

This document is an extract of a larger publication.

civilgrandjury.org is a project of UnGovr.org, a US-based 501(c)(3) nonprofit dedicated to government transparency and public accountability.



MENDOCINO COUNTY ADULT PROBATION DEPARTMENT

The duty of the Mendocino County Probation Department, as an integral part of the criminal justice system, is to promote public safety by reducing criminal behavior and its impact on the community. Supervision and court services are the primary functions of the adult Probation Department. The Probation Department provides services to the Mendocino County Superior Court through the preparation of adult pre-sentence recommendation reports, violation of probation petitions and supplemental reports including bail and release recommendation studies. Probation officers appear in court on adult sentencing, pre-trial hearings, and arraignments. Specific court probation officers are assigned to each court in Mendocino County. On occasion the Court may determine at arraignment that a person is marginally acceptable for release and may set specific conditions for release under the tight supervision of a probation officer. The Probation Department also monitors compliance and progress of persons in court-directed diversions to drug programs, counseling, or educational services.

The Department's supervision unit enforces court-ordered terms and conditions of probation by providing supervision of offenders. This is accomplished by regularly scheduled contacts, urine analysis, victim contacts, monitoring treatment, and verifying the collection of restitution and fines. Often, the terms of probation include mandatory counseling. The Probation Department certifies each program and monitors these programs for compliance with guidelines and standards. Probation also provides advocacy for victims and is involved in the community by the development and support of a system of prevention, intervention and treatment programs.

The Department has offices in Ukiah (Stanley Street and Low Gap Road), Fort Bragg, and Willits. The Probation Department also has jurisdiction and important responsibilities on all juvenile matters including the administration of Juvenile Hall. However, this investigation is restricted to the Department's adult functions.

Reason for Review

The Grand Jury conducted an oversight review of the adult portion of the Mendocino County Probation Department. It was last reviewed by the Grand Jury in 1988.

Method of Investigation

The Grand Jury interviewed fourteen past and present members of the Probation Department, including all first-line supervisors. The Chief Probation Officer was interviewed at three stages of the investigation. Deputy District Attorneys, Public Defenders, a Service Employees International Union (SEIU) representative and the Mendocino County Administrative Officer were also interviewed. Documents reviewed included salary and benefit surveys, retirement provisions, union bargaining packets, the Probation Department Administrative Manual, Department

policies and procedures, interoffice memoranda, case load trend data, probation annual reports, County budgets, the County Policy and Procedures Manual, and relevant sections of the California Penal and Welfare and Institutions Codes. Courtroom hearings both in Ukiah and Willits were attended to observe Probation Court Officers. The Grand Jury also toured the Standley Street facility.

Relevant Law

The activities of probation officers are governed by numerous California Code sections. Penal Code Sections 1191 through 1209.5 specifically stipulate the main requirements for county Probation Departments.

Staffing

Findings

1. Turnover in the department has been chronically high (8% per annum) and had increased to 16% during 1999.

Response (Probation): Agree with this finding.

Response (Board of Supervisors): The Board agrees with this finding.

2. The causes of this high turnover, reported by those interviewed, included:
 - a. low salary
 - b. lack of safety retirement benefit
 - c. low morale
 - d. dissatisfaction with management
 - e. lack of opportunity for advancement

Response (Probation): Agree with the finding in that those interviewed may have indicated the listed reasons. The Chief Probation Officer believes staff was justified in their perceptions of the turnover. However, the Department has performed exit interviews with most of the staff that departed. Low salary, safety retirement, and lack of promotional opportunities were the primary reasons given. Low morale was not mentioned, nor was dissatisfaction with management. These two were probably the result of the restructuring of the Department that occurred during that year, but was abandoned later because of various reasons which will be discussed in subsequent sections of this response.

Response (Board of Supervisors): The Board agrees with the response provided by the Chief Probation Officer. Each area is either being dealt with by the Department or the County in general.

3. The high turnover rate has resulted in chronic under-staffing, thereby increasing case load and job stress.

Response (Probation): Highly agree with this finding.

Response (Board of Supervisors): The Board agrees with this finding and has taken steps such as the Compensation and Classification Study to eliminate low salaries.

