



**COUNTY PROBATION DEPARTMENT  
COUNTY OF HUMBOLDT**

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Date: July 17, 2015  
From: Bill Damiano, Chief Probation Office  
To: Amy Nilsen, Deputy County Administrative Officer  
RE: 2014-15 Grand Jury Report

I have reviewed the 2014-15 Humboldt County Grand Jury Report, Section titled "Effects of Assembly Bill 109 and Proposition 47 on the Probation Department", and am responding as required pursuant to PC 933.05(a) and (b).

R.I. Response, with related Findings (F.1 & 2):

R. I. The Humboldt County Grand Jury recommends that the Humboldt County Board of Supervisors approve Measure Z funding on an annual basis necessary to hire and retain six new probation officers.

**Measure Z funding for the requested 6.0 FTE positions was, in fact, approved by the Board as an ongoing allocation on June 23, 2015.**

F. 1. Due to budget restrictions, the Humboldt County Probation Department is unable to fill the necessary positions required to implement the services mandated by AB 109 and Proposition 47.

**I disagree wholly with this finding. At this time, all allocated positions within Probation budget unit 294 are presently filled. The reasons the one position took time to fill had nothing to do with budgetary restrictions.**

**The delays in filling the AB 109 probation officer position (1.0 FTE) were principally due to the lengthy and cumbersome county and department hiring process, the experience level of potential hires and staff safety (more danger to new staff in AB109, where the offenders are more sophisticated and have more to lose if found in violation), and the fact that I also have positions to fill in non-AB 109 budget units that are associated with fulfilling state mandates, which take precedence in my placement decisions (court investigations are a mandate and must be**

filled first; supervision is not a mandate, though it is definitely important to public safety).

AB 109 personnel positions within the Probation Dept. as outlined in the local CCP plan, and approved by the Board of Supervisors through the budget process, are fully funded by state AB109 funds. The staffing levels are at CCP Executive Committee recommended levels. The hiring of probation officers is an arduous and lengthy process involving multiple steps. The pool of qualified candidates has been smaller each year the County recruits for this classification; so to begin with, the potential pool is shallow, particularly with regard to persons with experience/training in the field of corrections. The process includes: County advertisement and recruitment, written testing and ranking processes (several weeks to multiple months); Department interview (3-4 weeks to coordinate); background investigation (through contract staff, multiple weeks to complete); polygraph (out of the area, sometimes weeks to coordinate with the candidate); psychological exam (out of the area, weeks to coordinate with the candidate); physical exam (this is the least time to set up). A candidate can "fall out" of the process at any point in this continuum, sending us back to square 1 with the next viable candidate (beginning at background).

F.2. The Humboldt Community Corrections Resource Center is not fully staffed by either the Humboldt County Probation Department or the Humboldt County Department of Health and Human Services. This understaffing is detrimental to the successful functioning of its programs.

Recommendation # 1 is related to Measure Z, so Finding # 2 has no direct relationship to funding/staffing the Community Corrections Resource Center. The Resource Center is 100% funded with county AB 109 funds. However, as described above, the hiring process and necessity of filling other department PO positions (not AB109 funded) do have some relationship to when positions in AB 109 are able to be filled.

Comments regarding impacts of understaffing are generally true, though as of this writing, all Probation Department positions in BU294 are filled and probation services are being provided at intended levels.

DHHS will can respond about their staffing issues and service deficits. R.4.

Response, with related Finding (F.3):

R.4. The Humboldt County Grand Jury recommends that any future grant applications for the expansion of the Humboldt County Corrections

Facility include adequate space for the Community Corrections Resource Center.

The Board of State and Community Corrections released the RFP for Senate Bill 863 Adult Local Criminal Justice Facilities Construction funds on June 10, 2015. The CCP Executives have recommended AB 109 funding support for preparing a proposal (as occurred with SBI 022 in 2013), that would properly accommodate all CCRC staff and services/programs, as well as providing appropriate inmate housing to provide effective programming to the AB 109 (and general jail) population prior to release from custody -providing re-entry services that are presently absent in our continuum of corrections services. Additionally, AB 109 funding support for partial cash match of \$500,000 will also likely be recommended to the Board.

F.3. The Humboldt County Community Corrections Resource Center does not have adequate and appropriate space to meet its programmatic needs. Space is needed to accommodate all the services under one roof and to provide confidentiality for group and individual meetings.

I agree with this finding. The CCRC facility is a leased building in a prime location for corrections purposes. The physical plant was not designed for the types or number of services that have ultimately been recommended to the Board by the CCP Executive Committee. When originally leased, the current complement of staffing and services was not, and could not have been, anticipated. The space within 404 H Street, Eureka was believed to be adequate for those staff and services that were preliminarily identified, and it was assumed that the space/configuration could be modified in a number of ways to meet program/service needs. However, several unanticipated staff positions and services have been added since the determination and Board approval of our original local CCP plan. A full remodel of the building to perfectly meet all the needs of the current CCP plan elements has been determined to be cost prohibitive and too disruptive to the existing program for a temporary lease situation (it would have required adding an elevator, bathrooms upstairs, moving stairs to the other end of the building -destroying existing offices, etc.).

