



County of San Diego

Mack Jenkins
CHIEF PROBATION OFFICER

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

Community Corrections Partnership Meeting Minutes January 26, 2012

Attendees: Mack Jenkins (Chief Probation Officer); Kim Broderick (AFS Deputy Chief); Margie DeLeon (AFS Probation Director); Lorraine Fernandez (Probation EBPSP Supervisor); Randy Mize, (Chief Deputy Public Defender); Dr. Cynthia Burke (Director, SANDAG); John Oldenkamp (HHS, Alcohol & Drug Services); Scott Brown (SD Superior Court, Special Projects Manager); Ken Worthington (AFS Probation Director); Angie Reddish-Day (San Diego City Attorney's Office); Dean Arabatzis (Chief Operations Officer, HHS), Eunice Ramos, (Assistant Group Finance Director, Public Safety Group); Jennifer Schaffer, (Deputy Director, HHS, Behavioral Health); Elena Lepule, (Finance Officer, Probation); Dolores Diaz, (Housing Program Analyst); Wendy Broughton, (Mental Health Systems, Inc.); Clovis Honore, (Regional Congregations and Neighborhood Organizations); Cesar Escuro, (Probation Director); Marlon McBride, (Supervising Probation Officer); Sean Cole, (Supervising Probation Officer); Bessy Glaske, (Correctional Alternatives); Taylor Schooley, (DA's Office); Debbie Patag (Probation Deputy Chief, Administrative Services); Igor Koutsenok, (Asst. Adj. Professor, UCSD); Karna Lau, (Supervising Probation Officer); Ron Lane, (PSG); Grace Liu, (SDCDA); Lindsey Wade, (HASDIC); Will Brown, (Sheriff's Commander); Denise Huffhines, (Supervising Probation Officer); John Huneycutt, (GJ); Donna Cleveland, (Welcome Home Ministries); Ann Hoskinson, (Welcome Home Ministries); Reverend Carmen Warner Robbins, (Welcome Home Ministries); Taya Chase, (SCRAM); Wavelyn Contreras, (CDCR); Brian Berry, (Senior Probation Officer); Caroline Smith, (legislative Policy Advisor, County SIA); Mark Day, (County Counsel); Dana Begley, (County Counsel); Keiara Auzenne, (CEO, Center for Employment Opportunities); Ron Demery, (Bail Bonds); S. McHugh, Terry Cunningham, (PHS/HSHB); Andrew Pease, (Asst. Finance Director, HHS); Joe Black, (Healthcare Services – Lighthouse); D.T. McCamphall, (Student); Margaret Dooley-Sammuli, (ACLU, SD & Imp. Counties); Jenifer Robison, (Grand Jury); Don Glover, (Grand Jury); DeAndre Douglas (R & R); Tracy Hudson, (Purchasing & Contracting); Rian Risley, (Purchasing & Contracting); Lorna Pallares, (Metro United Methodist); Mike Kestler, (Aladdin Bail Bonds); Stacey Kartchner, (Defense Attorney); Lisa Rodriguez, (District Attorney's Office)

Welcome and Introductions

Review of 12/12/11 CCP Meeting Minutes

Chief Jenkins reviewed the last meeting minutes. He reminded everyone that all the meeting minutes can be found on the Probation Department's website under the Community Corrections Partnership link at <http://www.sdcounty.ca.gov/probation/ccp.html>

Protect community safety, reduce crime and assist victims through offender accountability and rehabilitation.

Re-Alignment Update

Probation, The Sheriff's Department, The District Attorney and the Public Defender's office each provided their monthly Realignment implementation updates:

- **Probation** – *Cesar Escuro, Probation Director:*
 - As of January 20th, there have been 1,141 PRO's released to San Diego. Of those 1,141 that were released, 913 have reported locally. 143 were released to other custody and 85 failed to appear.
 - Of the 913 who reported locally, 176 have been arrested for some level of violation. Flash incarceration has been used 137 times.
 - To date 5% of the PROs are pending revocation proceedings.
 - Probation has filled 32 of the 75 positions authorized by then Board of Supervisors through the CCP Realignment plan. Currently the Post Release Division is staffed by 24 peace officers and 8 support staff.
 - The average caseload for the Post Release officers is 62. The CCP plan calls for a ratio of 50 to 1.
 - There are 2 Health Behavioral Screening teams made up a substance abuse and mental health specialist, operating as part of the intake process. One team is located in Vista and the other at the Hall of Justice in downtown San Diego.
 - The purpose of the Behavioral Screening teams is to meet with each released PRO and conduct a screening to identify substance abuse or mental health issues. Once a need is identified, referral for treatment services is made.
 - As of January 5th, there have been 301 referrals; 49 for mental health services and 219 for alcohol and drug treatment.
 - Of the 301 referrals, 101 offenders were admitted for treatment; 32 mental health admissions and 69 for alcohol and drug specialists. Work Group #3 is working to increase admissions.

