



COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE



November 7, 2011

TO: Mayor Michael D. Antonovich
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe

FROM: Mark Delgado, Executive Director
Countywide Criminal Justice Coordination Committee

SUBJECT: Public Safety Realignment Implementation Update No. 2 – October 2011
(Related to Item S-1 of the August 30, 2011 Board Agenda)

On August 30, 2011, your Board directed the Countywide Criminal Justice Coordination Committee (CCJCC) to work with impacted departments and provide monthly status reports on public safety realignment implementation in the County, including data that demonstrate realignment's impact. This report provides data captured by departments through October 31, 2011 (attached) and discusses implementation issues that have been identified since the October 1st realignment start date.¹

POSTRELEASE COMMUNITY SUPERVISION (PCS)

Pre-release Packets and Screening

As of October 31, Probation received 3,635 pre-release packets and processed 1,369. Probation prioritizes packets for processing based on indicated prison release dates. Of the 3,635 packets received, 1,036 included a prison release date in October. The California Department of Corrections and Rehabilitation (CDCR) Law Enforcement Automated Data System (LEADS) indicates that 1,019 prisoners were released in October. Probation is clarifying the reason release numbers from the State's pre-release packets and LEADS do not match. The difference may be attributed to either late updates in LEADS or release date changes that have not been sent to Probation.

Of the 1,369 packets processed by Probation, 272 were referred to the Department of Mental Health (DMH) due to indications in the file suggesting further screening was warranted. DMH screened all 272.

Based on the *pre-screening* of the packets, DMH determined:

- 32 individuals were not in need of treatment (12%)
- 53 individuals were in need of substance abuse treatment services only (19%)
- 187 individuals were in need of mental health or co-occurring mental health/substance abuse treatment services (69%)

¹ Data from the Department of Mental Health is through October 28, 2011.

CDCR has agreed to provide files for individuals designated by CDCR as needing a certain level of mental health services. DMH is requesting health information on individuals designated by CDCR as needing Enhanced Outpatient Program or Correctional Clinical Case Management System levels of care. Because health information is being sent from 33 different prison institutions, CDCR's provision of this information remains inconsistent.

Of the packets indicating an October release, 33 included Immigration and Customs Enforcement (ICE) detainees. Probation and Sheriff's department representatives met with ICE officials to develop communication protocols for tracking the status of individuals released from prison with ICE holds. This process will help ensure that prisoners with immigration holds are released to ICE custody and that Probation staff are informed of Postrelease Supervised Persons (PSPs) with immigration holds who have been released into the community.

Further assisting the prescreening process, the Sheriff's Department and Los Angeles Police Department have conducted 207 address verifications at the request of Probation. When invalid addresses are identified, Probation contacts CDCR and attempts to correct address misinformation or works to facilitate a suitable housing location for PSPs in advance of their release. Ultimately, however, a verified address is not a condition of PCS eligibility.

HUB Intake/Assessment and Treatment Services

Of those released, 747 PSPs reported to Probation hubs as instructed for intake and assessment by the department. This population was assessed with the following risk tiers:

Low risk 30 (4%)

Medium risk 291 (39%)

High risk 426 (57%)

Risk levels are based on the Level of Service/Case Management Inventory (LS/CMI) assessment conducted at the hub and account for an individual's criminogenic risk factors. All PSPs are supervised on high-risk caseloads for the first 30 days in the community. If a PSP is assessed as a medium or low risk, this 30-day period is used to verify the appropriateness of the reduced risk level.

Co-located DMH staff at the hubs assessed 189 individuals for mental health needs: 88 refused treatment services; 86 were referred for services. DMH and Probation staff are cross checking records to determine how many of the 189 PSPs assessed by DMH at the hubs were among the packets pre-screened by the department.

The Department of Public and Social Services (DPSS) also co-locates staff at the hubs. Eligibility workers screened 646 individuals for benefits and referred 489 to DPSS offices for potential enrollment in benefits. Of the 489 referred to DPSS offices, 186 have enrolled in benefits programs, primarily CalFresh and General Relief. Further, 291 PSPs have been referred to the Department of Health Services for potential Healthy Way L.A. enrollment.

