



County of San Diego

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Community Corrections Partnership Meeting Minutes May 24, 2012

CCP Executive Committee Members Present: Mack Jenkins (Chief Probation Officer); Henry Coker (Public Defender); William Gore, (Sheriff); Nick Macchione (Director, Health and Human Services Agency); David Danielsen (Judge, San Diego Superior Court)

CCP Committee Members Present: Ron Lane (Deputy Chief Administrative Officer, PSG); Dr. Cynthia Burke (Director, SANDAG); Susan Bower (Director of Operations, Behavioral Health Services, HHSA)

Welcome and Introductions

All of the CCP members in attendance introduced themselves.

Review of Last Month's Minutes

Chief Jenkins stated the meeting minutes from the March 22, 2012 CCP meeting will be reviewed and approved by the committee at the next CCP meeting.

Announcements

The Chief reported that since the March 22nd CCP meeting, the Probation Department had 33 retirements including Deputy Chief Kim Broderick. The newly promoted Deputy Chief for the San Diego County Probation Department, Adult Field Services, is Ken Worthington. Deputy Chief Worthington is now the Probation Department's AB109 and Public Safety Realignment point of contact.

The Chief also mentioned that a meeting of the Sheriff's Department, the Probation Department and CDCR to discuss next steps in Plan implementation will occur in late June.

Chief Jenkins reported that San Diego County is one of two counties in the state piloting an automated process to receive packets from CDCR for all of the Post Release Offenders returning to the county.

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

The Chief said that the Probation Department is working with Dr. Doug Marlow from the University of Pennsylvania to leverage his expertise in the subjects of incentives and sanctions and risk based supervision for a presentation to occur sometime in June.

Nick Macchione announced Alfredo Aguirre as the new Behavioral Services Director for the Health and Human Services Agency.

Sheriff Gore announced that the new Assistant Sheriff in charge of Detention Services Bureau is Mark Elvin.

Public Safety Realignment Update

The CCP Executive Committee met in April. During this meeting, there was conversation regarding the workgroups. A need was identified to consolidate and improve the coordination of workgroup tasks by enhancing the level of communication between the different groups. A Steering Committee was created to address this need. The Steering Committee is attended by representatives from each of the Executive Committee's agencies: the Probation Department, Health and Human Services Agency, the Sheriff's Department, the District Attorney's Office, the Public Defender's Office, and the San Diego Superior Court.

Representatives from the Steering Committee provided implementation updates and spoke to the impact of Realignment:

- **Probation**-*Denise Huffhines, Supervising Probation Officer*

As of April 30, 2012, 1,898 Post Release Offenders have been released to San Diego County. The Probation Department is actively supervising 1,594 Post Release Offenders. Of these 1,594 offenders, 98 have been released to another type of custody hold and 206 have failed to appear. Warrants have been written for all 206 offenders that have failed to appear. Out of the 1,594 offenders, 718 have incurred violations. These violations can encompass both new offenses as well as technical violations. Of the 718 offenders, the Probation Department has utilized Flash Incarceration in 546 of these cases and has moved forward with revocation proceedings in the remaining 172 cases.

There have been 27 offenders released on Mandatory Supervision. Of the 27 offenders, 3 have incurred violations and 2 have absconded from supervision and have a warrant out for their arrest.

Supervisor Huffiness reported the average caseload for the Probation Officers in the Post Release Offender Division to date is 90 to 1 which is much higher than the targeted ratio for high-risk caseloads of 50 to 1. The plan also calls for a ratio of 100 to 1 probation officer for medium risk caseloads. The higher caseloads are a result of the time it is taking to hire new and train new probation officers. Due to the criminal sophistication of the Post Release Offender population and a desire to increase the level of supervision, the Probation Department is seeking to lower the targeted caseload ratio to 40 to 1 for the high-risk population and 80 to 1 for the medium-risk population in order to intensify supervision.

To reduce the high caseloads the Probation Department is continuing to recruit, hire and train new probation officers. Probation is also evaluating the PROs on an on-going basis to identify those who may be eligible for early discharge after six months of supervision. As of April, 218 offenders were eligible to be screened and reviewed for early discharge. Of the 218, 47 cases were reviewed and screened and of those 19 were deemed appropriate for early discharge. Cases are reviewed independently and several factors are used to examine whether or not an offender has achieved a level of stability within the community and has remained in compliance with their supervision conditions. Automatic disqualifiers for early discharge include whether the PRO has been taken into custody, or the offender has tested positive for an illegal substance. Other factors considered by the supervising officer include treatment participation and engagement, victim restitution, and whether an offender has a stable living environment or not.

The Post Release Offender Division continues to actively engage with surrounding law enforcement partners.

