



County of Santa Cruz

PROBATION DEPARTMENT

JOHN P. RHOADS, CHIEF PROBATION OFFICER

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April 27, 1999

Agenda: May 4, 1999

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, California 95060

Accept and File Report on Neighborhood Accountability Boards

Dear Board Members:

On April 20, 1999, your Board accepted a \$5,000 donation from the Santa Cruz Rotary Club in support of the establishment of Neighborhood Accountability Boards throughout Santa Cruz County, and requested that a description of the program be prepared for the Board.

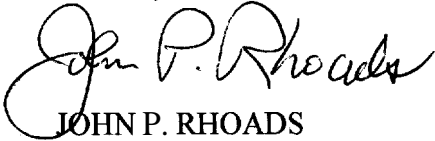
The establishment of Neighborhood Accountability Boards (NABs) is funded through the Probation Department's Temporary Assistance to Needy Families (TANF) program, approved by your Board in FY 1997-98. TANF funds are being used by Probation to address the issues of employment development, community resources, and victims' services. Initial priority was given to community development and victims' services, as they were identified as areas with the greatest need. An array of services and programs has been implemented in these areas, some of which can be expected to serve as resources to NABs, the formation of which is considered the next logical step under the concept of Balanced and Restorative Justice.

Attached to this letter is a copy of an article prepared for and included in the summer edition of the Executive Exchange, the quarterly journal of the National Association of Probation Executives. This article includes background information and a description of the program envisioned for Santa Cruz County.

Also attached is a document containing Neighborhood Accountability Board program guidelines, mission statement, goals, a recommended NAB agenda with time limits, and a duty statement for NAB volunteers, prepared by Probation staff.

IT IS THEREFORE RECOMMENDED that your Board accept and file this report on Neighborhood Accountability Boards, as recommended by the Chief Probation Officer.

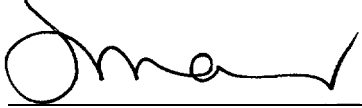
Sincerely,



JOHN P. RHOADS
Chief Probation Officer

JPR:FN

RECOMMENDED:



SUSAN A. MAURIELLO
County Administrative Officer

cc: County Administrative Officer
courts
Probation Department

Neighborhood Accountability Boards: the Santa Cruz County Approach

*Jeff Bidmon
Laura Garnette
Toni Spencer*

*Santa Cruz County Probation Department
John P. Rhoads, Chief Probation Officer*

Neighborhood Accountability Boards: the Santa Cruz County Approach

Santa Cruz County is set in an idyllic natural environment. With the Pacific Ocean serving as its western border, the rugged Santa Cruz Mountain Range stretching to the north and east and the rich agricultural land of the Pajaro Valley extending to the south; this 441 square mile area has a population of nearly 250,000. A diverse cultural mosaic, the county is home to immigrant farm workers, small business owners, Silicon Valley corporate leaders, students and professors from the University of California campus, and lifelong residents. Both the area's geography and cultural composition create formidable challenges to political leaders and policy makers charged with balancing the needs and demands of the community at large.

With the exception of substance abuse rates, reported as higher than the national average, Santa Cruz County has experienced overall decreases in violent crime which correspond to national trends. This has not always been the case. As a result, law enforcement agencies came under close scrutiny by constituents who sought to restore the image of their community as being a safe place to live. Led by the work of the County Sheriff and the Chiefs of Police, innovative community policing approaches began to take root. A shift in priorities allowed for more of a partnership between law enforcement and the public. Among the benefits realized by this approach were increases in the number of Neighborhood Crime Watch areas, higher rates of volunteerism and a general sense that the police were more involved as active members of the communities being served. Concurrent to the growing popularity and successes of community policing was the renewed interest in the complimentary approach of prevention and early intervention with juvenile offenders. System of Care (a California Mental Health reform model for the delivery of social services, which seeks to provide consumers with the greatest benefit at the lowest cost for the available public funds) nurtured collaboration among government agencies and community based organizations. This paved the way for innovative and creative programs to emerge. An emphasis was placed on finding ways to engage communities in the process of crafting solutions to the broad spectrum of problems faced, when dealing with crime. The balance of this article will discuss the specific efforts of the Santa Cruz County Probation Department and their involvement with communities in the development of Neighborhood Accountability Boards (NABs). Before doing so, however, it seems important to provide a context within which the probation department refocused its philosophy and aligned more closely with the principles of Restorative Justice.

The probation department in Santa Cruz has always been interested in fostering

creativity, while keeping pace with contemporary “best practices”. It was not much of a surprise then, when a few years ago, a substantial amount of Restorative Justice literature circulated throughout the department. This sparked a hearty collegial debate, and a wide scope of views emerged. Justice system reforms occurring internationally, inspired the rethinking of our mission and goals, allowing for the potential redistribution of agency resources. Welfare Reform legislation on federal and state levels seemed to provide the proper moment in time to demonstrate the congruity of the new public assistance priorities and the competency building potential of Restorative Justice programming.

With the help of welfare reform funding, three new staff positions were created within the probation department, with specific objectives to address issues of employment development, community resources and victim’s services. The individuals assigned relate to each other interdependently, sharing areas of overlapping interest. Each is involved in the development of Restorative Justice programs. Initial priority was given to the development of victim’s services, as this was identified as an area of great need and thin resources. An array of programs are currently being implemented, some of which are expected to serve as resources for the NABs. In retrospect, the decision to attend to victims first contributed to the natural progression of Restorative Justice programming, in that it helped to shape decisions made later regarding the victims’ involvement in the NABs.