4. In January 1999, the Mendocino County Courts restructured the Ukiah court system to assign cases to courtrooms alphabetically according to the last name of the defendant . The introduction of this “vertical” system has exacerbated Probation Department under-staffing. Recognizing this hardship, the Courts are now accepting written reports from Probation Court Officers in certain circumstances.

Response (Probation): Agree with this finding. The Courts were cooperative in assisting the Department in staffing for the different judicial department assignments. However, Probation Court Officers are still required to spend an inordinate amount of time in court, due to delays or intervening cases, making it difficult for the officers to find time to prepare the required written court reports.

Response (Board of Supervisors): The Board agrees with the response of the Chief Probation Officer. The Board appreciates the Courts willingness to cooperate with Probation and to look for alternative solutions.

5. A 1998 survey of Probation Department salaries in 50 of California’s 59 counties , conducted by Kern County, indicated that salaries are a direct function of the population of the county. For example, Mendocino County ranked 34th in population among the 50 counties. Deputy Probation Officer I salaries ranked 33rd and Deputy Probation Officer II ranked 32nd.

Response (Probation): Agree with this finding. The survey is prepared biennially for and on behalf of the Chief Probation Officers of California (CPOC) association, with information derived from each of the participating county probation departments.

Response (Board of Supervisors): The Board agrees with the response provided by the Chief Probation Officer.

6. Most Deputy Probation Officers (DPO's) interviewed felt they were underpaid. However, the County-financed January 2000 Slavin Report reveals those salaries for DPO's are on a par with other sample counties.

Response (Probation): Agree with this finding. The disparity comes in the higher level positions.

Response (Board of Supervisors): The Board agrees with this finding. Salary issues were found at the higher level positions.

7. However, both the Slavin Report and the Kern County study reveal that the salary of Mendocino County's Chief Probation Officer (CPO) is substantially less than CPO's in other comparable counties.

Response (Probation): Agree with this finding. The CPO has researched this issue independently and came to the same conclusion.

Response (Board of Supervisors): The Board agrees with this finding.

8. The Probation Department has, for a number of years, experienced great difficulty in its ability to recruit qualified staff.

Response (Probation): Agree with this finding. This is a statewide problem that has been discussed at many CPOC meetings. Educational requirements are the biggest stumbling blocks, although many applicants do not pass the background investigations, because of criminal records or fabricated information in the applications. A combination of education and experience has been our measuring tape for the last several years. The Chiefs are mounting a media campaign to make the public more aware of probation services and our roles in the community.

A sharing of employment applications throughout the State has also been discussed.

The Department is working with the Mendocino College to start internship and work-experience programs, which should increase interest in this field.

Also impacting our recruitment are the issues mentioned in item 2 of this section. We are hopeful that increased salaries and safety retirement will entice more applicants. Internal incentives, such as adjusted professional hours (a current practice), may also have an impact.

Response (Board of Supervisors): The Board agrees with this finding. This issue occurs in almost all California counties. The Chief Probation Officer is fully aware of this concern and has taken steps, in cooperation with Mendocino College, to develop an internship program. The Board is also in the final stages of implementation of the Slavin Study, which will increase salaries.

9. Despite recommendations from the CPO and proposals from the SEIU, Local 707, the Board of Supervisors (BOS) has rejected offering Probation Officers Safety retirement. Twenty-eight of the 46 counties surveyed offer this benefit. The Union volunteered to pay for half the cost of an actuarial study.

Response (Probation): Agree with this finding in part. The issue of safety retirement has been discussed at meet and confer sessions during MOU negotiations. The request for an actuarial study was presented by the Union and reportedly rejected by the BOS. I have met with the Union representative and our staff, and are in the process of preparing a presentation for safety retirement for the BOS. As of this time, no formal discussion between the BOS and the CPO has taken place. The Department highly encourages the County to implement it, both for officer safety consideration and as a recruitment incentive.

Response (Board of Supervisors): The issue of safety retirement for Probation Officers is still in discussions and will be reviewed this fiscal year. The Board's goal this year is the implementation of the Slavin Study with other issues moved to future review.

10. A number of those interviewed voiced complaints concerning the lack of opportunity for advancement. However, it is clear that promotion from within the department is commonplace.

