



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 February 23, 2012

Attendees: Mack Jenkins (Chief Probation Officer); Kim Broderick (AFS Deputy Chief); Margie DeLeon (AFS Probation Director); Lorraine Fernandez (Probation EBSPS Supervisor); Dr. Cynthia Burke (Director, SANDAG); 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); Elena Lepule, (Finance Officer, Probation); Dolores Diaz, (Housing Program Analyst); 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); Karna Lau, (Supervising Probation Officer); Ron Lane, (PSG); Lindsey Wade, (HASDIC); Will Brown, (Sheriff's Commander); John Huneycutt, (Grand Jury); Taya Chase, (SCRAM); Brian Berry, (Senior Probation Officer); Caroline Smith, (legislative Policy Advisor, County SIA); Mark Day, (County Counsel); Keiara Auzenne, (CEO, Center for Employment Opportunities); Ron Demery, (Bail Bonds); Margaret Dooley-Sammuli, (ACLU, SD & Imp. Counties); Mike Kestler, (Aladdin Bail Bonds); Toby Smelter, (Aladdin Bail Bonds); Stacey Kartchner, (Criminal Defense Lawyers Club); Stan Jones, (Criminal Defense lawyers Club); Lisa Rodriguez, (District Attorney's Office); Greg Thompson, (SDSO); Deme Hill, (HBI); Alison St. John, (KPBS); Robert Coleman, (Second Chance); Erika Frierson, (SDSO); Michelle Bush, (DA); JJ Anderson, (DA); Seth Johnson, (DA); Angie Bartosik, (APD); Sharon Beverstock, (VIP Mentors); Randall Ream, (Probation); Michelle Aguinaldo, (SDSO); Ed Pendergast, (SDSO); Ed Prendergast, (SDSO); Sean Sander, (Revenue & Recovery); Susan Bower, (HHS – ADS); Lance Witmond, (United Way); Gina Surgeon, (Revenue & Recovery); Barry Lindstrom, (MHS/SASCA); Patricia Leslie, (RCCC); Terri Brewton, (SD Court); Billy Duke, (SDSO); David Danielsen, (Judge, Superior Court); Matt Braner (Deputy Public Defender)

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's Office and the Public Defender each provided their monthly realignment updates:

- **Probation – PRO Director Cesar Escuro:**
 - The total number of PRO's scheduled to be released since October 1, 2011 through February 10, 2012 is 1,325.
 - Of those 1,325 offenders, 1,040 reported to the probation department, 147 were released to other custody and 138 offenders failed to appear.
 - Of the 1,040 who reported locally to probation, 282 have been arrested on both technical and new criminal offense violations. Flash incarceration has been used 223 times, primarily for PROs who have failed to appear. A total of 59 have been or are pending probation revocation hearings.
 - Of the PRO population, 927 are males and 113 are females.
 - Currently, the average probation officer caseload is 70, which is well above the target of 50. Probation is continuing to hire DPOs.
 - Most of the PRO population is in the Central Region followed by North County, East County and South County.

The level of criminal sophistication of the PRO's coming from state prison appears to be higher than probationers under supervision. Probation has begun transporting some PROs from the Security Housing Units (SHU) of several prisons at the request of CDCR staff. Most of the offenders coming from the SHU are validated gang members.

Currently, with 59 offenders pending revocation, the rate is at 6%. The Evaluations Subcommittee is currently looking into how to accurately measure the revocation rate.

- **Sheriff – Captain Billy Duke:**

Captain Duke gave a power point presentation outlining the impact to the Sheriff's jail system.

 - The total AB109 inmate population as of 2/23/12 is 1,170 and the total realigned sentenced population (N3) is 436 which represent about 9% of the overall population.
 - PROs currently in custody with new charges are 119 which is 2.5% of the population. Parole violators currently in custody on revocations are 426 which is about 8.5% of the total jail population.

The state department projected that San Diego County's average daily population would increase by about 2100 inmates (N3s). Mitigation strategies to address this include the use of accelerated release credits and moving the female population from the Vista Detention Facility to Las Colinas.

