County of San Diego

Mack Jenkins
CHIEF PROBATION OFFICER

DEPARTMENT OF PROBATION
POST OFFICE BOX 23597, SAN DIEGO, CALIFORNIA, 92193-3597

March 29, 2012

TO: Supervisor Ron Roberts, Chairman
Supervisor Greg Cox, Vice Chairman
Supervisor Dianne Jacob
Supervisor Pam Slater-Price
Supervisor Bill Horn

FROM: Mack Jenkins
Chief Probation Officer-Chair Community Corrections Partnership

AB 109 - PUBLIC SAFETY REALIGNMENT UPDATE

On September 27, 2011 (2), your Board approved the Public Safety Realignment Implementation Plan presented by the Community Corrections Partnership. This is the third letter in a series of reports on current activities related to the implementation of Realignment. This letter will report on probation's efforts with offenders released from prison who are now supervised by Probation officers, the impact on the jail population for the Sheriff, and impacts within the District Attorney's office. We will continue to provide your Board with regular updates on this information. No action by your Board is required.

PROBATION

Post Release Offenders (PROs): October 1, 2011 – March 15, 2012

Public Safety Realignment created a new offender status that San Diego refers to as Post Release Offenders. These are felons being released from state prison with a committing offense that was non violent, non serious, or a non serious sex offense crime.

Total Scheduled for Release in this Period	**1600**
- Reported Locally	1354
- Released to Other Custody	83
- Failed to Appear	163

Of the 1354 who reported locally:

- Arrested on Violations	447
- Flash Incarcerations	351
- Pending Revocation Proceedings	96

Behavior Health (BH) Screening Team: October 1, 2011 – February 29, 2012

Total BH Referrals	**645**
• Mental Health Referrals	70
• Alcohol / Drug Specialists Referrals	413
• MH and ADS Referral	162
Total BH Admissions	**318**
• Mental Health Admissions	132
• Alcohol / Drug Specialists Admissions	186
Mental Health Service Level at Admission:	
• Basic Medication	57%
• Enhanced Recovery	14%
• Full-Service Partnership	11%
Alcohol and Drug Service Level at Admission:	
• Outpatient	41%
• Residential or Detox	59%

A priority for the Probation Department continues to be putting resources in place to provide effective supervision and services to the PROs. The number of releases to date is approximately 21% higher than had been projected by the state for this point of the implementation of realignment. As we are still building our Post Release Division in the department and all of our new positions have not yet been filled, the average caseload size for probation officers supervising PROs is currently 24% above our targeted ratio. The current average is 62 cases per officer (not including a warrant officer) while our goal is caseloads of not greater than 50.

As an illustration of some of the issues addressed by probation officers, the PRO division has coordinated 43 transports directly from CDCR custody for; Enhanced Outpatient Program (EOP), Secure Housing Unit (SHU), and Acute Medical Needs inmates. Of the transports, nine had been housed in the SHU including one from the high security Pelican Bay prison. Additionally 11 PROs have been identified as Mexican Mafia (EME) "associates" or PROs who have aligned themselves with EME. One of the EME associates has been murdered since his release.

Even with the challenging workloads, probation officers continue their efforts to hold the PRO accountable and to link them to appropriate services. Probation has used the intermediate sanction

called flash incarceration 351 times. Flash incarceration is when a probation officer puts a PRO in jail for up to 10 days in response to a violation of supervision terms. AB 109 gives Probation that authority without a need to go to court. It is an application of the "swift and certain" principle of behavior modification and is designed as a sanction for non compliant conduct that does not require a full revocation. Through the date of this letter only 7% (96) of the PRO population is pending revocation proceedings. Several of those cases do crimes which include violence.

Additionally, 645 of the PROs have been screened by our Behavioral screening team which was put in place by HHSA Behavioral Health staff. The screening team is made up of a substance abuse and a mental health specialist who meet with each offender upon their arrival at the Probation office. The team conducts an initial screening assessment and then refers the PRO to a substance abuse or mental health provider. From the referrals, 318 offenders are enrolled in substance abuse or mental health services. As we continue to grow the Post Release Division and put processes in place, the goal remains to significantly increase the number of offenders engaged in services.

Of the 75 FTE your board authorized for FY 2011-12, 42 have been filled.

SHERIFF

N3 Offenders Sentenced Locally and Parole Violators: October 1, 2011 – February 10, 2012

N3 Offenders (where the committing offense is a non serious, non violent, non sex offender crime) are inmates who would have previously been sentenced to serve a term of incarceration in a state prison, but must now serve their term in a local county detention facility, pursuant to California Penal Code §1170(h) as a result of realignment legislation.

Jail Population (Court Ordered Capacity 5,500)	4,982
Court Ordered Capacity	90%
N3 Offenders in Custody	509
PROs in Custody	140
Parole Violators in Custody	428
Total AB 109 in Custody	**1,077**

OPERATIONAL CAPACITY

The operational capacity of the San Diego County Sheriff's jail system is the total number of beds available, taking into consideration court ordered capacities and the limits created by the special housing needs of certain inmates who must be housed alone in a cell designed for two or three inmates.