To ensure that PSPs receiving benefits are in compliance with their supervision terms, Probation notifies DPSS of individuals who have been named in a warrant or who have been revoked so that DPSS staff may take appropriate action.

According to the Probation Department, 271 PSPs who were screened as needing substance abuse treatment only were referred to a Community Assessment Service Center (CASC) for assessment. The Department of Public Health Substance Abuse Prevention and Control (SAPC) identified 17 PSPs who reported to a CASC for substance abuse assessments. It is possible more reported to the CASCs but were not identified as PSPs due to lack of accompanying paperwork.

SAPC, Probation, and DMH staff are convening meetings to specifically address this flow process for PSPs to CASCs and subsequent treatment programs. SAPC and Probation also plan to implement the use of the Treatment Court Probation Exchange (TCPX) system to electronically capture PSP referrals to the CASCs.

This early data from departments on referrals and show rates indicate the importance of solidifying referral follow up and tracking procedures. Furthermore, the data illustrates the importance of Probation's ability, per the realignment legislation, to require participation in treatment programs as a condition of supervision. The Probation Department plans to make supervision modifications to require participation in treatment, as allowed by law.

One issue that has emerged at the hubs is the uneven distribution of PSPs. Probation generally assigns PSPs to hubs based on proximity to their reporting address. However, geographic assignments and the unpredictable nature of when PSPs actually show has led to uneven reporting. Departments are continuing to monitor the situation to ensure that staff resources are allocated effectively, while at the same time maintaining fidelity to the co-location model. In discussions with Probation, for example, DPSS and DMH are exploring set hours when staff would co-locate at the hubs and making nearby staff available on an on-call basis.

To improve the hub intake and assessment process, Probation has also emphasized that a hub is needed in the Antelope Valley area to serve PSPs in North County. The department is exploring options for a site.

Finally, as a temporary solution to expedite the provision of support services to the PCS population, the Probation Department continues to negotiate a sole source contract with Walden House for the remainder of Fiscal Year 2011-12 for the following services:

- Housing (transitional housing, sober living environments, and shelters)
- Transportation assistance (including bus tokens)
- Assistance obtaining birth records, identification, and/or public assistance
- Employment preparation, vocational training, and job placement services

Violation/Revocation Process

Of those released on PCS to the County, 747 individuals reported to Probation and 65 individuals failed to report within five days of their release.² Probation notifies the Sheriff Department's

² The number of reporting PSPs and PSPs failing to report within five days do not total the number released from prison. This is because some PSPs are still within a five-day reporting period, while others were released to the custody of other entities on holds (i.e. ICE or other cities or counties). Probation has also received multiple pre-release packets for some individuals.

Parole Compliance Team of PSPs who have failed to report within two days. Sheriff deputies then make efforts to contact PSPs who have failed to show and connect them with Probation. If efforts to make contact are unsuccessful, Probation seeks a warrant from the Court.

While realignment cleanup legislation authorized the issuance of a warrant for PCS absconders, the law remained unclear on the warrant process. The local process developed for Probation to request a warrant from the Court has been revised and now requires the filing of a revocation petition. Probation has resubmitted 25 warrant requests under the new process, and the issuance of warrants is in process. Additional petitions are also in process for PSP absconder warrants.

No other petitions for revocation were filed in October, and no probable cause hearings (which precede the filing of a petition) have been held. To prepare for future hearings, staff from Probation, the Court, the District Attorney's Office, the Public Defender's Office, and the Alternate Public Defender's Office have conducted mock revocations to fine tune the local process and identify remaining operational issues.