The department’s current focus is the incubation and growth of Neighborhood Accountability Boards. Legal authority for the Neighborhood Accountability Boards lies in the State’s Welfare and Institution Code and Federal Title 13. The federal guidelines specifically direct probation to consult with the victim and, to involve the community in drawing up an agreement and supervising the offender. The section of the California Welfare and Institutions Code defining informal probation, compels the probation officer to make a diligent effort to proceed under that section when probation determines that the interest of the community and the offender can both be protected. While Santa Cruz County has made wide and effective use of diversion and informal handling through the years, it is only now with the focus on Balanced and Restorative Justice that due notice is being taken of the victim, and “community” has been regarded in its most literal sense.

The intent of the department is to make handling of cases by NABs an option in all county jurisdictions. Following a literature review, a contingent from Santa Cruz County visited a NAB in Sacramento County and met with their staff. Participants included two community members, a University intern, a Police Department Sargent and three probation officers. The group returned with a commitment from both the Police

Department and the Rotary to assist in the creation, training and management of boards. An in depth look at other counties was undertaken and was followed by a discussion of the unique strengths and limitations that would shape the Santa Cruz boards. The following essential elements of board framework were identified: involvement of crime victims whenever possible; effective case management; meaningful community service projects; candidate screening by offense rather than by offender characteristics; maintaining a balanced focus; careful preparation of all parties; and ensuring a voluntary and respectful process .

Building on the awareness of victim's issues, the involvement of victims was made the first priority in Santa Cruz's boards. Including the victim in the process relieves the probation officer of the role of intermediary and both the victim and the offender stand to gain if the systemic distance between them is eliminated. Should the offense not have a singular or immediately identifiable victim, a community person who is most affected by the offense will be invited. If, for example, a neighborhood park suffers graffiti vandalism, the victim might be represented by the park employee charged with the clean-up or a park-user and resident of a nearby home. While inclusion of the victim creates some challenges, it also provides a better opportunity for restorative goals to be met. Victims deserve to have a say in crafting reparative solutions and having any questions answered. Ideally, this process will foster reciprocal compassion.

Another element setting the NABs apart from the traditional way of dealing with minor offenses, is the inclusion of a case manager. That individual will support the offender in the completion of the requirements of the NAB contract and hold them accountable if they fail to meet those requirements. It is envisioned that this position could be held by an employee of a community based organization, probation staff or a community member. One of the contract requirements will almost certainly include involvement for the youth in meaningful service to their own community. The board will identify service projects that reflect the true needs of their community, thereby, providing an opportunity for the youth to be perceived as offering something of value. Already proposed by a potential board member in a rural part of the county, is a project involving youth in cutting and delivering firewood to elderly residents. Such an area specific project will work best if organized by people living within that locale and will serve to strengthen the region's participation in the cultivation of NAB resources. Some active restorative projects developed with the community in this manner include: an existing youth garden program where delinquent teens practice horticultural, sustainable agricultural and entrepreneurial skills, while providing low cost garden products to the community; and a community work crew which handles graffiti clean-up, non indigenous plant removal, flood abatement; and building maintenance. When poor weather preempts outdoor

work, this crew's participants are tutored in employment readiness skills. It is also anticipated that NAB sanctions may include the youth working directly for the victim or for a charity selected by the victim.

Candidates for **NABs** will be screened by offense instead of by offender. A juvenile who is already on probation and commits a crime that is relatively minor, may still be eligible for participation in a NAB. Not only would this practice reduce the number of cases heard in an already overcrowded court, but the sanction could be more specific to the elements of the crime. Holding some of these juveniles accountable to the communities in which they live may prove more effective in repairing the harm they cause. This option becomes even more attractive when considering the possible loss of impact rendered by an over-exposure to the juvenile court.

Well meaning adults often spend considerable time trying to determine exactly what makes a youth behave in an aberrant way. At worst, this form of over-analysis can have a paralyzing effect on the delivery of relevant services, and at best, it perpetuates the all too common pattern of focusing primarily on the offender. Research indicates that meaningful relationships with appropriate adults are paramount in strengthening bonds to the community. It has been further demonstrated that the more bonded youth are to their community, the less likely they will be to engage in delinquent behavior. Since **NABs** are not counseling sessions, the board is more likely to view the harm caused by the crime as a conflict between the juvenile and his/her victim or community. The process of working through these conflicts is expected to build relationships and fortify bonds between young people and their community elders.

In order to offer balanced solutions, all parties must be adequately prepared and know that their involvement remains voluntary throughout the process. There will be considerable focus placed on pre-hearing preparation to insure that the involved parties are ready to face one another and can do so in a respectful manner. Establishing simple ground rules and holding to effective communication skills will help to keep the process moving in a productive direction.