Minor modifications have been made to the CCRC previously, and are also currently in the process of being made, to address confidentiality concerns of DHHS; Probation has absolutely no confidentiality concerns in this facility. Probation has also moved the Supervised Release Program to our 555 H Street, Eureka site to make room for the added treatment services, making the most of our available space in Adult Probation Services.

R.5. Response, with related Finding (F.4):

R.5. The Humboldt County Grand Jury recommends that the Humboldt County District Attorney prosecute violations of existing laws that prohibit the removal and discarding of GPS monitoring devices.

The California statute ascribing penalties for "removing and discarding GPS devices" applies only to high-risk sex offenders placed on state Parole (PC 3010. 10). There are no similar statutes that apply specifically to persons under county correctional supervision on GPS devices. The laws being broken by participants in our Supervised Release Program when they remove and discard their monitoring equipment are: Violation of a court order (PC 166(a)(4), condition of release on pretrial supervision), vandalism (PC 594), petty theft (PC 488 or PC 666) of an object with a value greater than \$950, and failure to appear for scheduled court appearance.

Second, the DA Office makes all determinations regarding prosecution of new offenses or complaint requests, as well as advocating for accountability when an offender violates court-ordered conditions of release within the community (both pretrial and post-sentence).

Probation officers file appropriate court petitions to initiate violation hearings and completes necessary complaint requests with the DA Office regarding theft and/or destruction of monitoring equipment.

F.4. Offenders have not been prosecuted for improperly removing and discarding GPS monitoring devices at an approximate cost of \$ 1,000 each.

I agree with this finding as related to cases prior to 2015. However, this is no longer the case.

Most of these cases of property theft/destruction of GPS devices occurred under the reign of DA Gallegos. Little effort was evidenced regarding addressing these concerns from 2012 through 2014 despite consistent requests from Probation and the county's Pretrial Steering Committee for assistance.

Since January 2015 when DA Fleming took office, Probation has worked closely with the DA Office regarding these cases and several successful prosecutions have taken place, including one case that was recently placed on felony probation for a conviction for theft (for removing and losing one of the Department's GPS monitors).

The Probation Department is not in a position to explain DA Office rules, policy and protocols around prosecuting these cases.

R.6. Response, with related Finding ( F.5):

R.6. The Humboldt County Grand Jury recommends that the Humboldt County Board of Supervisors appoint the individual heads of Mental Health, Social Services, Alcohol and Other Drug Programs, and Employment Training Program to the Community Corrections Partnership committee as a whole.

The membership of the Community Corrections Partnership is stipulated in Penal Code 1230, which was enacted in association with the passage of SB 678 (2009). This body is advisory to the Probation Department regarding all adult probation services, not just AB 109-related services or those offered through the CCRC. The membership of this body is not appointed by the Board, but they are simply identified within the statute as de facto members. The Grand Jury correctly indicates that subsection (b) of that Code references all of the departments listed above in R.6. In fact, all of those entities *are* members of the "general" Community Corrections Partnership, and most have been participating in monthly meetings (held the 4<sup>th</sup> Wed each month) occurring since May 2011.

This group is distinct and separate from the Community Corrections Partnership Executive Committee, established under PCI 230. 1, which requires the Board to appoint a single representative from Social Services, Mental Health or Employment to serve on the 7-member Executive Committee. The Board appointed the DHHS department head who has authority over all three of those branches, which is consistent with the intent of the law.

F.5. Having the Humboldt County Director of Health and Human Services as the only member of the Community Corrections Partnership to represent that department creates barriers to effective collaboration among staff from Social Services, Mental Health, Alcohol and Other Drug Programs, and Employment Training.

I wholly disagree with this finding because it is an inaccurate statement on its face.

In fact, collaboration between agencies and county departments in relation to AB 109 has been well established since May 2011.

Director Crandall was Board-appointed as the sole representative for those identified branches of DHHS sitting on the CCP Executive Committee in accordance with PC 1230.1. This administrative body has specific roles and responsibilities in relation to AB109 and local CCP plan implementation, primarily to make recommendations to the Board of Supervisors about specific local CCP Plan elements as well as proposed expenditures of county AB 109 funds in service of that Plan. The group is also tasked with oversight and monitoring of AB 109 programs/services and resulting outcomes, and providing accountability regarding expenditures of AB 109 funds as allocated by the Board through the county budget process.

