Governments (StanCOG)
- Stanislaus County Board of Supervisors
- Stanislaus Regional Transit (StaRT)
- Modesto Area Express (MAX)
- Modesto City Council
- Ceres Area Transit (CAT)
- Ceres City Council
- Bus Line Service of Turlock (BLAST)
- Turlock City Council

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BOARD OF SUPERVISORS

2014–2015 Stanislaus County Civil Grand Jury

STANISLAUS COUNTY JAIL FACILITIES INSPECTION

Case 15-04GJ

SUMMARY

The 2014-2015 Stanislaus County Civil Grand Jury (SCCGJ) conducted its annual jail facilities inspection as required by law. The SCCGJ would like to commend the Stanislaus County Sheriff's Department for their planning and implementation of expanded facilities at the Public Safety Center site as well as the Stanislaus County Probation Department for its operation of the Juvenile Detention, Commitment Center, and Day Reporting Center.

GLOSSARY

AB 109	California Assembly Bill 109 (2011) pertaining to state prison realignment regulations transferring certain inmates to county jails
AB 900	California Assembly Bill 900, supplemental to AB 109, requiring the state to reimburse local agencies for incurred facility costs to comply with AB 109
BSCC	Board of State and Community Corrections
California Code of Regulations – Title 15	Covers all rules and regulations of adult and juvenile institutions, programs, and parole; the primary source of policy and procedure within both adult and juvenile correctional facilities
California Code of Regulations – Title 24	California Building Code Standards
Consent Decree	A settlement that is contained in a court order; in this case a federal consent decree prescribing maximum occupancy at the Downtown Men's Jail in Modesto
DRC	Day Reporting Center (Stanislaus County Probation Department)
PSC	Public Safety Center
Recidivism	Habitual relapse into crime
SCCGJ	Stanislaus County Civil Grand Jury

BACKGROUND

California Penal Code Section 919 (b) mandates all grand juries inquire into the condition and management of the public prisons within the county. The SCCGJ Criminal Justice Committee was responsible for the inspections and report preparation.

METHODOLOGY

Members of the SCCGJ conducted site inspections at the following facilities:

- Downtown Men's Jail at 1115 H Street, Modesto
- Public Safety Center (Units 1 & 2) at 200 E. Hackett Road, Ceres
- Stanislaus County Probation Department's Juvenile Hall and newly commissioned Commitment Center at 2215 Blue Gum Avenue, Modesto
- Day Reporting Center at 801 11th Street, Modesto
- Modesto Police Department at 600 10th Street, Modesto
- Regional 911 Center at 3705 Oakdale Road, Modesto

In addition to the site inspections, members of the SCCGJ participated in ride-alongs with the Modesto Police Department and the Stanislaus County Sheriff's Department. Jurors also sat in at the Regional 911 Center to observe the operations of the emergency dispatch services provided to the community of Stanislaus County.

All site tours were conducted with the guidance of supervisory and command staff officers. Inspections focused on compliance with Title 15 and Title 24 of the California Code of Regulations, with particular attention to the safety cells. The Criminal Justice Committee interviewed a variety of personnel including custodial supervisors, shift commanders, and jail staff. The committee reviewed applicable policies and regulations for the jail facilities. Previous Stanislaus County Civil Grand Jury jail inspection reports were reviewed.

DOWNTOWN MEN'S JAIL

DISCUSSION

The Downtown Men's Jail (downtown jail) opened in 1952 and currently has a maximum capacity of 396 inmates. A federal consent decree, established after a court ruling concerning occupancy limits, is still in effect at this facility only. Inmate numbers change hourly, and at the time of our inspection, the jail was below maximum occupancy.

The SCCGJ found that though well managed and reasonably well maintained, the downtown jail is obsolete. The SCCGJ concurs with the Stanislaus County Board of Supervisors' 1988 finding, as outlined in the AB 109/Prop 47 report, that the development of the Public Safety Center (PSC) would ultimately allow the County to close the downtown jail.

The downtown jail has safety cells that are designed to temporarily hold inmates who are actively violent or in immediate danger to themselves or others. Video cameras are located in these cells, but no recordings are made.

The State of California is currently designing plans for a new Stanislaus County Superior Court building with an anticipated completion date in 2019. It is uncertain at this time what role the downtown jail will have when the new courthouse is operational. The Board of State and Community Corrections (BSCC) last inspected the downtown jail on November 7 and 8, 2013. The next BSCC inspection is expected later in 2015.

FINDINGS

- F1: The downtown jail is obsolete.
- F2: The downtown jail has an allotted number of safety cells used as temporary placement for inmates who are actively violent or in immediate danger to themselves or others.
- F3: The downtown jail has video-monitoring systems in place.
- F4: Although each safety cell at the downtown jail has a functional video camera, they are observational only and not recorded onto any type of media.

RECOMMENDATIONS

- R1: The County should close the downtown jail once the PSC Unit 2 and the New Modesto Courthouse become fully operational.
- R2: None
- R3: None
- R4: Convert all existing safety cell cameras to record 24/7 onto media storage in an effort to mitigate claims of negligence or abuse at these high-risk locations.

REQUEST FOR RESPONSES

Pursuant to California Penal Code Section 933.05, the SCCGJ requests responses from:

- Stanislaus County Sheriff
- Stanislaus County Board of Supervisors

PUBLIC SAFETY CENTER (PSC) UNITS 1 AND 2

DISCUSSION

Originally opened in 1992, the PSC has gone through improvements and continued growth. Most of the expansion was financed through monies received from AB 900 and the insurance settlement for the fire at the now closed Honor Farm.

In contrast with the downtown jail, the PSC represents a more modern design incorporating advances in technology and safety benefits for both inmates and staff.

At the time of the inspection, some tiers were closed due to staffing issues, but the County has agreed to continuous recruiting in an effort to fill vacancies from the prior cuts to the Sheriff's Department.

The PSC also has safety cells that are designed to temporarily hold inmates who are actively violent or an immediate danger to themselves or others. Video cameras are located in these cells, but no recordings are made.

The SCCGJ found the facilities at the PSC to be very clean and well maintained. The BSCC last inspected the PSC on November 7 and 8, 2013. The next inspection is expected later in 2015.

FINDINGS

- F5: The PSC has an allotted number of safety cells used as temporary placement for inmates who are actively violent or in immediate danger to themselves or others.
- F6: The PSC has video-monitoring systems in place.
- F7: Although each safety cell at the PSC has a functional video camera, they are observational only and not recorded onto any type of media.

RECOMMENDATIONS

- R5: None
- R6: None
- R7: Convert all existing safety cell cameras to record 24/7 onto media storage in an effort to mitigate claims of negligence or abuse at these high-risk locations.

REQUEST FOR RESPONSES

Pursuant to California Penal Code Section 933.05, the SCCGJ requests responses from:

- Stanislaus County Sheriff
- Stanislaus County Board of Supervisors

JUVENILE HALL AND COMMITMENT CENTER

DISCUSSION

The Probation Department has a state-of-the-art facility located on Blue Gum Avenue, Modesto. Juvenile Hall is designed for pre-adjudicated minors while the Commitment Center houses post-adjudicated minors. Emphasis is placed on corrective behaviors.

One of the goals of this institution is to prevent/reduce recidivism rates by focusing on continuing education, vocational opportunities, and life skills training to maximize the potential for successful transition back into the community.

The SCCGJ found the facilities at Juvenile Hall and the Commitment Center to be very clean and well maintained. The last BSCC inspection at this facility was completed on January 14 and 15, 2013; and they are due for another inspection in 2015.

FINDINGS

F8: None

RECOMMENDATIONS

R8: None

REQUEST FOR RESPONSES

None required.

DAY REPORTING CENTER

DISCUSSION

The Stanislaus County Probation Department operates a Day Reporting Center (DRC) within the building originally designated as Modesto City Hall, located at 801 11th Street, Modesto.

The DRC is a “one-stop shop” for those offenders under the jurisdiction of the Probation Department that are required to obtain services as part of their probation. The services include preparation for GED testing, employment leads, transportation passes, anger management, and drug/alcohol counseling. The purpose of the DRC is to provide a centralized location where a variety of rehabilitative services are offered in an effort to reduce the likelihood of recidivism.

Members of the SCCGJ visited the DRC and were given a tour of the facility by Probation Department staff. Jurors also met with participants of a drug and alcohol recovery class. The Probation staff that assisted the jurors were courteous, professional, and informative. The participants in the alcohol addiction class were very positive and enthusiastic about their chances of recovery.

The SCCGJ found the DRC to be well organized and well maintained. A new DRC is under construction at the PSC site and is expected to be completed in August of 2015.

FINDINGS

- F9: The DRC is a useful and important facility, which provides the Probation Department with a centralized location for the variety of services needed or required by those on probation.
- F10: The DRC has become more important due to the additional persons placed into local post-release community supervision due to AB 109.

RECOMMENDATIONS

R9: None

R10: None

REQUEST FOR RESPONSES

None required.

MODESTO POLICE DEPARTMENT

DISCUSSION

The Modesto Police Department has headquarters located in downtown Modesto. The temporary detention facility located within the building meets Title 15 and Title 24 mandates. The detention cells are designed and used for the purposes of short-term confinement such as completing booking sheets, processing warrants, and awaiting interviews by detectives.

FINDINGS

F11: None

RECOMMENDATIONS

R11: None

REQUEST FOR RESPONSES

None required.

REGIONAL 911 CENTER

DISCUSSION

Stanislaus Regional 911 was formed through a Joint Powers Agreement (JPA) between Stanislaus County and the City of Modesto and is administered by a commission of representatives from each contracted public safety agency.

The Regional 911 Center provides 24/7 services for public safety emergency dispatch. Additionally, Regional 911 is the final destination for incoming 911 telephone calls. Call-taking and dispatching services are provided to 22 law enforcement and fire agencies within Stanislaus County. AB 109 has resulted in the increased caseload for the Probation Department, requiring a dedicated channel in the Regional 911 Center.

Although staff retention is high and there is very little turnover in the center, the County has implemented a continuous recruiting scheme for hiring qualified personnel. Many workstations in the center were unmanned during our observations, and dispatchers did a systematic job of prioritizing calls and sending the appropriate resources to calls for service.

