

MEMORANDUM

TO: Kerrie Bischoff

FROM: Linda Graf *LG*

DATE: January 09, 2009

RE: Juvenile Probation

You have asked me to provide further information as to my statement about staff expressing that they have no say so over their case load, which then referenced the feeling that they are being told to act unethically, to lie in court, etc.

My reference to being told to act unethically is based on a number of situations where the direction received from management has set up a conflict with what I, and other probation officers, believe is an appropriate course of action based upon our training and experience. Rather than characterize this as being told to act unethically, it may have been better to explain the dilemma that we as probation officers feel when our best judgment about interventions with clients is overruled by management. Here are incidents I know of which led me to make this statement:

- Jeremy has said directly to me, and to other staff, on many occasions that he will not approve a sanction for truancy for a juvenile who has been truant for a few days, only after they have been truant for an extended period of time. Within the past few months I had a discussion with Jeremy and informed him that my (and several other worker's) philosophy is to act quickly when a juvenile is truant and to prevent further truancy. I have had much success with this and informed Jeremy that the schools will verify this. Jeremy replied, "Well people are going to have to change their philosophies." Unfortunately, I cannot grasp what the new philosophy is. All the research I am familiar with suggests that swift and certain consequences are much more effective than delayed and sporadic consequences. Using a less effective intervention when a more effective intervention is available seems inappropriate and causes me concern as the rationale management has articulated is the need to keep detention numbers down.
- Workers have been forced to use less effective intervention or no interventions at all. At a minimum, Anissa Welch, Lea Gerue, Teresa Cleveland and Nichole Kumlien have come to me to vent their frustrations about their sanctions being overruled or minimized by management. This has occurred in a variety of situations, involving both technical violations and new arrests. I cannot give you the dates of these conversations or the clients involved. It has happened so many times that the conversations all run together in my mind.
- Dryw Anderson has informed me that he has maintained a file of correspondence with management. I believe Dryw is attempting to keep a record of his objection to current policies and the response of management. Prior to leaving our department, Dryw stated that he would be unwilling to make recommendations to the court that he deemed to be inappropriate. He indicated that he was prepared to request that management themselves present their

- recommendation in court, rather than place him in a position of going against his own professional judgment. Similarly, the statement has been made to me by Dryw, and by others, that they take cases to supervisors not because they expect a placement approval, but to document and maintain a record of their recommendations and management's denial of these.
- Many, if not all of us, also have significant concerns about the safety of the community. Several staff, including Tom Seibert, Dryw Anderson and Lea Gerue, has informed me that they are now documenting their recommendations and the management denials in order to maintain a record on the conflicts that have arisen.
- Teresa Cleveland has informed me that she is so tired of trying to hold kids accountable and having her decisions overridden by management, that she has not filed a sanction since June 2008. She has expressed to me that as our job is to enforce the court-ordered rules of supervision and Chapter 938, ignoring the violations of our clients feels unethical.
- Teresa has informed me that she stopped filing sanctions after the [redacted] case on June 2008. She informed me that Jeremy contacted the ADA (without Teresa's knowledge) and made a recommendation that was contrary to Teresa's recommendation. Teresa was unaware that he had done this until she was in the middle of the court proceeding.
- The emphasis on the diversion numbers is illustrated in Anissa's documentation of the Dec. 30, incident (see attachment).
- Management has directed us to contact diversion staff and see how the client is doing in that program before imposing a sanction. This is not done with any other treatment program, with schools, or with any other activity. Sanctions are imposed for violations of supervision. The perceived message here is that professional judgment should be subordinate to operational needs of the diversion program.
- As a further example I am attaching an email I sent to both you and Jeremy on 10/15/08 expressing my frustrations with the changed and denied sanctions. The child I discuss in the second half, [redacted], continued to escalate until he was placed out of the home for the second time. I think this illustrates the futility of imposing sanctions that we know will be ineffective and results in a great deal of frustration.
- Jeremy has encouraged staff to pull their kids out of placement as soon as possible stating that we are over budget. While we do understand the financial pressures out of home placements cause, this is not allowing staff to make decisions based on the needs of the child and family. I know that Lea Gerue, and likely others, have had this occur. Tom Seibert has had this occur with one of his correctional placements.
- Another example of the disconnect between worker's professional judgment and management's overruling this is the [redacted] case. Anissa Welch and the ADA believed strongly that a correctional placement was warranted. Anissa's supervisor was called to testify by the public defender in an attempt to undermine this recommendation.

There was a specific incident on Dec. 30, 2008, which led to the reference in my memo about staff feeling that they were being told to lie in court. This incident was also the basis for my reference to staff being told to withhold information in order to obtain a specific outcome in court. As I attempted to explain in my Jan. 6, 2008 memo, this is the perception of the staff, based on their interactions with management. This is what has been conveyed to me:

- On Dec. 30, 2008 Anissa called me early in the morning and briefly described the incident the previous evening with her client, [REDACTED]. She stated that she was very upset, very stressed out and was not feeling well. She stated that she was going directly to court. When Anissa came to the office from court she stated that Judge Welker had been on the bench that morning. She indicated that she had relayed all of the facts and not made a recommendation as to whether to hold or release [REDACTED]. The judge had held him. Anissa was soon called into Jeremy's office. When she returned she informed me that Jeremy had yelled at her and told her that she should have just told the judge that we wanted the juvenile released and not provided any additional information. Anissa reported that she had expressed to Jeremy that withholding information would be the equivalent of lying to the court. Anissa stated that Jeremy had told her that she would be receiving discipline. Anissa then documented the incident. A copy of that documentation is attached.
- On 12/31/08 I came upon several staff in the hallway discussing the previous day's incident between Jeremy and Anissa. Tom, Simon, Nichole, Dryw, and Lea were there. There may have been others as well. I was informed by Simon, Nichole, and others that while in their own offices or going about their work, they had heard Jeremy screaming at Anissa. The staff stated to me that they found this to be very upsetting and distressing. Because this exchange was overheard by others, the threat to impose discipline for holding a client in custody or providing information to the court extended to the other staff as well as Anissa.
- During this same conversation, the discussion then turned to the basis of the conflict between Anissa and Jeremy – the fact that Jeremy was angry that Anissa had held a juvenile in custody. Those present then began to talk about their experiences not being able to hold kids in custody and the email we had just received saying that a supervisor needed to be contacted prior to talking a juvenile into custody. People expressed frustration that there is so much pressure to release kids from custody. The following comments were made, "They're telling us to lie in court" and "This is unethical". I believe Nichole made one comment and Lea made the other.

I believe the information documented above to be factual. As you directed, I have not conducted a formal investigation, but am reporting to the best of my ability to remember.

One of the reasons for my failure to provide names and specifics in my earlier reports to you was because these situations have happened to all of us. After awhile I stop listening to the details because the theme is the same. None of what I have experienced or reported to you has been experienced by me alone. We have requested to meet with management and discuss these issues on several occasions. The staff was prepared to discuss these issues with you on 1/6/09 at the meeting that was unexpectedly cancelled.

I hope that this information is sufficient to satisfy your directive and that it provides a foundation with which to address these issues.