Response (Probation): Agree with this finding. This is a small department with few chances for promotion. The Department has recently acquired several mid-management positions through court funding, grants, and inter-agency agreements, allowing for internal advancement. However, there are many qualified officers competing for these few positions. Safety retirement might encourage upper management officers to retire earlier, but until then there do not appear to be many promotional opportunities.

Response (Board of Supervisors): The Board agrees with the response provided by the Chief Probation Officer.

Recommendations

1. The BOS should determine the cost of high Probation Department turnover, including recruitment, training, and loss of experience.

Response (Probation): Agree with this recommendation and would fully cooperate in this determination. As the problems with recruitment were discussed earlier, the issues of retention are also important to explore. The State (through the Board of Corrections) and the County contribute to the cost of training deputized staff. To lose staff for any reason is fiscally painful due to the high investment for this early training. The loss of experienced staff creates liability issues, while increasing demands on seasoned staff to train and support newer officers during the initial probationary periods.

As stated earlier, this is not unique to Mendocino County Probation, and efforts are being made on a statewide basis to reduce turnover.

Response (Board of Supervisors): The Board understands the high cost of turnover and we have taken steps to reduce the problem with the Classification and Compensation Study (Slavin), reviewing safety retirement and encouraging the Chief Probation Officer to examine and modify internal issues that may affect an employees willingness to continue employment with the Department.

Time Frame for Implementation: Anticipated completion of cost estimate of the high turnover is April, 2001. This will include recruitment, training costs, clerical time, etc.

2. The BOS should review Probation Department salaries to determine if an increase would likely reduce turnover, increase job satisfaction and facilitate recruitment.

Response (Probation): Agree with this recommendation. The CPO believes the Slavin Study is the first step in this direction.

Response (Board of Supervisors): The Board believes that the Slavin Study will address this recommendation.

Time Frame for Implementation: Slavin Study will be implemented effective November 26, 2000. The determination of any appreciable difference should be completed by December, 2001.

3. The BOS should seriously re-evaluate the cost and benefit of making Safety Retirement available to all qualified employees of the Probation Department. An actuarial study should be conducted.

Response (Probation): Agree with this recommendation.

Response (Board of Supervisors): This issue will come forward in the next several months. The Board will take a critical look and this recommendation based on our financial abilities and with a need to retain our valuable employees.

Time Frame for Implementation: The Department anticipates presenting a recommendation to the Board in April, 2001.

4. New staff positions should be established to satisfy the burden of the vertical court system.

Response (Probation): Agree with this finding. With a limited overall county budget, it is difficult to implement new positions. I have been seeking grants and other funding streams to enhance staffing.

Response (Board of Supervisors): The Board authorized one new probation officer during the Final Budget process. The Chief Probation Officer is seeking grants to reduce the impact on the County's General Fund and thus still address the expanding needs of our communities.

Time Frame for Implementation: On-going through grant applications and seeking other funding streams to enhance staffing.

Organization and Facilities

Findings

11. Line staff was not adequately prepared for the reorganization of the Probation Department in December 1998. Their views were not solicited and as a result they were antagonistic to the new organization from its inception.

Response (Probation): Highly disagree with this finding. It may be the perception of some line staff that the reorganization was imposed upon them with little of their input, but input from all staff was solicited at every step of the reorganization. Management level staff was instructed to consult line staff for suggestions and criticism, which is verified in administrative staff meeting minutes. The unit supervisors reported that there was very little input from their line staff, and that which was received was considered and used or rejected after extensive discussion.

Management "retreats" were held to compile staff input and to design the new organization. Many line and management issues for the improvement of operations were thoroughly discussed. No policy, procedure, or change of operation was implemented without agreement from the entire group. Once the reorganization plan was

published, there was plenty of time for input for modifications and corrections. It was emphasized all along that the reorganization was not set in concrete, and that the plan was open to constructive criticism and modification.

Response (Board of Supervisors): The Board disagrees with this finding and agrees with the response provided by the Chief Probation Officer. The Chief Probation Officer took several steps to include all staff in the preliminary discussions and reviews before any modification took place. Change is difficult for everyone. Some employees may have felt left out but did have an opportunity to share their opinions at various stages of the process.

