County of San Diego

Mack Jenkins
CHIEF PROBATION OFFICER

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

Yvette Klepin
ASSISTANT CHIEF PROBATION OFFICER

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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 a comprehensive update of our realignment efforts one year after the implementation of AB109 as well as the specific impacts to Probation, Health and Human Services, the Sheriff, the Office of the Public Defender and the District Attorney's Office through September 30, 2012. No action by your Board is required.

As your Board has been advised, AB109, or Public Safety Realignment, changed the landscape of California criminal justice by shifting what previously had been state responsibilities to the County. 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. Public Safety Realignment also shifted the location where a number of felons serve their court ordered sentences. Offenders who have been sentenced pursuant to 1170(h) of the penal code to local prison for a non-serious, non-violent, or non-high risk sex offence, now serve their sentences in the Sheriff's jail instead of state prison. The court has the option under the 1170(h) penal code to "split" the sentence, meaning a portion of the offender's time is completed in custody and the balance in the community under mandatory Probation supervision. Offenders who receive a split sentence are called mandatory supervision offenders, or MSOs.

AB109 also created an executive committee of the Community Corrections Partnership (CCP), the group charged with developing the San Diego County Realignment Plan and overseeing its implementation. As was first reported to your Board in September of 2011, the San Diego County Realignment Implementation Plan established three goals to effectively manage Realignment in a way that meets your Board's priorities of public safety and fiscal responsibility. Those goals are:

1. To Efficiently Use Jail Capacity
2. To Incorporate Reentry Principles Into In-Custody Programming
3. To Incorporate Evidence Based Practices Into Supervision, Case Management and Sentencing of Offenders.

To achieve these goals the CCP developed a five point plan and identified a series of strategies within each component. The five components are:

1. Enhance Pretrial Processes
2. Improve and Streamline Felony Case Settlement
3. Encourage Evidence Based Practices in Sentencing Felony Offenders
4. Employ Alternative Custody Options and In-Custody Programming
5. Provide Evidence Based Supervision and Intervention Services for Post Release Offenders

Having concluded the first year of Realignment, the following is an update on progress toward the goals and the related components and strategies.

GOAL 1: EFFICENTLY USE JAIL CAPACITY

The objective of this goal is to effectively manage the jail population in order to create capacity for the projected increase in jail inmates that Public Safety Realignment would bring to the county. The strategies include expediting the processing of criminal cases, decreasing the pre-trial jail population, and employing alternate custody options for suitable offender populations.

In pursuit of this goal, the Sheriff implemented the County Parole and Alternative Custody (CPAC) unit. This unit is designed to identify eligible inmates who could be released from custody and monitored with electronic monitoring and/or GPS supervision. In addition, your Board recently approved the co-administration of the county Work Furlough program by both the Sheriff's Department and Probation Department. That action facilitates the process of transferring suitable jail inmates into the Work Furlough program and provides another option to expand jail capacity.

The Probation department also implemented the Residential Reentry Center (RRC). The RRC is a section of the Work Furlough program where suitable inmates serving jail sentences are provided job readiness training and allowed to seek employment. As inmates are moved to the RRC, jail beds are freed further serving the goal of expanding jail capacity.

In an additional effort to achieve this goal, the Probation department worked with the Court, District Attorney and Public Defender to expedite the sentencing of some defendants. Plea agreements are now reached earlier in the court process with the assistance of information from Probation. Additional court hearings are avoided and the defendant is sentenced quicker which may subsequently result in an earlier release from jail.

The Sheriff has also utilized a number of other options to expedite the release of low level inmates to create jail space. Please see the Sheriff's section of this letter for more details on steps and strategies the Sheriff's department has employed to expand jail capacity.

GOAL 2: INCORPORATE RE-ENTRY PRINCIPLES INTO IN-CUSTODY PROGRAMMING

The objective of this goal is to ensure that offenders receive effective and evidenced based treatment and intervention services while serving custodial sentences and that there is a smooth transition upon their release for supervision in the community.

In pursuit of this goal, the Sheriff has developed plans to expand the East Mesa Detention Facility (EMDF) into a reentry facility. On August 24th, 2012 the transformation of the EMDF began. The Sheriff will focus on programs that target recidivism and employ evidence based reentry services such as cognitive based therapy, literacy, job readiness programs as well as substance abuse treatment services. The services will target suitable 1170 (h) offenders as well as other offenders.

Additional details on specific strategies implemented as a part of this goal are outlined in the Sheriff's section of this letter.

GOAL 3: INCORPORATE EVIDENCE BASED PRACTICES INTO SUPERVISION, CASE MANAGEMENT AND SENTENCING

The objective of this goal is to utilize research proven case management practices in the community supervision of the realigned population to reduce their recidivism. The objective also includes providing appropriate information to the Court to facilitate recidivism reduction.

In pursuit of this goal, the Probation Department has spent much of the first 12 months of Realignment building a dedicated division to provide supervision and services to the realigned offenders. The division is comprised of six supervision units located throughout the County. The division is headed by a Director and each of the supervision units includes a Supervisor and case carrying probation officers who are responsible for providing proactive community supervision and case management services. In addition, two intake locations have been established as reporting offices where the offenders begin the assessment and supervision process.

As new probation officers have been hired or assigned to the division, the focus has been on training them to work with the realigned population and on building an infrastructure to ensure the delivery of appropriate services. The probation officers have been trained in a new intervention model called Integrated Behavior and Intervention Strategies (IBIS) to enhance their

effectiveness with offenders. The model combines motivational interviewing principles and cognitive intervention techniques to achieve behavior change. In addition the department has developed an incentive and sanctions continuum designed to better motivate and sanction PROs.

