

MEMORANDUM
OFFICE OF THE
COUNTY EXECUTIVE
COUNTY OF PLACER

TO: Honorable Board of Supervisors

FROM: David Boesch, Placer County Executive Officer
By: Bekki Riggan, Principal Management Analyst

DATE: August 21, 2012

SUBJECT: 2011-12 Placer County Grand Jury Report on the Annual Inspection of the Placer County Juvenile Detention Facility – Board of Supervisors Response

Action Requested

Authorize the Chair to sign a letter in response to the Placer County Grand Jury's 2011-2012 Report on the Annual Inspection of the Placer County Juvenile Detention Facility.

Background

On June 26, 2012, the Placer County Grand Jury issued its 2011-2012 Final Report. The report included findings and recommendations based on the Grand Jury's investigations, as required by law. Included in the Final Report is a report titled *Annual Inspection of the Placer County Juvenile Detention Facility*. The report includes facts, finding and recommendations, derived from the Grand Jury's inspection of the Juvenile Detention Facility on October 3, 2012.

The Placer County Board of Supervisors, the Probation Department and the Facility Services Department were asked to provide responses to the Grand Jury report. In collaboration with County departments, County Executive Office staff prepared a response on the behalf of the Board of Supervisors, which is subject to your approval today. Upon approval by your Board, the response will be provided to the Presiding Judge of the Placer County Superior Court and to the Placer County Grand Jury.

During the inspection on October 3, 2012, the Grand Jury reported they found the Juvenile Detention Facility to be clean, organized, and well maintained. It was noted at the time there was graffiti on the floor in minors' cells and the Grand Jury was unable to review the Serious Incident and Grievance Reports due to the confidentiality of minors' records. The Grand Jury has recommended the Placer County Probation Department consider painting over the graffiti on a quarterly basis; notify the Juvenile Justice/Delinquency Prevention Commission of the Grand Jury's request for a summary of Serious Incident and Grievance Reports; and recommended that the Board of Supervisors and Chief Probation Officer seek to amend the Welfare and Institution Code (WIC) §827, for inclusion of the Grand Jury in order to access Serious Incident and Grievance Reports of minors.

Board of Supervisors Response

Details of the Grand Jury's findings and recommendations are included within the response letter attached. To summarize, the letter states the Board of Supervisors respectfully disagrees with the Grand Jury's recommendation to have the Juvenile Justice/Delinquency Prevention Commission provide a summary of incidents and grievances related to the Juvenile Delinquency Facility. The Grand Jury and the Juvenile Justice/Delinquency Prevention Commission have differing areas of responsibility in their respective roles of County oversight, and existing case law has settled the question of Grand Jury access to Juvenile Detention Facility Incident reports in California, and the Probation Department is prohibited from releasing juvenile records to the Grand Jury absent a court order. Additionally, the letter states the recommendation to seek an amendment to WIC § 827 requires further analysis, indicating that prior to proceeding with this recommendation the Board of Supervisors would seek the views of various departments, including Health and Human Services, the District Attorney Office, and the Probation Department, as well as the Juvenile Justice Commission, and that the matter can be reviewed as a part of the preparation of the County's 2013 Legislative Platform beginning in October.

Fiscal Impact

There is no fiscal impact associated with this response to the Grand Jury report.

Attachments: Board of Supervisors 2011-12 Grand Jury Response to: *Annual Inspection of the Juvenile Detention Facility*

County of Placer Board of Supervisors

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August 21, 2012

John Wilhelm, Foreperson
Placer County Grand Jury
11490 C Avenue
Auburn, CA 95603

Re: 2011-12 Grand Jury Final Report – Annual Inspection of the Placer County Juvenile Detention Facility

Dear Mr. Wilhelm,

This letter is in response to the 2011-2012 Grand Jury's Findings & Recommendations from the report titled *Annual Inspection of the Placer County Juvenile Detention Facility*. The Placer County Board of Supervisors would like to thank the members of the 2011-12 Grand Jury for their efforts in their annual inspection of the Juvenile Detention Facility and for providing your findings for our response.