12. Prior to December 1998, the juvenile and adult units were separated. The new organization created court and supervision units that encompassed both the adult and juvenile functions, which seriously restricted communication. The new organization also had inherent supervision problems (e.g., one supervisor had 22 DPO's reporting to him).

Response (Probation): Disagree with this finding, which appears to place the failure of the reorganization on restricted communications and staffing patterns. As probation departments in general are finding that many members of families are on probation at the same time (parents and siblings alike), supervision of the family unit as a whole is becoming more and more essential to community corrections. The new model recognized this as a new and innovative way of dealing with this trend. The model also retained juvenile/adult practices, but required staff to learn practices with which they were not familiar. This created a feeling of being overburdened with the learning process, while trying to deal with burgeoning caseloads.

To add to the dilemma, the turnover of staff may have been indicative of the staff's dislike for the reorganization, but it also exacerbated the problems of implementing the new design. To their credit, the officers made valiant efforts to learn both adult and juvenile laws, courtroom procedures, and supervision requirements, assisting each other in this process.

Restricted communications resulted from two unexpected areas, the shift from the juvenile/adult paradigm that had been practiced for years, and having staff in more than one location. The difficulty in adapting to the new model was evident in the territorial protectiveness that staff was not willing to give up. This impacted sharing of information.

Complaints that court officers were not leaving adequate and appropriate information in the files for the supervision officers, and vice versa, exemplified the discontent with the reorganization. However,

these complaints pre-date the restructuring and are again expressed by staff today. There seemed to have been a reluctance to simply communicate by telephone and e-mail (Jalan), which would have simplified the process.

Not being under one roof is, and will be, a problem for communications among the staff, but a willingness to communicate is imperative. As just noted, there still seems to be an inability or reluctance to share information in a timely manner. Management staff is cognizant of this and has worked to eliminate communication problems.

The issue of supervisor/staff ratio was in the process of being rectified by creating more DPO III (mid-management) positions.

Response (Board of Supervisors): The Board disagrees with this finding and agrees with the response provided by the Chief Probation Officer. The Department was finding that several family members are on probation at the same time, thus supervision of the family unit became essential to community corrections. This new model retained juvenile/adult practices, but did require staff to learn practices unfamiliar to them. This did create a feeling of being overburdened with the process since Probation was experiencing staff concerns at the time. Communication was a concern before this restructuring and is being addressed by staff. Staff is addressing the supervision issue by creating more mid-management positions.

13. To the credit of the CPO, recognizing the widespread dissatisfaction and inherent problems, he rescinded the new organization in October 1999. It was replaced by an organizational structure that reinstated many, but not all, of the features of the 1998 form.

Response (Probation): As much as the Department appreciates the comment, the CPO disagrees with the finding. The CPO did not rescind the reorganization due to dissatisfaction or inherent problems. The believed and still believes that the restructuring would have been effective in delivering better service. Many felt it was for the good of the department and participated fully. However, the CPO received many comments from outside sources that several staff were openly critical of the reorganization and expressed their negative views and reluctance to participate loudly in the public forum. These staff members did not come directly to the CPO with their concerns or comments or suggestions as to how to improve service delivery.

Further, there were outside influences that impacted the reorganization in a negative way. The vertical calendar model for the courts changed the staffing pattern for the adult courts. Domestic violence caseloads increased dramatically, causing a shift in supervision priorities. The

reassignment of judges and the creation of new therapeutic courts shifted demands for court services. In a memorandum presented to staff and the courts, the CPO compared the situation to Sebastian Junger's book, The Perfect Storm, where several smaller storms from various areas combined to create a super storm that sunk an unsuspecting boat. Significant issues combined suddenly to make the new model difficult to implement at the time.

Considering the loss of staff during this period and the new DPOs having to be trained, along with the above-noted problems, the CPO decided that the reorganization would not work at that time, and therefore, returned to a modified form of the previous organization. This pleased most, if not all, staff mainly because it relieved the tension that surrounded the project. Many staff members have commented that they learned many things from the experiment: the roles and responsibilities of those whose positions were different and/or misunderstood, a greater appreciation of the amount of work performed by others, new and exciting information and techniques not previously shared between the units, a willingness to look at whole families and not individuals, and a better understanding of the problems inherent in remaining in a position so long that the tasks become routine and personal pride gets eroded.

