County of San Diego

Mack Jenkins
CHIEF PROBATION OFFICER

DEPARTMENT OF PROBATION
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January 12, 2012

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 (2), your Board approved the Public Safety Realignment Implementation Plan presented by the Community Corrections Partnership. This is the first in a series of reports on current activities related to implementation of Realignment. This letter will report on the number of offenders supervised by Probation, the impact on the jail population for the Sheriff, and impacts within the District Attorney's office. We will provide your Board with regular updates on this information. No action by your Board is required.

PROBATION

Post-Release Offenders: October 1 – January 5, 2012

The Criminal Justice Realignment Act (AB 109) creates a new offender status called Post Release Community Supervision. San Diego County refers to this population as "post release offenders" (PROs). The law requires that a County agency supervise any felon released from state prison with a committing offense that was non-violent, non-serious and not a high risk sex offense. Your Board authorized Probation as the supervising agency.

Total Scheduled for Release in this Period	**1002**
- Reported Locally	778
- Released to Other Custody	145
- Failed to Appear	79
Of the 778 who reported locally	
- Arrested on Violations	110
- Flash Incarcerations	87
- Pending Revocation Proceedings	23

The number of actual releases to date is approximately 25% greater than the projections provided by the state for this time frame. The Probation Department will continue to monitor and report on this as realignment progresses.

Of the PROs under supervision, a total of 66% have been assessed as high risk to recidivate, 21% medium risk and 13% as low risk. Additionally, 41% of PROs had been sentenced to prison for a property offense and 39% for a drug offense. Probation officers supervising the PROS are working to link them to services to assist in their rehabilitation.

Your Board authorized 75 FTE's for FY 2011-12. To date 34 of the 75 FTE's have been filled.

SHERIFF

N^3 Offenders Sentenced Locally and Parole Violators: October 1 – December 31, 2011

N3 Offenders (where the committing offense is a non serious, non violent, non sex offender crime) are inmates who would have previously been sentenced to serve a term of incarceration in a state prison, but must now serve their term in a local county detention facility, pursuant to California Penal Code §1170(h) as a result of realignment legislation.

Jail Population (Court Ordered Capacity 5,500)	4,751
Court Ordered Capacity	86%
N3 Offenders in Custody	296
PROs in Custody	42
Parole Violators in Custody	256
Total AB 109 in Custody	**594**

The total number of realigned inmates in custody to date is approximately 10% greater than the estimates provided by the state. Inmates in Sheriff's custody sentenced under PC §1170(h) are comprised of a very diverse population. Their charges range from drug-related offenses, DUI, burglary, vehicle theft, and identity crimes. There are inmates currently on active parole serving local prison time as well as inmates who have never been to prison. The current sentences range from 16 months to seven years. These inmates may be and are housed in varying custody levels throughout our facilities (i.e. general population, special needs housing, inmate workers, etc).

DISTRICT ATTORNEY

Sentencing: October 1, 2011 – December 31, 2011

Through this period, 447 cases were sentenced pursuant to Penal Code section 1170(h) to a term of imprisonment in local custody. However, a 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.

Of those 447 cases, at either an initial Sentencing (PH&S) or at a Sentence after Revocation for a failure to comply with Probation, 331 Defendants were sentenced to a term of imprisonment in local custody per Penal Code section 1170(h). Of those 331 Defendants, 68 individuals received split sentences, where a portion of the total term is to be served in custody and the balance on mandatory supervision (MS). The longest full term in custody is seven years and the longest split sentence is 10 years with seven years to

be served in custody and the remaining three years to be spent in the community on mandatory supervision.

The breakdown is below.

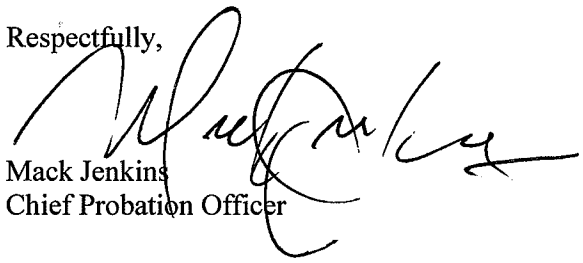
Month	PH&S	SAR	Total	Longest term per 1170(h)(5)(A)	Split Sentences	Longest Split term per 1170(h)(5)(B)
October	63	38	101	7 years	15	5 yrs, 4 months/2 yrs MS
November	92	33	125	5 years	24	10 yrs/3 yrs MS
December	84	21	105	6 years	29	9 yrs/3 yrs MS
TOTAL	**239**	**92**	**331**		**68**	

Total Post Release Community Supervision Revocations filed: **23**

Month	Revocations
October	0
November	3
December	20
TOTAL	**23**

Future updates will include information on services provided to offenders in and out of custody, as well as information on the development of the Sheriff's Alternative Custody Program approved by your Board on December 6, 2011 (1). For additional information, please feel free to contact me.

Respectfully,



Mack Jenkins
Chief Probation Officer

cc: Sheriff Bill Gore
District Attorney Bonnie Dumanis
Public Defender Henry Coker
Nick Machionne Director, Health and Human Services Agency
Honorable David Danielsen San Diego Superior Court
Chief Frank McCoy Oceanside Police Department
Chief Administrative Officer Walter F. Ekard
Ron Lane Deputy Chief Administrative Officer
Community Corrections Partnership Members
Supervising Superior Court Judges