

**COUNTY OF SANTA
CLARA**

**PUBLIC SAFETY
REALIGNMENT PROGRAM**

**MONTHLY STATUS
REPORT**

March 1, 2012– March 31, 2012

April 1, 2012 – April 30, 2012

PROBATION DEPARTMENT:

Between October 1, 2011 and April 30, 2012, 751 Post Release Community Supervision (PRCS) offenders were released. In addition, 67 Mandatory Supervision [1170(h)] offenders were sentenced. Additional information on client's demographics is attached to this report.

For this reporting period, no new narrative update was submitted by the Probation Department.

OFFICE OF THE SHERIFF/DEPARTMENT OF CORRECTION:

Custodial Supervision and Support:

As of April 30, 2012, there were 534 inmates in custody related to AB109. Of those, 266 were serving a jail sentence, 63 were in custody for local violations flash/PRCS Revocations, and 205 were in custody for State Parole violations.

- In addition to the 534, there were 56 new commitments to State Prison awaiting transportation to CDCR.
- Of the 205 in custody for State Parole violations, it should be noted that, now that the State is no longer paying the daily jail rate for these inmates, parole agents are revoking parolees at such a high number that this population has quadrupled.

Administrative Booking Unit

The Administrative Booking unit continues to research technical issues, such as whether or not certain privileges granted in State prison would be applied at local facilities. The Unit also continues to handle an increase in Inmate Request Forms from AB109 inmates, to which staff is required to review and respond. The unit is continually impacted by:

- The need to complete two judicial update forms for tracking purposes of the AB109 inmates.
- Copying abstracts of judgments to be forwarded to Inmate Programs unit, for placement in classes preparing the inmates for pre-release and re-entry.
- The Prison Transport Desk is being handled by two staff due to the additional time computations for inmates sentenced under AB 109, while still completing the Prison Transfer lists.

With regard to filling the Law Enforcement Clerk positions, ESA has an existing recruitment list and the Department has been conducting interviews. Staffing needs are met by backfilling with overtime where appropriate and necessary.

Custody Operations

In the FY 2012 Recommended Budget, custody staffing for Elmwood's M-8 Building was reduced significantly, and inmate programs in this area were stopped. Now, full educational and rehabilitation programming at the M-8 Building has been restored through the use of AB 109 funding allocation.

For some of the Custody Operations positions, the vacancies from the newly added AB 109 positions will be filled once the next correctional cadet academy graduates in Summer of 2012. Current officer staffing needs are being met by backfilling with overtime where appropriate and necessary. The Elmwood Grounds Crew Correctional Deputy/Officer Position has been filled.

For the two Custody Support Assistant (CSA) positions, the Elmwood Operations position has been filled. The Elmwood Inmate Services CSA has not yet been filled, and it is being backfilled by overtime as necessary and appropriate while the recruitment is being conducted.

Correctional Industries

Correctional Industries operates five vocational training trades/shops including cabinet making, upholstery, welding, landscaping and auto body repair. Inmates learn and train under the supervision of qualified vocational instructors provided through Milpitas Adult Education. Correctional Industries currently has twenty-nine (29) AB 109 sentenced inmates assigned to in-custody vocational programs. This has doubled the overall population assigned to Correctional Industries programs over the last month.

The Correctional Deputy/Officer position is needed to provide more security within the shops/Correctional Industries areas, since the more sophisticated AB 109 inmates are now assigned there. The CSA position will provide support for all functions related to operating the Correctional Industries shops. Both the Industries Correctional Deputy/Officer position and the Industries Custodial Support Assistant positions have been filled. This allows the department to offer more AB 109 inmates the opportunity to participate in Industries programs.

The Department has selected the Industries CSA Supervisor, and will transition the supervisor into the position when the CSA Supervisor at the Main Jail Complex has been filled. The Main Jail Division CSA Supervisor position cannot go unfilled due to the complexity of the operation.