The reorganization was based on a model used in other county probation departments throughout the nation. Given a different time and more favorable circumstances, the CPO would again reorganize along the same lines.

Response (Board of Supervisors): The Board agrees with the response provided by the Chief Probation Officer. Because of staff shortages such as loss of line staff, supervisors must perform non-supervisory roles on a limited basis. The department is attempting to reduce this concern through additional mid-management staff.

14. The current organization continues to have managerial problems in that supervisorial units are extremely large and one of the most experienced supervisors is assigned a non-supervisory role.

Response (Probation): Agree in part with this finding. Supervision caseloads are large, but cannot be compared to court responsibilities in terms of workload. Each task requires specialized abilities that can be measured qualitatively and quantitatively. Unit supervisors are often required to perform line duties because of loss of staff through termination, loss of line staff to training, increased work assignments generated by the courts, and inexperienced staff not being able to perform complex duties. These supervisors are burdened with supervising large staffs. We have attempted to alleviate some of this problem through additional mid-management positions.

The unit supervisor who is not in a supervising role is assigned to coordinating training for the entire department, seeking and procuring grants and other funding prospects, and preparing guardianship reports for the civil court. The training function is easily a half-time position, requiring scheduling, monitoring, fiscal control, and evaluation of internal and state-required training. Deputized officers attended 4086 hours of state-mandated instruction during the last fiscal year.

The department was required to perform guardianship investigation reports about two years ago, with no additional staff. What started as a trickle of requests has expanded into an almost full-time task. And this supervisor has been instrumental in obtaining grants and monitoring the TANF/IVE allocations.

Response (Board of Supervisors): The Board agrees with the response provided by the Chief Probation Officer. Because of staff shortages such as loss of line staff, supervisors must perform non-supervisory roles on a limited basis. The department is attempting to reduce this concern through additional mid-management staff.

15. The split of the organization between the Standley Street and Low Gap Road facilities burdens operations and causes communication problems. Having the Department under one roof was recommended in the 1999 Ross-Drulis Criminal Justice Facility Master Plan, funded by the BOS.

Response (Probation): Agree with this finding.

Response (Board of Supervisors): The Board agrees with this finding. Limited resources dictate logistic problems, which the Board is aware of.

Recommendations

1. The CPO should solicit and listen to line staff views, when making decisions that directly affect them.

Response (Probation): Agree with this recommendation and the CPO staunchly maintains that that is his practice. Each employee is requested to present complaints and suggestions through the chain of command, but in a department of this size, communications frequently happens on an informal basis. The CPO appreciates the input from all levels of staff and solicit it on issues that will affect those involved.

Response (Board of Supervisors): The Board agrees with this recommendation and refers the Grand Jury to the Chief Probation Officers' response.

Time Frame for Implementation: On-going.

2. With input from all members of the Department, the current organization chart should be the subject of a thorough review.

Response (Probation): Agree with this recommendation. The organization was reviewed and restructured, with input from staff. The current organization is what the staff seems to have desired. Evaluation of service is an on-going process.

Response (Board of Supervisors): The Board agrees with this recommendation. The Chief Probation Officer assures us, through his response, that this process is ongoing.

Time Line for Implementation: On-going.

3. The BOS should establish a time line for the implementation of the Criminal Justice Facility Master Plan which consolidates Probation Department services in one location.

Response (Probation): Agree with this recommendation. It would be ideal to have the department in one location.

Response (Board of Supervisors): Given the limited resources available to local government, the County of Mendocino developed a Capital Improvement Plan that prioritizes facilities issues. The Board adjusts this plan on a yearly basis and uses the Criminal Justice Facilities Master Plan as a component to that review.

Job Performance

Findings

16. Competency, job knowledge, and dedication were high at all levels in the department. Line staff demonstrated a deep commitment to their work.

Response (Probation): Highly agree with this finding. We have a well-trained and competent staff, eager to learn new techniques and procedures. This staff is dedicated and very committed to serving and protecting the community. The community as a whole should be proud of their efforts.

Response (Board of Supervisors): The Board agrees with this finding and thanks the Grand Jury for their comments.