As probation representatives visited existing community organizations to present the concept of the **NABs**, they were consistently met with enthusiasm. The depth of community interest was immediately apparent in all jurisdictions. One law enforcement agency in the county staffs a full time Victim Advocate, an aspect that was particularly appealing, given the intent to involve victims in the process. That agency has made their advocate available to a **NABs** in their community. In a rural part of the county, a local non-profit agency has done extensive work in the process of defining community values and has an active and passionate volunteer base. They have offered of staff time and support, both critical, as the probation department currently has limited

resources in this area. By necessity, just as much as design, Santa Cruz County began to genuinely rely on the communities themselves to bring about the creation and management of the boards.

As the pace quickens towards the inauguration of Santa Cruz County's first boards, probation staff involved in the endeavor are struck most by the breadth of knowledge and insight offered by the communities initially targeted. This has provided a resolute understanding that sincerity in the collaborative process will involve practitioner humility and the sharing of traditional authority. While restorative justice practices have created an exciting systemic shift, many community members have long held the philosophy that neighborhood problems can be best addressed on a local level. It is our intent to participate in creating an environment where traditional wisdom resurfaces, and serves to buttress contemporary community values. The development of Neighborhood Accountability Boards is one example of this ambitious goal. Others become apparent as services within our department reorganize around Restorative Justice themes. There is general agreement among staff, that we still have a considerable distance to travel. However, every internal interaction that mirrors a restorative idea builds upon the emergence of a restorative culture in our greater community.

*-Toni Spencer, Laura Garneffe and Jeff Bidmon
comprise the core of the Santa Cruz County Probation
Department's Restorative Justice Initiative. They are
collectively responsible for advancing victims'
services, youth employment development and the
cultivation of community resources. This paper is a
product of their commitment to the process of shared
authority and shared responsibility, both necessary, if
collaborative endeavors are to succeed.*

NEIGHBORHOOD ACCOUNTABILITY BOARD PROGRAM GUIDELINES

Introduction

The Neighborhood **Accountability** Board serves the victim, the community and the offender. First, it allows the **victim and** the community to share in the **responsibility** for resolving the problems of juvenile crime. It joins programs like Neighborhood Watch and Volunteers in Police in creating a partnership between the community and government. Second, it offers enhancement to the disposition of the numerous minor cases referred to the juvenile justice system. Currently, many of these cases receive only a cursory review before being settled out of court. Counseling and education arranged by the Board provides support for parents and youth, while the community service imposed on minors raises their awareness of the impact and consequences of their behavior while building competencies. Additionally, the community service aspect of the program provides the community at large with a benefit rather than a loss **from** juvenile crime.

Background

Juvenile diversion is a program administered by the Probation Department and some Police Departments which seeks to find alternatives to the prosecution of juveniles, especially first time offenders. This is often desirable to avoid the detrimental aspects of court proceedings and dispositions, including their substantial cost to the taxpayers. When juvenile diversion was at its peak in the late **1970's**, many probation officers provided effective dispositions for juveniles diverted from the court system. Adequate **staffing** of diversion programs allowed officers to be creative and to follow through with diverted youth. However, as the population grew and resources dwindled, diversion became a floodgate, keeping volumes of minor offenders out of the courts, but offering few meaningful services.

The problem of limited resources continues to restrict the ability **of the** juvenile justice system to serve offenders **of minor** crimes. The concept employed by the Neighborhood Accountability Board brings the resources of the community to bear on the problem. The program adopts the philosophy employed by Law Enforcement programs such as Neighborhood Watch. That is, the community at large can join with government to reduce crime and improve public safety. It merges this philosophy with the concept of Alternative Dispute Resolution which has paralleled the development of community participation in law **enforcement** over the past decade. Alternative Dispute Resolution offers mediation through community volunteers as an alternative to court resolution of minor civil actions. These two concepts are brought together as the Neighborhood Accountability Board. The program provides for the diversion of juvenile minor offenders to a Board of community volunteers who mediate a disposition with the minor, the victim, and his or her parents. The disposition usually involves both restitution to the victim and community service. Additionally, it may require the minor and parents to participate in educational programs, counseling, or youth organizations.

Process

Following arrest and investigation by law enforcement officers, cases are reviewed by the probation officer. If deemed appropriate for diversion, a letter is sent to the minor and parents advising them of the option to have their case heard by the Neighborhood Accountability Board. If this invitation is accepted, the coordinator for the Board notifies the parents of a meeting, collects some social history information, and contacts the victim. A hearing panel is composed of five members of the Board. This panel meets with the minor, his or her parents and the victim to review the circumstances of the offense and other pertinent information. The entire group then creates an appropriate disposition. If the minor, parents and the victim are in agreement, a contract is signed. The contract specifies what the minor must do to have the case resolved. Once the community service is completed and other conditions of the contract are met, the case is closed. Resolution of the case through the Neighborhood Accountability Board affords the minor the additional benefit of having no formal record made of the referral or disposition.

Community service provides a constructive consequence for the act; while educational programs, counseling, and youth group participation provide support and constructive activities. The most significant aspect of this program is the enhancement that is brought to the process by the victim and members of the Board. Each member of the Board brings to this process a lifetime of experience. Many have contacts with service organizations or other resources that could be of benefit to minors referred to the Board. Additionally, the Board members get an opportunity to participate in the juvenile justice process, raising their awareness of juvenile issues and improving the relationship between the community and the justice system

Program Staffing

Members of the Neighborhood Accountability Board represent all walks of life. Each member volunteers to attend regular business meetings, to supervise community service projects, and to sit on a hearing panel.

