

COMMUNITY CORRECTIONS PARTNERSHIP MEETING

AGENDA

**August 3, 2011
1:30-3:30**

County Administrative Center
675 Texas Street, Fairfield
6th Floor Conference Room (Room 6003)

The County of Solano does not discriminate against persons with disabilities and is an accessible facility. If you wish to attend this meeting and you will require assistance in order to participate, please call staff to the Community Corrections Partnership at 707-784-7611 at least 24 hours in advance of the event to make reasonable arrangements to ensure accessibility to this meeting.

- Call to Order--Introductions

- Public Comment
Chair Isabelle Voit will provide an opportunity for members of the public to address the Committee on matters not listed on the Agenda and within its jurisdiction.

- Regular Calendar
 - Work Group Reports
The Committee will receive reports from the “Sanction Grid” and “Alternatives to Custody for Unsented Inmates” work groups.

 - Public Safety Realignment Presentation
Chair Isabelle Voit will provide a presentation regarding AB109/AB117.

 - Board of Supervisors Actions of 7/26/11
Chair Isabelle Voit will provide information about actions taken by the Board of Supervisors on 7/26/11 relating to public safety realignment.

 - Local Plan Development Process

The Committee will discuss how it will develop the local plan required by AB109/AB117.

- **Committee Comments**

Chair Isabelle Voit will provide an opportunity for members of the Committee to provide information or present issues to the group.

- **Adjourn**

The Committee will confirm the next quarterly meeting date of November 2, 2011, or set an alternate date.

Community Corrections Partnership Meeting
August 3, 2011

Meeting

Chair: Isabelle Voit, Chief Probation Officer

Present: Rod Marsh, Sheriff's Office, Lieutenant, Custody
Bill Fenton, Chief Deputy Probation Officer, Probation
Jay Speck, Superintendent, County Office of Education
Robert Bloom, Executive Director, Workforce Investment Board
Andrew Williamson, Clinical Supervisor, MH Substance Abuse
Lloyd Gieg, Executive Director, Genesis House
Patrick Duterte, Director, H&SS
Don du Bain, District Attorney
Lesli Caldwell, Public Defender
Brian Taylor, Court Executive Officer
Tracy Blunt, Mental Health
Glenda Lingenfelter, Mental Health Administrator, H&SS
Stephan Betz, Assistant Director H&SS
Gary Stanton, Sheriff/Coroner
Kevin Kahn, Probation Sr. DPO
Kelley Baulwin-Johnson, Probation Services Manager, Adult Division
Gary Elliott, Captain, Custody Commander, Sheriff's Office
Keith Bloomfield, Sheriff's Office
Bob Lawton, Principal Management Analyst, CAO
D. Scott Daniels, Presiding Judge of the Superior Court
Peter Foor, Superior Court Judge
Emily Bauer, Management Analyst, CAO
Amy Jenkins, Leg., Intergovernmental and Public Affairs Ofcr, CAO

The meeting was called to order at 1:30 pm

➤ **Introductions**

Isabelle requested introductions.

➤ **Public Comment**

None

➤ **Follow-up from Last Meeting**

At the last meeting the group had a discussion about realignment and developed a work group that was going to focus on two areas. That group has since split into two separate groups and will be making presentations at today's meeting. One group will be reporting on the development of the Sanction Grid and the other on Alternatives to Custody for unsentenced inmates.

- **PowerPoint Presentation: Alternatives to Custody for Unsented Inmates** (PowerPoint is available at: <http://www.solanocounty.com/civicax/filebank/blobdload.aspx?blobid=11726>)

Gary Elliott and Kelley Baulwin-Johnson presented for the work group. Recognizing that jail overcrowding is a possible unintended consequence of Public Safety Realignment, the work group met to address this possible issue. The group included reps from the Sheriff, Probation, Public Defender, Conflict Defender, and District Attorney Offices. As part of the planning process representatives from the Sheriff's Office and Probation Department took a site tour of the Santa Cruz County Pre-Trial program. Their very successful program has been up and running since July 2009 and includes various levels of release: OR, OR with conditions, supervised OR, intense supervised OR.