Nick Macchione commented that 19% of Post Release Offender population is transient population and charged the CCP with addressing the need for transitional housing in the coming months.

- **HHSA- Susan Bower, Deputy Director**

Of the 1,594 Post Release Offenders that are being supervised, 912 have been referred to either mental health or alcohol and drug services. Of the 912 offenders referred, 197 were admitted into Mental Health treatment, 330 were admitted into Alcohol and Drug Services treatment, and 241 were admitted to both Mental Health and Alcohol and Drug Services treatment. Initial projections anticipated about 50% of offenders referred to alcohol and drug services and mental health treatment would show up. Actual numbers are showing that about 67% of offenders referred to treatment are being admitted.

Of the 197 offenders admitted to Mental Health treatment, 69% require basic medication, 18% require enhanced recovery services (includes counseling in an outpatient environment), and 13% are entering the full-service partnership treatment program (intensive case management for the severely mentally ill). Of the 339 offenders admitted to Alcohol and Drug Treatment, 45% are participating in an outpatient program and 55% are participating in a residential program.

A nurse care coordinator will be implemented as a part of the Behavioral Health Services Team to coordinate the cases that have severe physical health issues beginning July 1, 2012.

- **Sheriff's Department-Billy Duke, Captain**

As of April 30, 2012, the Sheriff's total inmate population was 5070. Of the 5070, 2,645 are the pre-trial population, 1226 are sentenced inmates, 519 are 1170H offenders, 109 are serving split sentences, 194 Post Release Offenders serving on a Flash Incarceration or a Revocation, and 377 parole violators are in custody. The current jail capacity is at 92%.

The average length of stay for the pre-trial population is 13 days for misdemeanants and 84 days for felons. The average length of stay for the sentenced misdemeanor population is 46 days in custody and sentenced felons is 65 days in custody. Those serving split sentences will serve an average of 352 days in custody. Those serving a full 1170(h) sentence will serve an average of 355 days in custody. Post Release Offenders are serving an average of 40 days in custody and Parole violators are serving an average of 52 days in custody. The furthest release date is July 30, 2016. There has been an increase in the special population. 42% of the realigned population is in either special or high-level housing. High-level inmates are categorized based on a classification system done upon intake that is based on several factors, including, but not limited to, criminal history, charges, and past institutional behavior.

- **District Attorney-** *Lisa Rodriguez, Deputy District Attorney*

As of April 30, 2012, 1009 defendants were sentenced pursuant to 1170(h) to serve their term in county jail. Of those, about 17% were given split sentences. 621 of the 1009 cases were sentences where it was the defendants first term of imprisonment in the county jail and at the first time sentencing. 388 of the cases involved defendants who were already on probation, were revoked and were sentenced to a term of imprisonment. The average length for all of the 1170(h) defendants that have been sentenced is two years, five months. The average length for split-sentences is three years, nine months, with 23 months in custody and 22 months on Mandatory Supervision. Of the offenders sentenced under 1170(h), 45% of the crimes are theft related, 43% are drug related, 4% are crimes against a person, 2% are DUI charges, and 6% are miscellaneous charges.

Of the 1594 post release offenders being supervised, there have been 173 revocations filed. 75 of the 172 are technical violations. 73 offenders had new felony charges filed against them, and 24 offenders had new misdemeanor charges filed against them. Of the 27 offenders who received a split-sentence, there have been two revocations filed, one technical violation, two new felony charges filed, and one new misdemeanor charge. Of the 130 1170(h) offenders who received a full sentence, 15 have had new felony charges filed and 11 new misdemeanor charges filed against them.

- **Public Defender-** *Matt Braner, Attorney*

The Public Defender supports the recommendations that will be brought up later in the meeting and wants to point out the purpose of the Public Defender's office is to protect the people. Because the job of the Public Defender is to protect people, they have to make sure their rights are protected. In the last few months, the Public Defender's office has protected their client's rights in a way that helped the criminal justice system and showed great collaboration with the other partners in the system. The Public Defender filed a writ stating all prisoners serving local custody should receive the same custody credits, the attorney general representing the state of California agreed. As a result, the District Attorney's Office assisted the Public Defender's office in creating a list comprised of all the offenders who should have their credits adjusted and the court promptly amended their sentencing document to award those credits. Over the last month, 266 inmates and 419 cases have had their credits adjusted which resulted in a lot of saved jail space.

- **Superior Court-** Scott Brown, Special Projects Manager

Since Realignment began, there have been 33,054 felony and misdemeanor cases filed in the court. Of those, 7,961 were felonies and 25,093 were misdemeanors. Additionally, there have been 28,438 cases that settled during the same time period. This is important because the court believes that realignment impacts the entire justice system. The court would like to ensure the resources and strategies outlined in the realignment plan are applied throughout the entire criminal justice system.