Two independent consultant studies have provided reports about the 911 Center recently, and a new director was named in February of 2015.

SCCGJ members sat in the communication center on various shifts to observe and learn about the process. Call-takers and dispatchers work collaboratively within the room to forward critical information and ensure the safety of affected emergency personnel. State-of-the-art equipment was evident, but staff members commented that the current software for the Computer Aided Dispatch system (CAD) was over a decade old and outdated.

Members of the SCCGJ who sat inside the center for a shift left with positive impressions of the employees, the process and the efficiency of the organization. The employees of

the center are dedicated and highly trained professionals who serve the community with little or no recognition.

FINDINGS

F12: Staff comments indicated CAD software is outdated.

F13: Regional 911 implements continuous recruitment to fill vacated and budgeted positions.

F14: Employees of the Regional 911 Center are highly trained and dedicated to providing public service to the community of Stanislaus County.

RECOMMENDATIONS

R12: The Regional 911 Director should take steps to update the CAD system.

R13: None

R14: None

REQUEST FOR RESPONSES

Pursuant to California Penal Code Section 933.05, the SCCGJ requests responses from:

- Stanislaus County Regional 911 Director
- Modesto Police Chief
- Modesto City Council
- Stanislaus County Sheriff
- Stanislaus County Board of Supervisors

2014-2015 Stanislaus County Civil Grand Jury**Case 15-05C****EAST SIDE MOSQUITO ABATEMENT DISTRICT**

BOARD OF SUPERVISORS
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SUMMARY

The 2014-2015 Stanislaus County Civil Grand Jury (SCCGJ) received a complaint concerning working conditions at the East Side Mosquito Abatement District (ESMAD) citing numerous examples of both poor management and outdated human resources practices. The full panel of the SCCGJ reviewed and accepted the complaint.

Following an investigation that included a review of documents provided by the District, interviews with County officials, District employees and Board members, and a tour of ESMAD offices, the SCCGJ found that while some allegations were unsubstantiated, there are widespread human resources and management problems within the District. The SCCGJ believes the problems are significant and pervasive enough to require wholesale examination by outside experts to recommend corrective actions.

While investigating ESMAD, the SCCGJ looked at the Turlock Mosquito Abatement District as a basis of comparison with ESMAD. The panel found that there may be significant advantages in consolidating the two districts.

GLOSSARY

ESMAD	East Side Mosquito Abatement District
HR	Human Resources
LAFCO	Local Agency Formation Commission
SCCGJ	Stanislaus County Civil Grand Jury
TMAD	Turlock Mosquito Abatement District

BACKGROUND

East Side Mosquito Abatement District was founded in 1939, and is overseen by a Board of Directors appointed by the County Board of Supervisors. The District currently has eighteen employees (nine seasonal) who cover over 540 square miles, in the northern portion of Stanislaus County. The communities within the District include Modesto, Empire, Waterford, Knights Ferry, Valley Home, Oakdale, Riverbank, and Salida. ESMAD, being a non-enterprise, independent Special District with a yearly budget of approximately \$2,000,000.00 was formed from the need to control the mosquito population in Stanislaus County and is funded through property taxes.

METHODOLOGY

The investigation included interviews with:

- District manager
- Full-time and seasonal technicians
- Biologist
- Foreman
- Board members
- Stanislaus County Public Health Officer.

Members of The SCCGJ attended a board meeting, consulted with the Stanislaus County Auditor, and conducted a site visit after the seasonal workers returned to work. For comparative purposes, a tour of the Turlock Mosquito Abatement District (TMAD) was also conducted and our observations were used to evaluate operations of ESMAD.

Requests were made for Board minutes, technician logs, staffing and pay scale information, job descriptions, budgetary information, and preliminary audit reports. ESMAD was very accommodating in providing the requested information.

DISCUSSION

During the course of the investigation, some issues were discovered that were not listed in the original complaint. The SCCGJ concluded these items were significant enough to be included in the findings and recommendations. During the interviews, it became apparent that there were two perspectives of the working conditions in the District. The Board members and management conveyed one viewpoint, while the supervised seasonal and year round employees presented another. The lack of oversight by the Board, and the intimidation the employees feel in dealing with the foreman, have both contributed to the situation. The two Board members interviewed gave the SCCGJ the impression that the Board takes a “hands off” approach and allows the Manager great latitude in the day to day operation of the District. The Board members also expressed they were generally satisfied with how the District is being managed, and they did not see the need to make any changes to the current operations. However, according to the County Health Officer, the job of mosquito abatement is an ever-changing one and requires adapting to the current conditions and having the ability to evolve as needed, particularly given the challenges presented by the West Nile virus and changing climate. As a comparison, TMAD has a larger year-round staff and is more forward thinking and proactive in their abatement methods. For an example, TMAD concentrates on treating with larvicide early in the mosquito life cycle whereas ESMAD utilizes more adulticide spraying. The review of ESMAD’s budget shows they are fiscally conservative with a \$5,000,000.00 reserve. Expanding the year round staff would allow a more proactive approach toward mosquito abatement without significant cost increase.

Complaints

- C1. Poor management
- C2. Foreman difficult to approach and makes subordinates and co-workers feel intimidated
- C3. Path to year round employment not communicated to seasonal employees
- C4. Personal use of district equipment
- C5. Board members have exceeded their term limits and provide no oversight

FINDINGS

- F1. The current management practices at ESMAD are in need of evaluation and review by an outside entity. Clearly, problems do exist and need to be addressed. The concerns and issues raised in the complaint are ones that should be handled within the District, by allowing employees to communicate their issues. Employees are entitled to a work environment free of intimidation, malice, and discrimination of any kind. Subordinates should be able to air their grievances to management without fear of retribution. Information conveyed to the SCCGJ by the employees about management, was consistent with items listed in the original complaint.
- F2. The District's current HR system is outdated and does not appear to be adequate. For example, a blank employee annual review form was provided on request, but the interviewed employees were unaware of the existence of the document. The District Policies and Procedures handbook is in need of updating. The policy on filing an employee grievance provided was last updated in the late 1980's and still referenced union representation; however, the employees have not been part of a union in years.
- F3. The Board members are appointed by the County Board of Supervisors to a three year term, with a two term limit. The current tenure of the Board is an average of 20 years.
- F4. The observations of the SCCGJ during our investigation indicate differing views from each of the Districts, one is more preemptive, and the other is more reactive in their approach the control of the mosquito population. Merging the two Districts would utilize the strengths of each and streamline operations.

RECOMMENDATIONS

- R1. An audit of ESMAD's management practices by an outside firm to identify deficiencies and corrective actions needed. All employees should attend ethics and diversity training administered by a third party. Both the District Manager and Foreman would benefit from

further training in regards to supervision and management of employees. The change needs to happen from the top down.

- R2. An audit of ESMAD's HR procedures by an outside firm specializing in HR management practices to identify deficiencies and suggest corrective actions needed.
- R3. The ESMAD needs a Board that is more involved in the oversight of the District. The Stanislaus County Board of Supervisors should expand public awareness of ESMAD Board vacancies to increase interest in Board membership.
- R4. The Stanislaus County Board of Supervisors should prepare a study to examine the feasibility of consolidating the ESMAD and TMAD by LAFCO.

REQUEST FOR RESPONSES

Pursuant to California Penal Code section 933.05, the SCCGJ requests responses.

From the following individuals:

- ESMAD Manager
- ESMAD Board of Directors

From the following governing bodies/entities:

- Stanislaus County Board of Supervisors

INVITED RESPONSES

Executive Director of LAFCO

2014-2015 Stanislaus County Civil Grand Jury

BOARD OF SUPERVISORS
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**LOCAL EFFECTS OF PRISON REALIGNMENT (AB 109)
AND PROPOSITION 47, CASE 15-16GJ**

SUMMARY

The 2014-2015 Stanislaus County Civil Grand Jury (SCCGJ) initiated an investigation into the effects of Assembly Bill 109 (AB 109), commonly referred to as “prison realignment,” on the local criminal justice system. AB 109, passed in 2011, shifts the responsibility for the incarceration, treatment, monitoring, and supervision of certain low level offenders from the State to the counties. AB 109 was drafted with extensive participation from a variety of agencies and interest groups, did not affect felons currently in state prison, and did not become effective until funding was put into place to support its implementation.

During the SCCGJ investigation of AB 109, Proposition 47 was passed. Unlike AB 109, Prop 47 became effective immediately and reclassified certain crimes from felonies to misdemeanors. Prop 47 also allowed offenders convicted of those felonies to have their convictions reclassified and to be released from custody. The SCCGJ decided to expand its investigation to attempt to identify the early impacts and consequences of the passage of Prop 47.

While conducting the inspection of the Public Safety Center required by California Penal Code Section 919 (b), the SCCGJ was impressed by the amount of construction occurring, particularly that which was a direct result of realignment. The SCCGJ decided to investigate the planning and development history of the Public Safety Center. In the course of its inspection of the Downtown Men’s Jail, its tours of the Modesto Police Department and Probation Department Day Reporting Center, meetings at the District Attorney’s and Public Defender’s offices, the SCCGJ became interested in the future of the downtown men’s jail/courthouse block once the State of California’s New Modesto Courthouse is completed, and so the SCCGJ decided to look into the matter.

From this investigation, the SCCGJ has found that the Stanislaus County Sheriff’s Department and Probation Department are the most directly affected by AB 109, though other County departments have been affected as well. The multi-agency Community Corrections Partnership (CCP), chaired by the Chief Probation Officer (CPO) has developed a thoughtful and phased approach for the implementation of AB 109. The County, through its long-term planning, has been successful in meeting its facility needs for AB 109. The SCCGJ found that the passage of Prop 47 has resulted in unintended consequences that are presenting challenges to the County’s criminal justice agencies both now and in the future.