Findings of the Grand Jury

1. The Grand Jury found the facility to be clean, organized, and well maintained with the exception of graffiti on the floors of the minors' cells, which was quite extensive.

Board of Supervisors Response: The Board of Supervisors is very pleased with the Probation Department's management and oversight of the County's Juvenile Detention facility and concurs that the facility is clean, organized and well-maintained. Marshall Hopper, Chief Probation Officer, explained that graffiti abatement was reduced over the past few years for cost-containment purposes. Chief Hopper also reports that the floors of the Detention Facility have been repainted and that daily room inspection procedures will now include staff notation of new graffiti with minors being required to participate in the abatement and restoration process.

2. The Grand Jury is unable to secure the Serious Incident and Grievance Reports since they relate to minors. This inhibited our investigation and leaves open the question of grievances minor inmates may have.

Board of Supervisors Response: The Board of Supervisors partially disagrees with this finding, to the extent it implies that the Grand Jury should have access to such records without obtaining a court order. Existing case law has settled the question of Grand Jury access to Juvenile Detention Facility Incident reports in California. Access to such reports, which are considered to be juvenile records within Welfare and Institution Code Section 827, is limited to certain enumerated entities, and does not include the Grand Jury. As a result, the current statutes prohibit the Probation Department from releasing these files to the Grand Jury absent a court order.

3. The lack of the Grand Jury's ability to review Serious Incident and Grievance Reports is a serious barrier to our mandated investigation.

Board of Supervisors Response: The Board of Supervisors respectfully disagrees with this finding. Access to juvenile records requires specific statutory authorization or a court order. Grand Jury investigations must be conducted in compliance with statutory requirements. Prior Grand Juries have been able to conduct such investigations without reviewing confidential records absent a court order.

Recommendations of the Grand Jury

2. The Grand Jury recommends that the Juvenile Justice/Delinquency Prevention Commission be made aware of the Grand Jury's mandate to investigate, and that they provide a summary of incidents and grievances dealing with the juvenile Delinquency Facility, as appropriate.

Board of Supervisors Response: The Board of Supervisors respectfully declines to implement this recommendation as it is not warranted. The Grand Jury and the Juvenile Justice/Delinquency Prevention Commission have differing areas of responsibility in their respective roles of County oversight, the Grand Jury under Penal Code Sections 919(b), 921, and the Juvenile Justice Commission under Welfare and Institutions Code Section 229. Furthermore, and to the extent that this recommendation would require disclosure of information contained in juvenile files, the County would be unable to comply with this recommendation.

3. The Board of Supervisors and Chief Probation Officer seek to amend WIC § 827 to include the Grand Jury.

Board of Supervisors Response: The recommendation requires further analysis. Statutory authorization to review juvenile records is a matter on which various interest groups may have varying opinions. Prior to proceeding with the recommendation, the Board of Supervisors would seek the views of various involved departments including the Department of Health and Human Services, the District Attorney, and the Probation Department, along with that of the Juvenile Justice Commission, in order to determine whether to include this matter in the legislative platform of the County. The matter can be reviewed as a part of the preparation of the County's 2013 Legislative Platform beginning in October.

Sincerely,

COUNTY OF PLACER

Jennifer Montgomery, Chairwoman
Supervisor District 5
Placer County Board of Supervisors

cc: Alan V. Pineschi, Presiding Judge of the Superior Court
David Boesch, County Executive Officer, County of Placer
Marshall Hopper, Chief Probation Officer
Jim Durfee, Director, Department of Facilities
Jeffery Cann, Superintendent, Placer County Juvenile Detention Center
Sam Stodolski, Chair, Juvenile Justice/Delinquency Prevention
Gayle Garbolino-Mojica, County Superintendent of Schools, Placer County Office of Education
Placer County Board of Supervisors