County of San Diego

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June 29, 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 (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 May 31st. In addition this letter will serve as a comprehensive summary of the progress towards the plan goals and specifically discuss the status of the plan components and strategies eight months after the implementation of the Public Safety Realignment. No action by your Board is required.

PROBATION

As your Board has been advised, Public Safety Realignment created a new offender status which San Diego County calls Post Release Offenders (PROs). The PROs are felons released from prison with a committing offense for a non-violent, non-serious, or non-high risk sex crime. These offenders are now supervised by the Probation Department instead of state parole.

The numbers of PROs from October 1st, 2011 through May 31st, 2012 is as follows:

- Released or pre-release packet received 2047
- Under supervision 1770

- Released to other custody (out of county, ICE, etc.) 164
- Failed to appear/on warrant status 113

Of those under supervision:

- 799 have been arrested for violations or committing a new crime
- Flash incarceration has been used 583 times
- 216 revocation Proceedings petitions have been filed

The number of PROs received is approximately 11% higher than the projections provided by the state for this time frame. That figure has declined, as last month the percentage was higher at 22%. Of the PROs under supervision by Probation, 41% had been sentenced to prison for a drug and alcohol offense, while 36% were sentenced for a property offence. A review of case file information, as well as the work of our Behavioral Health Screening Team from HHSA Behavioral Health, shows that many of the property offenders have an underlying drug problem and suggests that many committed the property offense to support drug use. We also know that 66% of the PROs have been assessed as a high risk to reoffend, while 21% are medium risk and 13% are low.

In holding the PROs accountable, probation officers have used the new intervention strategy of flash incarceration more than 580 times. Flash incarceration allows a probation officer to arrest a PRO for a technical violation of supervision term and place him/her in jail for up to 10 days without going through formal court proceedings. It is an application of the "swift and certain" principle of behavior management and saves court time and costs. Additionally, in the first quarter of the year (January through March) probation officers made over 3,700 face to face contacts with PROs and conducted more than 1,300 drug tests. Roughly 35% of the drug tests were positive for drug use, reaffirming our anticipated need for drug treatment services for this population.

Since the implementation of realignment, there have been 216 revocation petitions submitted by probation officers. A revocation is sought when a PRO commits a new crime or has repeated violations of supervision terms and it is probation's intent to return the offender to custody for an extended period. Through this reporting period the revocation rate for PROs is approximately 10%. Of the revocations, 80 have involved new felony cases and 28 misdemeanors. Some offenders have had multiple revocations. Thus far, there have been 8 full revocation evidentiary hearings. The remainder have admitted or the petitions withdrawn due to pleading to new criminal convictions. In a reflection of the criminal sophistication of some of the offenders, one PRO has been charged with murder, and four with attempted murder.

Your Board authorized 75 FTE's for Probation for FY 2011-12. To date 44 of those FTE's have been filled. Probation's efforts to recruit, hire and train new DPOs have been ongoing. In an April recruitment we received more than 500 applicants for the position of Deputy Probation Officer.

HEALTH AND HUMAN SERVICES AGENCY

The Behavioral Health Screening Team continues its work in conducting screening assessments on PROs as they return from prison and report to probation offices in Vista and downtown San Diego. From October 1, 2011 through April 30, 2012 the number of admissions to Behavioral Health Services is as follows:

- Total admissions 768
- Alcohol and Drug service Admissions 330
- Mental Health Admission 197
- MH & ADS Admissions 241

Of those receiving ADS services:

- 45% had an admission level of outpatient
- 55% had an admission level of residential or detox

Of those receiving Mental Health services:

- 69% received basic medication services
- 18% received enhanced recovery services
- 13% received Full-service Partnership services

The total percentage of offenders who have been admitted to receive either substance or mental health services is 43%. That percentage will continue to grow with the addition of more probation officers and the implementation of the Community Transition Center (discussed later in this letter).

A nurse care coordinator will be implemented as a part of the screening team to coordinate the cases that have severe physical health issues beginning July 1, 2012.

SHERIFF

Public Safety Realignment requires that offenders sentenced pursuant to Penal Code section 1170(h) will serve a term a "imprisonment in local custody", which means that instead of serving the prison term in one of the state's prisons they will serve that term in the Sheriff's jails. To qualify for 1170(h) sentencing, the offense must be a non-violent, non- serious or non-high risk felony. These offenders are referred to as N3s.

San Diego County was projected to have an average daily population (ADP) increase of 1,821 1170(h) or N3 offenders at full implementation of Realignment. In addition, the County was projected to see an ADP increase of 256 probation and parole violators in custody. A total projected impact of more than 2,000 offenders from Public Safety Realignment.

On October 1, 2011 the total inmate population for the Sheriff's jail system was 4,622 inmates, representing 83% of operational capacity. Through May 31st, the jail population had grown to 5,056 representing 92% of capacity. The Sheriff's operational capacity has declined from 5,600 inmates to 5,490 due to an increase in inmates requiring special housing.

The Realignment inmate population accounts for 25% of the total population in custody. Approximately 44% of the Realigned population is housed in specialty housing such as administrative segregation, protective custody, medical/PSU, and high level.

