

**COUNTY OF SANTA
CLARA**

***PUBLIC SAFETY
REALIGNMENT PROGRAM***

STATUS REPORT

May 1, 2012– May 31, 2012

June 1, 2012 – June 30, 2012

July 1, 2012 – July 31, 2012

PROBATION DEPARTMENT:

Between October 1, 2011 and July 31, 2012, 947 Post Release Community Supervision (PRCS) offenders were released. In addition, 97 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 August 8, 2012, there were 648 inmates in custody related to AB 109. Of those, 375 were serving a jail sentence, 78 were in custody for local violations flash/PRCS Revocations, and 195 were in custody for State Parole violations.

- In addition to the 648, there were 39 new commitments to State Prison awaiting transportation to CDCR.

Administrative Booking Unit

The Administrative Booking unit continues to research technical issues, such as certain privileges granted in State Prison that would have to be applied at the local facilities. This unit also handles an ongoing increase in Inmate Request Forms from AB109 inmates, and continues to be impacted by:

1. The need to complete two judicial update forms for tracking purposes of the AB109 inmates.
2. Copying abstracts of judgments to be forwarded to the Inmate Programs unit, for placement in classes that prepare inmates for pre-release and re-entry.
3. The Prison Transport Desk is being staffed with two staff due to the additional time computations for inmates sentenced under AB 109 and yet completing Prison Transfer lists.

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, with the new FY 2012 and FY 2013 AB 109 funding and positions, full educational and rehabilitation programming at the M-8 Building has been restored.

For some of the Custody Operations positions, the vacancies from the newly added AB 109 positions were filled with the graduation of the Correctional Cadet Academy in August. Correctional Deputies are required to attend a correctional Academy before starting work in the jail. Ongoing AB 109 funding has been appropriated for future academies, and so the department will be able to continue filling their vacancies. Current officer staffing needs are being met by backfilling with overtime where appropriate and necessary.

Correctional Industries

Correctional Industries operates four vocational training trades/shops including cabinet making, upholstery, welding and auto body repair. Inmates learn and train under the supervision of qualified vocational instructors provided by Milpitas Adult Education.

The custody and support positions in Industries have been filled. Having the new positions fully staffed allows the department to offer more AB 109 inmates the opportunity to participate in vocational programs.

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 housing, in order to make room for more inmates. One Correctional Deputy position for this unit has been filled. In addition, the FY 2013 Approved Budget included a Correctional Deputy position, and the department is in the process of selecting an employee for this position.

Information Systems Unit

The Information Services staff developed computer programs for statistical reporting related to AB 109. The systems track the types, lengths of sentences, demographics, housing location, and security levels of AB 109 inmates. The Correctional Assessment Intervention System (CAIS) tool was implemented in July 2012, and is a validated risk and needs assessment tool recommended in the Recidivism Study. CAIS is currently being used to assess the programming needs of the AB 109 inmates. Additionally, an application is being developed to complement use of the Correctional Assessment Intervention System (CAIS) to assist Programs Staff in placement of AB 109 inmates in the various programs available in the jails. In the FY 2013 Approved Budget, an IS technician position was added, and efforts are underway with ESA to in-place an existing County employee into the position.

There are no new related service agreements.

Programs and Custodial Alternatives:

Programs Unit

The AB 109-funded staff assigned to the Inmate Programs and Custodial Alternatives Supervision Unit (CASU) continues to provide programming and supervision out of the Re-Entry Center. The PSP/WWP and RCP Programs were relocated to this site earlier this year, and continue to operate out of the Re-Entry Center.

The Rehabilitation Officer who was selected for AB 109 case management continues to work in this area. Case management is important for the preparation of the inmates for re-entry and early release into alternative sentencing programs to meet jail population management needs.

Custodial Alternative Supervision Unit (CASU)

The CASU staff continues to evaluate inmates for the early release program, and supervise them upon release. The positions for this unit have been filled, and the unit is now fully staffed.

There are no new related service agreements.