In working toward this goal, the Community Corrections Partnership (CCP) established the Behavioral Health Screening Team (BHST). The team includes a substance abuse and mental health specialist who meet with each PRO upon their release from prison to Probation to screen them for substance abuse and mental health needs. The PROs are then referred to appropriate services. For those with physical health needs, a part-time nurse works in conjunction with Probation and BHST to link them to appropriate physical healthcare resources. In addition, HHSA has provided staff to conduct benefit eligibility screening and application assistance.

The following department updates will provide additional information on each agency's work during the first year of Realignment and how specific strategies in our Realignment Plan are being implemented.

PROBATION

The number of PROs under probation responsibility from October 1, 2011 through September 30, 2012 exceeded 2,300 offenders:

• Released From Prison	2,736
• Under Supervision	2,375
• Released to Other Custody (out of county, ICE, etc.)	202
• Initially Failed to Appear/On Warrant Status	159

In addition, through September 30th, 103 MSOs were under mandatory probation supervision. Please see the District Attorney's section for complete numbers on 1170(h) sentencing.

• Released	131
• Under Supervision	103
• Revocations/Violation Hearings to Date	9
• Individuals Revoked to Date	8
• MSO Warrants to Date	21
• Individuals with Warrants	20

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. The number of releases to San Diego exceeded that figure by the 10th month of Realignment. At the one year anniversary, Probation had supervised a total of 2,375 Post Release Offenders. Of the PROs under supervision by Probation, 67% were assessed as high risk to reoffend while 20% were medium and 13% were low.

As a reflection of the supervision activity on the PROs during the first 12 months, Probation officers made more than 15,600 face to face contacts and conducted more than 4,400 drug tests. Of the PROs, almost 50% had at least one positive drug test for drug use.

Through September 30th, there were a total of 1,835 arrests for violations of the terms of supervision made on a portion of the 2,375 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 1,835.

Of the 1,835 total arrests, probation officers have used the intermediate sanction of flash incarceration 1,460 times on 761 individuals. Flash incarceration allows a probation officer to arrest a PRO for a technical violation of a supervision term and place him/her in jail for up to 10 days without going through formal court proceedings. A technical violation means that the offender has violated a term of supervision but has not necessarily committed a new crime. It is an application of the "swift and certain" principle of behavior management and offers the ability to do an immediate sanction while saving court time and costs.

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 and a more extended period of incarceration is sought. A revocation for a technical violation allows for a PRO to be sentenced to jail for up to 180 days. At the end of the first year of Realignment, 375 revocation hearings were calendared against 312 offenders. Please see the District Attorney's section for additional information on revocation activity.

Probation is continuing to apply incentive based supervision to encourage compliance and successful engagement in rehabilitative services. One such incentive is the use of early discharge from supervision. As your Board has been advised, the authority to discharge PROs at 6 months was included in the bill enacting Realignment. The Probation department developed a set of criteria to determine eligibility for early discharge. The criteria requires that the offender complete at least six months of supervision without an arrest or violation; drug test clean, and obtain employment or be enrolled in school. In the first year of Realignment, 240 PROs were determined eligible for early release and have been discharged from supervision at 6 months.

To ensure close coordination with local law enforcement and ensure they are aware of all PROs under supervision, Probation leveraged two data and information sharing opportunities with local Police Chiefs and the Sheriff. The first was the Post Release Offender Notification Form, or PRON. These notification forms are sent to the law enforcement agencies in the cities to which offenders are released. The form advises the agency of the offender's most recent crime, address and the assigned probation officer. In an additional effort toward collaborative supervision of offenders, Probation has offered a data sharing agreement to law enforcement partners which will enable them to receive daily updates on probationers and PROs. The data includes updates on all adults with one or more grants of probation and the terms of their supervision. The information in the daily updates allows law enforcement partners to be informed of the individual's on-going status.

In an additional collaboration, the Probation and Sheriff's department have implemented Tracking Known Offenders (TKO). The program calls for sharing criminal intelligence information between the agencies. Sheriff's deputies and probation officers collaboratively monitor offenders on probation supervision. Sheriff's deputies also independently conduct contacts and home visits on offenders. Information from those contacts is passed to the assigned probation officer via access to Probation's case management system. The program is expanding to all of the Sheriff's jurisdictions throughout the county. In an additional partnership, probation officers are now co-located at four local law enforcement agencies where they serve as liaisons and coordinate collaborative monitoring of locally supervised realigned offenders.

As your Board is aware, the realigned population was anticipated to have a substantial need for substance abuse treatment and mental health treatment. In preparation, at the onset of Realignment, the Probation department worked with HHSA to expand contracts with mental health and substance abuse providers to address the projected needs of this population. To further guide the procurement of treatment and intervention services, Probation conducted an analysis of the offender's needs as identified by the "Correctional Offender Management for Alternative Sanctions" (COMPAS) risk/needs assessment. The COMPAS is a tool that not only allows Probation to assign offenders to the appropriate supervision level (high or medium) but also is used to identify intervention needs of the individual so that a case plan can be developed that addresses the offender's needs and guides the linkage to appropriate services. The analysis revealed that 66% of the surveyed population was 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 those evaluated in the analysis. Roughly one-third (27%) were identified as having criminal thinking as their highest need.

