

EL DORADO COUNTY
GRAND JURY 2020-2021
REPORT



**INVESTIGATION OF EL DORADO
COUNTY PROBATION DEPARTMENT**

CASE 20-06

Public Release

JUNE 30, 2021

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SUMMARY

The 2020-2021 Grand Jury investigated the functions and duties of the El Dorado County Probation Department. This report examines the myriad responsibilities assumed by the Department, responsibilities that reach far beyond the scope of basic probationary supervision. Additionally, the report discusses the impact of the COVID-19 pandemic on normal practices and procedures. Finally, the report explains how the passage of Assembly Bill (AB)-1950 will affect future operations. The Grand Jury found the Probation Department is operating efficiently in spite of the restrictions necessitated by the COVID-19 pandemic.

BACKGROUND

Since the passage of the original Probation Act of 1925, probation officers (POs) have been responsible for supervising probationers (referred to as clients by the Probation Department). The Sentencing Reform Act of 1984 further expanded their responsibilities to include monitoring the people subject to supervised release. The Federal Courts Administration Act of 1992 stipulated that the Probation Officer could also supervise federal offenders conditionally released under the provisions of 18 United States Code (U.S.C.) 4243 and 4245. The Federal Criminal Code and Rules sets forth the various duties and responsibilities of the United States Probation Officer, specifying the basic two-fold role of the Probation Officer as "...investigator and supervisor". (U.S.C. 3552 and 3603 and in Rule 32(c)).

AB-109 established the California Public Safety Realignment Act of 2011. This act allows for current non-violent, non-serious, and non-sex offenders to be supervised at the local county level after they are released from a California State prison. The implementation of AB-109 in El Dorado County included the formation of an Executive Probation Committee (EPC), which made relevant recommendations to the El Dorado County Board of Supervisors. The Committee included the County's Chief Probation Officer, Placerville's Chief of Police, the County Sheriff, as well as nursing and mental health professionals and a representative from the County Office of Education.

The EPC first examined or reviewed what kinds of inmates the County had in custody and how to keep them from becoming repeat offenders. The Committee also focused on mental health issues within the County's correctional system. They discovered 18% of the offender population suffered from some form of mental health issue. Finally, the Committee's report explained how they believed the passage of AB-1950 would affect future operations within the department.

Starting in January 2021, AB-1950 changed the length of the term of probation. This new law reduced the former three-year probation term for non-violent offenders to just one year. This, in turn, allowed probationers to apply for an expungement, which removes the violation from their criminal record per Penal Code section 1203.4. This new law was passed because formal felony probation was often a difficult burden on offenders. It often required frequent appointments with their PO as well as the possibility of law enforcement arriving at their place of work, home, or school to search their possessions.

Methodology

Interviews

- Sworn probation officers
- Non-sworn employees in the Probation Department
- Outside vendors and County employees who have worked with the Probation Department to provide client counseling in areas such as mental health, substance abuse, job placement, and education

Documents Reviewed

- State Assembly Bill 1950
- Probation Act of 1925
- Sentencing Reform Act of 1984
- Federal Courts Administration Act of 1992
- State Assembly Bill-109
- August 2013 Mountain Democrat Article
- Grand Jury reports from El Dorado County, Santa Clara County, Alameda County, Sacramento County, and Napa County
- Guide to Judiciary Policies and Procedures for Probation and Parole Officers
Volume 10, Chapter 1, Part B
- The El Dorado County Probation Department's Mission Statement
- The December 2, 2020 Shouse California Law Group report *AB-109 Realignment in California*

DISCUSSION

County POs perform duties and responsibilities beyond the scope of investigation and supervision of their clients, which includes providing services to their clientele to help them to change their negative behavior.

POs are subject to many hours of training which also includes on the job training. They are also required to participate in continuing education, with the goal of maintaining and improving

their skill set. Due to Covid-19 restrictions, some continuing education is being taken via ZOOM. However, other training, especially training requiring a more hands-on approach, has been cancelled or postponed.

The PO's role as an investigator is instrumental in aiding the court in providing information regarding a defendant's background. This includes criminal history, family background, financial information, education, job history, the defendant's current offense(s), and facts leading up to the commitment of the offense(s). The PO then organizes the information and submits a report to the court. This aids the court in imposing appropriate sentences for both adult and juvenile offenders.

In their supervisory role, the PO instructs his or her client on the conditions of his or her probation as specified by the court. The PO follows up to ensure that the probationer is adhering to the conditions of his or her probation. They also submit reports regarding the client's progress or violations, as required by the court.