17. Outside obligations and commitments have caused the current CPO and his predecessor to be out of the office over 40% of the time, seriously limiting his availability to staff and knowledge of the day-to-day running of the department. Having his already overburdened supervisors stand in for him does not ease the situation.

Response (Probation): Since the Chief Probation Officer is the administrator of the department, it is necessary for him to spend a great deal of time in meetings with other agencies throughout the county and state, seeking collaborations for services, funding sources, and up-to-date legislative programs. Time is spent in consultation with the county administration, other chief probation officers, and training providers. The CPO attends commission and committee meetings by appointment from the BOS; represents the department and county at speaking engagements, national conferences (National Community Sentencing Association), and community based activities (such as the Community Forum on Hate Crime, the Ukiah Valley Culture and Recreational Center) and sits on boards of directors (Ford Street Project, Mendo-Lake Alternative Services Program). With annual personal leave, which after 30 years of service is substantial and difficult to use, but encouraged by county BOS policy, the CPO indeed spend time away from the office.

The CPO believes this time away from the office is essential to operating the Department efficiently. The CPO does not believe that it is necessary to be involved in every aspect of the operations. As an analogy, the ship's captain is responsible for getting to port, but is not involved in ordering the uniforms for the crew or managing the galley on the trip. Unit supervisors have been appointed because of their management abilities and leadership skills, and are expected to monitor the day-to-day operations of their units. They are expected to keep me informed of issues within their units, especially those that affect the other units. All management level staff (CPO, SDPOs, DPO IIs, Superintendent, Asst. Superintendent, and Administrative Manager) meet twice per month (recently changed from once a week) to discuss operational and personnel issues. The CPO meets almost daily with each of the unit supervisors. When he is away for an extended period, the CPO appoints one of the supervisors to be in charge, rotating the responsibility among the SDPOs and the Juvenile Hall Superintendent. The CPO views this practice as a chance to enhance leadership skills.

The CPO does not leave the office without leaving a contact number, and am available at all times by pager, even during his personal leave.

As noted below, the CPO has the desire to have an assistant chief probation officer, but that position was eliminated by a resolution from the Board of Supervisors in the early 1980's, when the department

was smaller. In place of the Assistant position, the Supervising Deputy Probation Officer position was created to supervisor each unit. The CPO has concentrated on adding new positions in the lower levels of the probation officer series, not upper management. As the need for an assistant has become apparent for many reasons, the CPO intends to request this position next year.

Response (Board of Supervisors): The Board agrees with the response provided by the Chief Probation Officer. Local and State obligations do sometimes take a manager away from the office but with current technology, physically remaining in the office is sometimes not necessary. The Chief Probation Officer must prioritize his time between his outside obligations and his need to properly supervise his staff.

18. Team building efforts have been restricted to senior staff members and have not been provided to line staff, leaving them with a feeling of being left out.

Response (Probation): Agree with this finding, but not the underlying message. The original team building effort was a product of the past administration and was effective in modifying many internal problems in communications. The group was limited to the management team, because of the nature of the communication problems existed at that level of the organization. When it was decided to implement an overall departmental quality and continuous improvement program, several general staff meetings were held to work out the program. Very little participation from line staff undermined the effort. The chosen model, "Simply Better," had been used in other local agencies and was well accepted. When there are players that do not want to play as a team, it is futile to press it upon the whole. Team building was offered as a departmental program, but not supported by all. The Clerical/Accounting Unit has begun to implement this program on a smaller scale. It has improved workflow and communications within that unit.

Since there was sufficient improvement in communication in the management team, that team building program was discontinued about a year ago.

Response (Board of Supervisors): The team building program was discontinued a year ago and did include only management since the focus was managerial communication.

19. The Court appoints the CPO and performs an annual review of the Probation Department. However, the Court does not specifically evaluate the CPO's performance; nor is his performance reviewed by the Chief Administrative Officer or the BOS.

Response (Probation): Disagree with this finding. The CPO receives an annual evaluation of his performance from the presiding judge, prepared in consultation with the other judges. The CPO provides a statement of accomplishments and operations for the year. The CPO also meets regularly with the judges, both in the courtroom and at meetings. Although they are not directly involved in the county budget process, they are kept apprised of the operations. The CAO and BOS do not evaluate the CPO's performance, but are kept informed about program and operations issues.