The SCCGJ also finds it important to recognize the efforts of the past and current Chief Probation Officers and the Sheriff in shaping AB 109 as it was drafted and in its formative stages to maximize its chances for successful implementation. The Sheriff’s efforts should also be recognized as instrumental in securing Assembly Bill 900 (AB 900) Phase II and SB 1022 funding for the Public Safety Center (PSC) as well as the efforts of the Chief Operations Officer of the County Executive Office resulting in extremely successful project management and funding in the development of the Public Safety Center. Their foresight made the Stanislaus County PSC the first project in the state to receive funding and the County’s new Day Reporting Center the first of its kind in the state.

GLOSSARY

AB 109	Assembly Bill 109
AB 117	Assembly Bill 117
AB 900	Assembly Bill 900. Authorized \$7B in bond funding for state prisons and local jail facilities
BHRS	Behavioral Health and Recovery Services
BOS	Stanislaus County Board of Supervisors
BSCC	Board of State and Community Corrections
CEO	County Executive Office
CEQA	California Environmental Quality Act
CCP	Community Corrections Partnership
COP	Community-oriented policing: a philosophy that combines traditional aspects of law enforcement with prevention measures, problem solving, community engagement, and community partnerships
CPO	Chief Probation Officer
CSAC	County Supervisors Association
DA	District Attorney
Flash incarceration	A period of detention in county jail due to a violation of an offender's conditions of post-release supervision
House arrest	Confinement of a criminal to his or her own residence, usually under electronic monitoring or other surveillance, imposed by a court as a more lenient alternative to imprisonment
IFT	Integrated Forensics Team
PC § 1170 (h)	California Penal Code section implementing provisions of AB 109 mandating county incarceration vs. state prison for certain felons
PD	Public Defender
POP	Problem-oriented policing: a policing strategy that involves the identification and analysis of specific crime and disorder problems in order to develop effective response strategies; for example, gang unit or street crime unit
PRCS	Post release community supervision
Prop 47	Proposition 47 (2014)
PSC	Public Safety Center
Recidivism	Habitual relapse into crime
SB 1022	Senate Bill 1022 providing funding for specified adult criminal justice facilities
Split sentence	When a convicted felon is ordered to mandatory supervision by probation after a specified jail term
Triple Non	A crime that is non-serious, non-violent, or a non-registered sex offender

METHODOLOGY

In conducting their investigation, members of the SCCGJ Criminal Justice Committee interviewed the following individuals:

- Stanislaus County Sheriff
- Stanislaus County Chief Probation Officer
- Police Chiefs of Modesto, Turlock, Ceres, and Oakdale
- Stanislaus County District Attorney
- Stanislaus County Public Defender

- Stanislaus County Chief Operations Officer

Members of the SCCGJ and the Criminal Justice Committee also gained insight through interaction with law enforcement personnel during their site inspections of the Public Safety Center, Modesto Downtown Men's Jail, and the County Probation Department's Juvenile Hall Facility. Members of the SCCGJ also toured the Modesto Police Department and the Probation Department's current Day Reporting Center and participated in Regional 911 sit-alongs and Police and Sheriff Department ride-alongs. (For further details concerning facilities inspections, please refer to report 15-04GJ.) Committee members also attended Community Corrections Partnership meetings and sat in on Superior Court arraignment and court calendars to view the impacts of Prop 47.

During their investigation, members of the Criminal Justice Committee reviewed documents and correspondence containing the following information:

- Chronology and master planning process for the Public Safety Center (PSC)
- Changes to the PSC as a result of AB 109
- Costs of capital facilities constructed as a result of AB 109
- State funding to assist in the construction of capital facilities as a result of AB 109
- Population statistics at the PSC, Downtown Men's Jail, Juvenile Hall and Commitment Center
- Number of individuals released from state custody to county custody and probation supervision as a result of AB 109
- Cost of supervision of individuals released from state custody to county custody and probation as a result of AB 109
- State funding to assist in in the supervision of individuals released from state custody to county custody and probation as a result of AB 109
- Available crime statistics as a result of AB 109

This report has been broken down into four sections: AB 109, Prop 47, the Planning and Development of the Public Safety Center, and the New Modesto Courthouse. Each section contains its own discussion, findings, recommendations, and requests for response. The findings and recommendations have been numbered sequentially.

CALIFORNIA ASSEMBLY BILL 109

BACKGROUND

In 2011 a panel of three (3) federal judges, ratified by the Supreme Court, ordered the State of California to reduce the population in its prisons to 137% of their designed capacity within two years. Based on the prison capacity at the time of the order, this meant that the State had to reduce the population in its 33 prisons from 150,000 inmates to 110,000 inmates.

In 2011, to reduce the state's prison population, Governor Jerry Brown signed Assembly Bill 109 (AB 109), commonly referred to as "prison realignment," which shifted to the counties the responsibility for monitoring, tracking, and incarcerating lower-level offenders previously bound for state prison.

Essentially, AB 109 (and AB 117, a companion bill) altered both sentencing and post-prison supervision for the newly statutorily classified “non-serious, non-violent, non-sex” offenders. These offenders became a county responsibility.

AB 109 would not become operative until it was funded. The state funding to implement AB 109 was established by Assembly Bill 118 (AB 118) and Senate Bill 89 (SB 89). These bills dedicated a portion of the state sales tax and motor vehicle license fees to a Local Revenue Fund to be distributed to counties to pay for the implementation of AB 109.

Governor Brown required that the counties divide the state funding among themselves, so a realignment committee was created through the County Supervisors Association (CSAC) to develop a format to distribute these funds. A temporary formula was adopted for the first partial year 2011-2012 allocation. This formula considered several factors, such as population and estimated workload. In the first year Stanislaus County received about \$6.8 million or about 1.70% of the statewide allocation. In the subsequent fiscal year (2012-2013) Stanislaus County’s percentage of the state allocation dropped to 1.45%. This percentage reduction was shared by many rural counties as the adjusted formula shifted more money to suburban and urban counties. CSAC has stated that its goal is to develop a hybrid formula which considers factors such as population and workload but also provides incentives to successfully implement AB 109. Under this latest recommended formula, Stanislaus County would receive 1.67% of the total statewide allocation.

DISCUSSION

As a result of AB 109, about 25% of the county’s jail population (either housed at PSC or the downtown jail) are “realigned” inmates serving their sentences locally versus state prison. There have been a total of 1,479 felons incarcerated locally as of May 1, 2015, rather than in state prison. Of those, 81% (1,203) will have a “split sentence” requiring mandatory probation upon release from jail. Historically, inmates served no more than one year in a county jail or were transferred to state prison. With the implementation of AB 109, it is not uncommon to have inmates who should be serving prison sentences retained in county jail for many years. Since AB 109’s passing, 2,034 individuals have been or are now being supervised by County Probation under Post Release Community Supervision (PRCS). Besides Sheriff and Probation, other county departments have also been affected, notably Behavioral Health and Recovery Services (BHRS) as part of the Integrated Forensics Team (IFT) which has been greatly expanded to provide services to the additional probation caseload. The County Executive Office (CEO) has also taken on additional workload as a result of AB 109.

Both the Public Defender (PD) and District Attorney (DA) have experienced some increase in workload due to realignment. Much of this increased workload is a result of the activities of the Probation and the Regional Apprehension Task Force and new law violations by realigned offenders. AB 118 created the DA/PD account to address costs associated with revocation proceedings involving persons subject to state parole and post release community supervision (PRCS). The CCP has also awarded funds to the PD and DA to assist these departments in AB 109-related cases.

AB 109 has increased use of the Probation Department’s Day Reporting Center and has created a need for an increase in local mental and behavioral health services. AB 109 has also demanded a closer relationship between the Probation and Sheriff’s departments and community-based organizations such as the Modesto Gospel Mission, Friends Outside, Nirvana Drug and Alcohol Institute, and El Concilio.

The effects of AB 109 to the municipal police agencies within the county are not clearly apparent, at least in the short term. The City of Modesto Police Chief provided data to the SCCGJ that suggested there may be a slight increase in the number of Part 1 crimes in Modesto since AB 109 passed, but the change is not significant enough to be attributed to AB 109 given other factors that affect crime statistics. Part 1 crimes include two categories: violent and property crimes. Aggravated assault, forcible rape, murder, and robbery are classified as violent while arson, burglary, larceny-theft, and motor vehicle theft are classified as property crimes.

One concern voiced by the police chiefs is that the additional inmates being locally incarcerated as opposed to state prison will attract friends and relatives to the area that have also been arrested and convicted of a crime. The chiefs also expressed concern that the increased number of persons on PRCS will result in an increase in local property crimes, particularly lower value property crimes. All of the police chiefs interviewed expressed concern with any impacts AB 109 would have due to the fact that all had suffered budget cuts in recent years resulting in the reduction or outright elimination of community policing services. Reduced funding for local municipalities forces the elimination of specialized units which allow the patrol function to keep pace with the increased level of calls for service. Dedicated entities such as street crimes, school resource officers, traffic, drug, and gang units have been eliminated to augment minimum staffing levels for basic patrol services. The impact to the local community results in increased reactive policing rather than focused proactive policing.

Implementation of AB 109 through the Community Corrections Partnership

AB 109 requires that each county implement prison realignment through its Community Corrections Partnership (CCP). The California Penal Code requires that each county's CCP be chaired by the Chief Probation Officer and consist of the following:

1. The Presiding Judge of the Superior Court, or his or her designee
2. A County Supervisor or the Chief Administrative Officer for the County or a designee of the Board of Supervisors
3. The District Attorney
4. The Public Defender
5. The Sheriff
6. A Chief of Police
7. The head of the County Department of Social Services
8. The head of the County Department of Mental Health
9. The head of the County Department of Employment
10. The head of the County alcohol and substance abuse programs
11. The head of the County Office of Education
12. A representative from a community-based organization with experience in successfully providing rehabilitative services to persons who have been convicted of a criminal offense
13. An individual who represents the interests of victims

The Stanislaus County CCP meets monthly at the Probation Department's training room located at 2215 Blue Gum Avenue. The Probation Department provides general staff support to the CCP. The meetings

are open to the public, and the agendas are posted on the County website. At the meetings attended by members of the SCCGJ, however, there were few if any members of the general public in attendance. The training room where the meetings are held is a portable building and is generally adequate for the purposes of the CCP but would be difficult to accommodate a meeting should a large group of the general public wish to attend. The CCP meetings that members of the SCCGJ attended were chaired by the CPO, and attendance was generally good with a positive, open, and professional attitude among the participants. Given the key role that the CCP plays in coordinating the County's AB 109 implementation plan, the SCCGJ believes greater public participation should be encouraged.