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

- Jail Population 5,056
- Court Ordered Capacity 92%
- N3s(1170h) Offenders in Custody 688
- PROs in Custody 223
- Parole Violators in Custody 392
- **Total Realigned Inmates in Custody 1,303**

DISTRICT ATTORNEY

From October 1st, 2011 through May 31st, 2012, 1,166 cases have been sentenced pursuant to section 1170(h) of the Penal Code. A single defendant can receive multiple cases so the number of cases do not equate to the number of sentenced offenders.

Of those 1,166 cases, 457 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 20 of the probation revocations were sentenced to a term of imprisonment with a period of mandatory supervision to follow.

Of those 1,166 cases, 208 received split sentences, where a portion of the total term is to be served in custody and the balance on mandatory supervision. Approximately 18% 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. In fact, this has been the longest split for three separate months. The longest mandatory supervision term is 6 years on mandatory supervision with 3 years in custody for a total term of 9 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 9 months: the custody portion is 1 year, 11 months and the mandatory supervision is about 1 year, 10 months.

Of the 1,166 cases sentenced to a term of imprisonment in county jail, the highest crime of which the defendant was convicted is as follows:

- Drug Related Offense 520
- Property Offense 523
- Crimes Against the Person 53
- Weapons 4
- Driving Under the Influence 26
- Miscellaneous 40

PUBLIC DEFENDER

The Office of the Public Defender has represented most of the individuals sentenced under Realignment with a goal of ensuring their rights are protected. In the last few months, however, the Public Defender has protected these rights in a way that has served the system and illustrated the effective collaboration with the other members of the CCP.

AB109 (the bill which enacted Public Safety Realignment) contained an ambiguity about custody credits. The San Diego County Public Defender filed a writ arguing that all local prison inmates should get the same amount of credits. The Attorney General agreed with the Public Defender's position. Soon after that agreement, the District Attorney helped the Public Defender compile lists of all local inmates who were entitled to have their credits adjusted; and then the court promptly amended the sentencing dockets to award the correct credits. Through May of this year 266 inmates in 419 cases have had their custody adjusted which has resulted in a significant savings in jail capacity.

The Public Defender will continue to fight the cases that need fighting but for a great number of sentenced clients, the Public Defender is working with all other CCP members toward the same goal of reducing recidivism and promoting rehabilitation.

UPDATE ON IMPLEMENTATION PLAN COMPONETS AND STRATIGIES

As was reported to your Board in September, the Community Corrections Partnership established three goals for the San Diego County Realignment Implementation Plan. Those goals are:

1. Efficiently Use Jail Capacity
2. Incorporate Re-entry Principles into In-custody Programming
3. Incorporate Evidence Based Practices into Supervision, Case Management, and Sentencing

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 Alternate Custody Options and In-Custody Programming
5. Provide Evidenced Based Supervision and Intervention Services for Post Release Offenders

In the intervening eight months since realignment began, ad hoc workgroups have formed, and more recently a single steering committee consisting of staff from each of the agencies of the executive committee receives and processes information from the workgroups as they gather information and develop strategies. The workgroups have included subject matter experts from governmental agencies and community based organizations that have provided criminal justice, custodial and rehabilitative services to offenders in San Diego County. Together they have utilized their experience and knowledge to assess, advice, and recommend process and system changes that will produce the targeted outcomes of the realignment plan. The following is a status report of each component and related strategies.

COMPONENT 1: ENHANCE PRETRIAL PROCESSES TO MORE EFFECTIVELY UTILIZE JAIL CAPACITY

Under this component the plan evaluates the pretrial handling of cases to identify opportunities to safely increase pretrial releases or the resolution of cases.

The strategies include:

- Modifying bail schedules
- Reducing bail for low risk offenders
- Using electronic monitoring, home detention, alcohol monitoring and GPS for suitable pretrial offenders

Status:

The Sheriff modified jail booking criteria on 5/1/12. CCP members will participate in the annual process to review and evaluate bail schedules in August. Work Furlough will be added as an option available at felony arraignment. A "Ghost Process" study was completed to evaluate April pre-trial cases to gauge the population available for alternate custody.

COMPONENT 2: IMPROVE AND STREAMLINE FELONY CASE SETTLEMENT

In this component the plan seeks to expedite the resolution of cases in order to both free jail beds and get offenders into services.

The strategies include:

- Reducing the number of hearings by using early settlements and immediate sentencing
- Expand the use of collaborative courts

Status:

The expediting of Prop 36 PC1000 cases began in April for the Central Branch Court and in May for the South Bay Branch, June for East County and is anticipated in July for the North County Branch. A probation officer has been placed in Disposition Courts in order to assist in resolving low level felony cases at the Readiness Hearing. Probation will use treatment/intervention funds to continue treatment services for the Re-Entry Court. A subcommittee has been formed to review the expanded use of other collaborative courts.

COMPONENT 3: ENCOURAGE EBP IN SENTENCING FELONY OFFENDERS

The focus of this component is to attempt to incorporate the principles of evidenced based practices for community supervision (risk assessment, dosage responsively, targeted interventions, etc) into the sentencing process for offenders.

