County of San Diego

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September 28, 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 your Board approved the Public Safety Realignment Implementation Plan presented by the Community Corrections Partnership (CCP). Since that time a series of update letters have been provided to your Board to report on progress in implementing the plan. This letter will provide an update on impacts to Probation, the Sheriff, and the District Attorney's Office, through August 31st. No action by your Board is required.

PROBATION

As your Board is aware, Public Safety Realignment created a new offender status for felons released from prison in which the committing offense was a non-violent, non-serious, or non-high risk sex crime. San Diego County calls these individuals Post Release Offenders or PROs. This group is now supervised by the Probation Department rather than by state parole.

The number of PROs supervised by the Probation Department from October 1st, 2011 through August 31st, 2012 is as follows:

• Released	2,567
• Under supervision	2,228
• Released to other custody (out of county, ICE, etc.)	196
• Failed to appear/on warrant status	143

Last year while preparing for the implementation plan, the state of California projected that San Diego County would receive approximately 2,000 PROs during the first twelve months. Through the 10th month of Realignment, the number of releases to San Diego exceeded that figure and probation is now supervising as noted above, 2,228 offenders. The profile of the PROs shows that 40% had been sentenced to prison for a drug related offense, and 35% for a property offense. The next largest category is a total of 9% of the offenders were sentenced to prison for a crime against a person.

Through August 31st, there have been a total of 1,495 arrests for violations of the terms of supervision made on a portion of the 2,228 total individuals on probation supervision. It is important to note that this number is not a count of individuals arrested but rather a total of arrest actions taken. In other words, some individuals have violated more than once and so the number of people who have actually violated the terms of their supervision is less than 1,495.

Of the 1,495 total violations, probation officers have used the intermediate sanction of flash incarceration 1,186 times. In the fourth quarter of FY11-12, 332 PROs were flashed a total of 391 times. As previously reported, revocations are sought when the violation behavior is more serious, or the offender has been previously flashed without a change in behavior. As of August 31st, 309 revocations have been filed against 266 offenders.

Probation is continuing to apply incentive based supervision to encourage compliance and successful engagement in rehabilitative services. The number of PROs who have received an early discharge is now 204. Each of those offenders completed at least six months of supervision without an arrest or violation; drug tested clean, and has obtained employment or has enrolled in school.

As your Board is aware, Public Safety Realignment also created a population of Mandatory Supervision Offenders, or MSOs. These offenders are felons that have been sentenced pursuant to 1170(h) of the penal code to local prison sentences in the Sheriff's jail for a non-violent, non-serious or non-high risk sex offense. Offenders sentenced under 1170(h) PC may receive "split" sentence meaning a portion of their time is completed in custody and the balance under mandatory probation supervision. Please see the District Attorney's section for complete numbers on 1170(h) sentencing. Through August 31st, 89 MSOs are under mandatory probation supervision.

MSOs (October 1st, 2011 through August 31st, 2012):

- Released 107
- Under supervision 89
- Revocations/Violation hearings to date 6
- Individuals revoked to date 5
- MSO warrants to date 14
- Individuals with warrants 13

In an additional effort to share pertinent information with our law enforcement partners, probation has also developed a means to allow Police Chiefs and the Sheriff to receive daily updates on probationers and PROs. The data includes updates on all adults with one or more grants of probation. The information in the daily updates allows our law enforcement partners to be informed of their on-going status for the mutual benefit of our supervision and crime fighting efforts. Probation will continue to send these agencies the Post Release Offender Notification Forms (PRONs) as offenders are released from prison, but the daily updates allow for our partners to be informed of their on-going status.

As part of the effort to identify the treatment and intervention services needed to serve the PRO population, probation staff continues to review the identified needs as determined by the COMPAS risk/needs assessment tool. This analysis was completed on a percentage of the post release population. The analysis revealed that 66% of the surveyed population were in high need of substance abuse treatment. Half were in need of vocational education. Residential instability, or a need for stable housing, was identified in 47% of the PROs evaluated. Less than one-third (27%) were identified as having criminal thinking as their highest need. This information will be used to guide the procurement of services to address the rehabilitative needs of this population

Originally, your Board authorized 75 Probation FTE's for FY 2011-12. An additional 33 FTE's were added for FY 2012-13, for a total of 108 positions. Of those, 73 have been filled. Probation continues its efforts to recruit, hire and train new DPOs, and has previously reported anticipates that all of the Realignment positions will be filled by the end of the second quarter of FY12-13.