Classification Unit

The bed management evaluation process of inmates sentenced pursuant to AB 109 continues. Jail Classification officers are re-evaluating inmates sentenced under AB 109

on a regular basis for lower security level housing, in order to make room for more AB 109 inmates. The Correctional Deputy position for this unit has now been filled.

Information Systems Unit

Information Technology staff continues the development of computer programs for statistical reporting related to AB 109. The systems track types and lengths of sentences, demographics, housing location, and security levels. The Department continues to utilize an internal needs assessment tool for the AB 109 inmates until the receipt of the Correctional Assessment and Intervention System (CAIS) Risk and Needs Assessment tool. This tool will interact with the one implemented by Probation. The Department plans to implement this tool in late-Spring 2012. The CAIS system will provide a more accurate diagnosis of the risk and needs of the inmates, and staff can use it match inmates with programs within their security level that meet their criminogenic needs.

Of the combined initial and mid-year allocations of \$1,953,339 for Custodial Supervision and Support, approximately \$280,608 has been expended for this reporting period, with a total of \$1,028,943 expended to date. There are no new related service agreements.

The remaining allocation amount for this component is estimated at \$917,396.

Programs and Custodial Alternatives:

Programs Unit

The AB 109-funded staff who is assigned to the Inmate Programs and Custodial Alternative Supervision (CASU) units worked with other department to prepare the Re-Entry Center for occupancy. The Unit began operations there on February 6, 2012, and the Public Service Program and Regimented Corrections Phase II/Day Reporting have been relocated to this site.

A Rehabilitation Officer was selected for AB 109 case management and continues work in this area. Case managing is necessary to prepare this inmate population for re-entry and early release into alternative sentencing programs to meet jail population management needs.

Custodial Alternative Supervision Unit (CASU)

The staff is evaluating inmates for the early release programs. Because this unit is new, policies and procedures are being finalized, and will undergo the standard approval process before implementation.

Staffing

The Rehabilitation Officer position in Inmate Programs has been filled, and the CASU unit is now fully staffed.

Of the combined initial and mid-year allocations of \$1,377,454 for Programs and Custodial Alternatives, approximately \$203,298 has been expended for this reporting period, with a total of \$795,897 expended to date. There are no new related service agreements.

The remaining allocation for this component is estimated at \$581,557.

Direct Inmate Services:

Transportation Unit and Food Services

On a daily basis, staff continues to closely monitor the size, type, and length of stay of inmate population in order to direct the appropriate level of inmate services, such as Food Service staff and Inmate Transportation. Due to the recent increase in the minimum security inmate population, the inmate kitchen worker pool has increased. This enables the Food Services unit to fill the vital inmate worker positions in the kitchen.

Staffing

For the Correctional Deputy position, the vacancy will be filled once the next correctional cadet academy graduates in the Spring of 2012. Current officer staffing needs are being met by backfilling with overtime or extra help.

For the Food Services positions, the Department continues to work with ESA to recruit and fill the positions. Staffing needs are being met by backfilling with overtime where appropriate and necessary.

Of the initial allocation of \$476,719 for Direct Inmate Services, approximately \$94,898 has been expended for this reporting period, with a total of \$349,747 expended to date. There are no new related service agreements.

The remaining allocation for this component is estimated at \$126,972.

CUSTODY HEALTH SERVICES: Provision of Mental and Psychiatric Services

Custody Health Services is providing physician, nursing and mental health services to inmates being retained locally rather than being transferred to State facilities.

Custody Health received an initial allocation of \$852,678 and 5.0 FTE new positions.

Of the initial allocation of \$852,678, approximately \$213,847 was expended for this reporting period, with a total of \$613,426 expended thus far, related to medical and mental health costs for the AB109 inmates. CHS has an existing service agreement with a contract psychiatrist that can be utilized for these services. There no new related service agreements.

The remaining amount of the initial allocation is \$239,252.

DISTRICT ATTORNEY: Support of Revocation Cases

The Office of the District Attorney received an initial allocation of \$225,222 and 2.0 FTE new positions.

