



# COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE



500 WEST TEMPLE STREET, ROOM 520 • LOS ANGELES, CA 90012 • (213) 974-8398

September 23, 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. 1  
(Related to Item S-1 of the August 30, 2011 Board Agenda)

---

On August 23 and August 30, 2011, your Board directed the Countywide Criminal Justice Coordination Committee (CCJCC) to provide monthly status reports on the County's public safety realignment implementation. This preliminary report – summarizing information provided by affected departments and discussed at implementation planning meetings – serves as an update on preparations for the October 1, 2011 realignment start date.

Given the complexity of realignment, discussions at the local level and with State officials are ongoing to address pending realignment matters and identify new planning needs. We will continue to update your Board as issues change and as pending matters are resolved.

## **POSTRELEASE COMMUNITY SUPERVISION (PCS)**

The Community Corrections Partnership (CCP) developed a plan that serves as a broad framework for how PCS will be implemented in Los Angeles County. The following updates are the result of continuing preparation and more detailed implementation discussions among CCP agencies and ad hoc work groups.

### **Pre-release Packets and Screening**

As of September 22, 2011, the Probation Department has received 1,671 pre-release packets. The number of packets received with release dates by month are as follows:

- October – 914
- November – 453
- December – 163
- January – 83
- February – 47
- March – 11

An inmate's release date, however, is subject to fluctuation as custody credits are recalculated by CDCR. To date, 22 changes of release dates have been sent to Probation. Because of credit

recalculation and other issues, Probation continues to receive many packets with minimal time before release.

- Of the 1,671 packets received, 393 have been fully processed by Probation.
  - Five cases have been returned to the state due to ineligible charges.
  - Twenty seven (27) cases were returned to the state due to wrong county designations.
  - Approximately 80 case files have been referred to the Department of Mental Health (DMH) for further evaluation based on the screening process. Of these files, none include contact information for a State mental health clinician with whom DMH staff can connect. CDCR has responded to only one DMH request for health files, and they indicated the individual refused to sign the waiver authorizing the release of information.
  - Thirty eight (38) packets have been received with a verified immigration detainer attached. Upon the release of an individual with an immigration hold, Probation will track the outcome of any removal proceedings. If an individual is released to the community – prior to, pending, or following removal proceedings – Probation will supervise him or her according to PCS terms of conditions. If an individual is removed from the country, Probation will close the PCS case.
  
- The Sheriff's Department and Los Angeles Police Department have conducted address verifications on 97 cases. Approximately 35% of the given addresses were faulty – the addresses did not exist or the residing individuals did not know the returning PCS individual. Individuals with non-verified return addresses will still be released to the County and supervised by Probation.

### **Assessment Hubs**

Probation has established five office locations that will serve as PCS hubs: Van Nuys, Pomona, Lynwood, South Los Angeles, and Rio Hondo. All individuals returning to the County on PCS will report to one of these hubs for their assessment. DMH and Department of Public Social Services (DPSS) staff will co-locate at the hubs to conduct behavioral health screenings and to initiate benefits enrollment.

Processing all returning individuals through the hubs differs from earlier plans to refer only those individuals identified during prerelease screening with specific treatment needs. This change will make the assessment/intake process more effective and efficient for all individuals placed on PCS and is more conducive to potential staffing models.

Following the assessment process initiated at the hub, individuals will continue to be assigned to the probation office nearest to them for ongoing reporting purposes.

### **PCS Eligibility and Health/Mental Health Information Sharing**

Current law specifies that prison inmates who have been designated as Mentally Disordered Offenders (MDO) will be placed on state parole following their release from custody. Per the existing statute, individuals who are not MDOs and who do not meet other criteria for remaining on state parole will be released to the County, even if they are acutely psychotic at the time of

their release. Citing the department's experience with non-revocable parole, DMH is concerned individuals requiring crisis or inpatient care are not sufficiently supported by the realignment funding scheme.

In addition to funding concerns, this issue has highlighted the need for the sharing of health information from CDCR with the County. CDCR has organized a statewide work group to address information sharing issues, but the issue remains unresolved:

- Information shared is currently limited to a checkbox on prerelease packet indicating whether mental health issues may exist.
- Contact information included in pre-release files directs County staff to state correctional counselors who have no access to health files.
- CDCR has informed counties that inmates are routinely refusing to sign releases that would allow the state to share medical information with counties.

Furthermore, it is unclear how high needs individuals released from institutions – such as individuals on a 5150 mental health hold – will be transported to the County.