There is a second body, the general Community Corrections Partnership (defined in PC 1230), which includes a broad group of agencies including the DHHS branches listed above, justice partners, law enforcement, corrections, victim advocates and community-based service providers, among others. This group is intended to focus on the implementation side of AB 109 programs and services and has the role, by law, of making recommendations to and advising the Chief Probation Officer regarding a broad spectrum of adult corrections concerns, including AB 109 programs and services. The Chief Probation Officer, as chair of the CCP Executive Committee, shares that input with the Executive body to inform their activities. Participation by administrators from Mental Health (which includes Alcohol and Other Drug Programs) and Social Services has been consistent since the formation of this group. Employment Training, though not attending these monthly meetings, participates in multi-disciplinary team meetings with CCRC staff on a regular basis and advises the Chief Probation Officer through other means.

Barriers to effective collaboration exist in all joint corrections-human services programs. Most of those barriers revolve around differences in the mandates (to investigate, arrest, hospitalize, etc.), statutory restrictions (information sharing and client confidentiality), the primary objectives of the agencies involved (public safety vs serving the needs of an individual), and funding mechanism (limitations if serving MediCal only clients vs relatively unlimited service if directly and adequately funded through AB 109 funds, for instance). Agencies' internal decision-making processes and problems in communication with their line level staff can also contribute significantly to disrupting effective collaboration.

However, all agencies involved in AB 109 programs and services continue to work on addressing all of these issues as they arise to maintain the highest level of cooperation and collaboration possible.

**\*\*Response not requested from Probation, however, I believe I have the most information to respond.**

R.3. Response, with related Finding (F.3):

R.3. The Humboldt County Grand Jury recommends that the Humboldt County Board of Supervisors expedite the remodeling project for the Community Corrections Resource Center. (F.3)

The County Board of Supervisors has little direct responsibility or influence over the timeliness of remodeling of leased properties.

The lease for the building housing the Community Corrections Resource Center (CCRC) is managed by the Probation Department. Significant modification to the interior of the building necessarily involves county Public Works-Real Property to negotiate with the property owner and any engineers/architects/builders possibly involved in the project. Real Property must also work with the agencies on site to determine what possible remodel solution(s) will meet everyone's needs and comply with all applicable building codes and regulations. In a site with mixed disciplines with disparate confidentiality regulations and safety concerns, in a space that is already impacted and limited, the process of negotiating a remodel becomes quite complex. And, once a remodel design is agreed upon by all parties (owner and occupying agencies), county Purchasing policies and procedures apply to bidding and contracting for architectural and building activities. Coordinating the work in an occupied, fully functional, and very busy site is the final challenge.

Multiple remodels have already taken place in the CCRC since occupancy in 2012. There is currently another remodel in process to address identified confidentiality concerns most recently raised by county Mental Health. The process has been lengthy and complicated, and Probation has made every effort to expedite things. As of this writing, Real Property is working with a contractor/builder to get a quote for the project. When a cost is determined, a funding request to the CCP Executive Committee and a Board item for a supplemental budget will follow. The final step will be coordinating the project around the operating program.

F.3. The Humboldt County Community Corrections Resource Center does not have adequate and appropriate space to meet its programmatic needs. Space is needed to accommodate all the services under one roof and to provide confidentiality for group and individual meetings.

I agree with this finding. The building that the CCRC presently occupies was the best available option to meet the rapid timeline forced upon the county by Public Safety Realignment. The fact that the public did not object to the program occupying that site was an additional factor supporting the decision to proceed with lease. It was believed at the time that modifications could be made to the second floor that would meet anticipated future needs of the program. The local CCP plan was simply an idea at this point and all the staffing that might possibly be recommended, and the precise definition of services to be offered at the site, could not be fully projected.

It took time to hire staff and populate the CCRC. There was ample room in the building for quite some time. A couple of building modifications were made that addressed confidentiality and safety concerns as they arose.

Over time, the CCP Executive Committee recommended, and the Board approved, additional staffing and services connected with the CCRC. When it appeared to be time to remodel the second floor, an engineer was hired to advise the county on what could be done, and what would be needed to comply with existing building and fire codes and ADA regulations. The changes that would have been needed to add confidential space upstairs would have been extensive, and very expensive - adding an elevator, adding bathrooms, demolition of multiple offices to make space for a staircase, etc. It was decided it would be best not to make that many improvements to someone else's property, at excessive taxpayer expense, for relatively little gain in usable space.

Probation and Public Works-Real Property have been on continuous lookout for any new properties that might be available that might better meet the evolving

needs of the CCRC. Every site that has been reviewed would require extensive modification and extreme expense. NIMBY issues have also been a major concern with these sites - from residential neighbors and commercial businesses. As a result, no suitable alternative has been identified. Of course, the ideal solution would be construction of the new jail re-entry facility with SB 863 funding.