The Executive Committee of the Stanislaus CCP is comprised of the Chief Probation Officer, the Sheriff, the District Attorney, the Public Defender, the Presiding Judge of the Superior Court, and the Modesto Chief of Police. AB 117, a technical follow-up bill to AB 109, specifies that the CCP Executive Committee recommend a local plan to the Board of Supervisors (BOS) in response to AB 109. In essence, the CCP Executive Committee is responsible to develop the county's implementation strategy for AB 109.

In September of 2011 the BOS approved the implementation plan unanimously recommended by the CCP Executive Committee. Because of the many questions and uncertainties that surrounded AB 109 at the time, the implementation plan proposed a phased approach. Since this initial approval there have been four phases approved for AB 109 implementation.

Phase I, covering the period from October 2011 to June 20, 2012, devoted the approximately \$6.2 million allocated by the State to the County to Sheriff and Probation services. Jail capacity at the PSC was increased by reopening facilities. The jail alternatives program was expanded. Also expanded was the support for post release community supervision services, the Day Reporting Center, the Integrated Forensics Team, and the Regional Apprehension Task Force.

Phase II, covering the 2012-2013 fiscal year, applied a budget of about \$13.3 million to continue all the Phase I programs; increase capacity at the Grayson Road Honor Farm; a contract for medical services for those in custody; additional mental health, behavioral health, and recovery services; expanded services at the Day Reporting Center; and the addition of a crime analyst.

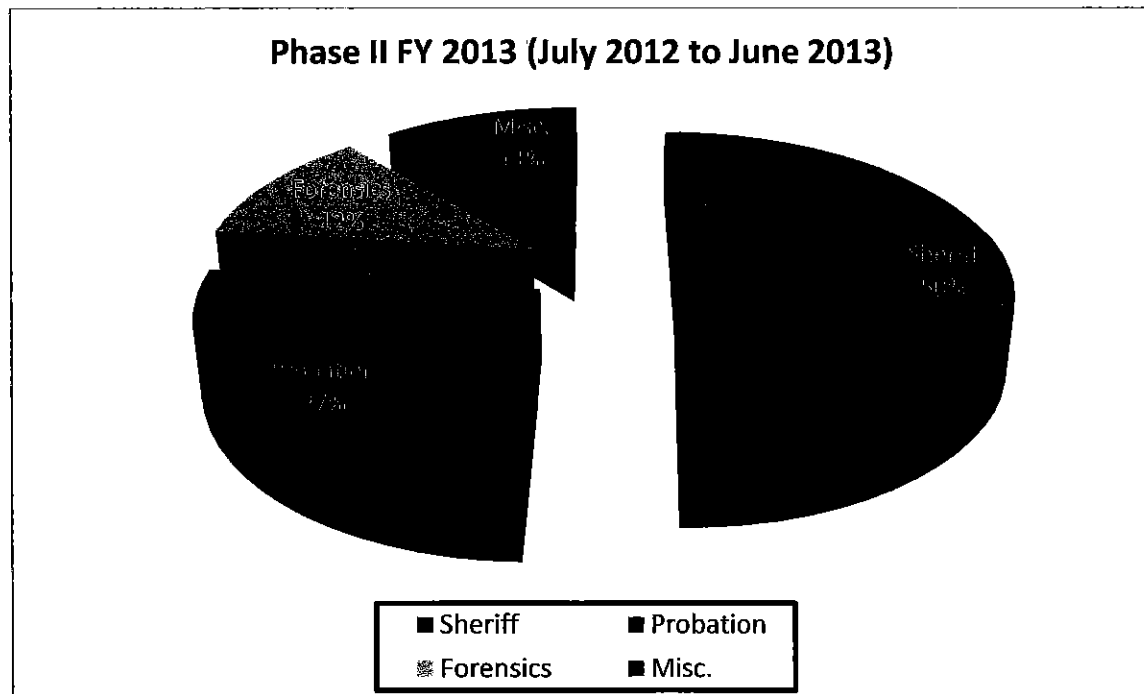
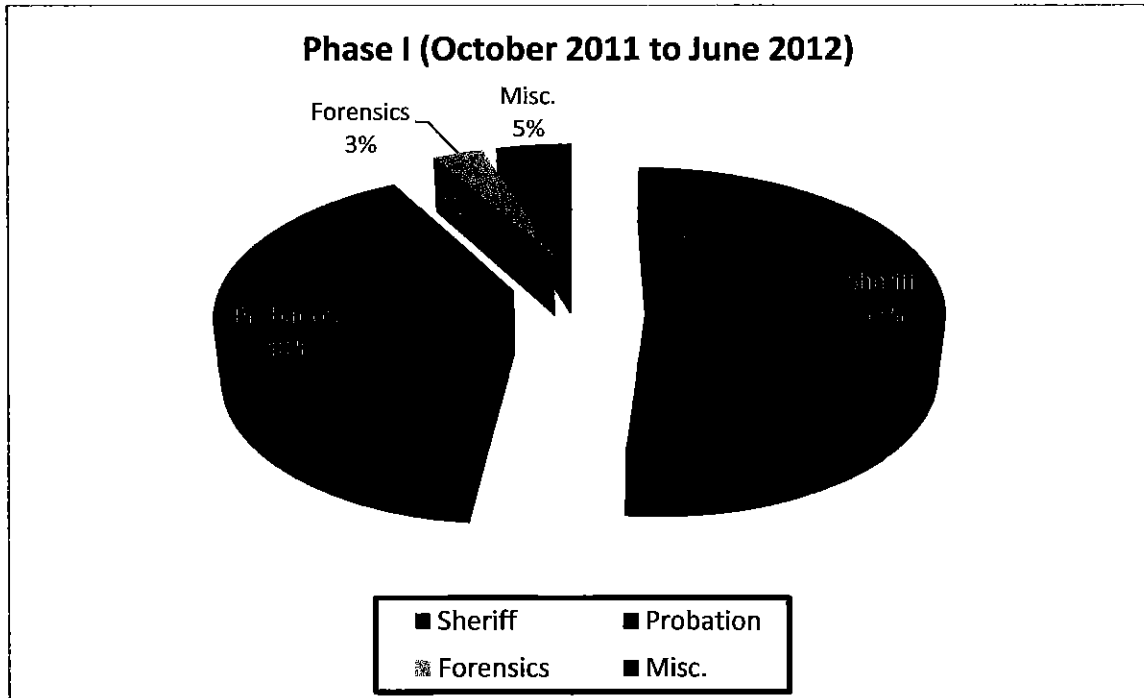
Phase III, covering the 2013-2014 fiscal year, and with a budget of over \$18.7 million, continued all the Phase I and II programs and added a \$3 million allocation for staffing at the PSC for the AB 900 Phase II expansion, DA and PD support, additional staffing at the Regional 911 Center for probation services, and grants to community-based organizations providing services to the realigned population.

Phase IV of the CCP's AB 109 implementation plan for the 2014-2015 fiscal year allocates a budget of about \$16.2 million. Phase IV continues all the programs of Phase III with the exception of the Second Chances federal grant program which the CCP found ineffective. Phase IV provides for a restoration of the recent countywide 5% salary reduction. There is also about \$1 million set aside for additional staffing for the AB 900 Phase II expansion at the Public Safety Center.

