

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** 7/5/05  
**Department Name:** Probation Department  
**Department No.:** 022  
**Agenda Date:** 8/2/05  
**Placement:** Administrative  
**Estimate Time:**  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** R. Scott DeuPree, Chief Probation Officer  
Probation Department

**STAFF CONTACT:** Tanja Heitman, Probation Manager  
Ext. 8543

**SUBJECT:** Probation Assistant Addition for Proposition 69 Implementation

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## **Recommendation(s):**

That the Board of Supervisors:

Approve the attached Personnel Resolution adding 1.00 FTE Probation Assistant (Class 6051), Range 4654 (\$2,471-\$3,017 per month), effective 8/1/05.

## **Alignment with Board Strategic Plan:**

The recommendation(s) are primarily aligned with Goal No. 2. A Safe and Healthy Community in which to Live, Work, and Visit.

## **Executive Summary and Discussion:**

This action will add one Probation Assistant, fully revenue offset, to assist the Department in meeting the mandates imposed by Proposition 69. Given the current resources, by adding this position, the Department anticipates assessing all currently supervised and new offenders to determine their DNA collection requirements and ensure collection of DNA and palm print submission on all qualifying, currently supervised offenders prior to their probation termination date and new qualifying offenders as they are placed on probation. Using this method it will take approximately five years for the Department to be in full compliance with the new mandates.

Proposition 69, adopted in November of 2004, expands California law enforcement's requirement to collect DNA samples and store genetic information in the California DNA and Forensic Identification Data Base. It requires the collection of DNA samples from: adults and juveniles convicted or adjudicated of any felony offense; adults and juveniles required to register due to a sex or arson offense; and adults arrested for or

charged with felony sex offenses, murder, or voluntary manslaughter (or the attempt to commit such offenses). The list of qualifying offenses is retroactive regardless of when the person was convicted or adjudicated. As a result, DNA samples must be obtained from adults and juveniles already serving time in correctional facilities as well as those who are on parole or probation with a current or prior qualifying offense. The Probation Department estimates that we supervise 5,600 adult and juvenile offenders who meet the Proposition 69 criteria. The collection process requires the submittal of thumb and palm print impressions in addition to a buccal (cheek scraping) specimen.

Initially, the new Probation Assistant will be responsible for assisting in a review of offenders' records to determine whether they qualify for DNA collection and palm print submission. They will also assist in entering the data regarding offender's DNA collection status into the Department's database so that regular reports can be run to assist in prioritizing offenders for collection. Given the current resources and the high volume of offenders requiring collection, sworn officers will need to conduct the bulk of the collection and palm print submissions. However, once data entry of our backlog of offenders is completed, the Probation Assistant will assist with actual DNA collection and electronic submission of palm prints of the offenders who are nearing their probation termination date.

**Performance Measure:**

1. To ensure protection of the public and to enforce court orders: Assess for eligibility 90% of approximately 12,500 offenders for Proposition 69 DNA collection requirements.
2. To ensure protection of the public and to enforce court orders: Ensure collection of DNA samples on 90% of approximately 2,075 offenders at either probation entry or termination.

**Mandates and Service Levels:**

Proposition 69 mandates the collection of DNA samples and submission of palm prints on qualifying offenders as soon as administratively possible. Statutory mandates governing Probation Department services are attached for your review.

**Fiscal and Facilities Impacts:**

Government Code Section 76104.6 authorized an increased penalty assessment of \$1 for every \$10 or fraction thereof upon every fine, penalty and forfeiture levied on criminal offenses including traffic offenses, but excluding parking offenses for DNA Identification. In FY 05-06 30% of this penalty assessment is allocated to the County and 70% is allocated to the State. Probation will use the revenue from this penalty assessment to fund the position. There will be no increase in cost to the general fund.

**Special Instructions:**

Please send a copy of the fully-executed Personnel Resolution and Minute Order to:  
Damon Fletcher, Probation Department 117 E. Carrillo Street, Santa Barbara, CA 93101

**Concurrence:**

County Personnel Department

## **PROBATION DEPARTMENT MANDATES**

### **GENERAL:**

131.5 ; 830.5 PC; 1201.7 PC; 273a(c) (3) (A) ; 273d(c) (3) (A) PC; 1203.097(c); 1203.098 PC; 13010-13014 PC; 3300 Government Code; 1020-1031.5

### **CIVIL:**

1513 Probate Code; 1513.1 Probate Code; 1826 Probate Code; 1851 Probate Code; 1851.5 Probate Code; 7800 Family Law Code (FLC); 7801 FLC; 7803 FLC; 7804 FLC; 7805 FLC; 7807 FLC; 7808 FLC; 7810 FLC; 9001 FLC

## **JUVENILE DIVISION**

### **A. Administrative Responsibility/Notification:**

131.7 WIC; 270 WIC

### **B. Juvenile Intake:**

601 WIC; 601.2 WIC; 601.3 WIC; 602 WIC; 627.5 WIC; 628 WIC; 628.1 WIC; 630 WIC; 631 WIC; 632 WIC; 652 WIC; 652.5 WIC; 653 WIC; 676.5 WIC; 777 WIC; 778 WIC; 1404-1405 JC Rules