For this reporting period, a total of \$30,323 has been expended in salaries and benefits costs for the Attorney and Legal Clerk positions. This amount also includes a percentage, approximately 20%, of the time and efforts of an Assistant District Attorney position. As previously reported, the Office of the District Attorney has assigned one senior Deputy District Attorney (DDA) with experience in collaborative court processes to prepare and appear at PRCS and Mandatory Supervision (MS) revocation matters. Following system refinements, those matters are now heard at the Hall of Justice on designated calendars on Monday mornings. Prior to each calendar, the assigned DDA must review each revocation file (including the content of each petition) in order to properly advocate on behalf of the People for appropriate sanctions. This DDA is now spending approximately 20% of their time on these tasks, but as anticipated, this percentage is increasing as case volume expands, including an increase in MS Revocation matters.

Between October 1, 2011 and April 30, 2012, approximately 220 Court events have been set on the PRCS and MS Revocation Calendars, including approximately 133 new PRCS Revocations and approximately 4 new MS Revocations (some cases are continued for more than one appearance, hence the difference between the number of new hearings and total court events). The total number of court events is also impacted by some matters (particularly earlier cases) set for hearing on both the PRCS docket number and the underlying local felony conviction docket number.

The other position funded by this source is a Legal Clerk, responsible for receiving Revocation Petitions from the Probation Department, creating a file with appropriate content for each case, obtaining files for underlying local prosecutions and assembling all of the foregoing for each calendar (and returning files to Records after court and routing to archives when concluded). The Legal Clerk will also assist in data collection for realignment program evaluation. This position has been filled and as revocation workload expands, this individual will be transitioned to an increasing percentage of those duties.

One Assistant District Attorney (ADA) has been designated as the office's primary point of contact for most issues related to Public Safety Realignment. In addition to preparation for, and attendance at, recurring county-wide meetings, including Community Corrections Partnership workgroups, this ADA is also responsible for disseminating information about emerging practices and coordinating monitoring

processes and exchanging information with county criminal justice partners and other jurisdictions on revocation and other tasks. In addition, this ADA will be attending an increasing number of off-site programs related to Public Safety Realignment, including programs presented by the California District Attorneys' Association and the Crime and Justice Institute. To date, these duties have constituted about 20% of this ADA's time. The Office will continue to monitor this resource demand as case volume expands.

As previously reported, in addition to tasks related to the revocation process, when issuing new criminal cases, DDAs must now determine whether each defendant, if convicted, is eligible for Penal Code (PC) §1170(h) sentencing options. Even if the charges to be filed are themselves eligible, criminal history information must be reviewed for disqualifying events unique to each defendant and appropriate allegations added to the charging document. Similar analyses must be performed in all felony cases being reviewed for pre-trial evaluations, for discussion of potential negotiated dispositions and to assure that eventual sentence choices are appropriate and that all options have been considered.

Additionally, resources will be expended upon the segment of the supervised population that reoffends and re-enters the criminal justice system with new charges. In cooperation with the Probation Department, the Office has identified approximately 21 such cases between January 1, 2012 and March 31, 2012. As above, it is expected increased prosecution resources will be required in this area as case volume expands.

Between October 1, 2011 and April 30, 2012:

- Approximately 133 defendants were set for PRCS Revocation
- Approximately 4 defendants were set for a MS Revocation
- Approximately 220 total court events set on PRCS and MS Revocation Calendars

There have been no new related service agreements nor or any anticipated by this Office.

The total expended to date is \$69,603. The remaining amount of the initial allocation is \$155,619.

PUBLIC DEFENDER: Support of Revocation Cases

For this reporting period, a total of approximately \$41,819 has been expended in salaries and benefits costs for both the Attorney and Legal Clerk positions, the latter of which was filled in January 2012. Expenses for supplies to date have been \$4,148. The total expended to date is \$181,878. This does not include the approximately 2000 hours of attorney staff time to prepare, train and implement Criminal Justice Realignment. There have been no new related service agreements nor or any anticipated by this Office.