The program requires the coordinated effort of Law Enforcement, Probation, the District Attorney, and the community. Probation designates a liaison to the Board. Initially, this liaison works to develop the volunteer group that becomes the Neighborhood Accountability Board.

From the Board membership, a Program Social Investigator is selected. This is the individual who will coordinate the actual case hearings, prepare necessary paperwork, and complete the initial family contact. The Program Social Investigator needs to have substantial time to donate to the program as well as the skills to interview families and work with other members of the Board.

Volunteer Training

This program is established to serve minors and all hearings are strictly confidential. It is therefore imperative that all prospective Board members be screened through Law Enforcement or Probation volunteer services. Complete background checks should be completed, including criminal record searches. Board members should be added to the volunteer forces of the participating departments.

All Board members who sit on hearing panels should receive training in the areas of the history of juvenile justice, the law, juvenile procedure, and confidentiality. This training can be conducted through the training departments of the participating agencies.

Insurance

As youth will be participating in work programs, there is a possibility of injury. The key to reducing the risk of injury is controlling the nature of the work, assuring a safe work environment, and providing close supervision. This is why Board members must be able to volunteer time to supervise work projects. If the work is on public property, the county worker's compensation program covers the minors on the job site. The county's volunteer program provides insurance coverage for adult volunteers and the juveniles are covered through a private policy **funded** through the Probation Department.

NEIGHBORHOOD ACCOUNTABILITY BOARD

I. MISSION

- A. It is the intent of the Neighborhood Accountability Board to establish a process designed to hold youthful offenders who commit minor crimes accountable for their illegal actions. First-time offenders are to include persons below the age of 18 who have committed misdemeanors.-
- B. It shall be the purpose of this Board to:
 - 1. Hold the juvenile offender accountable for his or her behavior.
 - 2. Provide a reasonable alternative to prosecution, court action, and a criminal record.
 - 3. Provide for the handling of juvenile offenders by the community when the juvenile poses minimal threat to himself for the community.
 - 4. Provide for referrals to education and communication programs for youth and parents.
 - 5. Provide educational programs on the subjects of personal responsibility, theft, and drug and alcohol abuse.
 - 6. Provide for “community service” which means compulsory service without compensation, performed by the juvenile offender as settlement for committing a delinquent act.
 - 7. Reduce the workload of the Juvenile Justice System.
 - 8. Involve crime victims in a meaningful way when deciding the disposition of a case.

II PROGRAM

- A. The Program shall allow for agreements which will be contracts between the youth accused of an offense and the Neighborhood Accountability Board Panel whereby the youth agrees to fulfill certain reasonable conditions in lieu of other action.
- B. A contract or agreement shall be limited to:
 - 1. A period of community service to be completed within six (6) months (can be less). If the youth is attending school, no community service shall be required during the student’s school hours.
 - 2. Restitution, if necessary, in an amount determined by the Board Panel after investigation and documentation.

3. May refer youth and parent(s) to community program to assist in resolving, understanding, and/or counseling that will support the youth's commitment to socially acceptable behavior.
- C. The Neighborhood Accountability Board Panel shall meet with the youth, his or her parent(s) or guardian(s), and the victim and then jointly decide on the terms of the contractual agreement as they relate to community service and/or restitution. The Board shall supervise and monitor the youth in carrying out the terms of said contract.
- D. The terms of such contract shall be completed within a period of (5) months (can be less). Any restitution assessed shall not exceed an amount which the youth could be reasonably expected to pay during this period. If additional **time** is necessary for the youth to complete restitution to the victim, the time period of this contract may be extended by an additional six (6) months.
- E. All youth who have been referred, or may be referred, to the Neighborhood Accountability Board, shall be **afforded** due process in all contracts with the Neighborhood Accountability Board Panel regardless of whether said youth is accepted or the contract is successfully completed. Such due process shall include, but not be limited to, the following:
 1. A written contract shall be executed stating all conditions in clearly understandable language.
 2. Violations of the terms of the contract shall be the only grounds for termination.
 3. No youth shall be found in violation of an accountability contract without being given a Board Panel hearing. This Board Panel hearing shall be preceded by a review of his/her contract. If, during this review, the reviewer determines that the contract has been broken, the reviewer will refer the youth back to the Board Panel for a hearing.
- F. All youth must be referred to the Neighborhood Accountability Board by a Probation Officer or Juvenile Court.
- G. Parents shall be involved in the decision-making process and provide support for the child in completing his/her contract with the Neighborhood Accountability Board, including transportation to and **from** assigned reporting areas or work sites.
- H. The youth shall be advised that a record will be kept of the contract with the Neighborhood Accountability Board. However, no information contained in this record may be released without the consent of the Juvenile Court. A signed acknowledgment of such advisement shall be obtained from the youth and the document shall be maintained with the contract.
- I. When a youth enters into a contract or agreement, the Court and/or Probation Officer will receive the following information:

1. The fact that a criminal charge has been made against the youth.
 2. The fact that a Neighborhood Accountability Board contract or agreement was entered into.
 3. The youth's obligation under the stated agreement.
 4. Whether the alleged offender performed his/her obligation under the agreement or contract.
- J. The acceptance or rejection of a youth from a contract with the Neighborhood Accountability Board Panel shall be by a consensus.
- K. The Neighborhood Accountability Board Panel reserves the right to refuse to enter into a contract with a youth. When such **refusal** is made, the matter shall immediately be returned to the Probation Officer for disposition. The Board Panel shall forward to the Probation Officer the petition and a statement of the reasons the Board Panel refused to enter into a contract.
- L. The Neighborhood Accountability Board shall, after a Board Panel Hearing, refer the case to the Probation Officer for disposition if such youth fails to make restitution or perform community service as required by the Neighborhood Accountability Board.
- M. A Board Panel shall be composed of not less than three (3) nor more than seven (7) members of the Neighborhood Accountability Board.
- N. Determination of contract completion is to be conducted by the Case Manager. In the event that a revision of the contract is necessary, the Case Manager will report his/her findings to the Board Panel and the Board Panel will vote on the recommendations. Revisions require a simple majority of the board members present.
- O. If it is found necessary for the contract to be extended, or the contract is found to have been broken, the youth is to be notified to appear before the Board Panel at a specified date. At that time, the youth will be informed of the status of his/her contract. If the contract cannot be completed, all information will be referred back to the Probation Officer.
- P. Interviews are to be carried out as closely as possible to the following format:
1. The parent and/or guardian will be asked in with their son or daughter and the interview shall be conducted by the Board Panel with each member allotted a few minutes for questions.
 2. At the discretion of the Board Panel, the youth may be interviewed privately by the members.

III. BOARD SELECTION

- A. Any Board member may recommend new members. The new Board member **will** be accepted after a simple majority of the Board membership present.
- B. Board members are to be chosen because of their standing as citizens of the community and without prejudice as to race, age, color, creed, gender or sexual orientation.
- C. Each Board member shall complete a course of training in juvenile law, confidentiality, and other issues as specified by the Santa Cruz County Probation Department.
- D. Board Panels will be constituted **from** the members of the Neighborhood **Accountability** Board and approved by the Probation Department.
- E. Neighborhood Accountability Board Social Investigators will be chosen from the members of the Neighborhood Accountability Board and approved by the Probation Department.
- F. Board Panel members may be assigned duties on the Panel.

1. To have a balanced approach to promote youth to develop into contributing members of the community by **providing an** arena for competency development.
2. To furnish a variety of programs that will teach youth that they will be held accountable for their actions by providing some type of community service and doing their best to repair the harm caused to the victim.
3. To prevent and decrease delinquent behavior by making youth responsible for their actions.
4. To help youth make amends for their actions and to provide a service to the community. To help youth look upon this contract with the juvenile justice system and Neighborhood Accountability Board as an experience on the road to productive understanding of themselves by helping their community.

If these goals can be accomplished, then the Neighborhood Accountability Board has done a service to youth as well as a service to the community.

RESPONSIBILITY OF THE VOLUNTEER

I. A u t h o r i t y :
Chief County Probation Officer

II Purpose:
To define the **responsibilities** for Probation Volunteers

III Responsibility:
All staff and volunteers shall be aware of and comply with this policy.

I v Definitions of Terms:

- A. Volunteers: Volunteers are unpaid **staff who** contribute time, talent, money, or materials for the enhancement of the programs **and** services of the Probation Department.
- B. Student Interns: Any persons who are enrolled in an accredited college or university internship program, usually in one of the social services, working unpaid for the Probation Department and receiving class units for their services.

For the purposes of this standard practice, the terms volunteers. and student interns shall be synonymous.

V. General Provisions:

- A. Probation volunteers are expected to conduct themselves at all times in a manner which will avoid any hint of abuse of their official position. Their personal and professional affairs must be conducted with integrity.
- B. Probation volunteer identification cards shall not be used to the personal advantage of the volunteers or to obtain information or services that are not directly related to their official duties.
- C. Volunteers shall not accept **gifts** or money **from** anyone for personal benefit when related to their work as a volunteer.
- D. AU information concerning Probation Department clientele shall be treated strictly confidential.
- E. Volunteers **shall not** knowingly participate in any personal or business relationship with probation clients.
- F. Volunteers shall not have a Probation client to their own home or anyone else's home without specific approval of the Office of the Chief Probation Officer.

- G. Volunteers shall not take any Probation client on any Departmental, social, recreational, or educational activity without prior Departmental approval. If the client is of the opposite gender, there must be another staff person or volunteer of that gender present. It will be acceptable for a volunteer to supervise a mixed group (males and females) with specific approval of the Volunteer Director. If the activity involves several clients, a ratio of not less than one volunteer or **staff person** for every five clients will be observed.
- H. Every volunteer shall abide by all of the rules and regulations established for any Probation Department program of which they become a part.
- I. Violation of the above provisions may result in the volunteer being terminated.
- J. Volunteers are required to report any arrest and/or conviction that occurs during their tenure as a Probation volunteer.



County of Santa Cruz

PROBATION DEPARTMENT

JOHN P. RHOADS, CHIEF PROBATION OFFICER

MAILING: P.O. BOX 1812, SANTA CRUZ, CA 95061

(831) 454-3800 FAX: (831) 454-3827

USE OF CRIMINAL JUSTICE RECORD INFORMATION AND DEPARTMENT OF MOTOR VEHICLE RECORD INFORMATION

As a volunteer of Santa Cruz County Probation Department, you may have access to confidential criminal information which is controlled by statute. Misuse of such information may adversely affect the individual's civil rights and violates the law. Penal Code Section 502 prescribes the penalties relating to computer crimes. Penal Code sections 1105 and 13300 identify who has access to criminal history information and under what circumstances it may be released. Penal Code sections 11140-1 1144 and 13301 - 13305 prescribe penalties for misuse of criminal history information. Government Code section 6200 prescribes the felony penalties for misuse of public record and CLETS (California Law Enforcement Telecommunications System) information. Penal Code sections 11142 and 13303 state:

"Any person authorized by law to receive a record of information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor."