In regards to the Post Release community, the court has seen 172 petitions filed, has responded to recommendations to accelerate readiness conferences, responded to requests to calendar sentence modifications so access to the Residential Re-entry Center can be accomplished.

CCP Steering Committee Report - *Ken Worthington, Probation Deputy Chief*

Modification of Bail Schedules

The Steering Committee will evaluate bail, review, and determine whether the committee will make a recommendation to the judicial process that reviews the bail schedules on an annual basis. The Steering Committee will also review the legislation (SB 1180) that could have an impact on the bail schedules.

Reducing bail for low risk offenders

Booking criteria was modified as of May 1, 2012, and included modified booking criteria for misdemeanants.

Use of Electronic Monitoring, Home Detention, Alcohol Monitoring, and GPS

The Steering Committee will be looking at the data collected from the Ghost Process that evaluated everyone booked during the month of April. Pretrial risk assessment scores and COMPAS risk scores were reviewed to determine whether there is a population that could participate in an electronic monitoring program as an alternate custody. Work furlough is also going to be recommended for an alternative to custody. Both could be used as tools by the Judges during sentencing. The committee will continue to study the effects of adding an alternate custody option and continue to see what assessments might be appropriate in the future.

Improve and Streamline Felony Settlement

The Steering Committee is seeking to reduce the number of hearings and the time between hearings. The Central Court began expediting the resolution of Proposition 36 and PC 1000 cases and the South Bay Court began doing this as of May 21st. A Probation Officer has been stationed in the disposition courtrooms to facilitate immediate sentencing at these hearings, thus eliminating the need for additional hearings. The recommendation is to expand this practice county wide by focusing on felons with the lowest risk to recidivate and who require the lowest level of services and attention. The Steering Committee will look into whether having the Probation Officer present at these hearings is playing a role in offenders receiving split-sentences or not.

Expand the Use of Existing Collaborative Courts

The Steering Committee proposes to continue funding for Reentry Court. Additional working groups will review the possibility of expanding the use of other collaborative courts and reviewing if those can be used as an intermediate sanction.

Encouraging EBP in Sentencing Felony Offenders

In order to provide results of risk and need assessments to all sentencing parties, the Steering Committee ask a working group to design a template for providing information to the Courts, District Attorney, and the Defense in Pre Sentence Investigation. An upcoming training will inform all parties regarding alternative sentencing and best practices for recidivism reduction. Finally, to encourage more split sentences, a panel visited all of the court branches within the county and spoke about utilizing split sentences in order to provide some level of supervision for offenders upon release. A next step in split sentences is be to focus more on the reentry process to help lead to better outcomes and a safer community.

Expand Alternatives to Custody and Alternate Custody Options

The Residential Reentry Center (RRC) began operations on April 16, 2012. The RRC is located in a portion of what has existed for many years at the work furlough center and has been a service available to the Federal inmates also housed at the work furlough center. The Residential Reentry Center was created for unemployed county inmates who are employable. These inmates will be provided employment skills training and job search assistance so they can reenter the community and obtain employment.

Another option is to work with the County Parole and Alternative Custody Unit with the Sheriff's Department. Sentenced inmates nearing release from the county jail can be released on electronic monitoring, selected through evaluation, including the use of the COMPAS Assessment tool, to determine the lowest-risk offenders.

Expand In-Custody Programming

The Local Reentry Program, LRP, is a rehabilitative service provided in the East Mesa Detention Facility. Inmates receive various types of programming while in custody aimed at reducing their recidivism and accomplishing some of their conditions of Probation while in custody. There is a need for 400 more beds at that facility so the program can serve projected populations and continue without interrupting the programs currently in place.

Recommendations by the Steering Committee

- 1. Offering electronic monitoring at felony arraignment**
- 2. Place a Probation officer at disposition courts county-wide**
- 3. Modify the wording of the Implementation Plan to develop transitions (supervision and interventions) for all offenders released from custody.**

4. Study system wide use and sharing of assessment information from arrest through sentencing post-release
5. Approve creation of new working groups
 - a. Collaborative Courts (WG1)
 - b. Assessment information in PSI (WG1)
 - c. Reentry process for sentenced 1170(h) defendants (WG1/WG3)
 - d. Ancillary Services (WG3)
 - e. LRP Operations Committee Collaboration (WG1/WG3)
6. Approve FY 12-13 Funding Allocations

Voting Item

Chief Jenkins asked for a motion to accept the recommendations presented by the Steering Committee. The motion was moved and seconded. The motion passed with four members in favor and one abstention from the court.