Response (Board of Supervisors): The Board agrees with the response provided by the Chief Probation Officer.

Recommendations

1. The CPO should consider filling the allocated position of Assistant Chief Probation Officer as a solution to the problem of CPO's outside obligations. However, the operation of the Probation Department should always be the primary focus of the CPO.

Response (Probation): Agree with this recommendation. The CPO intends to request an Assistant CPO position for the next fiscal year, but it should be noted that the position has not been allocated since the early 1980s and will require a BOS resolution to re-establish it.

The overall operation of the Department is the CPO's primary focus.

Response (Board of Supervisors): The Board welcomes the Chief Probation Officer's review of this recommendation. Since the position has not been allocated for a number of years, the Department must make a strong case that the position is essential to the ongoing operations and the delivery of services to our citizens.

Time Frame for Implementation: The CPO will address the issue of an Assistant CPO with the Board during the 2001/02 budget conferences/hearings.

2. Priority should be given to team building that would include all department employees. Management should place department morale as an important objective.

Response (Probation): Agree with this recommendation. "Simply Better," an effective team building program, was presented to staff last year, but was not supported by all staff. Without support, the program was not implemented department-wide. Team building requires a

team whose members will commit to each other and the overall focus of the group.

This administration has been very cognizant of morale, having experienced several periods of “discontent.” For the past several years, the department actually has had a Morale Committee that organizes activities and lunches. Management has held a “staff appreciation picnic” for many years, with management members personally paying for the picnic grounds and the main barbecue dishes.

Morale is also an issue in assigning and monitoring workload, and in hiring and promoting. Not everyone is happy with assignments and the inability to promote in a small department.

The CPO feels it should be noted that, according to staff, morale has greatly improved since the Department has hired new staff with new ideas and attitudes. Just having all positions filled has relieved pressure and made the work environment less hostile. The CPO has received many comments from staff that “things really are getting better.”

Response (Board of Supervisors): The Board agrees with this recommendation.

Time Frame for Implementation: On-going process.

3. The BOS, with Court approval, should include the CPO in its annual evaluation of County Department Heads.

Response (Probation): The CPO cannot comment on this recommendation. It is a political issue that is pending legislation. Please see CPO’s previous comments about annual evaluations.

Response (Board of Supervisors): The evaluation of the Chief Probation Officer is done by the Courts.

Arming Probation Officers

Findings

20. Many DPO Supervisors have experienced dangerous encounters in the performance of their duties. All line staff interviewed felt they should be armed.

Response (Probation): Agree with this finding. Many, not all, of the deputy probation officers feel a need to be armed.

Response (Board of Supervisors): The Board agrees with the response provided by the Chief Probation Officer.

21. The Probation Department is seeing more violent behavior and armed offenders. Probation supervisors are required to travel to remote areas of the County in the performance of their duties. Often these areas are where methamphetamine labs and marijuana cultivation are prevalent. Armed defenders are usually present at these establishments.

Response (Probation): Agree with this finding.

Response (Board of Supervisors): The Board agrees with this finding.

22. The decision to arm DPO's is solely at the discretion of the CPO. He is hesitant to arm his officers for fear that arming may, in fact, increase the overall risk to their safety. Another concern mentioned by the CPO is the potential for increased liability exposure to the County.

Response (Probation): Agree with this finding.

Response (Board of Supervisors): The Board agrees with this finding.

Recommendation

An independent evaluation of the wisdom of arming DPO's should be made.

Response (Probation): Disagree with this recommendation. Chief Probation Officers throughout the state are split on this issue. Shasta County prepared a survey and report on arming, which was released in June 2000. Forty-six county probation departments responded. Only seven counties have department-wide arming, while thirty-two have specialized arming like us. Fourteen counties are contemplating arming, while seven have no intention of arming.

This department has two armed officers, one assigned to the Major Crimes Task Force, and one to the Gang Suppression Unit. Both positions involve contact with clients known to be more dangerous than the usual probationer, by nature of the criminal activities. In both cases, the officers are expected to provide back up to other law enforcement officers with whom they work, in case of armed confrontations. Each officer receives forty hours of initial arms training, sponsored by the CPOC, and must qualify quarterly with a certified range master.

