



# County of San Diego

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## **Community Corrections Partnership Meeting Minutes July 26, 2012**

**CCP Executive Committee Members Present:** Mack Jenkins (Chief Probation Officer); Bonnie Dumanis (District Attorney); William Gore, (Sheriff); Nick Macchione (Director, Health and Human Services Agency); Randy Mize on behalf of Henry Coker (Public Defender's Office); Frank McCoy (Police Chief, Oceanside Police Department)

**CCP Committee Members Present:** Dorothy Thrush on behalf of 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.

### **Public Safety Realignment Update**

- **Probation-Ken Worthington, Deputy Chief Probation Officer**

As of June 30, 2012, 1,633 Post Release Offenders, 49 Mandatory Supervision Offenders, and 13,940 adults on formal probation were under supervision in the community. Of the 1,633 Post Release Offenders in the community, 212 revocation proceedings were filed and flash incarceration was used 787 times. Of the 49 offenders being supervised on mandatory supervision, three revocation proceedings were filed and 7 warrants issued. Deputy Chief Worthington notes that the number of revocation proceedings filed and flash incarcerations used represent actions and not individuals. A single individual can have multiple revocation proceedings filed and can be booked into custody on a flash incarceration multiple times.

As of June 12, 2012, 40% of Post Release Offenders had a drug or alcohol related committing offense, 35% had a property related offense, 10% involved a crime against a person, 6% were weapon related, and the remaining 9% had a committing offense other than the offenses previously identified.

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

From October 1, 2011-June 30, 2012, 122 warrants were issued for offenders who failed to report immediately following their release from prison. From April 1, 2012 to June 30, 2012, there have been 4,737 contacts made on PROs by probation officers. In addition, 1,207 drug tests were completed, 32.1% of which resulted in a positive drug test. Chief Jenkins requested at future CCP Meetings the Probation Department report the breakdown of the positive drug tests to see what the offenders are actually using.

To date, there have been 124 offenders who have been determined suitable for early discharge from supervision. Early discharge is an authority included in the AB109 legislation that allows an individual under supervision who has performed in accordance with compliance criteria to be discharged from Probation supervision.

It was requested by Judge Danielson that the Probation Department report on numbers regarding offenders involved in custody alternative programs. To date, there have been 17 offenders enrolled in the Residential Reentry Center, two of which are Post Release Offenders. The Residential Reentry Center has a capacity of 75. 89 offenders are currently enrolled in Work Furlough and the program's capacity is 190. Lastly, the Electronic Surveillance Program utilized by the Probation Department is being used on 12 offenders and the capacity for this program is 30. All of the custody alternative programs are being underutilized and the goal is to increase participation in all three of them.

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

Of the 1633 Post Release Offenders under supervision, 1058 have been referred to either mental health or alcohol and drug services. Of the 1058 referred, 808 were admitted into Mental Health treatment, Alcohol and Drug Services treatment, or to both Mental Health and Alcohol and Drug Services treatment.

The Behavioral Health Screening Team performs assessments on every Post Release Offender reporting to Probation after their release from prison. A transition of the screening provider occurred May-June 2012. Projections of mental health needs are extremely close. However, the alcohol and drug service projections were not as accurate. In the future, HHSA will be reporting on the drug of choice as reported to the Behavioral Health Screening Team during the initial screening appointment.

- **Sheriff's Department-** *Erika Frierson, Lieutenant*

As of June 30, 2012, 5,130 inmates were in-custody. 85% of these inmates were male and 15% were female. The operational capacity for the male inmates was at 94% and the operational capacity for the female inmates was at 89%. At 1,385, the realigned population was approximately 27% of the total inmate population. Of the 1,385, 260 were Post Release Offenders, 413 were Parole violators, 137 were 1170's serving a split term, and 575 were 1170's serving a full term in-custody. Of the 3,745 that made up the non-realigned population in custody, 2,442 are pretrial felons, 189 are pretrial misdemeanors, 860 are sentenced probationers, and 254 are sentenced misdemeanors. The average

length of stay is as follows: pretrial misdemeanor – 12 days, pretrial felons – 86 days, sentenced misdemeanors – 42 days, sentenced probationers – 62 days, 1170(h) split – 340 days, 1170(h) full – 952 days, PRO violators – 50 days, and Parole violators – 47 days.

- **District Attorney-** *Dan Lamborn, Deputy District Attorney*

A new Deputy DA has been assigned to manage the Parole revocations that are anticipated to begin July 2013. Additionally, the District Attorney's Office continues to track and participate in new legislation. The District Attorney's Office is also working on streamlining their case management system in order to gather more data and share the information with their public safety partners.