In addition to the expanded contracts for substance abuse and mental health services, Probation as noted earlier, has procured services to provide work readiness training for suitable PROs serving jail sentences (Residential Re-entry Services). Also, the CCP has agreed to use a portion of the Realignment treatment/intervention dollars to obtain housing assistance for those PROs mentioned above who are either transient or have an identified need of residential instability. The CCP also elected to fund treatment services for PROs enrolled in the County's Re-entry Court.

To facilitate referrals to treatment services and monitor offender participation, the Probation Department deployed the Community Resource Directory (CRD) in August of this year. The CRD is an on-line directory of community based service providers that have been approved by the Probation department. Once fully implemented, the CRD will assist probation officers in linking and engaging offenders to appropriate services. In addition to enhancing communication between officers and providers, the directory will capture metrics on the treatment services and the participating offender.

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, 75 have been filled as of September month-end. Probation continues its efforts to recruit, hire and train new DPOs, and as 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

To ensure appropriate substance abuse and mental health treatment services are available, the Health and Human Services Agency expanded existing contracts to specifically serve the realigned population. In addition, as noted above, the Behavioral Health Screening Team was established to provide immediate screening and linkage to treatment services by certified and/or licensed clinicians co-located at the Probation Department.

The treatment system encompasses a continuum of behavioral health care for individuals who have mental health and/or substance abuse problems. During the first year of realignment, there were a total of 1,081 admissions to behavioral health services, with nearly 60% to substance abuse services and the remaining 40% to mental health services. The specific services available within the Behavioral Health system of care are delineated below.

Mental Health Services

Basic Medication: Contracts with Exodus and Community Research Foundation were expanded countywide to provide medication evaluation and medication management countywide for people who are seriously mentally ill. During the first year of implementation, there were 288 admissions to basic medication services.

Enhanced Recovery: Contracts with Exodus and Community Research Foundation were also expanded countywide to provide counseling and rehabilitation services along with medication evaluation and medication management for people who are seriously mentally ill and need more support and intervention than basic medication services provide. During the first year of implementation, there were 93 admissions to enhanced mental health recovery services.

Full Service Partnership: A contract with Telecare was expanded to provide countywide intensive case management and linkage to services, combined with medication, counseling and supports, including limited housing for people with severe mentally illness. This level of care is for extremely disabled individuals in need of very intensive services and support. During the first year of implementation, there were 62 admissions to the Full Service Partnership program.

Alcohol and Drug Services

Outpatient/Day Treatment: Contracts with Mental Health Systems and McAlister Institute were expanded countywide to provide up to 15 hours per week of individual and group counseling regarding substance abuse issues for individuals with alcohol or drug problems. During the first year of implementation, there were 282 admissions to outpatient and/or day treatment substance abuse services.

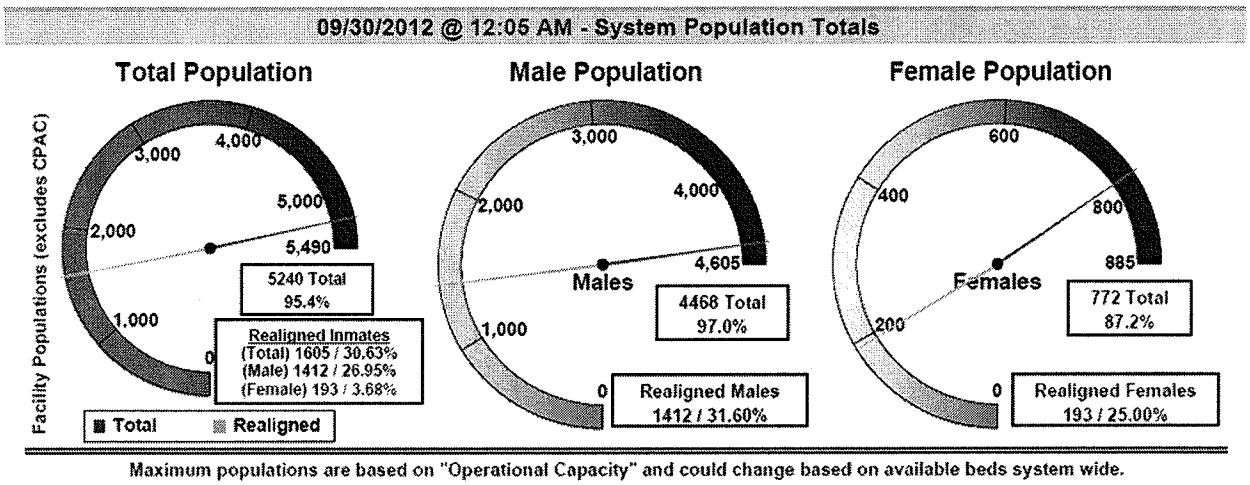
Residential Treatment: Contracts with 6 current residential treatment programs, including detoxification, were expanded to provide intensive residential services for those with severe addictive disorders. Services consist of individual and group counseling in a structured environment for up to 6 months, transitioning to appropriate supportive services upon

completion. During the first year of implementation, there were 395 admissions to residential or detoxification services.

SHERIFF

The Sheriff reports that while the number of jail bookings has not significantly increased, the Average Daily Population (ADP) at the facilities has gone up at the same time the percent of sentenced offenders has increased. During calendar year 2011, the percentage of sentenced inmates in custody was about 38%. As of September 2012, the percentage of sentenced inmates in custody has increased to 44%. The overall ADP at the facilities increased from 4,632 in calendar year 2011 to 5,073 in calendar year 2012 thus far. The San Diego County Jail system has a CSA-rated capacity of 4,527 beds. The population in September 2012 fluctuated between 5,190 and 5,368 inmates. Taking into consideration CSA-rated capacity limits, the inmate population reached as high as 119% of the rated capacity on September 24, 2012.