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 the inmate population in order to direct the appropriate level of inmate services. For Food Services, due to the recent increase in the minimum security population, the inmate worker pool has increased, making it easier to fill inmate worker positions in the Food Services Unit. In these units, the department continues its work with ESA to recruit and fill the positions. Staffing needs are being met by backfilling with overtime where appropriate and necessary.

There are no new related service agreements.

CUSTODY HEALTH SERVICES: Provision of Mental and Psychiatric Services

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

There no new related service agreements.

DISTRICT ATTORNEY: Support of Revocation Cases

As previously reported, the Office of the District Attorney has assigned one senior Deputy District Attorney (DDA) to prepare and appear at Post Release Community Supervision (PRCS) and Mandatory Supervision (MS) Revocation Cases heard at the Hall of Justice (Department 24). Prior to each calendar, the assigned DDA must review each revocation file, including the content of each petition and associated files, in order to properly advocate on behalf of the People for appropriate case dispositions. This assignment continues to absorb at least 20% of the assigned lawyer's time (recently, a different DDA [also experienced in collaborative court functions] has been assigned to these duties as part of routine assignment changes) and the office is monitoring this specific resource demand to evaluate the percentage increase as case volume expands, including an increase in both PRCS and MS Revocation matters (see below).

Between May 1, 2012 and July 31, 2012, approximately 380 Court Events have been set on the D24 PRCS Revocation Calendar (including approximately 134 new PRCS Revocations) and approximately 22 Court Events on the D24 MS Revocation Calendar (some cases are continued for more than one appearance, hence the difference between the number of new hearings and total court events). Cases in which a petition has been filed and an arrest warrant has been issued, but remains unserved, are not reflected in these numbers.

It should be noted that in the most recent CCP Process Workgroup meeting, the Superior Court advised that the D24 PRCS and MS Revocation Calendars have expanded to the point that additional time is needed to completely address the issues presented in each case. As a result, the court has requested that a second session for these calendars be added to Tuesday afternoons. The office is reviewing staffing options for that expansion and anticipates this addition will increase assigned DDA time (whether one lawyer or a combination of two) to a level approaching 40%.

Subsets of PRCS and MS Revocation cases are now being transferred to Department 64 of the Superior Court at the Terraine Street Facility for further PRCS and MS proceedings consistent with the "Re-entry Court" model. Those matters are being set on D64's Monday afternoon calendar. Between May 1, 2012 and July 31, 2012, approximately 87 Court Events were set on this calendar (including approximately 64 PRCS matters and 23 MS matters). Since some defendants have more than one case and certain matters may be continued for further/additional proceedings, the exact number of "new" cases and the exact number of separate defendants in this caseload is not presently known, however the respective number of Court Events for both PRCS and MS matters on this calendar appears to be increasing.

Historically, only Parole Re-Entry matters have been scheduled in D64 on Monday afternoons and the District Attorney does not appear on those cases. However, the

addition of PRCS and MS matters to these calendars has created a need for the District Attorney to appear and represent the People's interest. It is anticipated that preliminary discussion of these cases will be conducted on Monday mornings, with the actual calendar being called each Monday afternoon. For the present time, during a period of assessment/evaluation of these new duties, one DDA (already assigned to appear in D64 on Monday mornings) has been assigned to participate in preliminary case discussions, and a Supervising Deputy District Attorney (SuDDA) will appear on these matters in the afternoon (until a specific DDA is assigned to these tasks). It is estimated these lawyers will initially spend approximately 20% of their collective time on these duties, but as above, this percentage will increase as case volume expands.

As with D24 (please see above) Judge Manley has indicated a need to expand the new D64 calendar soon (probably by adding an additional session to another afternoon). The same general comments with respect to DA staffing demands for D24 expansion are equally applicable to D64.

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 related to Public Safety Realignment. This ADA attends selected off-site programs related to Public Safety Realignment, including presentations on data collection and analysis and has cooperated with the County Information Services Department (ISD) in the creation of a Realignment Process Narrative for this Office in furtherance of the Data Collection and Sharing Project. The foregoing duties continue to constitute at least 20% of this ADA's time and the Office will continue to monitor this resource demand as case volume expands.

In addition to tasks related to the revocation process, when issuing new criminal cases, DDAs must 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 appropriate options have been considered.