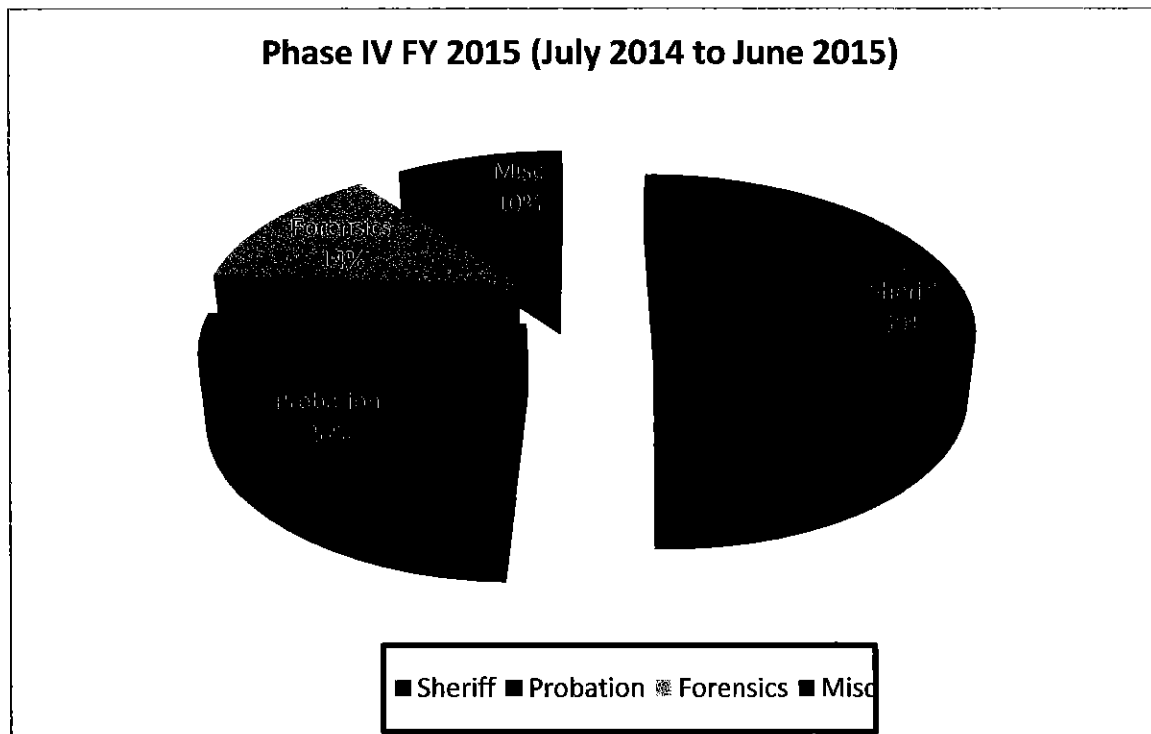
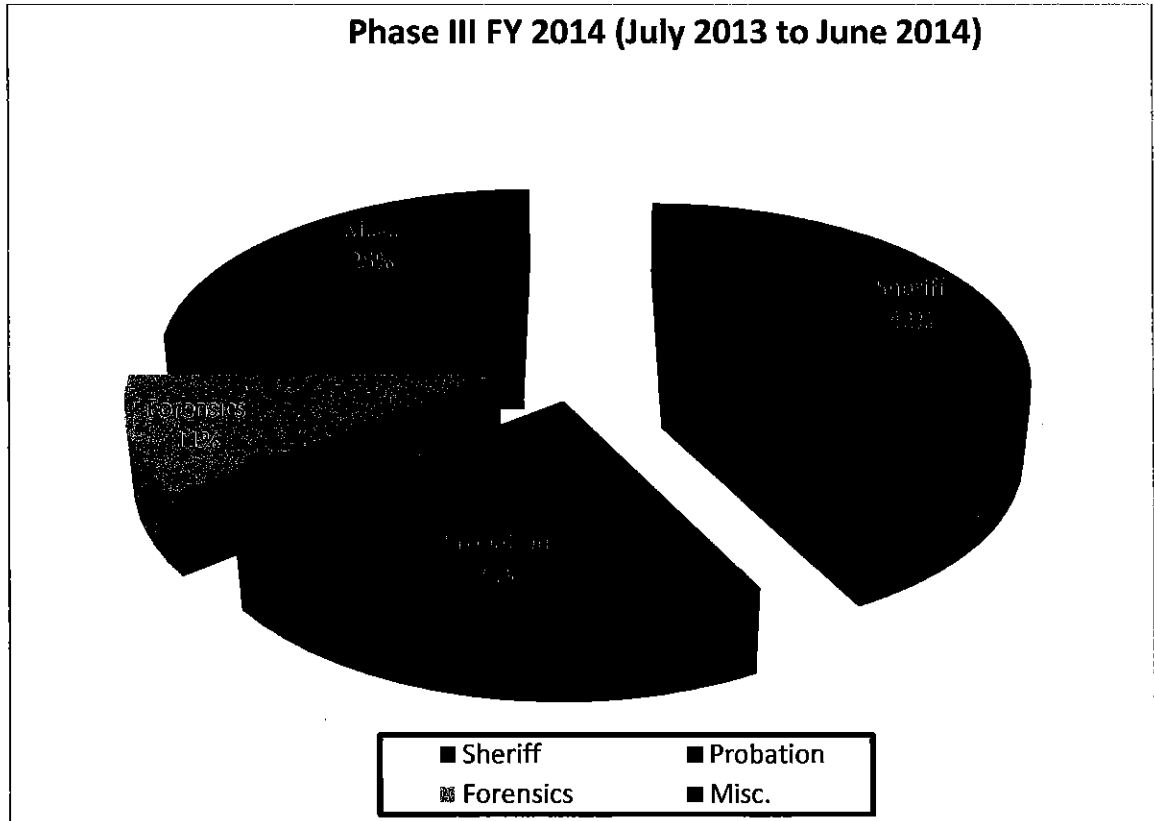
The following pie charts illustrate the budgets of each phase of the CCP AB 109 implementation plan. In reviewing these budgets, as well as the narratives describing each phase submitted by the CPO as part of the CCP's budget recommendation to the BOS, a couple of trends are noteworthy. The expansion of the IFT recognizes the need to provide behavioral health and drug treatment services to a significant number of the probation caseload that is underserved, homeless, or about to become homeless. Budgets and work plans also show that additional county departments and community-based organizations have been added to address the expanded needs of both the incarcerated and those on probation that are now the County's

responsibility. The budget has generally settled to about half being dedicated for Sheriff functions, one-quarter to Probation, with the remainder divided among the Integrated Forensics Team (IFT), county-wide apprehension of offenders, the District Attorney, Public Defender, Indigent Defense, and community-based organizations. For more detailed financial information, please see Appendix A.

COMMUNITY CORRECTIONS PARTNERSHIP BUDGET



COMMUNITY CORRECTIONS PARTNERSHIP BUDGET - CONTINUED



The SCCGJ has observed through interviews, review of CCP agenda material, and attendance at CCP meetings that the CCP is dedicated to successfully implement AB 109 and is committed to using its experience and diversity of disciplines to improve AB 109 implementation phase by phase. It is important and beneficial that the DA and PD have dedicated funds to support their additional workloads. The addition of privately operated community organizations such as the Nirvana Drug and Alcohol Institute and El Concilio are also important in recognizing the partnerships that are necessary between the County and community-based and faith-based organizations if the implementation of AB 109 is to be successful.

FINDINGS

- F1. AB 109 has affected County Sheriff and Probation Departments most, and there have been some effects to other County departments.
- F2. 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.
- F3. 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.
- F4. 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.
- F5. 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.

RECOMMENDATIONS

- R1. None
- R2. 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.
- R3. None
- R4. The CCP should develop strategies to increase public awareness of its mission and to encourage more public participation at meetings.
- R5. 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 potential challenges of AB 109.

REQUEST FOR RESPONSE

Pursuant to California Penal Code Section 933.05, the SCCGJ requests responses.

From the following individuals:

- Stanislaus County Sheriff
- Stanislaus County Chief Probation Officer

From the following governing bodies/entities:

- Stanislaus County Board of Supervisors
- Modesto City Council
- Turlock City Council
- Ceres City Council
- Oakdale City Council
- Riverbank City Council
- Waterford City Council
- Hughson City Council
- Patterson City Council
- Newman City Council

INVITED RESPONSES

Though not required by California Penal Code Section 933.05, the SCCGJ would welcome responses from the following:

- Stanislaus County District Attorney
- Stanislaus County Public Defender

CALIFORNIA PROPOSITION 47

BACKGROUND

Proposition 47 (Prop 47), officially titled the “Reduced Penalties for Some Crimes” initiative, was passed on November 4, 2014. The initiative passed by a statewide margin of 59.6% in favor to 40.4% opposed. In Stanislaus County the initiative failed with 47.6% in favor and 52.4% opposed. Nonetheless, Proposition 47 became effective statewide immediately.

Proposition 47 reduces penalties for certain offenders whose last convictions were non-serious and non-violent property and drug crimes. It also allows certain offenders who have been convicted of such crimes to apply for reduced sentences. The proponents of Prop 47 dubbed it the “Safe Neighborhoods and Schools Act” and argued that it would improve public safety, reduce government waste, redirect

taxpayer dollars, better fund K-12 schools, provide better crime victim assistance and mental health and drug treatment services for offenders.

Proposition 47 represents the latest in a series of ballot initiatives altering sentences and/or reclassifying crimes in response to an event or series of events or to modify the effects of a prior initiative. In 1992, 18-year-old Kimber Reynolds was shot and killed by a repeat violent offender. The next year, 12-year-old Polly Klaas was kidnapped, raped, and murdered by another repeat violent offender. In 1994, as a direct result of these two tragedies, California voters overwhelmingly passed Proposition 184, the "Three Strikes Law," requiring a mandatory sentence of 25 years to life in prison for a third felony, even if it was non-violent. As a result, the prison population spiked, and overcrowding resulted to the point that the Federal Supreme Court stepped in and mandated a reduction in population levels. This mandate in turn led to a number of statewide ballot initiatives to reduce the prison population.

In 2000 voters passed Proposition 36, the "Drugs, Probation and Treatment Act," giving rise to what is commonly referred to as "Drug Court." This law requires that eligible offenders convicted for the possession, use, or transportation of drugs receives probation and drug treatment rather than incarceration. The convictions can be dismissed after completion of a drug treatment program.

In 2012 voters passed a second Proposition 36, which changed certain parts of the original 1994 "Three Strikes Law." The third strike now resulted in a life sentence only when the new felony conviction is "serious" or "violent." Resentencing was authorized for felony offenders serving life sentences if the third strike conviction was non-serious or non-violent. The 2012 Proposition 36 continues to require a life sentence for certain third strike convictions.

Proposition 47, like these other initiative solutions to crime and punishment, offered "better" alternatives to incarceration. Prop 47 promised to save the state criminal justice system millions of dollars annually and reduce recidivism. The SCCGJ found that, like these other ballot initiatives, Prop 47 has resulted in consequences that create their own issues.

DISCUSSION

The Effects and Unintended Consequences of Proposition 47

The SCCGJ found that the most immediate effects of Prop 47 have been to the County Sheriff, District Attorney, and Public Defender. Between November 4, 2014, when Prop 47 passed, and May 1, 2015, 1125 inmates have been released from custody from Stanislaus County detention facilities as a result of their latest convictions being reclassified from felonies to misdemeanors. The petitions to have felonies reclassified has burdened the Superior Court. In each petition, the Court must determine whether the felon meets the provisions for reclassification. These petitions often mandate a Deputy District Attorney and a Deputy Public Defender, both at public expense, to represent the balanced interests of the People and the Defendant. Because Prop 47 has only been in effect for a relatively short time, the long-term effects to the Sheriff, District Attorney, and Public Defender are unknown.

Proposition 47 has also resulted in significant unintended consequences. In 2004 California voters passed Proposition 69, the "DNA, Fingerprint, Unsolved Crime and Innocent Protection Act," which increased the categories of individuals from which a DNA sample must be taken for inclusion into the California DNA Data Bank Program. As a result of Proposition 69, the Penal Code now requires that all adults charged, arrested, or convicted of any felony offense and all juveniles convicted of any felony offense provide a DNA sample. Proposition 69 was intended to provide prosecutors with an important

and useful tool to reduce serial crimes and solve cold crimes, as well as to prove the innocence of those wrongfully convicted of a crime. As a result of Prop 47, felony convictions that are reclassified are no longer mandated to provide a DNA sample since they are no longer felonies but misdemeanors. This has the potential to severely compromise the effectiveness of the state DNA database.