On October 1, 2011 the total inmate population was 4,622 (3,889 males and 733 females), representing about 83% of operational capacity. The operational capacity of the San Diego County Sheriff's jail system is the total number of beds available, taking into consideration the limits created by special housing needs of certain inmates who must be housed alone in a cell designed for two or three inmates. The operational capacity in October 2011 was estimated to be 5,600 (4,600 males, and 1,000 females). The Sheriff's current operational capacity is 5,490 inmates (4,605 males, 885 females). This decrease in available beds is due to an increase in inmates requiring special housing since the influx of realigned inmates began on October 1, 2011 and the transfer of female inmates from the Vista Detention Facility to the Las Colinas Detention Facility in January 2012, reflecting the greater needs of the realignment population. The jail population reached as high as 96% of the overall operational capacity in September 2012, and as high as 99.7% of the male operational capacity.



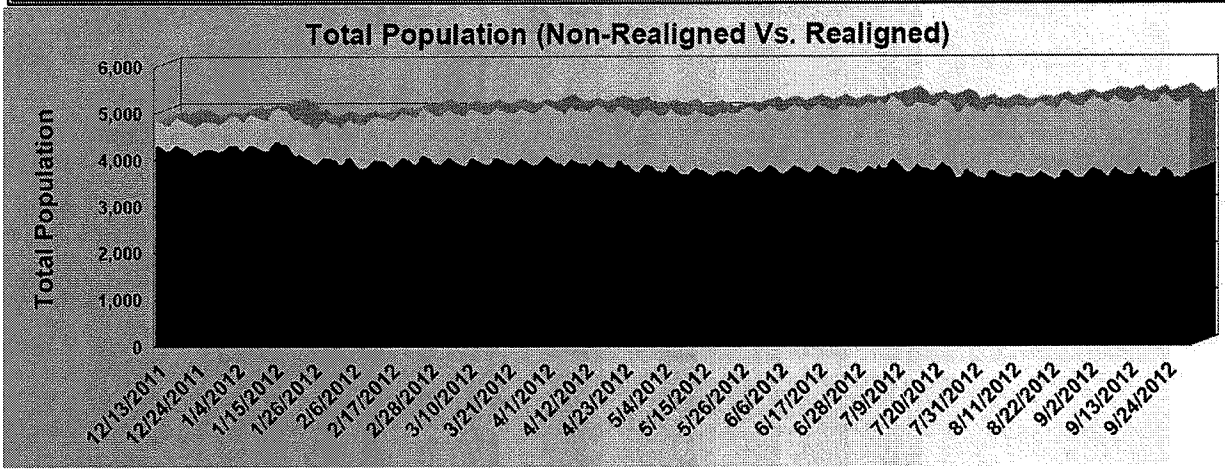
During calendar year 2011, an average of 781 inmates required specialty housing (Protective Custody or Administrative Segregation), and as of September 2012 an average of 985 inmates

are housed in specialty housing. In some circumstances, inmates are segregated from the general inmate population through protective custody or administrative segregation due to concerns for their safety, staff safety, facility security, or pending a hearing on disciplinary action. The inmates housed in these modules require special handling, extra security and more staff to complete the day to day operation of these specialty housing modules.

As your Board has been advised, three new offender population groups are now serving time in local jail; those sentenced pursuant to California Penal Code §1170(h), Post-release Offenders (PROs), and State Parolees. As expected, the average number of realignment offenders detained locally has continued to rise since the implementation of realignment. The monthly averages for these three groups grew steadily over the past twelve months. As of September 30, 2012, a total of 936 offenders sentenced pursuant to California Penal Code §1170(h), 344 State Parolees, and 325 PRO's were housed in the jails. Currently the average length of stay for each of these three realigned groups is as follows; 346 days for the 1170's, 46 days for State Parolees and 30 days for PRO's. The longest projected stay in custody thus far for an inmate sentenced pursuant to California Penal Code §1170(h) is four (4) years and nine months, with the furthest release date of June 4, 2017. Approximately 31% of the total inmate population is now considered part of the realigned population. Since implementation, a total of 529 offenders sentenced pursuant to California Penal Code §1170(h), a total of 1,719 PRO's and 4,560 State Parolees have been released from custody.

Population Size Comparisons - All Facilities (Includes CPAC)

Note: The yellow area of the chart denotes realigned inmates. The black, blue or red portions of the following graphs represents non-realigned population totals for all inmates, males and females respectively.



The Sheriff's Department has been proactively monitoring these statistics and trends in order to be able to anticipate when capacity will be reached. We had enjoyed a long period of available bed space that allowed us to accept any and all bookable offenses. The inmate population reached a critical point in January 2012 which required the release of inmates early in order to adhere to court-ordered population limits. Public safety has always been the greatest concern; the safety of San Diego communities carried great weight in the decisions the Sheriff made.

As a population mitigation strategy, the Sheriff implemented Accelerated Release Credits, both California Penal Code §4024.1 and Judge Malkus Ruling (Hudler vs. Duffy) credits. Pursuant to California Penal Code §4024.1, the San Diego County Sheriff's Department has been requesting authorization to reduce inmate sentences in order to provide needed relief from unusually high inmate population levels. Authorization of California Penal Code §4024.1 sentence adjustments allows the Sheriff's Department to better utilize critical jail space and maintain compliance with court-ordered population limits. In accordance with the Hudler vs. Duffy court-ordered capacity, Judge Malkus ordered that each inmate sentenced to local time will receive up to 10% (maximum percentage) off their original sentence in order to ease overcrowding.