The Sheriff is currently staffing CPAC, the County Parole and Alternative Custody unit (funded by the CCP on October 24, 2011). The Sheriff's department plans to add 400 reentry beds to the East Mesa Detention Facility (Public Safety Re-alignment & Post Release Community Supervision Implementation Plan Component # 4). In early 2016, the Sheriff's Department will take back the beds currently being leased out to CCA on the East Mesa Complex. Pursuant to the CCP plan (Public Safety Re-alignment & Post Release Community Supervision Implementation Plan Component # 1), the department is also working with the other justice partners to expedite pre-trial resolutions to keep people out of jail at the front end. Captain Duke reported that even with pursuing these strategies, it is projected the jails will reach full capacity in mid October 2012. The Sheriff's Department is looking to see what other counties are doing and looking into other mitigation strategies that haven't been considered yet.

- **District Attorney** – *Deputy DA Lisa Rodriguez:*

- As of 2/10/12, there have been a total of 470 defendants sentenced pursuant to PC1170(h). 350 were sentenced on a new case and 120 were revocations only. 101 received a split sentence which is around 20%.
- There are 4 N3s on Mandatory Supervision.
- The breakdown of the offenses they have been charged with are as follows: 205 for controlled substance related offenses, including possession for sale and simple possession, 210 for theft, 23 for crimes against a person, 15 DUI and 17 other miscellaneous crimes.
- The average term of a jail sentence is 2 to 3 years.
- For the PRO population, 59 revocations have been filed with no mandatory supervision revocations yet. 48 of the 59 revocations had new criminal charges pending simultaneously.

Chief Jenkins suggested that the theft related offenses may involve individuals with substance abuse problems. Judge Danielsen suggested that the breakdown of crimes committed by the group receiving split sentences be obtained since services will be directed towards this group.

- **Public Defender** – *Deputy Public Defender Matt Braner:*

PD Braner reported the San Diego County Public Defender's office supports the manner in which flash incarceration has been used thus far. The PD's office also supports the planned increase in services, assessments of offenders for split sentencing, and the planned expansion of the local reentry program. PD Braner commented that other public defenders in the state are opposed to flash incarceration and that in Los Angeles County no judge has yet handed down a split sentence.

Re-alignment Workgroups Reports:

Workgroups 1 & 2 - Pre-trial and Sentencing & Alternate Custody and Re-entry – Probation Directors Ken Worthington and Cesar Escuro: A decision was made to combine Workgroups 1 & 2 because both groups have primarily the same members, and the strategies being addressed are all closely related.

Workgroup 2 has proposed developing a menu of alternative custody options for the pre-trial population (a menu of such options is already listed in the Public Safety Re-alignment & Post Release Community Supervision Implementation Plan Component #4) The workgroup is developing a pilot project for central court to evaluate the process and impacts of a pretrial release. The target start date is in March.

Probation is pursuing the implementation of a Residential Re-entry Center (RRC) at the County Work Furlough Facility. The RRC would target PROs (and probationers) sentenced to serve jail sentences. While serving the sentence the PROs would receive work readiness services, job search training, with an effort to link them to felony friendly employers. Once the offender obtains a job, they will transition into Work Furlough Centers and pay for the cost of their incarceration. The RRC can also be used for unemployed PROs or probationers who would benefit from the services offered.

The Immediate Sentencing Project is continuing in central court. In December and January, there were approximately 30 offenders each month that were sentenced immediately, thus disposing those cases more quickly and efficiently.

Deputy DA Lisa Rodriguez asked if there was a general snapshot of who is in jail and who could we move out. Director Worthington stated had not been received as yet. Judge Danielsen indicated he believed the information was critical to have.

Workgroups 1 & 2 are working on providing risk/need assessment information to all the sentencing parties. The workgroup recommended the CCP members, including representatives from the Public Defender, District Attorney, Sheriff and Probation, meet with the Bench to have discussions on the integration of evidence based practices, and the utilization of split sentencing. There is a tentative plan to meet with the Judges in each region during March and April.