- **Sheriff** – *Commander Will Brown:*
 - As of 1/17/12, San Diego County's jail population was at 95% capacity. The sheriff utilized accelerated release credits in order to release some of the population early. A total of 260 inmates were released. As of 1/26/12, the jail population was down to 90% capacity.
 - To date there are 357 N3's, 62 PRO's and 311 parole violators in sheriff's custody. Prior to Realignment each would have been handled at the state level.
 - The average length of stay in jail for parole violators is 60 days, which is double of what the state predicted. The length of stay for the PROs is 21 days.
 - Of the N3's sentenced to "Local Prison", 10% is in protective custody, 2% is in administrative segregation, 3% have a medical condition, and 18% are high level security inmates.

- Of the PRO's, 23% are in protective custody, 13% is in administrative segregation, 2% have a medical condition, and 57% are high level security inmates.
 - Of the parole violators, 58% are in protective custody, 23% are in administrative segregation, and 9% have medical issues.
 - Commander Brown believes that without alternative custody, the jail capacity will be full by March or April. With 300 inmates out in alternative custody, 100% of jail capacity may not be reached until October.
 - The N3 offenders in custody will increase over time and the Parole and Probation violators will stay fairly level.
- **District Attorney – Deputy District Attorney Lisa Rodriguez:**
 - 406 N3 offenders (PC1170h) have been sentenced so far, with 84 for of those being split sentences.
 - There have been 39 revocation hearings for Post-release Offenders so far.
 - The bulk of the sentences have been 3 years or less. The longest straight sentence thus far is 7 years and the longest split sentence is 10 years; 7 years in custody and 3 years mandatory supervision. The longest term of mandatory supervision is 6 years, a 9 year split sentence of 3 years custody and 6 years supervision.
 - The offender can get good conduct credits depending on when the crime was committed. If the crime was committed after October 1st, 2011, they would get 100% credit. They would end up serving about half of their sentence.
 - The DA's office has been working with the court and public defender and they have not had a full evidentiary hearing so far which is saving time and money.
 - **Public Defender – Chief Deputy Randy Mize:**
 - Flash incarceration seems to be working. The recidivism rate has been 5%, It is not anticipated it will remain that low.
 - The Public Defender's office is getting ready to handle the PRO violators in greater numbers.
 - The Public Defender has been working with the DA, the Judges and the City Attorney to help facilitate settling the cases as soon as possible.

Re-alignment Workgroups:

Three CCP workgroups have been created to work on the strategies included in the County Realignment Implementation plan. Those work groups are; **#1 Pre-Trial and Sentencing**, **#2 Alternate Custody and Re-entry**, and **#3 Supervision and Intervention Services**. Representatives from each of the workgroups gave a report on their group's progress.

1. **Pre-trial and Sentencing** – *Ken Worthington*:

Enhance Pre-Trial Processes to More Effectively Utilize Current Jail Capacity for New Population

- The strategy recommends asking the court to modify bail schedules for low risk offenders awaiting trial so that more could be released. The group reported the next review of bail schedules is not scheduled until December, 2012. As result this strategy cannot move forward before that time.
- A strategy recommends providing evidence based actuarial assessments to the sentencing parties for consideration of reducing bail for low risk offenders. The workgroup is engaging in discussions to identify on how to make the risk assessment information available.
- One strategy in this section recommends using home detention and electronic monitoring for defendants awaiting trial in lieu of jail. Workgroup 1 is working on this strategy in conjunction with Workgroup 2. Both groups recommend implementing a 60 day pilot project at central court that will utilize probation department's ESP. Once completed, the effectiveness of ESP as a custody alternative will be evaluated.
- A strategy recommends using Work Furlough as a custody option for employed pre-trial inmates. Workgroup 1 is working with Workgroup 2 to identify a population and a process to implement this strategy. Probation currently has a contract with CAI (Correctional Alternatives Inc) for sentenced inmates. The Work Furlough facility has more than 100 beds available.
- Recommends the increased use of residential treatment in lieu of pre-trial custody for those with significant substance abuse issues. Workgroup 1 is working with workgroup 3 on this.

Improve and Streamline Felony Settlement

- Assessments will be done to assist with early disposition of cases for low risk offenders. A pilot project is currently underway at central court. The workgroup will monitor the progress of this project.
- A pilot project is being developed to conduct sentencing earlier in the court process for Proposition 36 and Drug Diversion cases. As a result, people awaiting sentencing for these types of cases is reduced by approximately 7 days. This pilot project will be implemented in the spring.

- The workgroup is discussing ways to increase the numbers of PRO's participating in collaborative courts such as drug court, reentry court, behavioral health court and veteran's court. This effort will need to be coordinated with workgroup 3.