The Juvenile Treatment Center (JTC), located in South Lake Tahoe, operates under the administration of the Probation Department and contains 40 beds. As of January 2021, the JTC held a population of 11 wards, including two from neighboring counties. JTC staff meet the educational, physical and mental health needs of its wards. It maintains a contract with *Wellpath*, a licensed medical service provider, for medical care within the facility. A Registered Nurse works six mornings per week, Monday through Saturday to dispense medication and attend to sick calls. A Nurse Practitioner makes rounds once each week. In addition, a mental health program coordinator, a licensed therapist, a psychiatrist and other staff provide mental health care.

AB-109, a 2012 bill commonly referred to as the Public Safety Realignment Implementation Plan, is directed towards reducing the State prison population by placing non-violent and non-threatening offenders under county jurisdiction. In conjunction with AB-109, the County established in 2013 the Community Corrections Center (CCC), which is a one stop shop for clients to access services.

The CCC brings together professionals within the Community Corrections Partnership (CCP), which includes mental health services, public health nursing, public guardian and the County Office of Education. Per the Shouse California Law Group, all have a common goal of helping clients and parolees of "non-serious, non-violent, and non-sex related crimes". This program is designed to target individuals who assess as having both a high risk for recidivism (tendency of a convicted criminal to reoffend), as well as a need for treatment of substance abuse, mental health and criminogenic behavior (of a system, situation, or place causing or likely to cause criminal behavior).

The Probation Department oversees the CCC program. Some clients decline participation in the services provided by the CCC because their employment schedules do not allow them the time to participate. Other clients decline participation for personal reasons.

It is difficult to ascertain the full measure of successes brought about by the CCC. Clients don't always complete the program, but may still be successful in changing their behavior. Staff believes that clients benefit, even if they attend only one session. Staff associated with the program stated clients who avail themselves of CCC services have demonstrated a range of positive changes to their behavior. While some succeed in not returning to their previous behaviors, there are others who continue with their old negative activities.

Probationers are categorized into three groups: low-risk, medium-risk, and high-risk for recidivism. Those clients designated as low-risk require little supervision or intervention. Those considered to be medium-risk require bi-weekly visits with their assigned PO.

Those probationers designated as high-risk require more stringent supervision, with weekly contact with their PO, testing for drug or alcohol use, and/or attendance to specific classes, if such attendance is designated in the terms of their probation. The high-risk probationers have proven to be more prone to repeat their criminal behavior, and in these cases, early intervention is critical to deterrence. By providing the services offered by the CCC, the hope is to provide the probationers with the tools needed to change their negative behavior.

Because of the Covid-19 pandemic, the Probation Department has had to re-evaluate how they conduct business to comply with ongoing changes to Covid-19 safety guidelines. They have instituted ZOOM meetings or phone calls to meet with their clients. The Department has also increased the use of home monitoring devices to manage their clients.

When a person is scheduled for probationary release, the standard procedure is to meet with that inmate within 72 hours before release. If this is not possible due to Covid-19 restrictions, the PO will set up a meeting within a week after the inmate's date of release. In this meeting, the PO evaluates the parolee's need for housing, Medi-Care, food stamps, substance abuse programs, or other avenues of assistance that may prevent them from returning to their previous behavior and from being incarcerated again.

Interviewed POs, County and contracted employees expressed passion for the work they do. It is clear that they are focused on helping those clients who willingly seek the services provided by the CCC in order to choose a better path for their lives. The Probation Department remains dedicated to guiding their clients and giving them the tools to help them lead a more productive life.

FINDINGS

- F1. As a direct result of the Covid-19 pandemic, several training classes for Probation Officers, especially those that require a "hands-on" approach, have been cancelled or postponed. These classes will resume when it is safe to do so.

- F2. Due to Covid-19, the ability for Probation Officers to reach out to inmates incarcerated and designated for release has been limited but not halted.
- F3. The Probation Officers interviewed expressed the positive effects of the CCC being available for their clients and saw it as a useful tool to help their clients address their needs and concerns, and to make the transition into society go more smoothly.
- F4. The CCC supports clients of only non-serious, non-violent, and non-sex related crimes as defined in AB-109.
- F5. The Probation Department appears to be doing a good job handling the wide variety of services it provides for its clients.

REQUEST FOR RESPONSES

- **Responses are not required or requested.**