Workgroup 3 - Supervision and Intervention Services – Probation Supervisors Karna Lau and Sean Cole: Probation staff continues to be trained in the ‘Balanced Approach’ philosophy of probation supervision which includes teaching case management skills and a focus on behavior change. Probation also intends to utilize “incentive based supervision” and use the opportunity for early discharge from supervision at six months as an incentive for the PROs.

The workgroup continues to develop criteria for inmate populations deemed eligible for the Local

Re-entry Program and maximize the use of in-custody and re-entry treatment services.

Development of the Community Transition Center (CTC) continues with a completion goal of April 2012. The workgroup is working on a system to transport PROs from prison directly to the CTC. The plan also involves moving the Behavioral Health Screening Team from the Vista and HOJ probation offices to the CTC. The workgroup is also working on a physical health component to add to the behavioral health screening team to address the medical ailments.

Financial Update – *Probation Deputy Chief Administrative Services, Debbie Patag*: There are no updates since the last meeting; however, there is a plan to ask the executive members of the CCP for additional allocations of the realignment funds in March or April.

Presentation, HHS Behavioral Health Services

Susan Bower, Deputy Director, HHS Alcohol and Drug Services and Alfredo Aguirre, Director Mental Health Services gave a presentation on substance abuse and mental health services provided to the PRO population by HHS Behavioral Health.

Highlights from the presentation included:

- The Behavioral Health Screening Team was implemented in November 2011. The teams are currently co-located at Vista and HOJ probation offices and are comprised of a mental health and alcohol/drug specialists. They screen offenders coming from CDCR and link them to appropriate treatment programs.
- It was anticipated that 85% would need substance abuse services and 20% would need mental health services (some need both). During the 1st quarter, October through December 2011, 33% of offenders were referred to treatment attended. The percentage increased to 43% when the month of January 2012 was included. 50% of offenders who reported to probation between October 2011 and January 2012 were referred to some type of treatment.
- There are 12 treatment programs located throughout the county. One is a detoxification program that provides 5 to 14 days of detoxification services. The residential programs provide treatment for up to 6 months. A few target specific populations include women and veterans. Non-residential programs are out-patient and day treatment program up to 9 months.
- HHS and Probation submitted a joint application for an NIATEC study to provide technical assistance specifically designed to increase the number of PROs engaged in treatment.
- There are 7 mental health programs throughout the county that serve the severely mentally ill. Three levels of care are provided; 1) basic medication services, 2) recovery enhanced services and 3) full service partnership. It is anticipated 70% of offenders will need basic medication services, which involves prescribing and monitoring of medications
- The two mental health providers providing treatment are Exodus and Community Research Foundation. Both provide walk in or urgent care which is significant because many of the population do not show up for their scheduled appointments. Additionally, both providers have

good records of linking clients to medical care.

- Enhanced recovery services offers the client including crisis intervention, outpatient treatment, problem solving therapy, cognitive related therapies, clinical case management and medication management.
- Full service partnership is very comprehensive services and Telecare is the provider for the entire county. They work closely with the families and are recovery oriented. Also included are short term housing, ancillary services and enhanced recovery services. It is based on an evidence based practice called assertive community treatment.

Judge Danielsen said it would probably be beneficial to educate the judges on the efficiency, efficacy and appropriateness of residential treatment versus non-residential treatment. If HHSA can do presentations and provide written materials, he will make the judges available to them. Nick Macchione, Health Director of the County of San Diego Health and Human Services Agency, thanked the judge for his help and leadership in this. Chief Jenkins asked that presentation be given to the Probation PRO division.

Director Macchione stated that in the near future, there will be another presentation on the physical health system.

