



Board of Supervisors COUNTY OF TULARE AGENDA ITEM

BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

EDDIE VALERO
District Four

DENNIS TOWNSEND
District Five

AGENDA DATE: July 23, 2019

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>

CONTACT PERSON: Julieta Martinez PHONE: 559.636.5000

SUBJECT: Grand Jury Response – Electronic Monitoring

REQUEST(S):

That the Board of Supervisors:

1. Consider, modify as needed, and approve the responses to the 2018/2019 Tulare County Grand Jury Final Report entitled: "Electronic Monitoring;" and
2. Authorize the Chairman to sign the response letter.

SUMMARY:

The 2018/2019 Tulare County Grand Jury Final Report requests a response from the Board of Supervisors regarding the report entitled: "Electronic Monitoring" (See attached copy of the report).

The Board is required to provide comments to the Presiding Judge of the Superior Court within 90 days after the report is filed with the Presiding Judge.

The draft response to the report is attached for consideration. It is requested the Board modify the draft, as needed, approve the response to the Grand Jury, and authorize the Chairman to sign the Response Letter.

FISCAL IMPACT/FINANCING:

There is no Fiscal Impact associated with the response to this request.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's Strategic Plan includes the Organizational Performance Initiative, which provides for the objective evaluation and measurement of County program performance. The Board's approval of the Grand Jury Final Report responses assist

SUBJECT: Grand Jury Response – Elder Abuse: Everyone’s Business
DATE: July 9, 2019

in the fulfillment of this initiative by ensuring accurate information is available to all residents.

ADMINISTRATIVE SIGN-OFF:



Julieta Martinez
Chief of Staff

cc: County Administrative Office

Attachment(s) Grand Jury Report – Electronic Monitoring
Draft Response Letter

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF GRAND JURY
RESPONSE – ELECTRONIC
MONITORING

)
) Resolution No. _____
) Agreement No. _____
)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

1. Considered, modified as needed, and approved the responses to the 2018/2019 Tulare County Grand Jury Final Report entitled: "Electronic Monitoring;" and
2. Authorized the Chairman to sign the response letter.



TULARE COUNTY GRAND JURY

5963 S Mooney Boulevard Visalia, CA 93277

PHONE: (559) 624-7295

FAX: (559) 733-6078

E-MAIL: grnd_jury@co.tulare.ca.us

WEB: <http://tularecounty.ca.gov/grandjury/>

ATTENTION: Chairman Kuyler Crocker

AGENCY: Tulare County Board of Supervisors

ADDRESS: 2800 W. Burrel Avenue, Visalia, CA 93291

California Penal Code §933.05 (f) mandates that the Tulare County Grand Jury provide a copy of the portion of the final Report that affects that agency or person of that agency two working days prior to its public release. Advance release or disclosure of a Grand Jury Report is prohibited prior to its public release.

Attached is a copy of your portion of the 2018-2019 Tulare County Grand Jury Final Report.

California Penal Code §933(c) requires a response to said document. Depending on the type of respondent you are, a written response is required as follows:

- ☒ **PUBLIC AGENCY:** The governing body of any public agency that is required to respond must do so within NINETY (90) DAYS from the date this report was approved as final by the Presiding Judge.
- ☒ **ELECTIVE OFFICER OR AGENCY HEAD:** All elected officers or heads of agencies that are required to respond must do so within SIXTY (60) DAYS from the date this report was approved as final by the Presiding Judge.

Please be advised, this portion of the final report was approved as final by the Presiding Judge on 05/13/19.

YOU MUST SEND YOUR RESPONSE TO EACH OF THE FOLLOWING:

The Honorable Judge David Mathias
County Civic Center, Room 303
221 S Mooney Blvd
Visalia, CA 93291

Tulare County Grand Jury
5963 S Mooney Blvd
Visalia, CA 93277

Tulare County Board of Supervisors
2800 W. Burrel Ave
Visalia, CA 93291
(For County Agencies Only)

Received by: Mercedes Platts

Date: 5/16/19

Report Name: Electronic Monitoring

Response Due by: August 14, 2019

Delivered by: Lisa H. H. H.

Date and Time: 5/16/2019 11:21A

Release Date: May 22, 2019

Ron White, Foreman 2018/2019 Tulare County Grand Jury

PREPARE A SEPARATE RESPONSE FOR EACH REPORT

California Penal Code §933.05 mandates the manner in which responses are to be answered.

See reverse for Penal Code §933.05 information.

