

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

436



**FROM:** EXECUTIVE OFFICE

**SUBMITTAL DATE:** April 17, 2001

**SUBJECT:** Response to Grand Jury Report: Riverside County Adult Probation Department

**RECOMMENDED MOTION:** That the Board of Supervisors:

- 1) Approve, with or without modifications, the attached response to the Grand Jury's recommendations regarding the Riverside County Adult Probation Department.
- 2) Direct the Clerk of the Board to immediately forward the Board's finalized response to the Grand Jury, to the Presiding Judge, and to the County Clerk-Recorder (for mandatory filing with the State).

**BACKGROUND:** On January 30 the Board directed staff to prepare a draft of the Board's response to the Grand Jury's report regarding the Riverside County Adult Probation Department.

Section 933(c) of the Penal Code requires that the Board of Supervisors comment on the Grand Jury's recommendations pertaining to matters under the control of the Board, and that a response be provided to the Presiding Judge of the Superior Court within 90 days.

Attachments

TONY CARSTENS

Deputy County Executive Officer

**FINANCIAL DATA:** N/a

**CURRENT YEAR COST** \$  
**NET COUNTY COST** \$

**ANNUAL COST** \$  
**IN CURRENT YEAR BUDGET:**  
**BUDGET ADJUSTMENT:** FOR FY:

**SOURCE OF FUNDS:**

**C.E.O. RECOMMENDATION: APPROVE**

County Executive Officer Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Mullen, seconded by Supervisor Wilson and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Venable, Wilson and Mullen  
 Noes: None  
 Absent: Tavaglione  
 Date: April 17, 2001  
 xc: Riv.Co. Adult Probation, Grand Jury, E.O., Presiding Judge, Deputy  
 HR, Co.Clk.-Recorder(2)

Gerald A. Maloney  
Clerk of the Board

By: Deputy

3.2

Department Recommendation:  Consent  Policy  Policy  
Per Executive Office:  Consent  Policy

**SPECIAL FINDINGS AND RECOMMENDATIONS**

**JUSTICE SYSTEM**

**RIVERSIDE COUNTY ADULT PROBATION DEPARTMENT**

**FINDINGS:**

**FINDING:**

1. ***The highest pay, including benefits, for a mid-level probation officer in Riverside County is \$51,882.00. Pay for nearby counties of Orange, San Bernardino, and Los Angeles (all within commuting distance) averages \$59,181.00. Riverside County is 14% lower. Competition with the surrounding counties pay and benefit packages makes it more difficult for the Probation Department to recruit new probation officers.***

***Respondent disagrees partially with the finding.***

**RESPONSE:**

When the entire compensation package (including safety retirement) is considered, the pay disparity is somewhat less than the 14% cited. Contract negotiations continue with the Riverside Sheriff's Association, and pay parity is one of the key issues under discussion.

**FINDING:**

2. ***Senior probation clerical personnel are transferring to the court system and other agencies whose salaries are approximately \$600.00 more per month.***

***Respondent disagrees partially with the finding.***

**RESPONSE:**

While Probation clerical staff view court clerical positions as equal to theirs, it appears there may be a classification differential which explains the difference in pay. It is understandable that clerical staff would seek promotion to a higher paying position in another system, but the department does regret losing valuable staff.

**FINDING:**

- 3. The Probation Department's Investigative Unit prepares presentencing reports, using their best judgment about public safety, and information regarding the offender's background, for the court's use in sentencing. Their case load is not a factor in preparing the presentencing report so they have no control over the total number of cases they are required to handle.***

**Respondent agrees with the finding.**

**FINDING:**

- 4. The court determines the length of probation. The minimum sentence is three years and the maximum is five years. Requests for changes in the length of probation after sentencing requires that a new petition be filed with the court. This is rarely, if ever, done since the District Attorney normally opposes reductions to the length of the sentence.***

**Respondent disagrees partially with the finding.**

**RESPONSE:**

The Probation Department will continue to recommend early termination of supervision when it is appropriate and the probationer is not viewed as posing a threat to the safety of the community. In those cases that the District Attorney staff agrees with the recommendation, it is expected that they will join in the recommendation.

**FINDING:**

- 5. Probation assigns a level of supervision to each case based upon public safety, the probationer's background, and the department's resources. As the caseloads increase, many offenders are assigned or downgraded to lower levels of supervision than the best interests and safety of our community requires. Consequently, many cases that are "banked" (not seen or rarely seen at all) in Level III often include those convicted of the following: battery with serious bodily injury, assault with a deadly weapon, child molestation, manufacturing drugs, selling and/or possessing deadly weapons, sexual battery, inflicting corporal injury on spouse, unlawful sex with a minor, lewd and lascivious act with a child, and rape by force and fear.***

**Respondent disagrees partially with the finding.**

**RESPONSE:**

The level of supervision is based on a combination of factors including level of offense, threat posed to the community, likelihood of reoffense, and available staff. Probationers posing the greatest threat to the community are supervised. Exploration of innovative measures to expand and enhance supervision of adult probationers are encouraged.

**FINDING:**

- 6. The department, with its current shortage of probation officers, constantly strives, but never quite achieves the ideal ratio of one probation officer for 50 offenders under Level I supervision, or one probation officer for 100 offenders under Level II supervision. In budgeting for Fiscal Year 2000-2001, management requested 10 additional probation officers to meet the increased number of probationers. This request was denied.***

**Respondent agrees with the finding.**

**FINDING:**

- 7. The vast majority of adults on probation have been abusers of alcohol and drugs. The Adult Felon Drug court system in Riverside that incorporates drug/alcohol treatment has a success rate of 72%. These drug courts are currently at maximum capacity.***

**Respondent agrees with the finding.**

**RECOMMENDATIONS:**

**RECOMMENDATION:**

- 1. Increase the budget to authorize hiring a minimum of 10 additional probation officers so more probationers, who may be a threat to public safety, can be kept in the actively supervised categories. As drug courts and treatment programs expand, more probation officers are needed to staff and facilitate those programs.***

**The recommendation requires further analysis.**

**RESPONSE:**

The Chief Probation Officer actively reviews probation services to assess the need for additional services. An analysis of innovative and cost-effective measures for supervising probationers is currently being explored.

The Board recently approved the addition of 36 probation officers to implement the Crime Prevention Act of 2000 (AB 1913). In addition, the Probation Department will be an integral part of the County's implementation of Proposition 36, treatment for first time drug offenders. Since the majority of adults on probation have been abusers of alcohol and/or drugs, monitoring of the population will increase.

**RECOMMENDATION:**

- 2. Increase salary and benefit levels of probation officers to be competitive with nearby counties in Southern California.***

**The recommendation requires further analysis.**

**RESPONSE:**

The recommendation cannot be implemented at the department level as it is subject to County/RSA negotiations. The salary and benefits of probation officers is currently under negotiation with their union representatives

**RECOMMENDATION:**

- 3. Initiate action for Probation Department and Human Resources Department to analyze and reclassify probation department clerical personnel to be on a parity with clerical personnel in the court system.**

**The recommendation requires further analysis.**

**RESPONSE:**

County positions are studied on a regular basis by Human Resources and these cited positions will be included at the appropriate time.

**RECOMMENDATION:**

4. ***Increase funding for additional Adult Felon Drug Court Treatment Facilities in the county for adult probationers.***

***The recommendation has not yet been implemented, but will be implemented in the future.***

**RESPONSE:**

Proposition 36 should offer the opportunity to increase the number of drug abusing offenders supervised and treated in the county.

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