Among revocation process operational issues that remain are the following:

- Interpreter needs – The Public Defender and Alternate Public Defender have identified the need for in-person interpreters for Probable Cause Hearings and Revocation Hearings. The Chief Executive Office included funding in the realignment budget package for interpreter services, but the departmental process for securing in-person interpreters is not finalized.
- Probable Cause Hearings and Revocation Hearings with Competency Issues – The process for handling hearings when a PSP is mentally incompetent to participate in his or her defense is not addressed in the legislation. Tools available to the Court in criminal cases do not apply to these administrative hearings. DMH's Court Liaison Program will attempt to link PSPs to appropriate services when a PSP presents mental health issues at a hearing. This is a suggested area for future cleanup legislation.
- Subpoena authority – As previously reported to your Board, the ability to subpoena witnesses for probable cause and revocation hearings was not addressed in realignment legislation. This issue should also be addressed in future cleanup legislation efforts.

CUSTODY

Sentences per Penal Code 1170 (h)

Realignment legislation enacted Penal Code 1170 (h), which specifies that certain non-violent, non-serious, non-sexual felony offenders (N3) are no longer eligible for state prison sentences. The Sheriff's Department is monitoring the number of such sentences and the impact on custody operations.

In the month of October, 948 sentences to County jail were made pursuant to PC 1170 (h). The average sentence was 742 days; the average number of days left to serve was 244. This difference is due to the fact that inmates in custody pre-sentence earn credits toward their

sentence. Days left to serve is an important measure of additional jail impact, because that is the period that would have been spent in state prison prior to realignment.

The Sheriff's Department reports that a population surge has not yet resulted with the new sentences and that no N3 sentenced inmates have been early released. (Some inmates were released due to the fact that their time served concluded their full sentence.) Furthermore, new sentences have not resulted in changes to percentage of time served for other sentenced populations. The Sheriff's Department continues to monitor PC 1170 (h) sentences and population growth closely.

The Sheriff's Department also reports that 65 N3 inmates have been placed in Community Based Alternative to Custody programs, including 48 assigned as station trustees. These inmates remain in custody at local Sheriff stations and are also fitted with electronic monitoring devices. In addition, 17 N3 inmates have been placed on house arrest with electronic monitoring by the Probation Department.

Split Sentences

PC 1170 (h) also allows for sentences to be split between county jail and a period of mandatory community supervision. Probation is modifying its data systems to capture such sentences, as well as the increased number of sentences to probation due to realignment.

Parole and Postrelease Community Supervision Violations

The Probation Department has not flash incarcerated a PSP and has not filed a petition for revocation. As such, there is no impact of PCS on the jail population. Similarly, the Sheriff's Department has not yet identified the increased impact from state parole violations/revocations.

SUMMARY

As implementation proceeds, departments continue to work together to address operational issues that are identified. Concurrently, discussions with departments are ongoing to identify program data that can accurately measure realignment's impact and the effectiveness of the County's implementation. Impacted departments continue to refine data collection processes and are working to identify system improvements that could automate those efforts. Future reports will incorporate additional data captured through this process and continue to provide your Board with an ongoing overview of realignment implementation in the County.

Attachment

c: Chief Executive Officer
Executive Officer of the Board of Supervisors
Public Safety Realignment Team
CCJCC Members

Public Safety Realignment Implementation Data

October 2011

PROB **LASD** **DMH** **DPH** **DPSS**

Postrelease Community Supervision

Pre-Release Packets

No. pre-release packets received	3,635				
<i>No. pre-release packets processed</i>	1,369 (38%)				
<i>No. pre-release packets deemed ineligible</i>	114 (8%)				
No. pre-release packets with an indicated ICE detainer (of the October releases)	33 (3%)				
No. address verifications conducted		207			

PSP Reporting Population

No. PSPs released to County per pre-release packet dates	1,036				
No. PSPs directly release to County per CDCR LEADS	1,019				
No. PSPs transferred to L.A. County from other counties	5				
No. PSPs transferred from L.A. County to other counties	8				
No. PSPs processed at hubs (intake/assessment)	747				
No. PSPs released to other County/City on holds	18				
No. PSPs by risk tier, as assessed at hubs:					
<i>Low Risk</i>	30 (4%)				
<i>Medium Risk</i>	291 (39%)				
<i>High Risk</i>	426 (57%)				