As of June 30, 2012, 1,282 cases were sentenced pursuant to 1170(h) to a prison term to be served in our County jail. A single defendant may have multiple sentences. Of those 1,282 cases, 235 received split sentences, which is a prison term that is split between time served in County jail and time served in the community under mandatory supervision of the Probation Department. The District Attorney's Office is keeping track of where the split sentences are taking place and will report that information at the upcoming CCP meetings. Also, of the 1,282 cases about 60% received 1170(h) sentences imposed on them at their initial sentencing and about 40% of those were based on revocations. The average length of a full 1170(h) sentence is two years, eight months. The average length of a split sentence is three years, eight months, with 23 months in custody and 21 months on mandatory supervision. The longest full term in custody sentence is ten years and four months and the longest split sentence is ten years, with seven years to be served in custody and three years in the community on mandatory supervision. Property crimes comprise about 49% of the 1170(h) cases, drug related offenses 44% of the 1170(h) cases, crimes against a person 3% of the 1170(h) sentences, DUI's approximately 2% of the 1170(h) cases, weapon charges 0.4% of the 1170(h) cases, and 2% of the 1170(h) cases are miscellaneous charges.

The Probation Department has filed 203 revocations for the 1,914 Post Release Offenders under supervision which resulted in 444 hearings being scheduled. Of those 203 revocations filed, 85 were based on technical violations, 90 were new felony charges and 28 were new misdemeanor charges. As of June 30, 2012, only 15 evidentiary hearings have been held. For offenders that have received an 1170(h) sentence and have been sentenced to a full term in County jail, 221 have served their time in custody and have been released into the community. Of those 221, 31 have new felony charges and 12 have new misdemeanor charges. For offenders that have received an 1170(h) split sentence, 49 have served their time in local jail and are in the community. Of those 49, 8 have new felony charges and 4 have new misdemeanor charges.

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

Departmental IT representatives of the public safety group met to identify data sharing opportunities in an effort to collect the information necessary to conduct research and report performance

measurements. Dr. Cindy Burke has submitted a proposed statement of work that will be reviewed at the Steering Committee and brought forward to the CCP Executive Committee.

The Public Information Officers of the County of San Diego's Public Safety Group are creating a one-page flyer to distribute throughout the community in an attempt to educate the public about AB 109 and dispel some of the inaccuracies reported.

An organizational chart of the CCP was created and is included in the Power Point presentation from this meeting. The Power Point is available for review on the CCP website.

The Re-Arrest Workgroup was recently added. It is the operational component tasked with developing the processes required to implement the greater tasks. For example, determining how information is shared between the different public safety partners involved in a revocation proceeding.

## **Workgroup Report-Outs**

### *Workgroup 1*

Workgroup 1 completed their review of the Ghost Process. This involved identifying a population appropriate for placement on home detention under electronic monitoring as a pre-trial alternative. The data was given to the Lisa Rodriguez of the District Attorney's office and Jane Gilbert of the Public Defender's Office for review. Approximately 50% of the 273 cases reviewed were deemed suitable for the home detention program. It is estimated that 120 individuals per month may be appropriate for placement on electronic monitoring. The Court may also refer an offender at the time of arraignment to the Sheriff's Department for electronic monitoring. The Sheriff's Department will screen the referral and determine if the offender will be granted electronic monitoring as an alternative to custody.

The group is also working to apply SB618 principles to PC1170(h)(5) sentences in order to enhance re-entry programming for offenders. This process involves an initial assessment, the results of which are provided to the jail for in-custody services, a warm hand-off to Probation, or providing a referral packet at the time of release for those offenders serving a full term in custody.

Finally, the group is working through the process of including assessments in every probation report so that the information is available at the time of sentencing and thereafter.

### *Workgroup 3*

The Community Transition Center has been a primary focus of this workgroup. On July 23, 2012, the McAllister Institute appeared before the Lemon Grove Planning Commission to request modification of their Conditional Use Permit. That request was denied. The Institute has an opportunity to appeal the decision to the Lemon Grove City Council.

A nurse case manager has been added to the Behavioral Health Screening Team to work with the medical staff of the offender's releasing prison in an effort to coordinate continuity of care.

The alternative process for the PC290 registrants (registered sex offenders) is being reviewed. The working group is analyzing processes to assess, monitor, refer, treat, house and supervise this group of offenders. A plan will be presented to the Steering Committee and then to the CCP Executive Committee. Currently, the Probation Department is assessing a housing RFP for an alternate group of offenders to determine if it would also be appropriate for the PC290, Post Release Offender population.