Under Prop 47 possession and use of illegal drugs are now misdemeanor violations. Prop 47 also reduced the penalties for the possession of date-rape drugs. Prior to Prop 47 the theft of any gun, regardless of value, was considered a felony. Because Prop 47 increased the value of what is considered a misdemeanor theft to \$950, the theft of a gun with a value of less than \$950 is no longer considered a felony.

Prop 47 effectively eliminated Drug Court. Prop 36, the "Substance Abuse and Crime Prevention Act of 2000," allowed qualifying defendants convicted of a non-violent felony drug possession offense to receive a probationary sentence in lieu of incarceration. As a condition of probation, defendants are required to participate in and complete a licensed and/or certified community drug treatment program. Defendants that successfully complete the program will have their felony drug possession convictions converted to misdemeanors by the Drug Court. Because Prop 47 reclassifies such drug crimes to misdemeanors anyway, Drug Court has become inconsequential. Without the Drug Court threat of incarceration, addicts have no incentive to seek treatment and rehabilitation. Also, because a misdemeanor drug conviction now rarely results in any jail time, persons needing drug treatment are never held or jailed to allow evaluation and mandatory treatment for their addictions.

Prop 47 is impacting the daily duties of police officers as well as the victims of crime. Under normal circumstances suspects arrested for a misdemeanor violation must be released on a written promise to appear (citation) rather than being booked into county jail. Many defendants fail to appear as required by the citation, resulting in a bench warrant. When arrested for an outstanding bench warrant, the defendant must again be issued a citation unless the warrant was issued for a violent crime, resulting in a perpetual "revolving door." The crimes reclassified by Prop 47 are not violent in nature. This method frustrates local police officers with a "catch and release" viewpoint. Police chiefs also expressed the concern that when victims of crime experience firsthand a citation being issued for the theft of their property with no jail time, they will become apathetic and no longer report lower value property crimes, thereby resulting in artificially low crime rate statistics.

There have been legislative attempts to correct some of the consequences created by Prop 47; notably, to restore the requirements for the state DNA database and to make the theft of any gun, no matter what its value, a felony. However, none of these legislative efforts have been successful. Until the problems resulting from the consequences of Prop 47 are corrected, their long-term adverse effects to public safety could be significant.

FINDINGS

- F6. 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.
- F7. Proposition 47, combined with the budget reductions to local law enforcement agencies, may result in an increase in property crimes throughout the county.
- F8. 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.

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

RECOMMENDATIONS

R6. None

R7. 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.

R8. See R9

R9. 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.

REQUEST FOR RESPONSE

Pursuant to California Penal Code Section 933.05, the SCCGJ requests responses.

From the following individuals:

- Stanislaus County Sheriff
- Stanislaus County Chief Probation Officer
- Modesto Police Chief

From the following governing bodies/entities:

- Stanislaus County Board of Supervisors
- Modesto City Council
- Turlock City Council
- Ceres City Council
- Oakdale City Council
- Riverbank City Council
- Waterford City Council
- Hughson City Council
- Patterson City Council
- Newman City Council

INVITED RESPONSES

Though not required by California Penal Code Section 933.05, the SCCGJ would welcome responses from the following:

- Stanislaus County District Attorney
- Stanislaus County Public Defender

PLANNING AND DEVELOPMENT OF THE PUBLIC SAFETY CENTER

BACKGROUND

The development of the County Public Safety Center began in early 1988 when the Board of Supervisors, in order to qualify for \$6 million in jail construction funds allocated to the County by Proposition 52, accepted a County Jail Needs Assessment and Master Facility Plan. This report identified that the County had an immediate shortage of over 100 jail beds and that by 2007 that shortage was projected to increase to 1,500 beds. Recognizing that this long-term need for jail beds could not be satisfied by simply expanding existing facilities, this Needs Assessment and Master facility Plan contained the following recommendations:

1. Obtain a suburban site of at least 100 acres
2. Construct an incarceration facility on the site
3. Close the current women's detention facility (then located on Blue Gum Avenue)
4. Remodel the existing men's jail and use it to house post preliminary hearing inmates
5. With modifications, continue to use the honor farm on Grayson Road
6. Construct facilities for Sheriff's operations on the new site and eventually close the downtown men's jail

In compliance with the California Environmental Quality Act (CEQA), the County approved a "first tier" Environmental Impact Report (EIR) that evaluated the environmental impacts of the development of a new Public Safety Center on any one of the six alternate sites being considered at the time. As a "first tier" EIR, the County anticipated that a Subsequent EIR would be prepared that would evaluate the development of the new PSC on the site selected by the County.

In 1989 the Board of Supervisors selected and acquired a 155-acre site at Service Road and Crows Landing Road for the new Public Safety Center. Following site acquisition, the County issued Use Permit 90-28 approving a conceptual site plan. This conceptual site plan provided for the development of up to 1,789 jail beds within 648,231 square feet of jail and sheriff's operation areas. A Subsequent EIR was prepared for this conceptual plan, tiering from the site selection EIR. This Subsequent EIR evaluated the environmental impacts for the full build-out of development on the Crows Landing site allowed by Use Permit 90-28.

The approval of this use permit and subsequent EIR launched the development of the PSC. From 1990 to 1998, buildings were constructed which included Unit 1, the Sheriff's Operation Center, a kitchen/laundry facility, and a regional police training and academy complex.

In 2007, in order to qualify for funding under AB 900, which authorized over \$7 billion in revenue bond financing statewide to expand jail capacity, the Board of Supervisors accepted an updated Jail Needs

Assessment and Public Services Master Plan for the Public Safety Center, Coroner facilities, and other public safety facilities. This needs assessment was later modified so that the jail beds lost due to the loss of the Grayson Road Honor Farm could be replaced at the Public Safety Center. The County concluded that no additional review under CEQA was required for the 2007 needs assessment because the 1990 subsequent EIR provided sufficient environmental review.

An updated Needs Assessment for adult detention facilities was accepted by the BOS in 2011. This updated adult Needs Assessment allowed the County to successfully receive \$80 million in AB 900 funding (Phase II) and \$40M under SB 1022. For this 2011 needs assessment, the County prepared a mitigated negative declaration under CEQA. At that time the PSC was developed with 726 beds within 370,219 square feet of jail and support facilities. The mitigated negative declaration concluded that as long as certain mitigation measures were implemented, the addition of 648 jail beds within 224,000 square feet of jail and support facilities would not significantly impact the environment and no new EIR was needed.

The expansion financed through the Phase II AB 900 project continues with the development and construction of Unit 2, consisting of maximum security housing, medical/mental health facilities, a new Day Reporting Center, an intake/release/transportation/custody/administration facility, and a County Re-entry and Enhanced Alternative to Custody Training (REACT) Center Project.

DISCUSSION

Over the 26 years that the PSC has been developed, the County has been comprehensive and forward thinking through the use of tiered environmental reviews that consider the future public safety needs of the county. Through regular updating of its criminal justice facility needs, the County has minimized the need for costly duplicative studies, has avoided environmental litigation, and has been able to maximize its competitiveness for state funding when it has become available. This progressive and proactive planning is even more important given the changing conditions and needs resulting from AB 109, Proposition 47, and whatever legislation may be considered in future years. However, as the 2007 horizon for the original 1988 Needs Assessment has passed, the County should continue to regularly update the Needs Assessments looking into our criminal justice facility needs for the next 20 years to ensure that adequate facilities are planned, funded, and developed when needed.

FINDINGS

F9. The County has been comprehensive and forward thinking in the planning of the Public Safety Center and has maximized the County's ability to respond to changing criminal justice facility needs and to qualify for state funding for the construction, expansion, and modification of facilities particularly in response to AB 109.

RECOMMENDATIONS

R9. The County Board of Supervisors should continue to update the master plan for the Public Safety Center on a periodic basis and provide adequate review under the California Environmental Quality Act (CEQA).

REQUEST FOR RESPONSES

Pursuant to California Penal Code Section 933.05, the SCCGJ requests responses.

From the following individuals:

- Stanislaus County Sheriff
- Stanislaus County Chief Operations Officer

From the following governing bodies/entities:

- Stanislaus County Board of Supervisors

NEW MODESTO COURTHOUSE

BACKGROUND

In November of 2014, the State of California approved the purchase of a 3½ acre site bounded by G and H Streets, 9th and 10th Streets in downtown Modesto for a new courthouse, which will consolidate existing court facilities in Stanislaus County. The project is currently in the architectural design/preliminary planning stage, which is expected to conclude in 2016. The New Modesto Courthouse is scheduled for completion in 2019. The development of the new courthouse raises important questions about the future of the existing courthouse at the 800 block of 11th Street. This courthouse building block is currently owned by the State of California, and the County owns the downtown jail and courthouse grounds. With a new courthouse, the existing courthouse site can be redeveloped. Once Unit 2 at the PSC is operational and if sufficient holding capacity is provided in the new courthouse, the downtown jail can be torn down and the entire site redeveloped. The New Modesto Courthouse project presents a tremendous opportunity to eliminate the obsolete downtown men's jail facility.

DISCUSSION

The existing courthouse/jail block occupies a prominent location and is a very important part of downtown Modesto. When the New Modesto Courthouse is completed and occupied in 2019, the old one will no longer be needed. The State website indicates that upon completion of the new courthouse, the "lease will be terminated" at the existing courthouse. This will leave downtown Modesto with a very large vacant building.

As early as 1988 when the initial facilities Needs Assessment was done that created the Public Safety Center, the County has anticipated closing the downtown jail. County leaders expressed differing views to the SCCGJ regarding the future of the downtown jail because it is unclear whether the State will provide sufficient holding capacity for prisoners awaiting court proceedings. The Sheriff was very clear to members of the SCCGJ that the County would be required to maintain a holding facility at the Downtown Men's Jail if the State failed to provide adequate holding capacity at the new courthouse. The DA also expressed concerns to the SCCGJ regarding the safety of staff and clients walking past a holding facility at the Men's Jail to the new county courthouse location. The SCCGJ believes it would be very unfortunate if the County were forced to maintain a holding facility at the existing Downtown Men's Jail location because the State failed to provide sufficient holding capacity in the new courthouse.