To quote from that report, “The work performed by probation officers is continually changing. We must adapt our methodology to efficiently approach our mission. It would appear, through the results of our survey, that most counties in California have embraced the idea that field work, in partnership with other community law enforcement agencies, is an integral component to achieving our mutual goal of preserving public safety. In order to evaluate risk to our community, supervision is taking place beyond the office and within our neighborhoods. Probation Officers are evaluating the probationer’s lifestyle, those with whom they reside, those with whom they socialize and the elements that surround them. Consequently, this results in more diverse, and potentially dangerous, situations that officers will encounter. It appears, through this survey, that each county recognizes the necessity to maintain a sense of officer and public safety and each has developed a different approach in dealing with those issues.”

The cost of arming a single officer is not an issue, when compared to officer safety. Recognizing the ever-changing complexion of the offender population, the CPO has requested the staff to present documentation for the need for carrying arms. Until the CPO is satisfied that there is an overwhelming need to arm, he will continue to consider liability issues, safety to the officers and the community, and individual needs dictated by assignments.

Response (Board of Supervisors): The Board of Supervisors agrees with the response provided by the Chief Probation Officer. Officer safety and community need must be balanced in this discussion. Certain Probation Officer are armed when it is known they may encounter clients that are more dangerous than the usual. Field work for Probation Officers is changing and the Chief Probation Officer stands ready to examine these influences as it relates to arming his officers.

Department Manual

Finding

- 23.** The Probation Department Administrative Manual has not been updated in over ten years. Its contents are not well known by the staff and it is rarely referred to. There are more than a dozen sections that address subjects covered by the County Administrative and Policy and Procedures Manuals (e.g., Affirmative Action, Use of County Vehicles, Sexual Harassment, Seat Belts, Political Activity, among others). The Probation Administrative Manual does not include job descriptions for the court DPO’s nor supervision DPO’s.

Response (Probation): Agree with this recommendation. An effort to update the manual was started by the previous chief, but stalled along the way. About a year ago, the CPO restarted the process and am currently working on the update. Duplication of sections with other manuals may occur when there are special needs or variations within the departments (e.g. use of vehicles for overnight transportation or on-call activities).

Response (Board of Supervisors): The Board agrees with this finding.

Recommendation

The Manual should be updated and made into an active, useful handbook well known to the staff and used for the training of new employees. Sections duplicating the County manuals should be deleted. Detailed job descriptions should be added to the job standards. Each page should bear a revision date.

Response (Probation): Agree with this recommendation. An effort to update the manual was started by the previous chief, but stalled along the way. About a year ago, the CPO restarted the process and is currently working on the update. Duplication of sections with other manuals may occur when there are special needs or variations within the departments (e.g. use of vehicles for overnight transportation or on-call activities).

Response (Board of Supervisors): The Board agrees with this recommendation. The Department is currently working on the update.

Time Frame for Implementation: Completion of updated manual in its entirety is anticipated by June 30, 2002. Each division will also have working manuals.

Comments

Throughout this complex investigation, the Grand Jury was extended every courtesy and received the full cooperation of the entire Probation Department. The Chief Probation Officer was especially helpful in facilitating the investigation.

Response (Probation): The Grand Jury made a sincere effort to gather information intended to improve the operation of this Department. Their approach was positive and from the outset very courteous and professional.

The Grand Jury investigated this Department during a period when we had changed from a tried and true service model, to another that provided a different approach to services. It was new and unfamiliar

to staff and very challenging. It was an attempt to improve internal communications and service delivery. At this time, some staff members were feeling pressured and demoralized because of these changes. Since returning to the previous, but modified, model, the CPO has been told and has observed morale has greatly improved. Communication within and amongst the units is still problematic, but this is an on-going issue. Personnel feelings that they were not consulted about changes that affected them, is duly noted, but disputed by the CPO. The CPO values his staff's input, and although not all ideas and concerns are addressed to the benefit of the individual, the overall operation and well-being of the department is his daily concern and focus.

The CPO appreciates the concerns and recommendations offered by the Grand Jury.

Response Required

Mendocino County Board of Supervisors

Response Requested

Mendocino County Chief Probation Officer