California Vehicle Code section 1808.45 prescribes the penalties relating to misuse of Department of Motor Vehicle record information.

Any volunteer who is responsible for such misuse is subject to immediate dismissal. Violations of this law may also result in criminal and or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION AND DEPARTMENT OF MOTORVEHICLE RECORD INFORMATION.

Signed: _____

Date: _____

Requirements:

1. Volunteers for the Neighborhood **Accountability** Boards cannot be on active probation or parole or have an immediate family member on probation or parole (defined as child of volunteer or spouse or domestic partner living in the home).
2. 18 years of age.
3. Must be willing to commit to at least six months.
4. Have the **ability** to relate well with people.
5. Have time available to do the job-at least four hours per month.
6. Volunteers who transport clients must possess a valid California Driver's License and have adequate liability and property damage insurance coverage.

NAB AGENDA AND RECOMMENDED TIME LIMIT

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Expected Outcomes for the Youth:

- Make amends to those affected by their behavior.
- Be responsible and accountable for his/her actions and the harm caused to the victim and community.
- Be supported by the NAB to build on his/her assets and to get “back on track” by building pro-social skills and forces in his/her life.
- Negotiate and sign a NAB contract.

I.	Introductions	3 min.
II.	Purpose of conference	3 min.
III.	Youth strengths and assets (home, school & community)	10 min.

Explore with youth and parents:

- “What do you like doing?”*
- “What activities are you involved in at home, school or in the community?”*
- “What kind of activities would you like to be involved in?”*
- “What are the things you do best?”*

IV	Phase 1	3 min.
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The youth is asked to tell what happened:

- “Tell us what happened? What did you do?”*
- “What were you thinking about at the time?”*
- “Who do you think has been affected by what you did?”*
- “How were they hurt or affected?”*
- “What have you thought about since that time?”*
- “How would you react if this happened to you or a family member?”*

Victim/NAB victim rep member is asked <u>about the harm</u> :	10 min.
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- “What was your reaction when you heard about the _____ (burglary, vandalism, theft) ?*
- “How do you feel now about what happened?”*
- “What has happened for you since you were first (burglarized, vandalized)?”*
- “How were your friends and family affected?”*
- “How were you, or in what ways do you think you’d be affected by the (name the act)”*

NAB Chairperson then asks NAB members to say how they were affected or reacted.

The parents are asked:	4 min.
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- “How has this been for you?”*
- “How has this **affected** you?”*

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Victim/NAB victim rep is asked:

“What is needed to repair the harm?”

“What do you need, or would you need, to have happen to repair the harm resulting from (juvenile’s) actions?”

The youth is asked what he/she thinks should do to repair the harm.

“If this happened to you, what would you want to have happen to repair the harm done to you?”

“What are the things you do well that would help you in repairing the harm that was caused by your actions?”

Parents are asked:

“What are the things that your son/daughter does best and how can these strengths be used in repairing the harm to the victim and community?”

V. Phase 2: Concerns Identified **5 min.**

NAB Chairperson asks participants about identified concerns.

“What are the concerns brought up by the juvenile, parents or PO during the assessment interview with the probation officer?”

Each concern in the probation officers’ report is addressed, asking both the youth and parent about these and what they think they need to have happen to help address these concerns.

VI. Phase 3: Negotiating the contract **15 min.**

At this point, all members begin negotiating the time limited contract focusing on how the youth will repair the harm while building on strengths and assets.

VII. Closure

HERE ARE SOME EXAMPLES OF APPROPRIATE NAB REFERRALS:

- PC 484, Petty Theft
- PC 459, Burglary (will be considered in some instances, such as a theft **from** a department store, uninhabited dwelling, or vehicle)
- PC 602, Trespassing
- PC 242, Battery
- PC 594, Vandalism Under \$1,000 (per W&I 654.3(g))
- PC 626, Some miscellaneous school crimes (No weapons and non-violent)
PC 626.6, refusal to leave campus
PC 626.4, unlawful entry on campus (per W&I 654.3 **b,c**)
- H&S Violations, excluding possession for sales (**HS 11550 & 11357**)
Typically, these referrals are for small amounts of narcotics
Treatment would be an appropriate referral
- PC 647 f, Intoxicated in Public
- PC 496, Receiving Stolen Property

Do the conditions of the contract reflect the following:

1. Nature of offense i.e. drug case = abstain from use and a program
petty theft = restitution/apology
2. Each victim and the community is restored in a way which reflects the nature of the offense.
3. Restoration of the youth in a way which develops competency and supports the youth being a resource in the community.