FINDINGS

- F10. The construction of the New Modesto Courthouse and the development of the PCS raise significant questions concerning the future use/reuse of the downtown block containing the existing Courthouse and Downtown Men's Jail.
- F11. The transportation of offenders from the existing Downtown Men's Jail to the New Modesto Courthouse would pose logistical, financial, and public safety challenges.
- F12. It is imperative that the New Modesto Courthouse contain adequate holding facilities for detainees awaiting court proceedings.
- F13. Consistent with the original goals of the development of the PSC, the opportunity will never be better to eliminate the outdated facilities at the Downtown Men's Jail once the new courthouse is completed.
- F14. The 800 block of 11th Street will need to be redeveloped once the new courthouse is completed.

RECOMMENDATIONS

- R10. The City of Modesto and Stanislaus County should begin immediate negotiations with the State of California to gain control of the old courthouse property by the time the new courthouse is completed and operational.
- R11. The City of Modesto, Stanislaus County Board of Supervisors, and the Stanislaus County Sheriff, should vigorously advocate in these early planning and design stages that the State of California provide adequate holding facilities in the New Modesto Courthouse.
- R12. See R11

R13. See R14

R14. Prior to the opening of the New Modesto Courthouse in 2019, the City of Modesto and Stanislaus County, with considerable public participation, should partner to develop a comprehensive plan for the reuse and redevelopment of the old courthouse and Downtown Men's Jail.

REQUEST FOR RESPONSES

Pursuant to California Penal Code section 933.05, the SCCGJ requests responses.

From the following individuals:

- Stanislaus County Sheriff
- Stanislaus County Chief Operations Officer

From the following governing bodies/entities:

- Stanislaus County Board of Supervisors
- Modesto City Council

INVITED RESPONSES

Though not required by California Penal Code Section 933.05, the SCCGJ would welcome responses from the following:

- Stanislaus County District Attorney
- Stanislaus County Public Defender

APPENDIX A

**Community Corrections Partnership Spending Plan
Fiscal Year 2011-2012 (Phase I)**

Sheriff's Department:	
Staffing and Operational Services	\$2,325,000
State Parolee Bed Reimbursement	375,000
Equipment expenses (one-time start-up costs)	212,000
10% Administrative Overhead	<u>291,200</u>
Total Sheriff's Department Budget Phase I	\$3,203,200
Probation Department:	
Staffing and Operational Services	\$2,032,000
Equipment expenses (One-time start-up costs)	212,000
10% Administrative Overhead	<u>224,400</u>
Total Probation Department Budget Phase I	\$2,468,400
Integrated Forensics Team Expansion	\$244,485
Regional Apprehension Task Force	\$100,000
CCP Planning	\$150,000
Total Phase I Budget	\$6,166,085
Available Phase I Funding	\$6,584,825
Assigned Fund Balance	\$418,740

**Community Corrections Partnership Spending Plan
Fiscal Year 2012-2013 (Phase II)**

Sheriff's Department:

Staffing and Operational Costs	\$6,000,000
Programming and Services Costs	<u>\$826,500</u>
Total Sheriff's Department Budget Phase II	\$6,826,500

Probation Department:

Staffing and Operational Costs	\$2,881,118
Programming and Services Costs	<u>681,714</u>
Total Probation Department Budget Phase II	\$3,562,832

Integrated Forensics Team and Mental Health Expansion

BHRS Staffing and Operational Costs	\$1,445,344
CSA Staffing	<u>132,904</u>
Total IFT and Mental Health Expansion	\$1,578,248

Regional Apprehension Task Force

\$100,000

Temporary Day Reporting Facility Modular Building

\$1,000,000

Second Chances California

\$85,750

CCP Planning

\$150,000

Total Phase II Budget

\$13,303,330

Available Phase II Funding

\$15,482,923

Assigned Fund Balance

\$2,179,593

Community Corrections Partnership Spending Plan Fiscal Year 2013-2014 (Phase III)

Sheriff's Department:

Staffing and Operational Costs	\$7,710,600
Programming and Services Costs	244,000
Total Sheriff's Department Budget Phase III	\$7,954,600

Probation Department:

Staffing and Operational Costs	\$3,517,337
Programming and Services Costs	585,438
Total Probation Department Budget Phase III	\$4,102,775

Integrated Forensics Team Expansion

BHRS Staffing and Operational Costs	\$1,870,442
CSA Staffing	132,000
Total IFT and Mental Health Expansion	\$2,002,442

Chief Executive Office – Jail Medical Contract	\$500,000
District Attorney	\$367,000
Public Defender	\$200,000
Indigent Defense Fund	\$90,000
Regional Apprehension Task Force	\$100,000
Second Chances California	\$87,750
AB 900 Staffing and Programs	\$3,000,000
Nirvana Drug and Alcohol Institute	\$45,000
El Concilio	\$150,000
CCP Planning	\$150,000
Total Phase III Budget	\$18,749,567
FY 2013-2014 Allocation	\$14,509,023
FY 2013-2014 Planning Funding	150,000
FY 2012-2013 Anticipated Carryover	4,400,000
Total Available Phase III Funding	\$19,059,023
Anticipated Reserve/Contingency	\$309,456

**Community Corrections Partnership Spending Plan
Fiscal Year 2014-2015 (Phase IV)**

Sheriff's Department:	
Staffing and Operational Costs	\$8,878,218
Programming and Services Costs	<u>319,600</u>
Total Sheriff's Department Budget Phase IV	\$8,197,818
Probation Department:	
Staffing and Operational Costs	\$3,554,763
Programming and Services Costs	<u>529,500</u>
Total Probation Department Budget Phase IV	\$4,168,263
Integrated Forensics Team Expansion	
BHRS Staffing and Operational Costs	\$2,078,197
CSA Staffing	<u>132,000</u>
Total IFT and Mental Health Expansion	\$2,210,197
Chief Executive Office – Jail Medical Contract	\$500,000
District Attorney	\$412,291
Public Defender	\$200,000
Indigent Defense Fund	\$90,000
Regional Apprehension Task Force	\$100,000
Nirvana Drug and Alcohol Institute	\$45,000
El Concilio	\$150,000
CCP Planning	<u>\$150,000</u>
Total Phase IV Budget	\$16,223,569
FY 2014-2015 Anticipated Phase IV Allocation	\$14,427,383
FY 2014-2015 Planning Funding	150,000
FY 2012-2013 Growth Funding	<u>1,646,186</u>
Total Available Phase IV Funding	\$16,223,569
AB 900 Phase II Public Safety Center Expansion	\$1,000,000
Anticipated Reserve/Contingency	<u>800,000</u>
Total Fund Balance	\$1,800,000

2014-2015 Stanislaus County Civil Grand Jury

TEACH THEM WELL AND LET THEM LEAD THE WAY,

CASE 15-17GJ

2015 JUN 18 P 2:13
BOARD OF SUPERVISORS

SUMMARY

This report was prompted by concerns of the 2014-2015 Stanislaus County Civil Grand Jury (SCCGJ) about some of our County’s most vulnerable residents, youth in the juvenile justice system. Research has widely documented the trauma, mental and physical health challenges, and educational challenges faced by youth entering the juvenile justice system. If communities fail to meet the needs of youth, we pay in human costs, as well as direct costs, for increased incarceration, public assistance, and use of emergency services. During our tour of the Stanislaus County Juvenile Hall and Commitment Center, the SCCGJ inquired about the availability of educational support, reintegration services and recidivism prevention for youth in the care of the Stanislaus County Probation Department. These findings highlight a need for increased focus on the needs of youth.

In an average year 900 youth enter the Stanislaus County Probation Facilities. Education is a major challenge for these youth. Probation Staff report that the overwhelming majority of these youth entering the facility severely lack proficiency in math and reading skills. Standardized test results of youth attending the Juvenile Court School, located in the Juvenile Hall, and run by the County Office of Education, showed that in 2012-2013 only 6% of students were proficient in English and 15% were proficient in math. During the tour of the facilities, Probation staff mentioned that educational challenges are a major factor contributing to youth’s incarceration.

However, the challenges begin far before youth enter the juvenile justice system. The Chief Probation Officer (CPO) reported that “a snapshot of April 30, 2015, indicates the average length of stay at the Juvenile Hall to be 96 days and 40 days at the Juvenile Commitment Facility (JCF)”. Because the average length of stay in either facility is relatively short, the test scores seem to reflect the educational climate the youth are coming from and will be returning to upon release. The standardized test results in English and math are clear evidence that these youth are in desperate need of more educational support.

Success in both school and life depend, in large part, upon a supportive and nurturing home environment. While the majority of youth return to family after exiting a detention facility, a small but vulnerable group of youth lack a suitable parent or guardian who can appropriately care for them after adjudication. The Stanislaus County Probation Department places approximately 98% of these youth in institutional group care facilities also known as congregate care. In 2014, the court placed 45 youth in group care. The CPO reports that the majority of these placements are out of state. Out of state

institutional group care isolate the youth from protective family visitation and family and community support, which often compounds educational challenges. The CPO expressed concern that these placements were not beneficial to the youth. Group homes lack the individualized resources to adequately address their educational, mental, and behavioral needs to assist youth in their transition into the community.

GLOSSARY

Adjudicated

The process in which the youth's guilt or innocence would be determined; if guilty, the youth would then face a disposition or sentencing. However, at any point the youth can be diverted out of the system to counseling, other services, or released altogether.

ART

Aggression Replacement Training

CPO

Chief Probation Officer

Graduation Coach Program

An evidence-based student engagement program targeted at 7th grade students who are at risk of dropping out of school.

MRT

Moral Reconciliation Training

Stanislaus County Juvenile Hall

Detention center for youth who are detained by the Juvenile Court and are kept in care pending completion of their court proceedings.

Stanislaus County Juvenile Commitment Facility

Houses youth who require a period of incarceration as part of their final disposition or youth who are pending placement.