On Friday, January 20, 2012, the San Diego Sheriff's Department began to conduct sentence recalculations on eligible 'sentenced' inmates in custody, for the application of California Penal Code §4024.1 and Malkus 10% credits (Hudler vs. Duffy court-ordered capacity ruling). A total of 1,665 inmate sentences were recalculated, however, not all inmates recalculated were eligible for immediate release. A total of 260 inmates were released between Friday, January 20 and Sunday, January 22nd, 2012 based on the recalculation. All inmates sentenced under California Penal Code §1170(h) and those serving of Flash Incarceration sanction were excluded from all early release options. This was not the first time the Sheriff's Department used early release as way to ease overcrowding. Early release credits were used in the past until January 2010 due to significantly lower inmate counts and an abundance of available jail beds at the time.

Unfortunately, due to the continued inmate population growth trends and the projections of future bed space availability, we had to implement other mitigation strategies. These additional mitigation strategies included the transfer of female inmates from the Vista Detention Facility to the Las Colinas Detention Facility on January 30, 2012 which added 96 beds to the male operational capacity and the modification of the booking acceptance criteria. On March 22, 2010, a temporary addendum to the booking acceptance criteria was authorized allowing certain misdemeanor arrests and warrants to be booked into the jails that were not previously bookable. This was made possible due to significantly lower inmate counts and an abundance of available jail beds at the time. With bed space becoming increasingly scarce, the current booking acceptance criteria was not sustainable. Therefore, the temporary addendum was suspended and reverted back to the criteria used prior to March 22, 2010. However, arrests for 647.6 (A) PC Annoying or Molesting Children and 1203.2 PC Probation Revocation continue to be accepted under the new criteria. The new booking acceptance criteria went into effect on May 1, 2012, and will remain in effect until such a time as the inmate population levels allow for the resumption of misdemeanor bookings.

As noted earlier in this letter and in pursuit of Goal #1 of the Realignment plan, another population mitigation strategy implemented by the Sheriff's Department was the development and implementation of the County Parole and Alternative Custody Unit (CPAC). In December of 2011, your board (San Diego County Board of Supervisors) approved the creation of the County Parole and Alternative Custody Unit (CPAC). Since that time, the CPAC Unit has been fully staffed, sited at a permanent location (COC), contracted with an electronic monitoring vendor (Sentinel Offender Services) and contracted with Northpointe for use of the COMPAS assessment tool. The CPAC Unit is dedicated to offender reentry through the employment of alternative custody options including a Home Detention Electronic Monitoring Program.

Employing alternative custody methods for low risk offenders provides jail bed space for higher risk offenders who pose a greater risk to the community. Currently the County Parole and Alternative Custody Unit employs two forms of alternatives to physical custody. First, inmates sentenced to local custody may apply for County Parole once they have served half of their sentence. Applicants go before a County Parole Board and present a positive program for constructive use of time while on parole, such as employment, education, and programming. Secondly, inmates sentenced to local custody may apply for the Home Detention Electronic Monitoring program. Applicants must meet eligibility requirements as set forth in department policy. Post-sentence home detention participants are thoroughly assessed based on the eligibility criteria set forth in department policies. In addition, eligible offenders undergo a validated risk and criminogenic needs assessment (COMPAS tool). Individualized programming and schedules are developed for each participant. Offenders are required to wear a GPS device on their ankle. The vendor and CPAC staff continually monitors participants to ensure program compliance, utilizing a sanctions and incentives model. The CPAC Unit works with offenders toward their successful reintegration into society. Beginning in July 2012, the CPAC Unit began enrolling participants in the Home Detention Electronic Monitoring program pursuant to California Penal Code §1203.016 PC (Voluntary felony and misdemeanor population). As of September 30, 2012, there were 40 participants on Electronic Monitoring and 61 on County Parole. Most recently, your Board authorized the Sheriff's Department to enroll participants pursuant to California Penal Code §1203.017 (Involuntary misdemeanor population). In addition, the San Diego Sheriff's Department has been working collaboratively with justice partners and will soon begin to enroll participants pursuant to California Penal Code §1203.018 (Pre-trial population). The development and implementation of the CPAC unit works toward satisfying component #4 in the Community Corrections Partnership (CCP) Implementation Plan to, "Employ Alternative Custody Options and In Custody Programming."

In addition, in pursuit of Goal #2 of the Realignment Plan, "incorporate reentry principles into in custody programming", to ensure the underlying needs of sentenced offenders are met, and make the best use of time in custody, the delivery of reentry services is being expanded by the Sheriff. On August 24, 2012, the Sheriff began the transformation of the East Mesa Detention Facility (EMDF) into a reentry facility. The efforts will be focused on new programs that target recidivism risk factors and reentry practices that are based on empirical evidence. In fiscal year 2013, EMDF will undergo an expansion that will increase facility capacity to approximately 1,000 beds when completed, in fiscal year 2014. This facility will offer wrap around services for the inmates enrolled in reentry programming. We have expanded the eligibility criteria for the "Thinking for a Change" classes offered at EMDF and LCDF to include inmates who have been sentenced under Realignment. This expansion falls under component #4 in the CCP Implementation plan to, "Employ Alternative Custody Options and In Custody Programming." An excerpt of the CCP implementation plan related to this component reads, "Expand in-custody programming to address criminogenic risks and programming needs of offenders while in jail custody."