### **SB 678 Plan Update**

- **Incentives and Sanctions-** *Lorraine Fernandez, Probation Director*

SB678 mandated the Community Corrections Partnership. The SB678 Plan implemented an incentives and sanctions continuum for the high risk probation population and incorporated case management tools for Probation Officers to use applying evidence based practices in an effort to reduce recidivism and move offenders through effective change. The Incentives and Sanctions Continuum will be implemented in August 2012. The Probation and Sheriff's departments will participate in a training on July 31, 2012 and August 1, 2012. Furthermore, the working group will meet once more to ensure all forms and administrative jail custody processes are in line. The administrative jail process is similar to flash incarceration whereby an offender can be placed into custody for up to seven days without actually going through the Probation Revocation process. The offender will waive their right to a hearing, admit to a violation, and not have a hearing. This will allow the Probation Officer to impose a swift and certain sanction on the offender to affect behavior change and reduce recidivism.

- **Integrated Behavioral Intervention Strategies (IBIS)-** *Lorraine Fernandez, Probation Director*

Integrated Behavioral Intervention Strategies, IBIS, is a training that provides case management tools to officers. The training combines motivational interviewing and cognitive behavioral intervention strategies to help guide probationers behavior change and reduce recidivism. As of June 2012, 50% (413) of departmental employees had been trained with approximately 90% of the Adult Field Services staff trained.

- **Treatment Update-** *Susan Bower, HHS Deputy Director*

There are six regional recovery centers throughout the County that provide treatment services to the SB678 population. Since inception, approximately 800 probationers have been referred for treatment under SB678. Of those 800, about 600 have actually been served. About 13% of those offenders receiving services under SB678 have received residential services. 35 graduations have taken place.

Beginning July 2012, it was recognized that high risk offenders have mental health problems in addition to drug and alcohol problems. As a result, funding was added to Telecare, which provides a

full-service treatment program. They have availability for 20 individuals. As of July 1, 2012 there have been 6 probationers enrolled in their program.

- **SANDAG Outcomes Study-** *Dr. Cindy Burke, SANDAG*

A baseline group of 1,674 individuals on high risk supervision during fiscal year 2011 has been collected and will be analyzed by representatives from SANDAG and HHSA. A process and impact evaluation will be completed to determine the contact numbers between the probationer and the Probation Officer, the case of business, services that were provided and how incentives and sanctions were used. The COMPAS assessment data will also be used to quantify the data. Fidelity measures will be looked at as well to see if the changes that should take place over time are actually occurring. Surveys will be conducted with both the offenders and probation staff to assess their views on the program. Additionally, a variety of statistics will be tracked through the criminal justice databases including arrest, convictions, and revocations. Finally an evaluation of costs to see if the funds were used effectively in the regions will be conducted.

**SB 618 Evaluation Report-** *Dr. Cindy Burke*

SB618 was authored by District Attorney Bonnie Dumanis. San Diego was the only County to implement the pilot. SB618 authorized counties to develop a multi-agency plan to prepare non-violent felony offenders for successful reentry. SB618 went into effect in January 2006 and the first clients were enrolled in February 2007. Funding ended June 2012. The partners involved in this project were the District Attorney's Office, CDCR, Probation Department, Sheriff's Department, the Public Defender and Defense Bar, the Superior Court, and UCSD.

A number of eligibility criteria and exclusionary criteria were used to determine who could participate in SB618. Eligibility criteria stated that the client had to be a legal resident of San Diego County, in local custody, have a current crime that was a non-violent felony, a stipulated prison sentence of eight to 72 months for a new prison term, able to be housed at RJD or CIW, and have volunteered for participation. Exclusionary criteria stated the client could not have prior convictions for a violent felony, be Prop. 36 eligible, not a PC290 or arson registrant, could not have had prison housing restrictions in the past year, no documented prison gang affiliation and could not have special prison needs.

The key program components consisted of the following:

1. Comprehensive Assessment
2. Life Plan
3. Expeditious Movement to Prison and Service Access
4. Prison Case Management and Services
5. Pre-Release Case and Community Case Management (face-to-face from weekly to monthly over a 12 month period)
6. Transitional care for an additional six months

A base group of offenders enrolled in the program were compared against a group of other offenders with similar characteristics in order to get an understanding of their performance in the program. The components used to match these offenders were age, sex, ethnicity, prior offenses, and risk for reoffending. Full treatment participants were those offenders who received treatment inside prison and out in the community, while partial treatment participants were defined as those who received treatment while in prison, but did not elect to continue the treatment programs in the community.