Recidivism

Refers to a relapse into criminal behavior

IEP

Individualized Education Program

BACKGROUND

This inquiry was prompted by concerns raised about the availability of support for youth in Stanislaus County's juvenile justice system during a tour of the County's Juvenile Detention Facilities and a subsequent review of the data. In 2013, 1,036 of our youth in Stanislaus County entered the care of the Stanislaus County Probation Department. Unfortunately, the 2013 standardized testing data shows that the majority of these youth are performing significantly below grade level in Math, English, and Science, and fare worse educationally than other students in Stanislaus County.

During the tour of the Juvenile Detention Facilities, Probation staff informed us that a majority of the youth entering the system come from poor and underserved areas in

Stanislaus County. Many of these youth suffer from one or multiple at-risk factors including:

- History of physical abuse
- Significant educational challenges
- Poverty
- Separation from family members
- Parental incarceration
- Exposure to violence in the home and community
- Mental illness
- Substance abuse

Research has identified each of these as contributing factors to the increased likelihood that a youth will become involved with the juvenile justice system. Research has shown that these factors also lead to increased recidivism as well as provide significant challenges when it comes to completing their education and entering the work force.

The SCCGJ has found the standardized testing data, combined with the presence of other at-risk factors to be cause for alarm. **The need for more educational resources cannot be any clearer.**

The SCCGJ became aware that the County Office of Education operates the educational program at Stanislaus County Juvenile Hall, and after release, youth will attend schools operated by the County Office of Education or local school districts. However while detained and post release, these youth are under the care and supervision of the Probation Department. Given the protective factors that positive educational experiences offer youth, a focus on education may be the most powerful tool the Probation Department can use to prevent recidivism and help youth thrive after release. This presents a critical opportunity for the Probation Department to change the trajectory of youth by ensuring that the necessary education and transitional supports are offered to allow youth to become healthy and productive adults.

METHODOLOGY

The SCCGJ inquiry into the availability of educational support and reintegration services for youth in the care of the Stanislaus County Probation Department included a tour of the Stanislaus County Juvenile Hall and Juvenile Commitment Facility (JCF). The SCCGJ conducted its inquiry by asking related questions of Probation Staff during the Juvenile facilities tour and then interviewing the CPO. We also reviewed County data and researched related materials.

DISCUSSION

The SCCGJ would like to commend the Stanislaus County Probation Department on their excellent management of these two facilities. During the tour, the SCCGJ was pleased to

see that they appeared to be well organized and to hear staff's descriptions of the comprehensive broad-based approach to rehabilitation and recidivism prevention. The facilities were clean and appeared to provide a safe positive environment.

Probation materials identify the stated goal of the JCF as to "change delinquent habits, attitudes and behaviors of youth and to guide them toward a more productive, pro-social lifestyle. This is accomplished through education, training and counseling services." The Probation Department reports offering a wide variety of programs and services for youth while detained and post release such as:

- Moral Reconciliation Training (MRT)
- Aggression Replacement Training (ART)
- Community Service Program
- Judges Honor Role
- Intramural Soccer
- Teens Run (Probation running program)

Evidence suggests that counseling, including components such as anger management, social skills training, and career training eases youth's transitions into the community and reduces recidivism. All of the listed programs in Stanislaus County give youth this advantage by offering the opportunity to build self-esteem and learn positive team building skills. While the JCF does offer some vocational programs such as a Culinary Class, and Kitchen Program, the career and technical focus is primarily aimed at preparing youth for potential employment in the food service industry. However, state employment projections for Stanislaus County indicate that through 2019, leisure, hospitality and retail trade will be some of the lowest areas of employment growth. Employment growth will be led by education, healthcare and professional services (including technology), areas in which the JCF does not currently offer career or technical training.

Additionally, the SCCGJ questioned the impact that these programs have had on recidivism to ensure that the programs offered are those that give youth the best chance of exiting successfully. At the time of our facilities tour, we were informed that the Probation Department did not currently collect juvenile recidivism data. During follow up questioning at a later date, the SCCGJ was pleased to learn that, according to the CPO, "the Probation Department was recently granted permission to hire a Juvenile Crime Analyst/Researcher.... Juvenile recidivism rates are one of many things the analyst will track."

The SCCGJ also has a specific interest in ensuring positive outcomes for parenting youth involved with the Stanislaus County JCF. Young parents face additional special challenges in succeeding educationally and being able to meet the emotional and financial demands of parenting. Children of teen parents are particularly at-risk for a number of widely documented negative outcomes, and without supports may end up repeating the cycle of involvement in the juvenile justice or child welfare system. National research has found that as many as 30% of incarcerated youth may already be

parents. However, despite the fact that the San Joaquin Valley has the highest teen birth rates in California, the Stanislaus County CPO reported that only one youth currently being detained is a parent (data was not provided on cumulative annual numbers). We feel that there may be several factors contributing to this unusually low reported number including:

- Fear of losing custody
- Fear of child support
- Fear of child welfare involvement
- Other legal issues
- Strained relationships with custodial parents
- Lack of standard collection of information from youth upon intake

Despite the low numbers reported, the juvenile detention facilities do provide limited accommodations for visitation between youth and their children. Children are allowed to visit; however, visitation is by special appointment. The parent/guardian must contact Juvenile Hall staff to schedule a visit. Research has found that close interaction with children often provides an incentive for positive behavior for troubled youth. Based on this research, youth should be allowed to visit their children during all regular visitation hours as well as by special appointment. Additionally, special attention should be paid to minimizing the stigma and shame of incarceration for youth with their children. Currently, during visitation, youth wear their probation issued jumpsuits. To reduce stigma and promote a more positive image to children during these visits, visitation should be in a closed setting away from general visitation and youth should be allowed to wear casual clothing.

The efforts taken by the Probation Department to provide adequate services for juveniles while in care appears to be exemplary. However due to the relatively short time an average youth will spend in the facility's care, there is concern with post care services for adjudicated youth.

As previously described, there are significant educational challenges facing probation supervised youth. There is a need for more one-on-one long term educational counseling to ensure youth graduate with basic skills and abilities.

In 2013, the United Way of Stanislaus County funded a Program in partnership with the Center for Human Services known as "Graduation Coach". It is currently offered at three locations throughout the County: Creekside Middle School in Patterson, Evelyn Hanshaw Middle School and Prescott Junior High School in Modesto.

United Way of Stanislaus County describes the required program components as:

"I. The Graduation Coach's focus will be to:

- Identify and address barriers to success by working with the student on an intervention plan and/or providing appropriate resources and referrals.

- Act as a mentor by developing a meaningful positive relationship with the student.
- Bridge communication between the student's parents/guardians and the school, creating a stronger support system for the student.

II. Provide enrichment opportunities such as referrals to youth programs, career exposure opportunities, afterschool programming, etc.

III. The Graduation Coach will be expected to:

- Hold one-on-one meetings with students, with a possibility of holding small group meetings.
- Engage parents/guardians, including conducting home visits.
- Utilize the Check and Connect intervention model in order to engage students and monitor Academic success.
- Implement required evaluation plan.”

A program designed for probation supervised youth based on the “Graduation Coach” model would significantly increase a youth’s chance at a successful transition.

Even the most promising programming cannot replace the educational and developmental support provided to youth by a stable, nurturing family. A small but important number of probation supervised youth are unable to return to their biological families. Nearly all of these youth are placed in congregate care, often outside the county and even the state. A recent study indicated that more than 40% of the children in congregate care have no documented clinical or behavioral needs that might warrant placing a child outside a family. In many cases, a child ends up living in a group placement simply because appropriate family placement has not been found.

The concerns expressed by the CPO about the ability of these facilities to meet the needs of youth in the juvenile justice system and prepare them to return to their community are consistent with those increasingly raised across the state and country. Research has found that group care is associated with:

- lifelong institutionalized behaviors
- an increased likelihood of being involved with the juvenile justice system
- low educational attainment levels

Additionally, a group of nationally respected researchers recently stated in the American Journal of Orthopsychiatry 84.3 (2014): 219 “Group settings should not be used as living arrangements, because of their inherently detrimental effects on the healthy development of children, regardless of age.”

In response to this study and other research¹ documenting the poor outcomes and inability of group care facilities to provide youth the treatment and care necessary to rehabilitate, legislation has been proposed at the state and national level to drastically limit the number of children placed in group care. This year, the California Department of Social Services proposed legislation, AB 403, that would focus on transitioning Child Welfare and Probation departments from use of group care towards provision of services in the homes of foster families and relatives. President Obama echoed Stanislaus County's concerns when he proclaimed last month "We know that children are best raised in families, not institutions."

While the number of probation supervised youth who cannot be returned home safely to a parent or guardian is relatively small, nearly all of these youth are placed in group care. The adverse effects of group care placement will have a tremendous impact on a youth's ability to successfully transition back into the community and succeed educationally. While several successful evidence based foster family programs exist for youth in the probation system, such as Multi-Dimensional Treatment Foster Care, they are rarely used. Stanislaus County must ensure efforts to place youth with families are prioritized and resourced. With increased efforts to recruit and support foster families and collaborations with family finding organizations, the Stanislaus County Probation Department can eliminate the placement of youth in group care facilities.

The implementation of these new programs, policies and practices will significantly improve youth's chances of a successful reentry into the community and ensure a safer and healthier community for all Stanislaus County residents.

FINDINGS

- F1:** 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.
- F2:** 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.
- F3:** 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.
- F4:** Detained youth who are also parents are encouraged to maintain relationships with their young children, but the facilities only allow limited visitation.

¹ http://www.cdss.ca.gov/cdssweb/entres/pdf/CCR_LegislativeReport.pdf

RECOMMENDATIONS

- R1:** 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.
- R2:** 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.
- R3:** Expand vocational/career training programs to include more options in technology and internet based careers.
- R4:** Facilities should ensure that policies prioritize the relationship between probation supervised youth and their children.
- Detained youth who are parents should be allowed to visit during all 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.
 - Visitation should be in a closed setting separated from general visitation.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses:

From the following individuals:

- Stanislaus Chief Probation Officer

From the following governing bodies/entities:

- Stanislaus County Board of Supervisors

INVITED RESPONSES

- Stanislaus County Office of Education, Superintendent of Schools