OFFICE OF THE PUBLIC DEFENDER

The Public Defender's Office continues to represent most of the realigned population and virtually 100% of post sentence realignment offenders. The Public Defender has been conducting trainings in all areas of realignment including most recently a joint training with the District Attorney and Sheriff on alternatives to custody so that Public Defender lawyers know which clients might be acceptable candidates for electronic monitoring and the new Residential Reentry Center (RRC); and how the process works. We have also been working closely with stakeholders to ensure that effective treatment is available both when offenders are in custody and when they are released to supervision.

DISTRICT ATTORNEY

1170(h) Sentencing: October 1, 2011 – September 30, 2012

Through this period, 1,810 cases were sentenced pursuant to Penal Code section 1170(h) to a term of imprisonment in local custody, and 1,344 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.

734 cases were sentenced to a term of imprisonment without a new case, but based on probation revocation without a new felony conviction. This means almost 40% of the cases were sentenced to a term of imprisonment after failing upon a grant of probation. 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 42 of the probation revocations were sentenced to a term of imprisonment with a period of mandatory supervision to follow.

372 received split sentences, where a portion of the total term is to be served in custody and the balance on mandatory supervision. Approximately 21% of the 1170(h) terms are split sentences. In the month of September, 27% 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 4 months: the custody portion is 1 year, 8 months and the mandatory supervision is about 1 year, 9 months.

Thus far, for the offenders sentenced pursuant to Penal Code section 1170(h), 117 new cases have been submitted for prosecution. There have been 61 new felony cases filed and 36 misdemeanors. The remaining cases are under review or have been rejected.

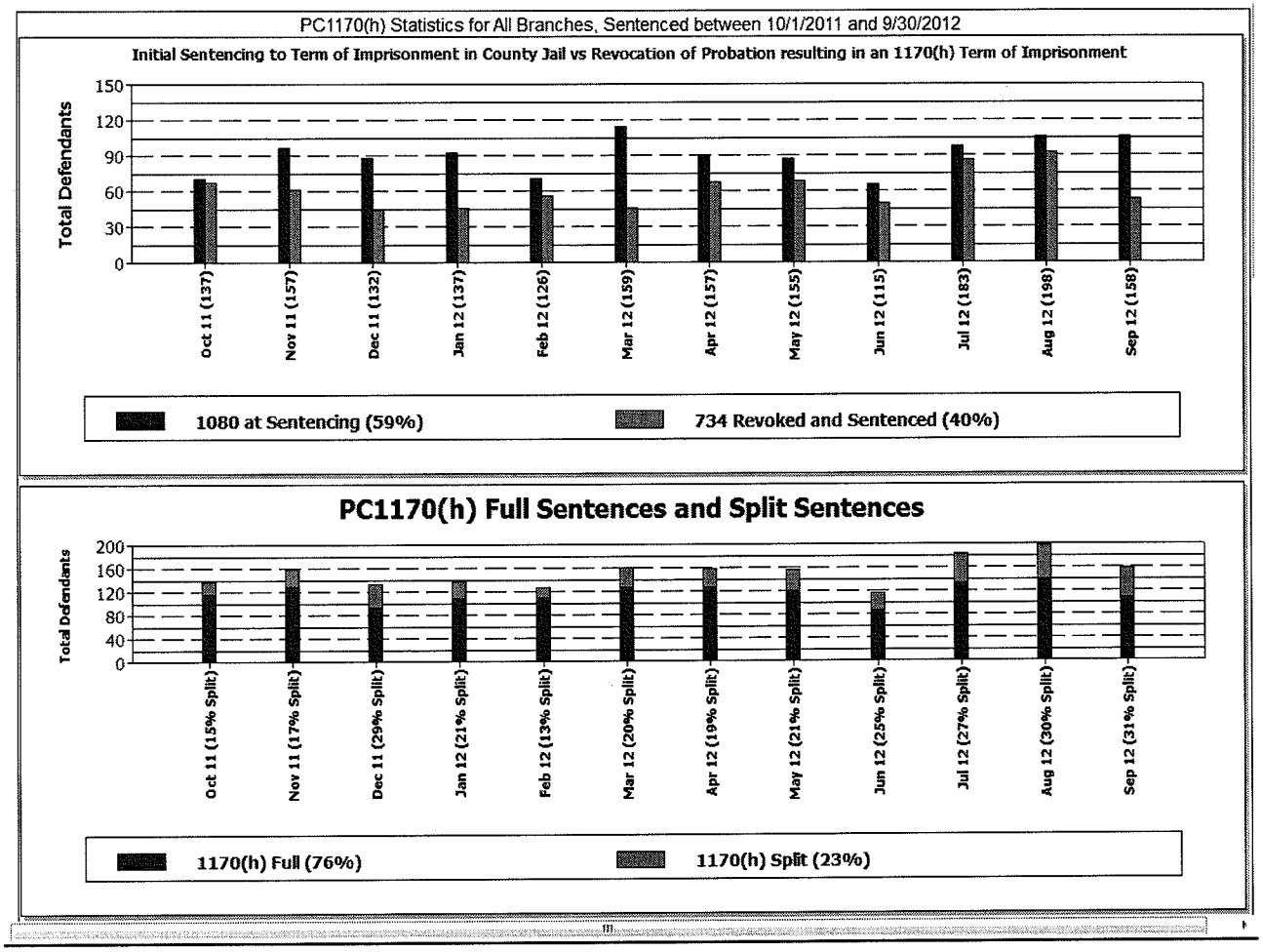
PC1170(h) Statistics for All Branches, Sentenced between 10/1/2011 and 9/30/2012
Totals based on 1344 distinct defendants.