As reported earlier, resources are also expended upon the segment of the supervised population that reoffends and re-enters the criminal justice system with new charges being filed. In cooperation with the Probation Department, the Office has identified

approximately 31 such cases between May 1, 2012 and July 31, 2012 (16 felony cases and 15 misdemeanors).

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

PUBLIC DEFENDER: Support of Revocation Cases

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.

During the reporting period, there were approximately 140 PRCS Revocation Petitions filed, although some of those are likely in warrant status and approximately 330 hearings. The Office continues to see a small number of Mandatory Supervision revocation cases each month, a total of 16 to date.

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.

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 or any anticipated by this Office.

TRAINING AND RETENTION:

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

COMMUNITY CORRECTIONS PARTNERSHIP: Planning Efforts

There are no new updates for this reporting period.

PROGRAMMING AND SERVICES: Support Transition from Custody to Community

Re-Entry Multi-Agency Pilot Project (MAP Team)

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 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.

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.

As part of the FY 2012 Midyear Budget review in February 2012, the Board of Supervisors allocated \$325,000 in AB 109 funding for 25 rental subsidies to assist clients with permanent housing (one-year rental assistance) as part of the larger pilot program addressing the chronically homeless population. Since February 2012, Mental Health, Probation Department and the MHSA/AB 109 Re-Entry Multi-Agency Pilot Program (MAP) Team have been discussing the targeted population and programming for specific AB 109 clients that are initially assessed by Probation. Rather than

providing a permanent subsidy to AB 109 clients with disabling conditions, staff has concluded that providing temporary subsidies to individuals who may be able to become economically self-sufficient will create better results and meet the needs of the high risk offenders. Mental Health has contracted with Abode Services to administer the program. Staff anticipates issuing subsidies to clients by the end of September 2012.

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.

Full service partnership (FSP), Supported Shelter beds and Housing Voucher contracts are in place.

Provision of Treatment Services to PRCS Offenders:

- Between October 2011 and June 2012, 312 PRCS offenders have been assessed by the MAP Team. 115 PRCS offenders receive mental health treatment as conditions added by Probation.
- Since October 2011, 311 PRCS offenders have been referred to substance abuse treatment services, representing 32% of the entire PRCS population. Of those 311 PRCS, 258 have entered treatment services, representing 83% of PRCS successfully accessing the services provided by DADS.
- Since May 2012, Social Services Agency has screened 155 PRCS offenders for benefits eligibility, of those 3 have enrolled in MediCal and 82 enrolled in Cal Works/Cal Fresh.
- DADS has referred 70 PRCS offenders to the County's Health Plan, Valley Health Care II.

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.

Faith-Based Center contracts are in negotiation.

Employment Education and Support

The Probation Department entered into an agreement with Family and Children Services to provide Cognitive Behavioral Treatment (CBT). Agreements are in place 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.

As of July 2012, there were 16 PRCS offenders referred to cognitive behavioral services, of those 13 were enrolled. During this same period, 170 PRCS offenders were referred to Employment, Vocational and Education services, of those 144 were enrolled.

Re-Entry Resource Center Building Operations

For this reporting period, Facilities and Fleet has

- Painted the former Our City Forest area
- Cleaned the carpeting in the former Our City Forest area
- Performed electrical work
- Painted the Auditorium
- Performed additional plumbing work in the restrooms
- Established, for the RRC, agreements for Integrated Pest Management and Clean and Green services

Employee Services Agency – Human Resources

For this reporting period, ESA-HR has:

- Conducted a Classification study and established the new classification of Probation Peer Support Worker, to include gathering information, writing up recommendations, meetings with management and labor organizations, and bringing legislative file for Board approval
- Managed all facets of the Recruitment for the following positions: Eligibility Worker I, Eligibility Worker III, Client Services Technician, Office Specialist II, Law Enforcement Clerk, Custody Support Assistant, Associate Management Analyst A and B, Attorney II-Public Defender, Deputy Probation Officer I, Justice Systems Clerk I, Law Enforcement Records Administrator, Supervising Custody Support Assistant, and PSWII/PSWI/MFTII/MFT I