The strategies include:

- Provide risk/need assessment information to all sentencing parties (DA, PD, court)
- Train all parties on alternative sentencing and best practices for recidivism reduction
- Increase the use of split sentencing

Status:

A subcommittee has been formed to design a template to provide assessment information to the Court, DA, and Defense in the probation prep-sentence investigation. EBP training is being arranged for all agencies. Probation officers are already completing risk/needs assessments as a part of the pre sentence investigation process. Representatives from the Court and Probation have engaged the branch courts on strategies to increase split sentencing, and additional meetings will follow.

COMPONENT 4: ALTERNATE CUSTODY OPTIONS AND IN CUSTODY PROGRAMMING

This component outlines the CCPs efforts to utilize alternate custody options in order to expand the Sheriff's jail capacity and also to provide treatment and re-entry services to offenders completing sentences in jail.

The strategies include:

- Expand Alternate Custody Options
- Expand in-custody programming (Expand LRP)

Status:

The CCP amended the Realignment plan to include the addition of 400 beds to the East Mesa Detention Facility (EMDF) in order to transform it into a Reentry Facility. This will allow 500 inmates to participate in reentry programming (substance abuse services, educational/vocational programming, counseling and cognitive behavioral services) while in custody and to expand the existing Local Reentry Program. The CCP also supported the creation of the Sheriff's County Parole and Alternate Custody Unit (CPAC). The unit has been fully staffed and sited at a permanent location. An electronic monitoring vendor has been contracted and CPAC will use the same risk/needs assessment tool as probation. The CPAC unit will have a capacity of 250 males and 50 females. Probation has added Residential Reentry Center services (RRC) to the existing Work Furlough Program. In the Residential Reentry Center, suitable offenders will receive work readiness and job search training, and will be provided an opportunity to obtain employment while serving a jail sentence. The use of CDCR Fire Camps was determined to not be a viable option at this time. A subcommittee has been created to develop a reentry process for 1170(h)/N3 offenders.

COMPONENT 5: PROVIDE EVIDENCED BASED SUPERSVION AND INTERVENTION SERVICES TO POST RELEASE OFFENDERS

In this component, Probation will employ the same evidenced based principles that have been successfully applied to the high risk probation population to achieve an average 13% reduction in the number of probationers revoked to state prison in the past three years and a 65% successful completion rate for probationers.

The strategies include:

- Probation to expand EBP supervision and intervention to PRO and Mandatory Supervision Offenders (MSOs)
- Procure medical, mental health, and treatment services for offenders released from custody.

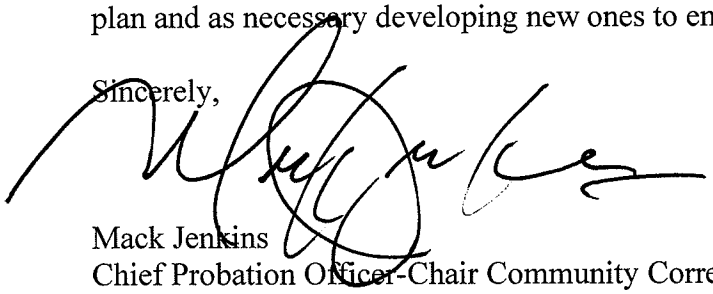
Status:

With the positions authorized by your Board, Probation has constructed a Post Release Supervision Division of probation officers to manage the post release population. All of the probation officers in the division are undergoing training in a new supervision model called IBIS (Integrated Behavioral Intervention Services) which combines motivational interviewing techniques and cognitive behavioral interventions to enhance their effectiveness with offenders. The CCP also approved an amendment to the Plan to

provide resources to reduce the targeted caseload size for probation officers 1-40 for high risk, and 1-80 for medium risk. The smaller caseload size will allow for more intensive supervision of the highest risk offenders. As noted, a Behavioral Health Screening Team consisting of a both mental health and substance abuse specialists was implemented to conduct screenings at intake to identify those offenders who may need mental health or substance abuse services. Also noted earlier a Physical Health Linkage capacity will be added on July 1. A Community Transition Center (CTC) concept has been developed to create a processing center for PROs being released from prison. At the CTC, the PROs will be transported from prison, be provided short term transitional housing and detox as necessary while undergoing screenings and assessments for the purpose of developing case plans to facilitate the linkage to intervention services. The CCP workgroup recommends the plan be modified to develop transition planning for all offenders released from custody. Additionally, Work Group 3 (Treatment/Interventions) has created an "Ancillary Services" subcommittee to engage the community in identifying additional intervention services (i.e. vocational training, housing, etc) as needed to serve the PROs/MSOs.

The CCP has approached the implementation of the Realignment Plan from a perspective of systemic change, to ensure there is a collaborative, integrated system where offenders are held accountable and afforded rehabilitative services to keep our community safe. While remaining focused on the Realignment vision which was shared with your Board in September, the Community Corrections Partnership will continue the implementation of the strategies in the plan and as necessary developing new ones to ensure the goals of the plan are achieved.

Sincerely,



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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