The tasks related to the handling of PRCS and Mandatory Supervision (MS) revocation hearings are similar to that of the Office of the District Attorney. The Office of the Public Defender has assigned one senior Deputy Public Defender to prepare and appear at PRCS and Mandatory Supervision (MS) revocation matters. Those matters are heard at the Hall of Justice on designated calendars on Monday mornings. Prior to each calendar, the assigned Deputy Public Defender must review each revocation file and any underlying case information that may be available. This attorney currently splits his time handling the PRCS and MS calendars as well as various Violation of Probation (VOP) calendars throughout the week. Currently the PRCS and MS calendars account for 20% of the attorney's time, but that is expected to increase as the calendar continues to grow.

Additionally a Legal Clerk has been allocated to this assignment. This clerk will be responsible for receiving Revocation Petitions from the Probation Department creating a file with appropriate content for each case, obtaining files for underlying cases and assembling all of the necessary documents for each calendar (and returning files to Record Retention after court and routing closed files to Record Retention when concluded). This position has been filled and as revocation workload expands, this individual will be transitioned to an increasing percentage of those duties. Currently this Legal Clerk also handles the VOP calendar and its coordinating tasks.

To date, there have been approximately 150 PRCS Revocation Petitions filed, although some of those are likely in warrant status and approximately 275 hearings. The Office is just beginning to see Mandatory Supervision revocation cases.

In addition to tasks related to the revocation process, the Office of the Public Defender conducted approximately 20 hours of training related to Criminal Justice Realignment for the Offices of the Public Defender, Alternate Defender, Independent Defense Counsel Office, the Courts and Probation, including approximately 2000 hours of preparation and evaluation from the Research Unit, divided among at least four attorney staff members of the office.

When defending new criminal cases, Deputy Public Defenders must now determine whether each defendant, if convicted, is eligible for Penal Code (PC) §1170(h) sentencing options. Even if the charges to be filed are themselves eligible, criminal history information must be reviewed for disqualifying events unique to each. Similar analyses must be performed in all felony cases being reviewed for pre-trial evaluations, for discussion of potential negotiated dispositions and to assure that eventual sentence choices are appropriate and that all options have been considered. While it is very hard to quantify the staff time consumed by the aforementioned tasks, it may be helpful to note that the Public Defender and Alternate Defender opened approximately 4,000 new felony cases between October 1, 2011 and March 1, 2012, and approximately 400 cases have been sentenced under 1170(h) through April 2012.

The Public Defender participates in the Community Corrections Partnership (CCP) as well as various Court related meetings. One Assistant Public Defender has been designated as the office's primary point of contact for most issues related to Public Safety Realignment. In addition to preparation for, and attendance at, recurring county-

wide meetings including CCP workgroups, The Re-Entry Network, Faith Based Collaborative and related Court meetings. This Assistant Public Defender is also responsible for disseminating information about emerging practices and coordinating monitoring processes and exchanging information with county criminal justice partners. To date, these duties have constituted about 20% of this Assistant Public Defender time. Additionally, the Senior Management Analyst has been tasked with maintaining statistics related to the Office's implementation of Criminal Justice Realignment, documenting processes, attending and participating in several county-wide meetings including the CCP's Data Group and Re-Entry Network. The Office will continue to monitor this resource demand as case volume expands.

There have been no new related service agreements nor any anticipated by this Office

The total expended to date is \$181,878. The remaining amount of the initial allocation is \$43,344.

TRAINING AND RETENTION:

Training and retention efforts received an initial allocation of \$550,000 and no new FTE positions.

For this reporting period, no new update was submitted by the Probation Department.

COMMUNITY CORRECTIONS PARTNERSHIP: Planning Efforts

CCP Planning efforts received an initial allocation of \$200,000 and no new FTE positions.

In February 2012 and as part of Mid-Year budget actions, approximately \$150,000 was transferred to the Department of Correction for the acquisition of the CAIS needs and assessment tool. The remaining funds will be spent or obligated by June 30, 2012 to pay for training for an EBP for stakeholders (criminal justice partners and community based organizations).