Individuals who did take advantage of the treatment provided to them in the community tended to be older, a greater percentage were African American, a lower percentage had criminal thinking needs, a higher percentage needed alcohol treatment and were in the community for a longer period of time (approximately 64 additional days) than those who did not continue treatment after release. There are significant differences between the treatment group under SB618 and the comparison group. The comparison group was significantly more likely to be arrested and returned to prison for a Parole Violation than those that participated in the SB618 program. When looking at the full treatment group vs. the partial treatment group, those offenders that participated in the full treatment and received services in the community were more successful across the board than those that only received treatment services while in custody. Individuals who had stable housing were significantly more successful than those that did not have stable housing. Additionally, those offenders that were employed had much less contact with the criminal justice system than those that did not have steady employment.

33.8% of SB618 clients in evaluation returned to prison, when 50.8% of those in the comparison group returned to prison. Cost-avoidance figures based on the 17% difference between the two groups suggest that an additional 183 of 1,078 program clients did not return to prison. A cost analysis was done with this group of 183. With the average cost of prison per individual being \$49,893 and the average cost of parole per individual being \$4,771, the total savings per successful client would be \$54,664. Ultimately, the short term costs of providing the SB618 treatment program to offenders saved an estimated \$10 million in the long term.

A few lessons learned from SB618 were highlighted. It is important to determine the offender's need and provide services for that need while in custody, including cognitive behavior programs. Services in the community need to be provided that build on what was offered in custody. Officers need to employ motivational techniques and incentives to their offenders, while paying particular attention to meeting the offender's needs for housing and employment training. Additionally, officers should utilize intermediate sanctions. Finally, it is important to ensure that programs are implemented as they are designed.

### **Vivitrol Presentation-** *Pauline Whelan*

Vivitrol is a product has been available since 2006 for alcohol addiction and since 2010 for opiate addiction. Vivitrol is a once-a-month injection of a non-narcotic, non-euphoriagenic, non-habit forming product that treats both alcohol and opiate dependency. It is the only product available today to prevent relapse. This product can be used in conjunction with other treatment programs to help offenders break addictions and reduce recidivism. The Vista Drug Court is participating in a pilot program to provide one injection prior to an offender's release while they are opiate free. After release, the medication is administered by a provider in the community to treat the alcohol and opiate addiction for approximately four months. This medication is covered by Medi-Cal.

## **CA Chief Probation Officers and Sheriff's Association Realignment Measures - Dr. Natalie Pearl**

Dr Pearl gave a presentation on a dashboard created the Chief Probation Officers of California (CPOC) to track a set Realignment measures from each county in the state. She reported that AB109 does not mandate data collection nor does it fund it explicitly. CPOC and the State Sheriff's Association assumed worked to identify a set of measures that all 58 counties in California could report. The first data set evaluates data from October 1, 2012 to March 31, 2012.

It can be viewed at: [http://www.cpoc.org/php/realign/dashboardinfo/dashboard\\_county.swf](http://www.cpoc.org/php/realign/dashboardinfo/dashboard_county.swf).  
Click on any county in California to see how their numbers compare to the rest of the state.

CCP Executive Committee member, Bonnie Dumanis, inquired about whether there was any collaboration on the Statewide Measures other than the Chief Probation Officers of California Organization and the State Sheriff's Association. The California District Attorneys' Association was not involved in the reporting measures. District Attorney Dumanis requested a change in the name from "California Statewide Realignment Measures" to "The California Chief Probation Officers and Sheriff's Association Realignment Measures" since there are only two associations providing data to the database and it is not reflective California Realignment in its entirety. Furthermore, she requested that the Steering Committee look at what is being captured to see if it truly reflects what is taking place statewide. Chief Jenkins explained that the data dashboard was created in an effort to establish minimum data elements that provide snapshots of how counties within California compare to one-another. Dr. Pearl reported the communication and collaboration between all of the data partners in San Diego County has been good and her research unit has been careful to ensure San Diego County data is representative of all partners.

### **Public Comment**

There were no public comments.

### **Meeting Wrap-Up- Chief Jenkins**

CDCR is reaching out to different counties to explore reentry centers. This may provide an opportunity to place offenders in reentry prior to release to San Diego County from prison.

SB1023 has modified AB109 by requiring the revocation process mirror the 1203 process for probationers. The Re-Arrest Workgroup will be reviewing all processes that could potentially be affected by this legislation.

There being no other comments, the meeting was adjourned.

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