Presentation, Department of Housing and Community Development -

Dolores Diaz, Housing Program Analyst, Housing and Community Development and Dr. Patricia Leslie, Regional Continuum of Care gave a presentation on the role of the County's Housing and Community Development (HCD) and availability of housing resources and ways to partner with the community to provide housing for an offender population. Highlights from the presentation included:

- There are 6 active housing agencies in the county. They are located in San Diego, Carlsbad, Encinitas, Oceanside, National City and the County of SD Housing and Community Development. They all manage mainstream housing programs. Applicants must apply to the correct housing agency in which they want to live.
- Those who do not qualify for Section 8 housing and are banned for life include lifetime registered sex offenders and those convicted of manufacturing and production of methamphetamine on the premises of a federally assisted program. There are shorter prohibition periods ranging from 1 to 5 years for people convicted of other certain crimes.
- According to a collaborative study by housing professionals and the Council of State Governments, every time an offender moves after being released from prison, it increases his chances for re-arrest by 25%. One thing that can be done is to educate housing authorities on the need for housing for the offender population. There are other housing resources other than Section 8.
- The County HCD has a very strong partnership with providers in the entire region. They

convene the Regional Continuum of Care Council (RCCC) which includes 50 plus non-profit organizations that serve throughout the county. They are the lead agent for the annual federal housing application which brings in approximately \$14 million to the region. The RCCC is a broad community based organization that focuses on the homeless.

- The five layers of housing that their continuum of care administer are emergency housing up to 90 days, transitional housing up to 24 months, safe havens for the hard to reach, dually diagnosed, co-occurring, mental health and substance abuse disorder etc., shelter plus care for long term homeless and disabled, and permanent supportive lifetime housing. They can target certain populations such as Domestic Violence victims and veterans who will get priority in terms of beds. They use Discharge Planning to ensure that people from all institutions are not released into homelessness. They try to create bridges between formal institutions and other housing services.
- Data from the COMPAS is needed in terms of risk assessment, substance abuse and mental health assessments. Housing needs assessment needs to be added to the COMPAS. The RCCC is committed to developing a housing needs assessment instrument that can be used cooperatively and a housing eligibility fact sheet.

Nick Macchione suggested that the chairman of the CCP meet with the County Housing Department.

Public Comment

Margaret Dooley-Samuli, Senior Policy Advocate at the ACLU in San Diego and Imperial Counties: The ACLU is working statewide on reviewing realignment implementation plans and believes there have been problems in other counties. The ACLU continues to commend San Diego for a very cooperative cross agency effort. Ms. Dooley-Samuli commented, no single agency can make the plan successful but one single agency can make it fail. She emphasized 2 points the ACLU is seeing from their state perspective. The first is the size of the pre-trial population. Across the state, prior to realignment, 71% of people in county jails were pre-trial and a significant portion of them could not afford the bail. This is being addressed in San Diego but wanted to emphasize the fact that there are many people in jail that shouldn't be there.

The second point involves the role that drugs and drug problems play in criminal behavior. The ACLU acknowledges the subject is being addressed in San Diego but believes reform is needed at the state level and hopes that this CCP will be supportive in addressing sentencing reform for drug possession.

Ms. Dooley-Samuli also expressed concern on the use of flash incarceration. She hopes that it does not become routine and overused. She indicated Drug Courts use flash incarceration and in some instances, people can end up incarcerated for more days than if they just took the time in the beginning.

Closing Comments

Chief Jenkins reminded everyone that the CCP meets monthly on the 4th Thursday of the month. He invited all other members of the executive committee to contribute to the agenda. He also invited the public to visit the CCP website <http://www.sdcounty.ca.gov/probation/ccp.html> and to submit items for the agenda.

The Chief reviewed a report released by the Pew Center on California's Probation Incentive Act funding program (SB678). The report indicated that after an initial statewide investment of \$45M ARRA funds, first year of SB678, CDCR saw a reduction of 6100 fewer inmates and \$180 million dollars savings. The savings provided \$79M dollars for probation department statewide, which can be used to provide services to offenders. The Pew report also highlighted the San Diego County Probation Department and recidivisms reductions achieved. The Pew report will be posted on the CCP website.

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