PROGRAMMING AND SERVICES: Support Transition from Custody to Community

Programming and services received initial and subsequent allocations totaling \$4,632,841 and 6.0 FTE new positions.

Re-Entry Multi-Agency Pilot Project

The Departments involved with this project have been meeting regularly to discuss the results of the state prison visits and the outcome of the client's information packets. Ongoing meetings will continue with the aim of developing and testing a service need assessment and delivery model that will facilitate interagency coordination in assessing and providing relevant and effective re-entry services for incarcerated adults exiting prison and jail settings.

All six staff positions are expected to be filled by March 2012 and will be located at the Santa Clara County Re-Entry Resource Center in the late Spring of 2012.

MHSA provided an initial allocation of \$665,576 towards this pilot project. The remaining amount of the initial allocation is approximately \$503,487.

Substance Abuse and Mental Health Treatment Services

Substance use treatment services are needed for State Parolees entering the County. Department of Drug and Alcohol (DADS) expanded the Adult System of Care services to fund substance abuse treatment services and service expansion for outpatient, residential, transitional housing units (THU), and special THU services. In November 2011 the Board of Supervisors approved agreements with Crossroads, Family and Children Services and Pathway Society, Inc.

In March 2012, contracts for Criminal Justice Full Service Partnerships were amended to add 30 additional slots for AB 109 clients effective April 1, 2012. Additionally, an informal competitive process was completed to secure 10 supported housing beds and another such process to select three faith-based community centers was also initiated. In April 2012, the informal competitive process for faith-based community centers was extended as an insufficient number of vendors applied.

MHSA Self Help & Peer Support and Faith, Family and Community Support Services

Mental Health will use MHSA funds to support self-help and peer support services. These efforts will be combined with the aforementioned faith-based center proposal. As such, Mental Health will provide ministry and mentorship opportunities.

In March 2012, the Flex Funds contract Request for Proposals was withdrawn and combined with the faith-based community center funding. As of April 2012, the Faith Collaborative continues to meet and has identified five priority areas of need for individuals returning to the community:

1. Access & Linkage
2. Services & Supports
3. Housing
4. Employment
5. Legal System Interface

A work plan has been developed to meet these needs.

Employment Education and Support

The Probation Department entered into an agreement with Family and Children Services to provide Cognitive Behavioral Treatment (CBT) as part of the Department's project under SB 678. These services are also available to the realignment population.

Agreements have been finalized with both Catholic Charities and the Center for Training and Careers (CTC) to provide job placement services and educational and vocational programs for both PRCS and 1170(h) offenders.

For this reporting period, no new update was submitted by the Probation Department.

Re-Entry Resource Center Building Operations

The Facilities and Fleet Department (FAF) received an initial allocation of \$100,000 for Re-Entry Center related building upgrades, maintenance and general repair.

To date, FAF has:

- Painted three (3) floor offices and hallways
- Installed carpeting in the main conference room
- Performed electrical work and added exterior lighting
- Installed exterior signs for parking
- Performed cabinet and plumbing work in restrooms
- Removed old/non functional locks and installed new locks throughout the building
- Replaced panic hardware as needed and re-keyed exterior and interior doors (per request of occupying departments).

For this reporting period, approximately \$417 has been expended, and total to date expenditure is \$78,315. The remaining amount of the initial allocation is \$21,685.

Employee Services Agency – Human Resources

The Employee Services Agency (ESA) received an initial allocation of \$100,000 for recruitment and classification activities related to the addition of new AB 109 positions.

To date, ESA has:

- Commenced Classification studies related to AB 109, to include gathering information, writing up recommendations, meetings with management and labor organizations, and bringing transmittals to the Board when necessary
- Revised classification specifications and created a new classification specification
- Managed all facets of the Recruitment of 12 positions

For this reporting period (and to include cost capture from October 2011), approximately \$95,750 has been expended. The remaining amount of the initial allocation is \$1,250. Additionally, and contingent upon the Board's approval of the FY 2013 AB 109 Budget recommendation to add 75.5 positions, ESA anticipates needing approximately \$150,000 to process and complete the recruitment of these positions.