Encourage the use of Evidence-based Practices in Sentencing for Felony Offenders

- The workgroup recommends the use of assessments at the sentencing phase to help facilitate appropriate dispositions and supervision conditions.
- Group trainings have already occurred for the DA, defense bar and probation on alternative sentencing and best practices for recidivism reduction and will continue until the summer of 2012.

2. Alternate Custody and Re-entry – Director Cesar Escuro:

Employ Alternative Custody Options and In-Custody Programming

- Recommends the use of Work Furlough in lieu of custody for low risk formal probationers leaving more jail beds available for high risk offenders. Probation is reviewing its operational procedures in order to identify more eligible and suitable probationers who could be referred to and screened for Work Furlough.
- Does not recommend the use of Work Furlough for long term jail inmates because of concerns of contraband risks with allowing the inmates to leave the jail to go into the community and then return to the facility.
- The workgroup is looking into the use of inmate welfare funds to pay for GPS monitoring for higher risk offenders at work furlough thus leaving jail space for higher risk offenders.
- Probation is working with CAI to begin operating a Residential Reentry Center (RRC) at the Work furlough facility. As designed, unemployed probationers or PROs serving jail sentences will be screened for referral to the RRC. Once in the RRC they will receive work readiness training, job search assistance, etc. with a goal of their obtaining employment. Once they obtain a job, the probationer/PRO will shift to a Work Furlough status and begin paying for the stay at the facility. The RRC will help expand jail capacity because it frees jail beds and will also provide rehabilitative services to the Probationers/PROs. Probation is working on a board letter to operationalize the contract.
- Based on the CCP executive committee's action on October 27, 2011 when \$2.2M was approved for the Sheriff to implement an Alternate Custody unit; a Request for Proposal (RFP) has been released to select a GPS and electronic monitoring vendor. The Alternate Custody unit will be used in lieu of jail or in combination with jail time for probation eligible felons. Currently, the Sheriff has determined that they have around 300 inmates may be eligible for this type of monitoring. The Sheriff has begun hiring to staff the unit.

- The workgroup does not recommend sending offenders to County and State Work Fire Camps at this time because it will take away from the same low risk classification population that the Sheriff uses for their Trustees. Also, there are only 22 inmates in custody right now who would be eligible.
- One of the primary strategies in this component is to expand the use of in custody reentry treatment services. The executive committee of the CCP voted on October 27, 2011 to specifically include the construction of 400 beds at East Mesa Detention Facility in the County Realignment plan. The beds will be used to expand the local Re-entry Program to 500 participants.

3. **Supervision and Intervention Services** – *Supervisor Sean Cole:*

Provide Evidence-based Supervision and Intervention Services for Post Release Offenders (PRO)

- The probation department has been using assessment tools, assigning offenders to appropriate supervision levels, and training probation officers to do more effective case planning and case management. As a part of its SB678 plan Probation has developed an incentives and sanctions continuum to provide additional tools in working with offenders. Elements of the continuum will be used with the PRO population.
- Integrated Behavioral Intervention Strategies (IBIS) training is being provided to all PRO officers. The IBIS model is designed to provide officers with improved skills to encourage behavior change among the offenders. IBIS combines motivational interviewing techniques with cognitive behavioral interventions. It is a significant part of the probation EBP strategy.
- A process has been developed where the PRO's would be assessed and assigned a supervision level. As noted earlier, the realignment plan calls for high risk cases to be supervised at a ratio of 50 to 1 and those assessed at medium risk would be supervised at 100 to 1. Also as has been reported the PRO population was under projected by CDCR and as a result, there are currently higher caseload ratios. The probation department is currently hiring more staff with the goal of reaching the desired caseloads. As a result, PRO officers are behind in completing risk assessments. The workgroup is trying to develop a process for risk assessments at the Community Transition Center.
- A plan is being developed to meet critical physical health needs with PRO cases. A recurrent problem currently exists where offenders with severe medical needs are transported and released to hospitals and mental health facilities because of lack of preplanning. The workgroup would like to pursue adding a medical professional such as a Physician's Assistant and eligibility person to the BHST in the future.

- The proposal for the Community Transition Center (CTC) is still being developed. At the CTC the PROs will receive BHST screening services, criminogenic needs assessments, detoxification treatment and short term housing. Subcommittees are meeting to address issues of the CTC and it is considered a high priority.

Evaluation of Re-Alignment Goals – *Cindy Burke*

SANDAG Director of research, Dr Cindy Burke gave an update the effort to evaluate the Realignment plan goals.

She reported that the Evaluation Subcommittee expanded to include Will Brown from the Sheriff's department and acknowledged input from the Public Defender's Office (Randy's Team) and Lisa Rodriguez from the DA's office. They want to insure that all stakeholders are compiling data and using correct definitions.