(Note: The Chief Executive Officer and other representatives from the County met with staff in the Governor's Office today. The health information sharing issue was addressed and may have been resolved. An update from the CEO is pending.)

### **Benefits Establishment**

Timely benefits establishment for eligible PCS individuals is critical to the success of returning individuals and to the County's PCS funding structure. County departments have discussed the need to enroll eligible individuals as soon as possible in Healthy Way L.A., the County's Low Income Health Program (LIHP). Enrollment in LIHP can significantly reduce health/mental

health service costs given the Federal dollar match available. Such benefits establishment is particularly critical given the potential release to the County of individuals with high mental health needs.

Discussions to develop an expedited enrollment process for LIHP are ongoing, but the process has not been established. One requirement needed for such a pre-release enrollment process is proof of citizenship. Assistance from the state in this regard would expedite this process.

Locally, Probation and DPSS have developed a process to share information regarding benefits eligibility. In particular, once benefits have been established, Probation will notify DPSS if an individual absconds or is revoked and should therefore have his or her benefits suspended. DPSS is establishing a single point of contact for receipt of this information.

### **Violation/Revocation Process**

The Legal Work Group continues to refine the violation/revocation process, including how case numbers will be assigned and which forms will be used for warrants, new bookings, and hearing notifications. Dates and locations of probable cause and revocation hearings are being coordinated by participating agencies to manage the expected workload.

Several pending issues have been identified by the Legal Work Group:

- Defense counsel appointment – The Public Defender and Alternate Public Defender will represent at the vast majority of probable cause and revocation hearings. In those cases where second level conflicts exist, a process for appointing counsel must be developed. A process recommended by the Court for establishing a panel of attorneys for these hearings has been shared with the CEO for consideration.
- Ability to subpoena defense witnesses – The ability to subpoena defense witnesses for revocation hearings is not included in realignment legislation. This issue should be addressed in future cleanup legislation efforts.
- Interpreter needs – Interpreters may be needed at Probable Cause Hearings, both for interpretation of proceedings and to facilitate communication between defense counsel and his or her client.

### **CUSTODY IMPLEMENTATION PLAN**

On September 20, 2011, the Sheriff's Department presented to your Board a comprehensive custody implementation plan. The Sheriff's Department is exploring the following options to address the population increase that will result from realignment:

- Opening housing areas that are currently curtailed
- Contracting with CDCR for fire camp beds or assuming operation of fire camps for the housing of long-term, low to medium security N3 inmates
- Contracting with Community Correctional Facilities
- Modifying the criteria for Community Based Alternatives to Custody (CBAC) programs, such as Station Worker Program, Work Release, and Electronic Monitoring.

In addition, the Sheriff's Department is launching a Community Transition Reentry Center (CTRC) to help address the medical, mental health, and quality of life issues of recently released inmates, parolees, and probationers who wish to seek services. This program aims to promote successful community reentry and lower recidivism.

(Note: The Chief Executive Office and other representatives from the County met with staff in the Governor's Office today. Funding for custody needs was discussed, and an update from the CEO is pending.)

### **SENTENCING OF NON VIOLENT, NON SERIOUS, NON SEX OFFENDERS**

Sentences imposed after October 1, 2011 are subject to realignment's new sentencing laws, even if the crime or conviction occurred prior to realignment's start date. The Court, District Attorney's Office, Public Defender's Office, and Alternate Public Defender's Office have conducted trainings on how the new law will impact sentencing.

Sentences pursuant to Penal Code 1170 (h), which establish local sentences for N3s, will be tracked by the Court and County departments. This will facilitate future reports to your Board on sentencing trends for this population, including lengths of sentences and the number of "split" sentences requiring probation supervision.

**LEGISLATION UPDATE**

As previously reported to your Board, AB 109 and AB 117 did not provide the arrest and detention authority for PCS absconders. County stakeholders – including the District Attorney’s Office, Probation Department, Sheriff’s Department, and Chief Executive Office – worked with the Governor’s Office to address this issue. The resulting legislation, AB X 1 17, was passed by the legislature and signed into law by the Governor on September 21, 2011.

**PLANNING PROCESS**

Your Board accepted the realignment implementation plan developed by the Community Corrections Partnership (CCP) on September 6, 2011. At the request of your Board, CCP amended the plan on September 8 to establish CCJCC’s Public Safety Realignment Team as the vehicle for ongoing implementation coordination, effective October 1, 2011. To ensure continuity with the planning process, PSRT’s structure and membership will be modified to mirror that of CCP.

- c: Community Corrections Partnership Members  
Chief Executive Officer  
Executive Officer of the Board of Supervisors  
County Counsel