



STANISLAUS COUNTY PROBATION DEPARTMENT

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JILL SILVA

Chief Probation Officer

July 2, 2012

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

Dear Judge Cordova:

On June 27, 2012, the Stanislaus County Civil Grand Jury forwarded their report on Case # 12-30GJ detailing their findings and recommendations following the annual inspection of custodial facilities in the county as mandated by California Penal Code Section 919(b). Thank you for the opportunity to respond to the comments and recommendations of the 2011-2012 Civil Grand Jury. We value the opinion of the Grand Jury and recognize the need to have others from outside of our organization to review the conditions and practices of our facility.

RESPONSE TO FINDINGS

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

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

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Response: The department agrees partially with the finding.

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

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

Response: The department agrees with this finding.

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

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

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

Response: The department agrees with this finding.

RESPONSE TO RECOMMENDATIONS

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

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

Response: The department agrees with this recommendation.

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

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

Response: The department agrees with this recommendation.

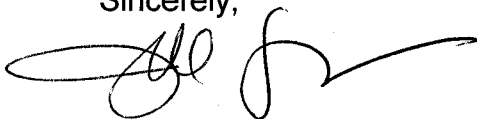
The Chief Probation Officers of California have worked diligently to oppose the closure of the Department of Juvenile Justice. The organization's efforts were successful as the Governor's revised plan called for the DJJ to remain open. The Chief Probation Officer will continue to support all efforts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

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

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

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

Sincerely,

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

Jill Silva
Chief Probation Officer
Stanislaus County Probation Department

Cc: Stanislaus County Board of Supervisors
Monica Nino, Chief Executive Officer
John P. Doering, County Counsel