HEALTH AND HUMAN SERVICES AGENCY

The number of admissions to Behavioral Health Services is as follows for FY 12-13 (Months of July and August 2012):

- Total Admissions 183
- Alcohol and Drug Admissions 53
- Mental Health Admissions 130

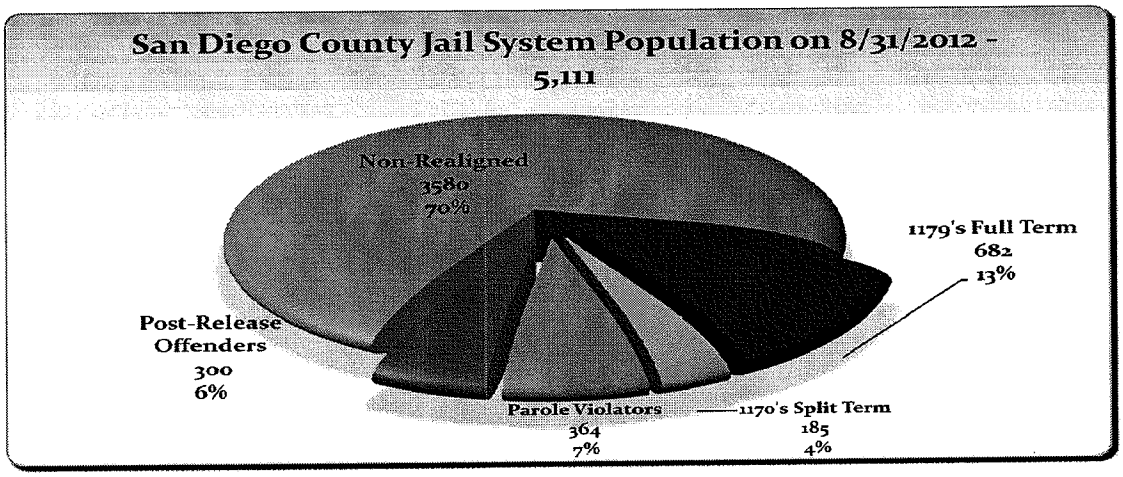
Of those receiving ADS services:

- 45% had an admission level of outpatient
- 55% had an admission level of residential or detoxification

Of those receiving Mental Health services:

- 65% received basic medication services
- 21% received enhanced recovery services
- 14% received Full-service Partnership services

SHERIFF



Note – During the month of August 2012, our inmate population reached a high of 5,249 on August 27, 2012, which resulted in us reaching about 98% of our Male Operational Capacity and 88% of our Female Operational Capacity.

County Parole and Alternative Custody Unit participants on August 31, 2012:

Offenders enrolled in Alternative Custody	31
Active County Parole Participants	67
Total Participants	98

Transformation of East Mesa Detention Facility into a Reentry Facility

As part of our five-year forecast, and in cooperation with the Community Corrections Partnership (CCP) plan that has been approved by the Executive CCP and the San Diego County Board of Supervisors, effective August 24, 2012, the San Diego Sheriff's Department began the transformation of the East Mesa Detention Facility (EMDF) into a reentry facility. The increased workload caused by this transformation will be mitigated by the addition of 20 new professional and sworn staff positions combined.

Our efforts will be focused on reentry practices that are based on empirical evidence. Beginning in fiscal year 2013, EMDF will undergo an expansion that will make facility capacity close to 1,000 beds when completed in fiscal year 2014. This expansion will also see an increase of just over 100 staff positions. To effectively manage the multitude of changes taking place, EMDF will become a stand-alone facility with a Detentions Captain managing its operation.
Captain Billy Duke has been involved with the Sheriff's Department realignment response effort from its inception and has been chosen to lead this endeavor. He has conducted much of the research, proposed and led the development of the County Parole and Alternative Custody Unit to provide for electronic monitoring and home detention which will be integrated into the Sheriff's reentry efforts. In addition, an Acting Reentry Manager has been assigned to work closely with Captain Duke in leading the reentry principles implementation.

DISTRICT ATTORNEY

1170(h) Sentencing: October 1, 2011 – August 31, 2012

Through this period, 1,661 cases were sentenced pursuant to Penal Code section 1170(h) to a term of imprisonment in local custody, and 1,226 defendants, as 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.

685 cases were sentenced to a term of imprisonment without a new case, but based on probation revocation without a new felony conviction. 6 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 36 of the probation revocations were sentenced to a term of imprisonment with a period of mandatory supervision to follow.

330 received split sentences, where a portion of the total term is to be served in custody and the balance on mandatory supervision. Approximately 20% of the 1170(h) terms are split sentences. In the month of August, 26% of the 1170(h) terms imposed were 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. In fact, in four separate months, defendants have received terms of 10 years with a portion to be served on mandatory supervision. The longest mandatory supervision term is 6 years and 8 months on mandatory supervision with 16 months in custody for a total term of 8 years.

The average length of a full term is 2 years and 8 months. The average length of a split sentence is 3 years and 5 months: the custody portion is 1 year, 9 months and the mandatory supervision is about 1 year, 9 months.