Fiscal Year 2012-2013 Funding Allocations

Probation Administration Chief Debbie Patag gave a report on the recommended funding allocations. She indicated that when the Preliminary Implementation Plan was approved by the CCP Executive Committee and the Board of Supervisors last fall, \$11,000,000 was allocated for Fiscal Year 2011-2012. These amounts supported the early increase in cost of jail operations and addressed the immediate needs to supervise and provide services to the offenders in the community. For the upcoming years, the resource amounts estimated by California's Department of Finance are based on the continued increase in populations impacted by AB109, with a full impact expected in fiscal year 2013-2014.

The estimated allocation to San Diego County of \$59.1 million supports a full year of funding for the strategies previously approved and support for the proposals just described. The specific allocations requested are: \$15 million for construction of the jails, \$11.1 million for jail operations, \$15.1 million for supervision of offenders in the community, \$14 million for services and treatment in the community, \$0.20 million for evaluation of the Post Release population, and \$3.7 million for future mitigation.

All funds are not fully allocated. Once the recommended allocations are approved by the CCP Executive Members, they will be recommended to the Board of Supervisors for funding decisions and budget actions.

Voting Item

The Probation Department made a request for an additional \$16.2 million from the California Local Revenue Fund. These monies would fund \$5 million for supervision staff, an additional \$11 million for treatment and intervention services, and \$215,000 for evaluation making the total funding allocated for the Probation Department for fiscal year 2012-2013 \$29.3 million.

The Sheriff's Department made a request for an additional \$26.1 million from the California Local Revenue Fund. These monies will be used as follows: \$11.7 million of unallocated CCP money for construction, \$3 million toward medical and food costs, \$1.8 million toward County Parole and

Alternative Custody, \$2.5 million toward the transformation of the East Mesa Detention Facility for reentry, \$15 million toward construction costs, \$2.2 million toward lost revenue from the Parole population, and \$700,000 to cover the cost of electronic monitoring.

The total allocations being voted on are a new allocation of approximately \$39.3 million and the unallocated \$11.7 million from fiscal year 2011-2012.

	FY 11-12	FY 12-13	FY 13-14
Custody:			
Construction		\$15.0	\$13.2
Operations	\$5.4	\$11.1	\$22.1
Supervision	\$5.0	\$15.1	\$15.1
Services	\$3.0	\$14.0	\$14.0
Evaluation		\$0.20	\$0.20
Future Mitigation	\$11.7 *	\$3.7	\$5.4
Total	\$25.1	\$59.1	\$70.0
* Earmarked for Construction Costs in FY12/13			

Chief Jenkins requested a motion to adopt the budget presented by the Steering Committee. The motion was made by Sheriff Gore and seconded by the Public Defender, Henry Coker. Public Defender Coker noted his second was made with the belief that the expansion of jail capacity is being done for the purpose of facilitating the reentry and success of people who are in custody and the long term view that these people will not be returning to custody with appropriate programming. The motion was passed with four members in favor and one abstention from the court.

The Executive Committee also approved an amendment in the language of the Implementation Plan to change the supervision caseload ratio target for the highest risk population from 50:1 to 40:1 and at a ratio of 80:1 from 100:1 for those assessed as medium risk.

Public Comment

James Lewis, Foreman for the San Diego County Grand Jury, publicly recognized and thanked all of the members of the CCP for having developed such a logical and working plan for the County. He stated that he hopes the public will take notice of the hard-work that has been done and continues being done.

Robert Robinson, HR Director for UAAMAC, requested clarification on how allocated monies are going to be distributed throughout the communities to help treat and assist the Post Release Offender population. Chief Jenkins explained the money allocated by the CCP Executive Committee for ancillary services will be used to further identify the profile of the population that has come back to the community, identify what those needs might be, and decide where a portion of those dollars need to go.

Reverend Deb Mitchell, Presbyterian Urban Ministries, inquired about what voice the faith-based and non-profit organizations will have in regards to addressing and understanding what allocations are available to them. Chief Jenkins reiterated his previous statement by explaining that as the CCP Executive Members continue to assess the needs of the Post Release population and identify gaps in services, the Probation Department will put out Requests for Information (RFI) about different types of services needed on Buy Net. Buy Net will be the vehicle by which community organizations will hear about how dollars are allocated to different services, but there is not a direct distribution to specific organizations.

Margaret Dooley-Samuley, ACLU, expressed the ACLU's concern regarding jail conditions during the construction that will be taking place and stated the ACLU is looking forward to seeing the services that are anticipated to be delivered to the inmates over time.

SC/ed/km