PSP "No-Show" and Absconder Population

No. PSPs who failed to report to hub within 5 days of release	65				
No. "no-show" notifications to Sheriff	46				
No. Sheriff attempts to contact "no-show" PSPs	46				
No. warrants sought for absconders	65				
No. absconders apprehended (warrant pick-ups)	0				
No. of absconders remaining	65				

PROB LASD DMH DPH DPSS

PSP Violations/Revocations

No. of flash incarcerations	0				
No. of Probable Cause Hearings	0				
No. of revocation petitions for warrants (refiled in November due to new process)	25				
No. of petitions for revocations (other than warrants)	0				
No. of Revocation Hearings	0				

PSP Supervision Completion

No. discharges -- 6 months violation-free	0				
No. discharges -- 12 months violation-free (automatic discharge)	0				
No. discharges -- 3 year expiration (maximum term)	0				
No. other discharges (revocation settlement, court order, etc.)	0				

Treatment Services Related Issues

No. pre-release packets received from Probation by DMH			272		
No. health files requested from CDCR			272		
No. health files provided by CDCR			56		

No. of DMH pre-screened packets			272		
<i>Determination -- no treatment needed</i>			32 (12%)		
<i>Determination -- substance abuse treatment services only</i>			53 (19%)		
<i>Determination -- mental health services only</i>			22 (8%)		
<i>Determination -- co-occurring disorder services needed</i>			165 (61%)		

Pre-screen determinations by level of treatment needed					
<i>IMD/State Hospital (locked facilities)</i>			7 (4%)		
<i>IMD step down/residential</i>			36 (19%)		
<i>Intensive Outpatient</i>			93 (50%)		
<i>Moderate Outpatient</i>			30 (16%)		
<i>Medication Monitoring and Support Only</i>			21 (11%)		

	PROB	LASD	DMH	DPH	DPSS
No. new PSP assessed at HUB by DMH			189		
<i>No. no treatment needed</i>			10 (5%)		
<i>No. refused treatment</i>			88 (47%)		
<i>No. requiring substance abuse treatment only</i>			1		
<i>No. referred for treatment</i>			86 (46%)		
No. of referrals made to:					
<i>Contract providers</i>			61 (71%)		
<i>DHS facilities</i>			1 (1%)		
<i>Directly Operated Clinics</i>			23 (27%)		
<i>Veterans Affairs</i>			1 (1%)		
<i>IMD/State Hospital (locked facilities)</i>			0		
<i>IMD step down/residential</i>			1 (1%)		
<i>Inpatient</i>			0		
<i>Intensive Outpatient</i>			76 (88%)		
<i>Moderate Outpatient</i>			9 (10%)		
<i>Medication Monitoring and Support Only</i>			0		
No. of referrals made to CASCs for Substance Abuse Treatment only assessment	271				
No. of PSPs showing at CASCs for assessment				17	

Referrals for other Services

No. PSPs screened for benefits eligibility by DPSS					646
No. PSPs who DPSS referred to local DPSS office					489 (76%)
No. PSPs enrolled in:					
<i>MediCal</i>					2
<i>General Relief</i>					3
<i>CalFresh</i>					156
<i>CalFresh and General Relief</i>					24

	PROB	LASD	DMH	DPH	DPSS
<i>CalWorks/CalFresh</i>					1
No. PSPs referred to DHS for Healthy Way L.A. screening					291

Custody

Jail Population and Sentencing

No. sentences pursuant to Penal Code 1170 (h)		948			
<i>Male inmates sentenced</i>		757			
<i>Female inmates sentenced</i>		191			
<i>Average length of sentence</i>		742 days			
<i>Average "days left to serve"</i>		245 days			
<i>No. sentenced to "split" sentence</i>	TBD				
No. convicted of N3 sentenced to probation	TBD				
No. N3s on alternative custody:					
No. Station Worker Program		48			
No. Work Release Program		0			
No. Electronic monitoring/GPS		17			
No. Early Release		0			