### **C. Juvenile Investigations:**

200 WIC; 280 WIC; 281 WIC; 281.5 WIC; 361.2 WIC; 635 WIC; 636 WIC; 652 WIC; 653.5 WIC; 656.2 WIC; 636.1 WIC; 706 WIC; 706.5 WIC; 706.6 WIC; 707 WIC; 727.2 WIC; 727.4 WIC; 742 WIC; 781 WIC; 1499 Juvenile Court Rules

### **D. Juvenile Supervision:**

241.1 WIC; 366.23 WIC; 366.26 WIC; 625 WIC; 625.3 WIC; 641 WIC; 654 WIC; 654.1 WIC; 654.2 WIC; 654.3 WIC; 654.4 WIC; 654.6 WIC; 655 WIC; 725 WIC; 727 WIC; 727.1 WIC; 727.2 WIC; 727.3 WIC; 727.31 WIC; 727.4 WIC; 727.4 (d) (4); 727.6 WIC; 729 WIC; 729.3 WIC; 729.7 WIC; 729.8 WIC; 729.9 WIC; 730 WIC; 730.6 WIC; 730.7 WIC; 737 WIC; 738 WIC; 740 WIC; 740.1 WIC; 742.16 WIC; 790 WIC; 793 WIC; 794 WIC; 795 WIC; 841 WIC; 1300 WIC; 1502.4 (a)(1) H&S; 4096 WIC; 5600.3 WIC; 11400 WIC; 11401 WIC; 11402 WIC; 11403 WIC; 11404 WIC; 11404.1 WIC; 11462.01(2)(C) WIC; 295(i) (2) PC; 296.1.(a)(3)(A) PC; 298. (b)(4) PC.

## **INSTITUTIONS DIVISION**

### **A. Juvenile Hall:**

Title 15, Division 1 Board of Corrections, Chapter 1 Board of Corrections, Subchapter 5 Minimum Standards for Juvenile Facilities

210 WIC; 850 WIC

**B. Home Supervision:**

628.1 WIC; 840 WIC

**C. Boys' Camp:**

Title 15, Division 1 Board of Corrections, Chapter 1 Board of Corrections, Subchapter 5 Minimum Standards for Juvenile Facilities

881 WIC; 885 WIC

**D. Counseling and Education Centers:**

654 (c) WIC

**E. Non-Secure Detention:**

210.1 WIC; 601 WIC; 626 WIC

**F. Medical Care Juveniles:**

369 WIC; 739 WIC

**G. Separate Categories:**

284 WIC; 285 WIC; 656.2 WIC; 704 WIC; 729.7 WIC; 742 WIC; 742.20 WIC; 749.22 WIC; 749.23 WIC; 751 WIC; 726 WIC ; 826 WIC; 826.5 WIC (a); 826.6 WIC ; 827 WIC 48321 ED CODE; 56026 ED CODE; 56325 ED CODE

**ADULT DIVISION**

**A. ADULT INVESTIGATION:**

1000.5 PC; 1001.20 PC to 1001.34 PC; 1001.70 PC to 1001.90 PC; 1191 PC; 1191.1 PC; 1191.2 PC; 1191.3 PC; 1202.4 PC; 1203 PC; 1203a PC; 1203c PC; 1203d PC; 1203.9 PC; 1203.10 PC; 1203.097(b) (3) PC; 1203.097(b) (4) PC; 1210.1 PC; 4.310 Judicial Rule 4.411(a)(b)(c)(d) Judicial Rule; 4.411.5 Judicial Rule

**B. ADULT SUPERVISION:**

131.3 Code of Civil Procedure; 290(c) (1) PC; 290.4 PC Megan's Law; 295(i) (2) and 298. (b)(4) PC; 296.1.(a)(3)(A) PC; 296.1.(a)(5)(A) PC; 298(b)(3)PC; 1202.7 PC; 1202.8 PC; 1203.02 PC; 1203.016 PC; 1203.044 PC; 1203.044(h) PC; 1203.045 PC; 1203.047 PC; 1203.055 PC; 1203.055(f) PC; 1203.066 PC; 1203.067 PC; 1203.076 PC; 1203.95 PC; 1203. 097 PC; 1203.1 PC; 1203.1(b) PC; 1203.1bb PC; 1203.1(d) PC; 1203.1(h) PC; 1203.1a b PC; 1203.1b (a) PC; 1203.1e PC; 1203.1g PC; 1203.1k PC; 1203.2PC; 1203.2(a) PC 1203.3 PC; 1203.12 PC; 1203.4 PC; 1203.9 (a) PC; 1203.9 (b) PC; 1203.10 PC; 1203.12 PC; 1389.6 PC; 3075 PC to 3076 PC; 11180 PC and 11181 PC.