County of San Diego

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May 9, 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, your Board approved the Public Safety Realignment Implementation Plan presented by the Community Corrections Partnership. This is a continued series of reports related to the 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 and Public Defender's office.

PROBATION

Post Release Offenders (PROs): October 1, 2011 – April 30, 2012

Since the start of Realignment, there have been approximately 23,000 offenders released from the California Department of Corrections and Rehabilitation (CDCR) custody to the 58 California counties. San Diego County ranks third among the counties receiving the most offenders.

The San Diego County Probation Department continues to provide evidence-based supervision and intervention services for the Post Release Offenders released from CDCR custody. Under

Realignment, some offenders who would have been sentenced to state prison now serve their prison term in county jail. Some of these offenders will also serve a period of mandatory supervision after their release from custody, then be supervised by the Probation Department.

Total Scheduled for Release as of April 30, 2012	**1898**
- Under Supervision	1594
- Released to Other Custody	98
- Failed to Appear	206
Of the 1594 under supervision:	
- Arrested on Violations	695
- Sanctioned with Flash Incarcerations	546
- Revocation Proceedings Filed	149
Mandatory Supervision Offenders (MSO):	
- Released from Local Custody to Mandatory Supervision	27

Behavior Health (BH) Screening Team Activity: October 1, 2011 – March 31, 2012

Total BH Referrals	**776**
• Mental Health Referrals	76
• Alcohol / Drug Specialists Referrals	499
• MH and ADS Referral	201
Total BH Admissions	
• Mental Health Admissions	201
• Alcohol / Drug Specialists Admissions	257
Mental Health Service Level at Admission (YTD)	
Basic Medication	56%
Enhanced Recovery	13%
Full-Service Partnership	10%
Not Documented*	21%
Alcohol and Drug Service Level at Admission (YTD):	
Outpatient	45%
Residential or Detox	55%

The number of actual PROs released to date remains approximately 22% higher than the projections provided by the state for this time frame.

The Bill enacting realignment AB109, gave Probation the authority to discharge PROs from supervision after 6 months. Probation has developed discharge criteria and is now evaluating PRO

cases to identify those which may be eligible to discharge from supervision. That criteria is; 1) No arrest for new crimes resulting in a custodial sanction, 2) Testing clean for substance abuse, 3) Being employed or enrolled in school, and 4) Compliance with the conditions of supervision.

Additionally, pursuant to the realignment plan approved by your Board, Probation has worked to provide additional services for PRO's by finalizing a contract with Correctional Alternatives Inc. to implement a Residential Re-entry Center (RRC) located within the county work furlough program. The RRC will be utilized to provide an alternative custody option for offenders who would otherwise be occupying a jail bed. While in the RRC, offenders will receive work readiness training and be provided an opportunity to seek and obtain employment. Once employment is obtained the offender will pay the cost of their jail stay.

In another application of strategy of the implementation plan, Probation is working with the Sheriff's department to expand the Tracking Known Offenders (TKO) program. The TKO program allows Probation officers and Sheriff Deputies to share information and work together in supervising offenders in the community. The program has expanded to the San Marcos Station and will expand to the Imperial Beach Station. Furthermore, discussions with the Sheriff's department have occurred to expand the responsibilities of tasks forces including Jurisdictions United for Drug/Gang Enforcement (JUDGE) to target the PRO and MSO populations.

Probation continues using flash incarceration as a intermediate sanction which saves court costs and attorney as well as court time and also provides accountability for the offender.

Of the PROs under supervision, a total of 65% have been assessed as high risk to recidivate, 22% medium risk and 13% as low risk. Additionally, 36% had been sentenced to prison for a property offense and 41% for a drug offense.