The demographics of the population in our jail as of August 2nd are 77.6% unsentenced and 22.4% sentenced. There is a lot of room for pre-trial which is the target of the work group, discussing alternatives to custody for pre-trial inmates. Conditional release would allow defendants to maintain employment, educational and vocational training and other ties to the community and family commitments. Criteria would focus on non sex, non serious, non violent offenders. It would also offer direct and immediate relief to jail overcrowding and create space to house offenders that are required to serve local prison time under ABI09/ABI17. It also keeps the space open for high risk offenders that create a risk to the community.

The basic program structure would be for offenders to be referred to Probation for assessment. Probation would prepare a report for the readiness conference that would include a recommendation. The court would make a decision regarding release including the type of program if release is deemed appropriate. The levels of supervision include regular OR (no formal supervision); supervised OR and intensive supervised OR which are Probation services. The next levels are Sheriff's programs including various forms of electronic monitoring. If the court declines to release, the Sheriff would have the authority to release pursuant to 1203.018 PC (after 30 days in custody for misdemeanors or 60 days for felonies).

- **Presentation: Development of a Sanction Grid** (Sanction Grid Draft is available at: <http://www.solanocounty.com/civicax/filebank/blobdload.aspx?blobid=11727>)

Isabelle indicated that the sanction grid is intended to provide consistent responses to violations of community supervision so that we have less individual variance in how things are handled. Within ABI09/ABI17 there are specific requirements for postrelease community supervision-- the people Probation is going to supervise that have served their sentence in prison. The new codes are very specific and really what they tell us is we have to do everything possible before we can file a petition to revoke. So we have taken that concept and this group has put together a sanction grid that could be used for

that group as well as for probationers. For probationers we would need an agreement with the Courts and would include use of the grid as part of the terms and conditions of probation. Also the Sheriff's Department has talked about applying it to those that are in alternatives to custody. This work group did a lot of work trying to pull together various information to give a basic look at a sanction grid and how it can be used. Once again, this is a draft and there is still a lot of work to be done.

Kevin Kahn (Probation) reported that he, Sergeant Cathy Raymos (Sheriff) and Elena D'Agustino (Public Defender) met to develop the draft. They started from ground zero and had no idea what this would look like and what it should accomplish. Isabelle provided them with some examples from across the country that they looked at. Some were complex; the group wanted the grid to be easy on the eyes and something that could be used across the system. They looked at the different types of violations that someone could incur and started processing some of the sanctions that could be given for violations. From there they put it into a grid format which is still in a draft phase. They wanted to include language to let them (offenders) know that this was a unified effort from the Public Defender, District Attorney, Probation, and Sheriff. They have the tendency to play one agency against the other and the group wanted to put something in there to let them know that if their particular violation is not listed on the grid that it still may be a violation.

The group also wanted to let them know that sanctions don't always occur in a linear fashion. There may be times when the probation officer may need to go from A to Z depending upon the circumstances or it could take awhile. They also wanted to make sure offenders know certain behavior would or may cause them to get arrested in a matter to be sent directly to the court for a violation. The language in the draft is geared toward Probation, but it is understood that the Court's buy-in is needed to deal with the Probation level. The language will need to be modified for postrelease community supervision. That's where the group is at.

In response to a question from Lesli Caldwell, Kevin indicated that use of the grid would allow some technical violations to be handled without tying up the Court, Public Defender, District Attorney and Probation time. Using these sanctions will hopefully cause a positive change. And the other aspect that the realignment language touches on is the incentives. If they do something positive try and reward them if possible. Isabelle added that we are trying to apply some of the concepts that are part of AB109/AB117 with respect to postrelease community supervision to probation. A big part of that has to do with the impact on the Courts and all of the players because if we can reduce the number of probation violations that have to go in front of a judge then that perhaps balances the postrelease community supervision revocations that come in front of the judge. We are also trying to have some sort of uniformity in responses to violations across the system. Kevin pointed out that use of the grid also helps in the swiftness of dealing with violations.

Judge Daniels suggested that the Courts, District Attorney and the Public Defender need to talk with all of their personnel and make some suggestions because there may be more thought process that needs to be put into the sanction grid. Isabelle indicated that

discussion at the last CCP meeting was that Judge Daniels was going to set up an opportunity for the draft to be presented to the judges.

A deadline of two weeks from 8-3-11 was set for comments/suggested revisions to be sent to Kevin Kahn at kjkahn@solanocounty.com. These revisions will be incorporated into the draft for review by the combined work groups at a meeting scheduled for 8-24-11.