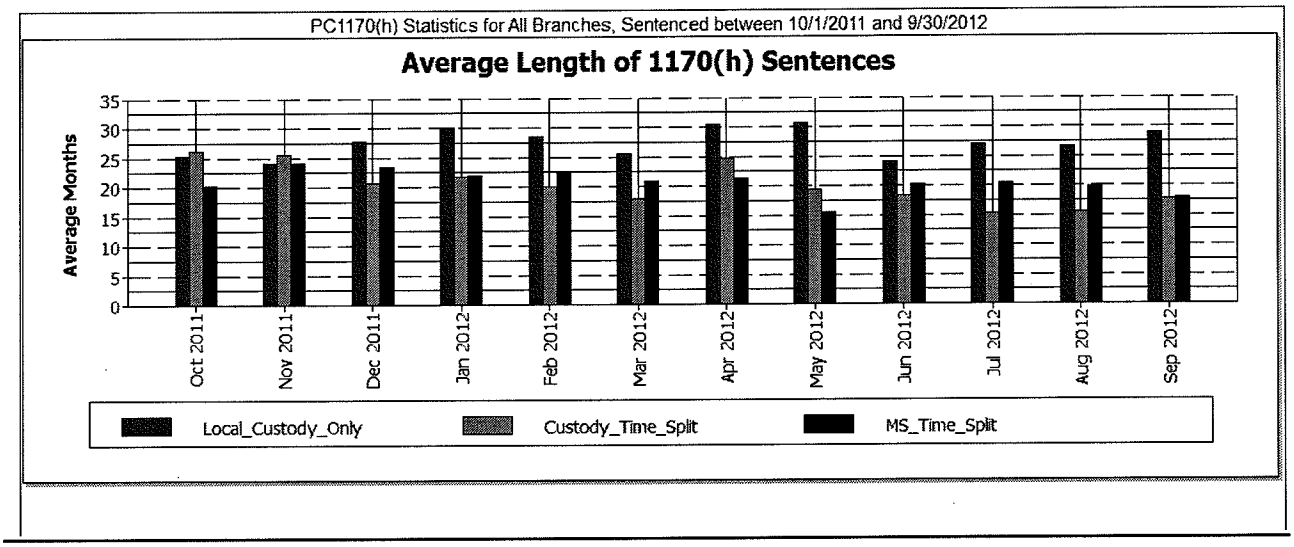
Month	PH&S	SAR	Total	Longest term per 1170(h)(5)(A)	Split Sentences	Percent Split	Longest term per 1170(h)(5)(B)
October - 2011	70	67	137	7 Years	16	12%	6 Years (3 years on MS)
November - 2011	96	61	157	5 Years	26	17%	10 Years (3 years on MS)
December - 2011	87	44	131	6 Years	31	24%	9 Years (3 years 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	45	157	6 Years	30	19%	6 Years (4 years on MS)
April - 2012	90	67	157	8 Years	27	17%	10 Years (3 years on MS)
May - 2012	87	68	155	8 Years	32	21%	10 Years (3 years on MS)
June - 2012	65	50	115	6 Years 8 Months	28	24%	10 Years (5 years on MS)
July - 2012	97	86	183	10 Years	44	24%	8 Years (80 months on MS)
August - 2012	106	92	198	5 Years	51	26%	9 Years (4 years on MS)
September - 2012	105	53	158	9 Years	43	27%	7 Years (2 years on MS)
TOTAL	**1076**	**734**	**1810**		**372**	**21%**	

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 8 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
September - 2012	2 Years 8 Months	1 Years 6 Months / 1 Years 6 Months

Average Length of a Full Term: 2 Years 8 Months
Average Length of a Split Sentence: 3 Years 4 Months
- **Custody Portion: 1 Years 8 Months**
- **MS Portion: 1 Years 9 Months**


PC1170(h) Statistics for All Branches, Sentenced between 10/1/2011 and 9/30/2012
Initial Sentencing to Term of Imprisonment in County Jail vs Revocation of Probation resulting in an 1170(h) Term of Imprisonment
Total Defendants
150
120
90
60
30
0
Oct 11 (137)
Nov 11 (157)
Dec 11 (132)
Jan 12 (137)
Feb 12 (126)
Mar 12 (159)
Apr 12 (157)
May 12 (155)
Jun 12 (115)
Jul 12 (183)
Aug 12 (198)
Sep 12 (158)
1080 at Sentencing (59%)
734 Revoked and Sentenced (40%)
PC1170(h) Full Sentences and Split Sentences
Total Defendants
200
160
120
80
40
0
Oct 11 (15% Split)
Nov 11 (17% Split)
Dec 11 (29% Split)
Jan 12 (21% Split)
Feb 12 (13% Split)
Mar 12 (20% Split)
Apr 12 (19% Split)
May 12 (21% Split)
Jun 12 (25% Split)
Jul 12 (27% Split)
Aug 12 (30% Split)
Sep 12 (31% Split)
1170(h) Full (76%)
1170(h) Split (23%)


PC1170(h) Statistics for All Branches, Sentenced between 10/1/2011 and 9/30/2012
Average Length of 1170(h) Sentences
Average Months
35
30
25
20
15
10
5
0
Oct 2011
Nov 2011
Dec 2011
Jan 2012
Feb 2012
Mar 2012
Apr 2012
May 2012
Jun 2012
Jul 2012
Aug 2012
Sep 2012
Local_Custody_Only
Custody_Time_Split
MS_Time_Split

1170(h) Primary Crime Types:

Of the 1,810 cases sentenced to a term of imprisonment in county jail, the highest crime of which the defendant was convicted is:

Drug Related Offenses: 780

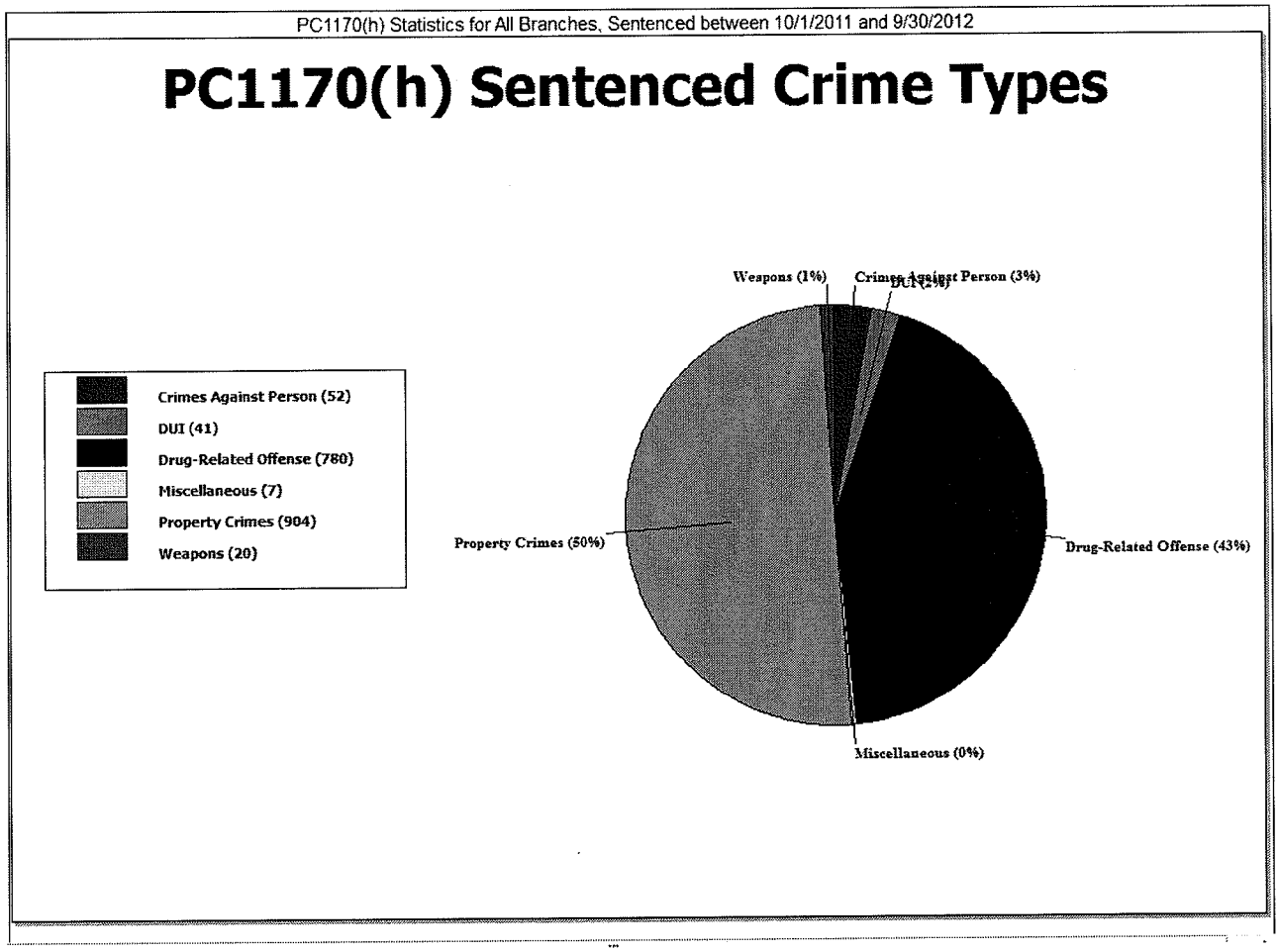
Weapons: 20

Property Offenses: 904

Driving Under the Influence: 41

Crimes Against the Person: 52

Miscellaneous: 13



Post Release Community Supervision

There have been 361 Post Release Community Supervision petitions filed for Revocation with 773 events calendared. Some offenders have had multiple revocations. Thus far, we have had 23 full revocation evidentiary hearings and 2 offenders have been accepted into Reentry Court as a revocation consequence.

Of the 361 petitions, 134 new felony cases and 65 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 September 30, 2012, of the total PCS offenders released from state prison, we were able to match 2,472 in our Case Management system. Of those 2,472 PCS Offenders, 610 PCS offenders have been charged with new criminal cases, or about 24%. 381 PCS offenders have been charged with new felonies, including 3 with murder and five with attempt murder. 229 PCS offenders have been charged with new misdemeanors. This does not include cases that were submitted and rejected or are still under review.

The Community Corrections Partnership (CCP) ends this first year of Realignment with a continued and dedicated focus on community safety and an approach that balances offender accountability with rehabilitation. At the pleasure of your Board, the CCP can offer quarterly updates of our realignment efforts and continued progress in achieving the Plan goals throughout the coming year. If you have questions, please feel free to contact me.

Respectfully,

Mack Jenkins
Chief Probation Officer-Chair Community Corrections Partnership

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 Helen N. Robbins-Meyer
Deputy Chief Administrative Officer Ron Lane
Community Corrections Partnership Members
Supervising Superior Court Judges