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

August 31, 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 (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 an update on impacts to Probation, the Sheriff, the District Attorney's Office, the Office of the Public Defender, and the Court through July 31st. No action by your Board is required.

PROBATION

As your Board is aware, 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.

The number of PROs supervised by the Probation Department from October 1st, 2011 through July 31st, 2012 is as follows:

- Released 2,381
- Under supervision 2,071
- Released to other custody (out of county, ICE, etc.) 182
- Failed to appear/on warrant status 128

As part of the effort to hold the PROs accountable, there have been a total of 1,180 arrests for violations of the terms of supervision made on a portion of the 2,071 individuals on supervision. It is important to note that this number is not a count of individuals arrested but rather a total of arrest actions taken, meaning that some individuals have violated more than once, so the number of individuals is less than 1,180. Of these 1,180 total violations, probation officers used the intermediate sanction of flash incarceration 943 times. In addition, 237 revocation proceedings were filed against 214 distinct individuals. In the next letter a similar breakdown for Flash will be provided.

Flash incarceration is used when the intent of the probation officer is to impose an immediate sanction on an individual but also allow him/her to remain under supervision. A revocation is sought when the violation is more serious, or after repeated flashes have been used, and the intent is to remove the PRO from the community and incarcerate them for an extended period.

As an illustration of the supervision provided on the PROs, during the fourth quarter of FY 11-12 (April-June), probation officers had 4,737 face to face contacts with offenders. Additionally, probation officers conducted approximately 1,200 drug tests with 32% testing positive. In order to ensure that our law enforcement partners are aware of all of the PROs who are under supervision, probation has introduced the Post Release Offender Notification Form (PRON). Each police agency receives a PRON when a PRO is released to their city. The form advises the agency of the offender's most recent crime, address and the assigned probation officer. The form provides a point of contact for the police agency and can facilitate law enforcement investigations and collaborative supervision of the offenders.

As your Board has been advised, the Bill enacting realignment gave Probation the authority to discharge PROs from supervision after 6 months. To that end, Probation developed criteria to identify those individuals eligible for early 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. As of July 31, 2012, 157 individuals have met the criteria for early discharge and have been released from Probation supervision after 6 months.

Probation has continued to build a Post Release Division (collection of supervision units) to supervise the PROs. Supervision units have been established at six sites in the county (covering each region) and two intake locations have been operating. In an important step for utilizing evidenced based practices, COMPAS risk needs assessments are now being completed on all offenders at intake. That will allow probation to assign the offenders to the appropriate

supervision level (high, or medium), and identify the types of intervention services each individual offender needs.

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, 73 have been filled. Probation continues its efforts to recruit, hire and train new DPOs, and 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

Effective July 1, the Behavioral Health Screening Team contract was transitioned to a new contractor, Optum, the organization that also manages the county's Access and Crisis Line and serves as the Administrative Services Organization for the county's Mental Health Plan. The number of admissions to Behavioral Health Services is as follows for the month of July 2012:

- Total Admissions 91
- Alcohol and Drug Admissions 58
- Mental Health Admissions 33

Of those receiving ADS services:

- 43% had an admission level of outpatient
- 57% had an admission level of residential or detoxification

Of those receiving Mental Health services:

- 65% received basic medication services
- 22% received enhanced recovery services
- 13% received Full-service Partnership services

SHERIFF

The Sheriff's inmate numbers through July 31st, 2012 are as follows:

- Jail Population 5,097
- Court Ordered Capacity 92%
- N3s(1170h) Offenders in Custody 775
- PROs in Custody 245
- Parole Violators in Custody 356
- **Total Realigned Inmates in Custody 1,376**

County Parole and Alternative Custody (CPAC) Unit Update

The San Diego Sheriff's Department County Parole and Alternative Custody (CPAC) Unit submitted the rules and regulations and administrative policies of the Home Detention Program to the County Board of Supervisors for review. G4S Justice Services, who has since merged with Sentinel Offender Services, has been selected to provide GPS electronic monitoring services and offender case management services to home detention participants. On July 09, 2012, CPAC staff identified, assessed and selected inmates to begin the Home Detention Electronic Monitoring program.

DISTRICT ATTORNEY

1170(h) Sentencing: October 1, 2011 – July 31, 2012

Through this period, 1,464 cases were sentenced pursuant to Penal Code section 1170(h) to a term of imprisonment in local custody, and 1,079 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.

593 cases 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 28 of the probation revocations were sentenced to a term of imprisonment with a period of mandatory supervision to follow.

278 received split sentences, where a portion of the total term is to be served in custody and the balance on mandatory supervision. Approximately 19% of the 1170(h) terms are split sentences. In the month of July, 24% of the 1170(h) 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 6 months on mandatory supervision with 18 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 6 months: the custody portion is 1 year, 10 months and the mandatory supervision is about 1 year, 9 months.

Of the defendants that have been released after serving their full sentence pursuant to PC 1170(h), 43 have been charged or are currently under review for new felony cases.

Of the defendants that have been released after serving the custodial portion of their split sentence and are currently under Mandatory Supervision, 17 have been charged or are pending review for new felonies.

PC1170(h) Statistics for All Branches, Sentenced between 10/1/2011 and 7/31/2012
Totals based on 1079 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	72	67	139	7 Years	17	12%	6 Years (3 years on MS)
November - 2011	97	61	158	5 Years	26	16%	10 Years (3 years on MS)
December - 2011	87	43	130	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	46	158	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	69	156	8 Years	31	20%	10 Years (3 years on MS)
June - 2012	66	51	117	6 Years 8 Months	28	24%	10 Years (5 years on MS)
July - 2012	99	88	187	10 Years	44	24%	8 Years (80 months on MS)
TOTAL	**871**	**593**	**1464**		**278**	**19%**	

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 9 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

Average Length of a Full Term: 2 Years 8 Months
Average Length of a Split Sentence: 3 Years 6 Months
• Custody Portion: 1 Years 10 Months
• MS Portion: 1 Years 9 Months

1170(h) Primary Crime Types:

Of the 1,462 cases sentenced to a term of imprisonment in county jail, the highest crime of which the defendant was convicted is:

Drug Related Offenses	**624**	Weapons	**6**
Property Offenses	**735**	Driving Under the Influence	**34**
Crimes Against the Person	**45**	Miscellaneous	**20**

Post Release Community Supervision

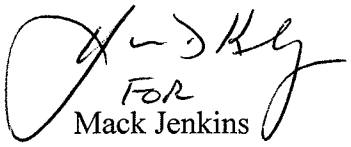
There have been 237 Post Release Community Supervision petitions filed for Revocation with 516 events calendared. Some offenders have had multiple revocations. Thus far, we have had 17 full revocation evidentiary hearings and 2 offenders have been accepted into Reentry Court as a revocation consequence.

Of the 237 petitions, 101 new felony cases and 36 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.

The Office of the District Attorney was able to match 2,059 of the total PCS offenders released from state prison within our Case Management system. Of those 2,059 PCS Offenders, there have been 571 PCS offenders with new cases submitted for prosecution, or about 28%. New felony cases were submitted for 344 PCS offenders, including 2 with murder and five with attempt murder. 227 PCS offenders have had cases submitted for new misdemeanors.

This Fall, the Community Corrections Partnership plans to provide a comprehensive, written update of our realignment efforts one year after the implementation of AB109. If you have questions, please feel free to contact me.

Respectfully,



FOR
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 Walter F. Ekard
Deputy Chief Administrative Officer Ron Lane
Community Corrections Partnership Members
Supervising Superior Court Judges