- **PowerPoint Presentation: Public Safety Realignment** (PowerPoint is available at: <http://www.solanocounty.com/civicax/filebank/blobdload.aspx?blobid=11740>)

Isabelle provided a slightly modified version of a presentation that she and Sheriff Stanton gave to the Board of Supervisors on 7-26-11. See PowerPoint for details. The presentation included information about the Community Corrections Partnership (this group). The partnership is tasked with recommending a local plan to the County Board of Supervisors for implementation of Public Safety Realignment. The legislation established within the committee, an Executive Committee, which has voting rights with regard to the local plan. The members are the Chief Probation Officer, a Chief of Police, Sheriff, District Attorney, Public Defender, Presiding Judge or his/her designee and a representative designated by the Board of Supervisors.

Different counties are approaching this whole process in different ways. The approach that we are taking here is to bring together the entire Community Corrections Partnership with other stakeholders to develop the local plan. In some places they are only convening the Executive Committee. The intent here is for this to be a very open process with as much involvement of various stakeholders as possible rather than just bringing together that small group. Ideally when we get to the point of voting we will have consensus. But if necessary, we will do it by vote and it will be a majority decision on what goes to the Board of Supervisors.

Solano County is receiving \$150,000 one time funding for the planning process for this whole project we are about to embark on. There is \$268,000 one time funding to help with start up costs so that we can get going doing what we need to do in a relatively short period of time. There is \$3.8 million first year funding which equates to about \$7,800 per offender per year based on the estimates we have from CDCR of what to expect. By the end of this first year we anticipate to we will have 287 on Postrelease community supervision, about 146 being handled locally who would otherwise have gone to prison, and the Sheriff will be dealing with 52 state parolees who have been revoked and are serving local time. On July 26 the BOS designated Probation as the local agency to handle postrelease community supervision. They authorized the Sheriff to administer an electronic monitoring program for inmates being held in lieu of bail. They designated Patrick Duterte as the 7th member of the Executive Committee. So that gets us up to today.

- **Developing the Plan**

We have engaged the services of a consultant who is going to help us through this process. Her name is Suzie Cohen; she is very experienced and highly respected and sought after. Her contract includes focus groups with stakeholder groups as well as meeting with the full partnership so we can look at all of that information and take it into consideration as we start putting the pieces of the plan together. Specific focus groups for the Reentry Council, judges, and police had already been identified. The group identified attorneys as another focus group. Patrick provided information about the Lilly Corporation's interest in funding a series of community conversations. Some discussion regarding logistics of the focus groups took place.

The target is to have the draft done no later than September 12th. We had originally talked about trying to get to the BOS on September 27, but this doesn't seem realistic. We may need to roll to the 4th of October. Judge Daniels asked if the statute sets any deadlines—it does not. However, we are trying to consolidate the process as much as possible. Some counties have taken little pieces to the BOS to get authorization to add staff before they have even developed a plan. The preference is to develop a plan and then seek the staff that we need to carry it out. But the reality is it starts October 1st whether we have a plan or not.

➤ Schedule Next Meeting:

The full group agreed to meet (Special Meetings—Work Sessions) on Monday, 8/22, 10am to 3pm and on Tuesday, 8/30, 10am to 3pm to include a working lunch.

The next Community Corrections Partnership quarterly meeting is scheduled for November 2nd at 1:30pm.

**COMMUNITY CORRECTIONS
PARTNERSHIP
(CCP)
Alternatives to Custody**

Gary Elliott, Sheriff's Office
Rod Marsh, Sheriff's Office
Kelley Baulwin-Johnson, Probation Department

Introduction

Beginning October 1, 2011 pursuant to AB109/AB117 Solano County will become responsible for the low level offender population and post-release community supervision. One of the possible unintended consequences of this major shift will be jail overcrowding.

In attempt to address the possible issue with jail overcrowding representatives from the Sheriff's Office, Probation Department, District Attorney's Office, Public Defender's Office and Conflict Defenders Office met to discuss and develop a plan.

Santa Cruz County Adult Probation Model

As part of our research staff from the Sheriff's Office and Probation Department looked at the Santa Cruz County Pretrial Program on July 27th, 2011.