If your community is interested in establishing a Neighborhood Accountability Board, your area needs to:

4. Establish a volunteer base of 30 - 50 interested people who are willing to:
 - ▶ make a one year commitment
 - ▶ volunteer 4 - 8 hours a month
 - ▶ supervise juveniles on community service projects
 - ▶ attend monthly business meetings
 - ▶ sit on a hearing panel for Juvenile citations
 - ▶ file an application with the Probation Department as a Volunteer in Probation
 - ▶ pass a fingerprint/background check
- Develop community resources which can provide:
 - a place to hold monthly business meetings and hearing panels (churches, recreation centers, hotels, or community halls)
 - ▶ community service projects for the juvenile (local ~~fire~~ stations, churches, clean-up committees; park districts, use your imagination)
 - ▶ counseling programs (anger control, petty ~~theft~~ classes, or self-esteem)
 - ▶ educational opportunities (tutoring, mentors)

If the Neighborhood Accountability Board will meet the needs of your community, and if your community is ready to support this program, please contact the Santa Cruz County Probation Department. Call Laura Garnette at (83 1) 454-3800.

BENEFITS FROM UTILIZATION OF VIP'S

I. For the Probation Department:

1. Added services at minimal cost.
2. Community monetary and in-kind contributions.
3. Line of communication with community.
4. An opportunity to preview interested probation officer/counselor/clerical applicants.

II. For Probation Staff:

1. Allows extra time for more important and immediate work.
2. An added viewpoint to situations and clients.
3. An opportunity to test and improve supervisory skills.

III. For the Probationer

1. Allows extra time for more important and immediate work.
2. An added viewpoint to situations and clients.
3. An opportunity to test and improve supervisory skills.

IV For the VIP:

1. An outlet for talent and skills, for extra time and energy, for concerned interest in and care about offender rehabilitation.
2. Experience in people-related or clerical tasks.
3. An opportunity to learn about probation work for possible future employment.
4. Fulfillment of volunteer hours required for class credit.

V. For the Community:

1. A means of understanding the criminal justice system (specifically: probation aspect).
2. An opportunity to contribute to and assist in the rehabilitation of offenders.
3. A chance to realize how their tax money is being spent.

BENEFITS OF VOLUNTEER PROGRAM

For every hour the staff member spends supervising the Volunteer, the amplification factor is between ten and twenty volunteer hours spent with clients.

Services are Humanized

Each client has one person with whom he/she can maintain close personal contact. He/she is treated as an individual rather than lost in a large caseload.

Vital Link to the Community

Through Volunteers in Probation, citizen understanding, acceptance, and support of correctional needs expand.

Changes in Role of Probation Officer/Group Counselor are altered for the better. In addition to working with clients and wards, the Probation Officer and/or Group Counselor also assumes **responsibility** for supervising the volunteer. Although this responsibility may initially require some added work, the Probation Officer or Group Counselor will gain valuable supervisory experience. Once a schedule is developed and the volunteer becomes familiar with his assignment, the roles are enhanced by these services.

Supervision of Volunteers in Probation

The Probation Officer or Group Counselor defines the role of the Volunteer, sets guidelines and limits for the Volunteer, recommends **frequency** of contact, defines casework goals, sets standards for reporting, defines situations to be reported, and provides other guidance as needed. The citizen Volunteer who receives proper guidance and leadership from staff can aid the client and, in addition, become a positive force to support the needs and progress of the Santa Cruz County Probation Department.

Status of Volunteers

Volunteers are unpaid county employees who are screened and trained and authorized by the Board of Supervisors. Volunteers have county liability coverage in the course of their duties unless they are criminally negligent.

CODE OF ETHICS

In recognition of the profound responsibilities inherent in a profession dedicated to the adjustment of social relationships, I acknowledge these to be my guiding precepts

SERVE WITH HUMILITY

ACT WITHOUT PREJUDICE

UPHOLD THE LAW WITH DIGNITY

BE OBJECTIVE IN THE PERFORMANCE OF MY DUTIES

RESPECT THE INALIENABLE RIGHTS OF ALL PERSONS

HOLD INVIOLEATE THOSE CONFIDENCES REPOSED IN ME

COOPERATE WITH FELLOW WORKERS AND RELATED AGENCIES

BE AWARE OF MY RESPONSIBILITIES TO THE INDIVIDUAL AND TO THE COMMUNITY

IMPROVE MY PROFESSIONAL STANDARDS THROUGH CONTINUOUSLY SEEKING
KNOWLEDGE AND UNDERSTANDING

I accept these principles as my code of ethics and shall build my professional life upon them.

Adopted by California Probation, Parole and Correctional Association at annual business meeting, June 7, 1946

DUTIES/IMPORTANT ISSUES/ABILITIES FOR KEY NAB MEMBERS

INTERVIEWER:

DUTIES:

Review the police report and any other information released by the Probation Department. Contact the minor and family. Interview minor about the crime and explain the Neighborhood Accountability Board (NAB) if minor appears appropriate. Interview the victim and possible support people and determine **if the** victim is appropriate to participate. If both parties are appropriate, set a date for the meeting.

Write a brief report outlining the statements of the minor and caregivers, and the victim. Include amount of monetary restitution, if known. Briefly summarize the elements of the crime. Make enough copies for everyone in the meeting.

Ideally, each jurisdiction will have about five people trained as interviewers.

IMPORTANT ISSUES:

Does the minor take responsibility for his/her actions? Are they willing to try an alternative to Probation? Do you feel the minor will be reasonable with the victim?