PC1170(h) Statistics for All Branches, Sentenced between 10/1/2011 and 8/31/2012
Totals based on 1226 distinct defendants.

Month	PH&S	SAR	Total	Longest term per 1170(h)(5)(A)	Split Sentences	Percent Split	Longest term per 1170(h)(5)(B)
October - 2011	71	67	138	7 Years	17	12%	6 Years (3 years on MS)
November - 2011	97	61	158	5 Years	26	16%	10 Years (3 years on MS)
December - 2011	87	44	131	6 Years	31	24%	9 Years (3 years on MS)
January - 2012	92	45	137	10 Years 4 Months	28	20%	9 Years (6 years on MS)
February - 2012	69	56	125	5 Years	16	13%	6 Years (2 years on MS)
March - 2012	112	46	158	6 Years	30	19%	6 Years (4 years on MS)
April - 2012	90	67	157	8 Years	27	17%	10 Years (5 years on MS)
May - 2012	87	69	156	8 Years	32	21%	10 Years (3 years on MS)
June - 2012	66	50	116	6 Years 8 Months	28	24%	10 Years (5 years on MS)
July - 2012	98	88	186	10 Years	44	24%	8 Years (80 months on MS)
August - 2012	107	92	199	5 Years	51	26%	9 Years (4 years on MS)
TOTAL	**976**	**685**	**1661**		**330**	**20%**	

PH&S Average Sentences Per Month

Month	Average Full Sentence	Average Split Sentence (Custody/MS)
October - 2011	2 Years 7 Months	2 Years 2 Months / 1 Years 9 Months
November - 2011	2 Years 7 Months	2 Years 4 Months / 2 Years 0 Months
December - 2011	2 Years 10 Months	1 Years 9 Months / 1 Years 11 Months
January - 2012	2 Years 10 Months	1 Years 11 Months / 1 Years 10 Months
February - 2012	2 Years 8 Months	1 Years 8 Months / 1 Years 10 Months
March - 2012	2 Years 5 Months	1 Years 7 Months / 1 Years 9 Months
April - 2012	2 Years 11 Months	2 Years 1 Months / 1 Years 9 Months
May - 2012	2 Years 8 Months	1 Years 9 Months / 1 Years 4 Months
June - 2012	2 Years 6 Months	1 Years 10 Months / 1 Years 8 Months
July - 2012	2 Years 7 Months	1 Years 4 Months / 1 Years 9 Months
August - 2012	2 Years 7 Months	1 Years 4 Months / 1 Years 8 Months

Average Length of a Full Term: 2 Years 8 Months
Average Length of a Split Sentence: 3 Years 5 Months
• Custody Portion: 1 Years 9 Months
• MS Portion: 1 Years 9 Months

1170(h) Primary Crime Types:

Of the 1,661 cases sentenced to a term of imprisonment in county jail, the highest crime of which the defendant was convicted is:

Drug Related Offenses	**722**	Weapons	**8**
Property Offenses	**816**	Driving Under the Influence	**38**
Crimes Against the Person	**49**	Miscellaneous	**7**

Post Release Community Supervision

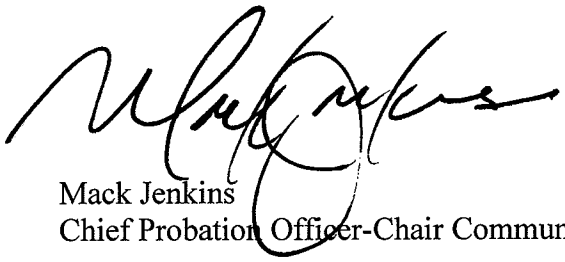
There have been 309 Post Release Community Supervision petitions filed for Revocation with 639 events calendared. Some offenders have had multiple revocations. Thus far, we have had 19 full revocation evidentiary hearings and 2 offenders have been accepted into Reentry Court as a revocation consequence.

Of the 309 petitions, 121 new felony cases and 49 new misdemeanor cases have also been filed. However, it is important to note that not all PCS offenders with new felony or misdemeanor cases have revocation petitions filed.

Through July 31, 2012, of the total PCS offenders released from state prison, we were able to match 2,059 in our Case Management system. Of those 2,059 PCS Offenders, there have been 571 PCS offenders with new cases submitted for prosecution, or about 28%. New felony cases were submitted for 344 PCS offenders, including 2 with murder and five with attempt murder. 227 PCS offenders have had cases submitted for new misdemeanors. *This was not updated for the month of August.

As your Board has been advised, the Community Corrections Partnership will provide a comprehensive, written update of our realignment efforts one year after the implementation of AB109 this Fall. If you have questions, please feel free to contact me.

Respectfully,



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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