§933.05. Response to Grand Jury Recommendations--Content Requirements; Personal Appearance by Responding Parry; Grand Jury Report to Affected Agency

(a) For purposes of subdivision (b) of §933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For purposes of subdivision (b) of §933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore:

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the finding of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

ELECTRONIC MONITORING

BACKGROUND:

Issues regarding law enforcement are of paramount importance to the Tulare County Civil Grand Jury (TCCGJ) and we note the potential for significant bail reform in California next year, likely increasing the number of persons being electronically monitored. Recent articles on the use of electronic monitoring devices in the United States came to the attention of the TCCGJ. The commitment of the Tulare County Probation Department is significant in terms of funding and time allocated to the adult electronic monitoring program. Currently under review by the California Supreme Court is a case which could significantly impact the use of electronic monitoring in the future. Therefore, the TCCGJ decided that a periodic review is warranted.

The focal points of the review were the following:

1. How widespread is the use?
2. How does the use of ankle bracelets compare in effectiveness with standard incarceration?
3. Are there financial benefits to Tulare County tax payers?

REASON FOR INVESTIGATION:

Given that the judicious use of the electronic monitoring program will continue for the foreseeable future, the TCCGJ thought it prudent to analyze its use and effectiveness.

METHOD OF INVESTIGATION:

1. Interviews of County Probation Department personnel.
2. Analysis of Probation Department financial data.
3. Solicited data from Tulare County Sheriff's Office (TCSO).
4. Research of relevant information.

FACTS:

1. Three types of equipment are being used: radio frequency, Global Positioning Systems (GPS) and Transdermal Alcohol Detector.
2. GPS, being a more precise and reliable method of tracking technology, drove a nationwide increase in electronic monitoring, all types, up 140% from 2005 to 2015.
3. Total ankle bracelets in use in the County as of June 2018 was 383.
4. The Probation Department has reported, on average, there are three violations annually.
5. Mandatory use is done at the expense of the County. The costs related to voluntary use are in part covered by payments by the individual being monitored.
6. There are four full-time employees assigned to ankle bracelet monitoring. Annual expense to the County for three Probation Officers and one Technician is \$345,000.00.
7. Annual expense for monitoring services and equipment is \$285,000.00.
8. Total budget for the County's ankle bracelet program is \$630,000.00.

FINDINGS:

- F1. Estimated average annual cost per individual being monitored in Tulare County is \$1,607.00 versus average annual cost for incarceration of \$27,602.00, results in a potential annual savings per person of \$25,995.00. These statistics do not include the costs related to inmate medical care.
- F2. Breakdown of monitoring services as of September 5, 2018:
 - a. Adult 46 (including DUI's)
 - b. Pre-trial 42
 - c. Post release 27
 - d. Domestic Violence 5
 - e. Community Transition 8
 - f. Sex Offender 3

CONCLUSION:

Comparing the cost of incarceration to the cost of ankle monitoring, the savings per individual are substantial. While the inmate is on an ankle monitor the chances of re-offending are minimized. Furthermore, in terms of societal benefits, electronic monitoring may allow individuals to remain employed during their prosecution.

RECOMMENDATION:

R1. Consideration should be given to expanding the electronic monitoring program.

REQUIRED RESPONSE:

- | | |
|-------------------------|-------------------|
| 1. Board of Supervisors | Recommendation R1 |
|-------------------------|-------------------|

INVITED RESPONSE:

- | | |
|---------------------------------------|-------------------|
| 1. Tulare County Probation Department | Recommendation R1 |
|---------------------------------------|-------------------|

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Section 924.2 and 929).

July 23, 2019

The Honorable David Mathias
Tulare County Superior Court
County Civic Center, Room 303
221 South Mooney Boulevard
Visalia, CA 93291

RE: Grand Jury Report - "Electronic Monitoring"

Dear Judge Mathias:

On behalf of the Board of Supervisors, the following are the Board's responses to recommendation included in the 2018/2019 Tulare County Grand Jury Report titled "Electronic Monitoring." The Board of Supervisors has consulted with the Tulare County Probation Department on this response.

Recommendation and Board Response

Recommendation 1

Consideration should be given to expanding the electronic monitoring program.

Response: The recommendation requires further analysis. The Probation Department acknowledges the potential cost savings of expanding the electronic monitoring program; therefore, will reevaluate its eligibility criteria and consider the possibility of expansion while maintaining public safety standards.

Sincerely,

Kuyler Crocker, Chairman
Tulare County Board of Supervisors

cc: Tulare County Grand Jury
Tulare County Probation Department

July 23, 2019

The Honorable David Mathias
Tulare County Superior Court
County Civic Center, Room 303
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Sincerely,

Kuyler Crocker, Chairman
Tulare County Board of Supervisors

cc: Tulare County Grand Jury
Tulare County Probation Department