Does the victim appear to understand the complexities of crime and have the motivation and ability to participate in a NAB? Do you feel the victim will be reasonable with the minor?

Are the parents or caregivers willing to participate? Does the minor have too many issues to address on a community level? Examples are deep gang entrenchment; drug or alcohol addiction or heavy use; chronic running away so it is difficult to meet with minor; or serious mental health concerns.

FACILITATOR:

DUTIES.

Welcomes everyone and gives a quick overview of what the meeting is about. Using a prearranged format, lead the discussion and ensure that only one person speaks at a time and that people treat one another respectfully. The facilitator is in charge of greeting people when they arrive and serving as the leader for the night. Some NABs may decide to have the interviewer of the case also serve as the facilitator for the meeting.

Abilities needed: The ability to control high stress situations, crisis intervention skills, good communication, awareness of diversity and sensitivity to cultural issues.

JUVENILE COURT LAW

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Purpose

Welfare and Institutions Code Section 202

To, “provide protective services, reunification with family; guidance for delinquents; accountability for objectives and results”

- (a) “provide for the protection and safety of the public and each minor under the jurisdiction of the of the juvenile court and to preserve and strengthen family ties whenever possible, removing the minor **from** the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public.”
- (b) “treatment and guidance consistent with their best interest and the best interest of the public.”
“...**receive** care, treatment and guidance. . . which holds them accountable for their behavior, and which is appropriate for their circumstances. This guidance may include punishment that is consistent with the rehabilitative objectives of this chapter.”

CONFIDENTIALITY

As a general rule, proceedings involving juveniles who come under either section 601 or 602 of the Welfare and Institutions Code are strictly confidential. Only those individuals designated by statute to handle such offenders (eg, police, probation, and attorneys) are privy to the full scope of the proceedings. However, other individuals deemed necessary to the completion of programs prescribed by juvenile probation or the court may be entitled to know specific details of the proceedings, the minor’s social history or physical and psychological record. These individuals commonly include school officials, counselors, psychologists, and foster parents. There are two criteria necessary to determine who may know and what may be released. These criteria are:

- 1) Right to know
- 2) Need to know

While a school principal may have a **right** to know about minors on probation at school, he or she may not have a **need** to know about some aspects of a minor’s social history (eg, a complete disclosure of sexual abuse).

In general, victims are entitled to sufficient information about the minor and his or her parents or guardians to file a civil action for restitution and related costs. This is usually limited to the parents’ and minor’s names and home address.

THE LEGAL BASIS FOR DIVERSION

Welfare and Institutions Code section 653.5 “The probation officer shall immediately make any investigation he or she deems necessary to determine whether proceedings in the juvenile court shall be commenced.”

Under this section, the probation officer has authority to review and divert all cases except those defined in sub-sections (c) 1-8.

Welfare and Institutions Code section 654 The probation officer may “with consent of the minor’s parent or guardian, delineate specific programs of supervision for the minor, for not to exceed six months...”

If “the minor has not involved himself or herself in the specific program within 60 days, the probation officer shall immediately file a petition or request that a petition be filed by the prosecuting attorney.”

“...**may** call for the minor to obtain care and treatment for the misuse of or addiction to controlled substances...”

“...**shall** require the parents or guardians of the minor to participate in counseling or education programs...”

Welfare and Institutions Code section 654.6 “A program of supervision pursuant to Section 654 or 654.2 ... shall include constructive assignments that will help the minor learn to be responsible for his or her actions. The agreements may include, but not be limited to, requiring the minor to perform at least ten hours of community service, requiring the minor to repair damaged property or to make other restitution, or requiring the minor to participate in an education or counseling program.”

Access to Case Material

Volunteers in Probation may have access to confidential material as required by their assignments and access is at the discretion of the Probation Officer or Group Counselor.

Responsibilities

The amount of responsibility for case work given the Volunteer depends on the skill of the Volunteer and the willingness of the Probation Officer or Group Counselor to delegate responsibility. As the Volunteer becomes experienced, the Probation Officer or Group Counselor may delegate additional responsibility.

Courtroom Responsibilities

The Volunteer may go to Court in a juvenile matter with the Probation Officer's and/or Judge's permission. Adult court matters are open to adults and interested persons.

GENERAL COUNTY INFORMATION

You represent the entire county in your job as a volunteer for Probation. The County's only product is service to the public; and in order to better serve them, a list of policies and procedures is outlined below.

1. No county property or equipment is to be used for personal benefit or gain.
2. Political activity by employees and volunteers is encouraged, but not on County time or premises as it interferes with the orderly performance of County business.
3. Solicitation: Employees do not have a constitutional right to solicit any kind of donations on County property or County time.
4. Safety First: You will safety posters and bulletins throughout County offices, advising of the correct method of lifting, using electrical equipment, etc. Please follow them. If you see a potential hazard, report it to your supervisor and/or Safety Officer. Call the Safety Officer also for further information on correct procedures and safety laws.
5. If you are injured during the course of your duty, a report must be filled out in your department. If you need a doctor's care, the report **must** be filed with the Worker's Compensation Office. Your medical **care** will be covered by Worker's Compensation for on-the-job injuries. Further information may be obtained from Risk Management.
6. Inter-office mail is delivered to many County offices in surrounding towns. Use inter-office whenever possible.
7. Photocopy machines are for County business only.