Santa Cruz County Pretrial Services

1. Pre-arraignment
2. Post filing release
3. Own recognizance (O.R.)
4. Own recognizance with conditions
5. Supervised release (S.O.R.)
6. Intensive supervised release (I.S.O.R.)
7. No release



Solano County Alternative Custody Work Group Recommendations

Sentenced vs. Unsentenced Jail Population Today



Solano County Alternatives to Custody

Offenders awaiting trial, will be conditionally released from custody, while maintaining their employment, educational, vocational training and other ties to the community and family commitments.



Program offers direct and immediate relief to jail overcrowding while creating space to house offenders required to serve local prison terms pursuant to AB109/AB117, and high risk offenders.



Solano County Alternatives to Custody

Eligible offenders are referred to Probation

Offender assessed (Validated Risk Assessment Tool)

Recommendation to court at readiness conference

Court determines custody status:

- OR - No Formal Supervision
- SOR, ISOR - Probation Supervision
- Electronic Monitoring - Sheriff's Supervision
- No Release - Until legally permitted pursuant to 1203.018 PC

Questions?

DRAFT COPY
ADMINISTRATIVE SANCTIONS FOR VIOLATIONS OF TERMS OF
COMMUNITY SUPERVISION

It is the intent of the Solano County District Attorney, Chief of Probation, Public Defender and Sheriff to facilitate successful completion of probation for offenders under their supervision by imposing graduated sanctions in response to technical violations of probation in lieu of filing a formal violation of probation with the court.

Below are guidelines for response to technical violations of probation relating to the imposition of graduated sanctions for probationers. The Level 1, 2, and 3 violations listed are not all-inclusive and may include other behaviors regarding the violations of conditions as set by the court. Violations will be considered on a case-by-case basis consistent with risk level and in coordination with conditions set by the court. The following list of sanctions consists of actions available to be utilized proportionately by your Probation Officer in response to your action(s). The sanctions are community-based interventions and are considered swift and certain consequences to your behavior as delayed response encourages violations. Sanctions do not always occur in a linear fashion.

Level 1 Violations	Level 1 Sanctions
Failure to Report – Arrest/Citation Failure to Report – As Instructed Failure to Report – Address/Telephone Number Change Failure to Register – 11590 HS Failure to Pay Fines/Fees Failure to Complete Community Service 1 st positive Drug/Alcohol Test Refusal to Drug/Alcohol Test Missed Treatment/Program Group Possession of Prohibited Items (non-weapons)	Verbal Warning Written Letter of Apology Referral to Education/Employment/Life Skills Program Develop Relapse Prevention Plan Educational/Home Study Activity Increased Drug Testing Increased Alcohol Testing Referral to Drug/Alcohol Treatment Community Service with Probation (Complete up to 24 hours within 30 days)
Level 2 Violations	Level 2 Sanctions
Multiple Level 1 Violations Failure to Comply with Level 1 Sanction 2 nd Positive Drug/Alcohol Test Offense Related Violation Continued Missed Treatment/Program Group Contact with Restricted Person/Place Possession of Prohibited Items (weapons) Failure to attend Offense-Specific Treatment Failure to follow Electronic Monitoring program rules Failure to follow Work Release program rules	Any Level 1 Sanction Multiple Level Sanctions in combination Referral for Treatment Assessment Increased Drug/Alcohol Testing Increased Reporting as directed Modification of Treatment Plan Work Release with Sheriff’s Office (Complete up to 48 hours within 30 days) Alcohol Monitoring with Sheriff’s Office Curfew with Restriction using Voice ID System
Level 3 Violations	Level 3 Sanctions
Multiple Level 2 Violations Failure to comply with Level 2 Sanction Non-Threatening contact with victim Misd. Behavior (non–offense related) Leave State of CA without permission	Any Level 1 or 2 Sanction Multiple Level Sanctions in Combination Modification of Probation Electronic Monitoring for up to 30 days Flash Incarceration up to 10 days

Multiple or severe violations such as but not limited to the following will result in immediate incarceration and will be reported to the court through the filing of a formal violation of probation: Abscond/termination from residential treatment program, Escape from Electronic Monitoring Program, new law violation, threatening contact with victim, and any continued Level 3 sanction violation.

The Administrative Sanctions for Violations of Terms of Community Supervision have been explained to me, and I fully understand them and agree in every particular to abide by them.

 Printed Name

 Signature

 Date