SHERIFF

As of April 20, 2012	
Jail Population (Court Ordered Capacity 5,500)	5070
Court Ordered Capacity	92%
N3 Offenders in Custody	603
PROs in Custody	171
Parole Violators in Custody	384
Total AB 109 in Custody	**1,158**

County Parole and Alternative Custody (CPAC) Unit Update:

The San Diego Sheriff's Department, in collaboration with the San Diego County Probation Department, has identified an electronic monitoring vendor and has begun contract negotiations. In addition, the San Diego County Sheriff's Department will be contracting with Northpointe to obtain the COMPAS risk assessment tool. This is a validated risk assessment tool that will assist in identifying risk levels of offenders placed on electronic monitoring. CPAC policies and procedures have been completed and submitted for Sheriff's command approval. The CPAC Unit has moved to its permanent location at 9335 Hazard Way Suite 100 San Diego, CA 92123, MS-0312.

DISTRICT ATTORNEY

1170(h) Sentencing: October 1, 2011 – April 20, 2012

Through this period, 930 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 930 cases, at either an initial Sentencing (PH&S) or at a Sentence after Revocation for a failure to comply with Probation, 707 Defendants* were sentenced to a term of imprisonment in local custody per Penal Code section 1170(h).

Of those 707 defendants, 168 were sentenced to a term of imprisonment without a new case, but based on probation revocation without a new felony conviction. 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 16 of the defendants with probation revocations were sentenced to a term of imprisonment with a period of mandatory supervision to follow.

Of those 707 Defendants, 166 individuals received split sentences, where a portion of the total term is to be served in custody and the balance on mandatory supervision. Approximately 23% of the 1170(h) terms are 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. The longest mandatory supervision term is 6 years on mandatory supervision with 3 years in custody for a total term of 9 years.

Month	PH&S	SAR	Total	Longest term per 1170(h)(5)(A)	Split Sentences	Longest Split term per 1170(h)(5)(B)
Oct. – Dec.	232	82	314	7 years	75	**10 yrs/3yrs MS**
Jan. - Mar.	250	66	316	**10 yrs, 4mons**	73	9 yrs/6yrs
April	56	20	76	7 years	18	9 years/3 yrs
TOTAL	**538**	**168**	**706**		**166**	

Average splits per month:

Month	Average Full Sentence	Average Split Sentence (Custody/MS)
October	2 years, 7 months	2 years, 2 mons/1 year, 9 mons

November	2 years, 7 months	2 years, 4 mons/2 years
December	2 years, 9 months	1 year, 9 mons/2 years
January	2 years, 10 months	1 year, 11 mons/1 year, 10 mons
February	2 years, 8 months	1 year, 8 mons/1 year, 11 months
March	2 years, 5 months	1 year, 6 mons/1 year, 9 months
April	2 years, 10 months	1 year, 9 mons/2 years

Post Release Community Supervision

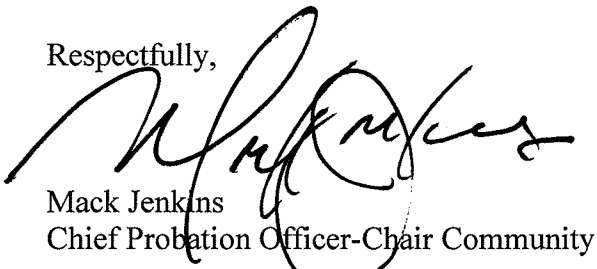
There have been **149** Post Release Community Offenders revocations filed.

PUBLIC DEFENDER

The Public Defender continues to handle the entire growing population of PROs that return to court on violations as well as working with the Judges and our justice partners in the start up and implementation phase of CAI's Residential Reentry Center. We have trained our attorneys in the screening process and will be asking the court to use this facility as an alternative to County jail for appropriate probation cases.

The Community Corrections Partnership will provide a comprehensive update of the implementation of realignment to your Board in June. In the interim if there are questions about any of the information present in this letter please contact me.

Respectfully,



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Chief Probation Officer-Chair Community Corrections Partnership

cc: Sheriff Bill Gore
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Public Defender Henry Coker
Nick Macchione Director, Health and Human Services Agency
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Chief Frank McCoy Oceanside Police Department
Chief Administrative Officer Walter F. Ekard
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Community Corrections Partnership Members
Supervising Superior Court Judges