The Sheriff's operational capacity prior to the implementation of the California Criminal Justice Realignment Act of 2011 was 5600 inmates. The Sheriff's current operational capacity is 5490 inmates. This decrease in available beds is due to an increase in inmates requiring special housing since the influx of realigned inmates began on October 1, 2011.

In September 2011, there were 587 inmates in Protective Custody and 217 inmates in Administrative Segregation housing system wide. These numbers reflected 17.33% of our total inmate population who must be segregated from the mainline population. Through February 29, 2012, there were 689

inmates in Protective Custody housing and 279 inmates in Administrative Segregation housing system wide. These numbers reflect 19.8% of our total inmate population who must be segregated from the mainline population.

The current breakdown of realigned inmates requiring special housing is as follows:

ICJ/ICS (1170 PC)	Total in custody
Protective Custody	43
Admin. Segregation	11

PRO's	Total in custody
Protective Custody	25
Admin. Segregation	10

Parolees (3056 PC)	Total in custody
Protective Custody	183
Admin. Segregation	85

TOTAL	357

The San Diego Central Jail is undergoing a computer touch screen upgrade project that will require an entire housing floor to be vacated of inmates from April 9, 2012, through May 6, 2012. During this four week period, the San Diego Central Jail will lose 180 beds, decreasing our operational capacity to 5310.

DISTRICT ATTORNEY

1170(h) Sentencing: October 1, 2011 – March 15, 2012

Through this period, 727 cases were sentenced pursuant to Penal Code section 1170(h) to a term of imprisonment in local custody.

However, a single defendant may have multiple cases. When a defendant has multiple cases, the court may impose an 1170(h) sentence for all of them to be served concurrently or consecutively. Irrespective of the number of cases, a single defendant only serves one term for all of them.

Of those 727 cases, at either an initial Sentencing (PH&S) or at a Sentence after Revocation for a failure to comply with Probation, 561 Defendants* were sentenced to a term of imprisonment in local custody per Penal Code section 1170(h).

Of those 561 defendants, 139 were sentenced to a term of imprisonment without a new case, but based on probation revocation without a new felony conviction. 5 of those cases were paper commits (i.e., the offenders completed their term based on their custody credits and served no further time in jail.) Only two of the defendants with probation revocations were sentenced to a term of imprisonment with a period of mandatory supervision to follow.

Of those 561 Defendants, 126 individuals received split sentences, where a portion of the total term is to be served in custody and the balance on mandatory supervision. Approximately 22% of the 1170(h) terms are split sentences.

The longest full term in custody is 10 years and 4 months. The longest split sentence is 10 years with 7 years to be served in custody and the remaining 3 years to be spent in the community on mandatory supervision. The longest mandatory supervision term is 6 years on mandatory supervision with 3 years in custody for a total term of 9 years.

The average length of a full term 1170(h) sentence is 2 years, 8 months (two years and eight months). The average length of an 1170(h)(5)(B) split term is 3 years, 8 months (three years and six months). The average length of the custody portion is about one year and eight months and the mandatory supervision is about one year and ten months.

Thus far, there has been one offender who was released on Mandatory Supervision, who has been charged and convicted with a new felony offense. Both the new case and the Mandatory Supervision case are pending sentencing in April.

Month	**PH&S**	**SAR**	**Total**	**Longest term per 1170(h)(5)(A)**	**Split Sentences**	**Longest Split term per 1170(h)(5)(B)**
Oct –Dec	236	84	320	7 years	70	10 yrs/3 yrs MS
January	87	21	108	10 years, 4 months	28	9 yrs/6 yrs
February	67	29	96	5 years	17	6 yrs/2 yrs
March	35	7	42	6 year	6	4 yrs, 6 months/ 3 yrs, 6 months
TOTAL	**422**	**139**	**561**		**126**	

<u>1170(h) Primary Crime Types:</u>

Of the 727 cases sentenced to a term of imprisonment in county jail, the highest crime of which the defendant was convicted is:

Drug Related Offenses 325

Theft Related Offenses: 341

Crimes Against the Person: 25

Driving Under the Influence: 18

Miscellaneous: 18

Post Release Community Supervision

As noted in the Probation section, there have been 96 Post Release Community Offenders revocations filed. Of those offenders, 56 were also charged with new felony cases and 15 with new misdemeanor cases. 25 PROs were revoked solely for violations of their PCS conditions. Some offenders have had multiple revocations. Thus far, we have had three full revocation evidentiary hearings. The rest have admitted or the petitions were withdrawn due to pleading to new criminal convictions.

Total Post release Community Supervision Revocations filed: **96**

Month	Revocations
October	0
November	3
December	20
January	23
February	28
March	22
TOTAL	**96**

We will continue to provide future updates on the implementation of Realignment. For additional information, please feel free to contact me.

Respectfully,

Mack Jenkins

cc: Sheriff Bill Gore
District Attorney Bonnie Dumanis
Public Defender Henry Coker
Nick Macchione Director, Health and Human Services Agency
Honorable David Danielsen San Diego Superior Court
Chief Frank McCoy Oceanside Police Department
Chief Administrative Officer Walter F. Ekard
Deputy Chief Administrative Officer Ron Lane
Community Corrections Partnership Members
Supervising Superior Court Judges