The evaluation committee offers four goal statements. They are: 1. Facilitate the collection and sharing of valid data and reliable measures for all AB109 populations. 2. Operationalize the measures as delineated in the Implementation Plan for both performance measurement and a more thorough process and impact evaluation. 3. Meet the information needs of the CCP and other stakeholders to assist in information led decision making. 4. Represent San Diego County on statewide committees and projects.

Probation Director of Research Dr. Natalie Pearl went to a meeting at Stanford Law School to look at the coding of realignment plans around the state. She reported a number of groups, including San Diego are trying to make sure that data is being collected uniformly by all the counties so that accurate comparisons can be made.

Chief Jenkins stressed the importance of collecting thorough information on the realignment populations in order to identify needs so that the CCP can make appropriate decisions in obtaining treatment and intervention services.

Financial Update – *Probation Chief of Administrative Services Debbie Patag*

AS Chief Patag reported there were no substantial changes from the last month's report. To date, \$13.4M has been allocated from the projected \$25.1M in realignment funds the county is slated to receive for FY 11-12. The approved allocations for FY 11-12 represent \$17.9M in spending for FY 12-13. So far, San Diego County has only received \$7.9 million of the \$25.1M. All of the realignment funding is based sales tax receipts. Each of the departments (probation, sheriff etc.) will continue to track their actual costs and report back to the CCP. Additionally, the state has made available "One Time Funds" of \$1.7 million for a training and implementation activity, no decisions have been made as yet on how to spend those funds.

In addition to the start of funds, \$200K has been made available to support the CCP. Probation will use those funds to hire an Analyst to coordinate the operation of the CCP and provide support for the workgroups.

State Budget/AB109 Update – *Chief Jenkins*

Chief Jenkins gave an overview of the Governor's proposed budget for FY12-13 and its impact on AB109 and public Safety Realignment. The proposed budget increases realignment funding to \$5.8 billion. The Chief reminded the CCP that AB109 was only funded for one year and as yet there is no constitutional amendment to protect the funding.

The Chief Probation Officers Association, the Sheriff's Association and CESAC partnered to create a ballot initiative but have since withdrawn it in favor of an initiative offered by the Governor's office. The governor's proposed ballot measure calls for a temporary .05 sales tax increase and an income tax increase on those earning more than \$250k. It also includes changes in the state constitution to protect the realignment dollars. Chief Jenkins also reported the formula that determines allocation dollars for each county will most likely change. A committee of county CAOs is working on revising the formula. Under the current formula, next year's projection would have been \$60 to \$65 million for San Diego County.

CCP Governance-*Chief Jenkins*

Chief Jenkins reminded the CCP members, that prior to the passage of AB109 an effort had been underway to develop a Memorandum of Understanding (MOU) between the agencies which made up the CCP. Chief Jenkins would like to revisit the idea and develop operating guidelines for the CCP. He suggested a subcommittee made of representatives of CCP agencies convene to draft bylaws. The bylaws would include operating guidelines and would address among other things include among other things the types of situations that would require votes by the executive members. Probation will take the lead in convening the subcommittee.

Public Comment

Margaret Dooley-Sammuli, ACLU of San Diego and Imperial Counties – Ms Dooley-Sammuli stated the ACLU of California has reviewed the county plans statewide and they are pleased with elements of San Diego County's plan. Ms Dooley-Sammuli asked about the timeline of the expansion of the East Mesa Detention Facility for the Local Reentry Program. Sheriff Commander Will Brown stated he felt it would take about 52 weeks and depending on the actual start state, it will potentially be completed in 2013. Ms Dooley-Sammuli also asked about split sentences. She wanted to clarify that split sentences are different than jail as a condition of probation. She went commented that Split sentences count as a prison prior but jail as a condition of probation would not. This would have a long term impact on jail stays. Deputy DA Lisa Rodriguez shared comments as did Judge Danielsen, on efforts to engage the court on Split sentencing.

Wendy Broughton, MHS – Ms Broughton shared information on s research about in custody treatment services. She advised that research shows that without aftercare, in custody treatment services tend to be ineffective. She offered to send links to anyone interested. Ms Broughton also requested that statistics on the PROS provided by probation be broken down by gender. Chief Jenkins said that request could be accommodated.

Donna Cleveland, Welcome Home Ministries and Project New Start Transitions – Ms Cleveland asked about providing transition programs to PROS as soon as they are released. She expressed a concern that currently the PROs are not assessed until they report to probation. She suggested an effort be made to try and begin the assessment process before the PROs are released from CDCR so that services could be waiting for them immediately. Chief Jenkins commented that the idea has merit but could not be implemented at the current time. He added that he expected Probation would be talking with Warden Daniel Palermo of Donovan prison to explore possible linkages directly from the prison.

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